

ORDINANCE NO. 2894

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADDING CHAPTER 10.30, SECTIONS 10.30.010 THROUGH 10.30.050 TO THE CHULA VISTA MUNICIPAL CODE RELATED TO SPECTATORS PROHIBITED AT ILLEGAL STREET CONTESTS OF EXHIBITIONS OF SPEED

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Chapter 10.30 and Sections 10.30.010 through 10.30.050 are hereby added to the Chula Vista Municipal Code.

10.30.010 Purpose.

- a) The Council for the City of Chula Vista finds and declares that pursuant to California Vehicle Code section 23109, motor vehicle speed contests and exhibitions of speed conducted on public streets and highways are illegal.
- b) Motor vehicle speed contests and exhibitions of speed are more commonly known as street races or drag races. Streets within the City of Chula Vista have been the site of continuing and escalating illegal street racing over the past several years.
- c) Such street racing threatens the health and safety of the public, interferes with pedestrian and vehicular traffic, creates a public nuisance, and interferes with the right of private business owners to enjoy the use of their property within the City of Chula Vista.
- d) In the past five years, the City of Chula Vista has experienced eleven collisions with vehicles involved in street racing. Those collisions claimed the lives of fourteen community members
- e) The illegal street races occur on a regular basis on various streets within the County of San Diego as well as in Chula Vista. Specifically, racers and spectators gather on these streets late at night and in the early morning hours, blocking the streets and sidewalks to traffic, forming a racetrack area, placing bets, and otherwise encouraging, aiding and abetting the racing process.
- f) Illegal street racers accelerate to high speeds without regard to oncoming traffic, pedestrians, or vehicles parked or moving nearby. The racers drive quickly from street to street, race for several hours, and then move to other locations upon the arrival of the police.
- g) Those who participate in this illegal activity are very sophisticated, using their cell phones, police scanners, and other electronic devices to communicate with each other to avoid arrest. They also use the Internet to provide information on where to race, and give advice on how to avoid detection and prosecution. Traffic accidents, property crimes, and calls for police service have increased dramatically. In some cases, illegal street races attract hundreds of spectators.

- h) The mere presence of spectators at these events fuels the illegal street racing and creates an environment in which these illegal activities can flourish.
- i) This ordinance targets a very clear, limited population and gives proper notice to individuals as to what activities are lawful and what activities are unlawful. In discouraging spectators, the act of organizing and participating in illegal street races will be discouraged.

10.30.020 Definitions

Illegal motor vehicle speed contest or illegal exhibition of speed means any speed contest or exhibition of speed referred to in California Vehicle Code sections 23109(a) and 23109(c).

Preparations for the illegal motor vehicle speed contest or exhibition of speed include, but are not limited to, situations in which:

- (1) a group of motor vehicles or individuals have arrived at a location for the purpose of participating in or being spectators at the event;
- (2) a group of individuals have lined one or both sides of a public street or highway for the purpose of participating in or being a spectator at the event;
- (3) a group of individuals have gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in or being a spectator at the event;
- (4) one or more individuals have impeded the free public use of a public street or highway by actions, words, or physical barriers for the purpose of conducting the event;
- (5) two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed;
- (6) one or more drivers is revving their engine or spinning their tires in preparation for the event;
- (7) an individual is stationed at or near one or more motor vehicles serving as a race starter.

Spectator means any individual who is present at an illegal motor vehicle speed contest or exhibition of speed, or at a location where preparations are being made for such activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses.

Spectator includes any individual at the location of the event without regard to whether the individual arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arriving by some other means.

10.30.030 Spectator at Illegal Speed Contest or Exhibitions of Speed - Violation

- (a) Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent

of the owner, operator, or agent thereof, at an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor subject to a maximum of six months in jail and a fine of \$1,000.

- (b) Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, where preparations are being made for an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor subject to a maximum of six months in jail and a fine of \$1,000.
- (c) An individual is present at the illegal motor vehicle speed contest or exhibition of speed if that individual is within 200 feet of the location of the event, or within 200 feet of the location where preparations are being made for the event.
- (d) Exemption: Nothing in this section prohibits law enforcement officers or their agents from being spectators at illegal motor vehicle speed contests or exhibitions of speed in the course of their official duties.

10.30.040 Enforcement Procedure

Upon any violation of Section 10.30.030 (a) through 10.30.030 (d), a Peace Officer may issue a citation to any person who is a spectator. If cited the person shall appear in court as directed in the citation.

10.30.050 Penalties

Violations of Section 10.30.030 (a) through 10.30.030 (d) shall be punished in accordance with Chapter 1.20 of the City of Chula Vista Municipal Code.

SECTION II: This ordinance shall take effect and be in full force and effect on the thirtieth day after its second reading and adoption.

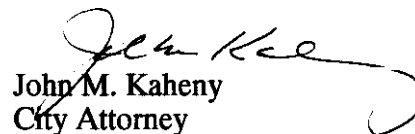
SECTION III: Severability. If any sections, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions.

Presented by

Approved as to form by



Richard P. Emerson
Police Chief



John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 28th day of January, 2003, by the following vote:

AYES: Councilmembers: Davis, Rindone, Salas, McCann, and Padilla

NAYS: Councilmembers: None

ABSENT: Councilmembers: None


Stephen Padilla, Mayor

ATTEST:


Susan Bigelow, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2894 had its first reading at a regular meeting held on the 21st day of January, 2003 and its second reading and adoption at a regular meeting of said City Council held on the 28th day of January, 2003.

Executed this 28th day of January, 2003.


Susan Bigelow, City Clerk