

**SPECIAL JOINT MEETING OF THE CITY
COUNCIL AND HAYWARD
REDEVELOPMENT SUCCESSOR
AGENCY BOARD**

September 26, 2023

PRESENTATIONS

**Spectator Ordinance
Modifications**

ITEM #5

WS 23-034

Hayward's "Sideshow" Ordinance

Updating Hayward Municipal Code Section 4 Article 12 to include sideshow participants and spectators.



Why is change needed?

- Local impacts of “sideshows” have increased dramatically in the last few years.
- Hayward Municipal Code Section 4 Article 12 (our Spectator Ordinance) was enacted in 2009 (and does not encompass “sideshows”.)
 - Essentially adding language to the Ordinance to strengthen it
- In January of 2021, California passed AB 3 which added the definition of a “sideshow” to CVC § 23109, and increased penalties for drivers involved in sideshows.

Definition of “Sideshow”

- “Sideshow” means any unlawful reckless driving or exhibition of speed as defined by California Vehicle Code Sections 23103 and 23109, including but not limited to an event in which two or more persons block or impede traffic on a highway or in an off-street parking facility, for the purpose of performing motor vehicle stunts, including but not limited to deliberately driving in circles at high rates of speed until vehicle wheels break or lose traction with the roadway, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators.

Definition of “Spectator”

- "Spectator" means any individual who is present at an "illegal motor vehicle speed contest," or "exhibition of speed," “sideshow” or other “reckless driving” exhibition or at a location where "preparations" are being made for such activities, for the 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.

Definition of “Present”

- A person is “present” at the “illegal motor vehicle contest,” “exhibition of speed,” “sideshow,” or other “reckless driving” exhibition, if that person is within two hundred (200) feet of the location of the race or exhibition, or within two hundred (200) feet of the site of the Preparations for those activities.

Enforcement Options

- Warning Citation
- Administrative Citation
 - \$500, \$750, \$1,000 fines based on number of violations
- Criminal Citation
 - Misdemeanor – punishable by a maximum of 6 months in jail and \$1,000 fine

Council Guidance

- Staff is asking Council to provide guidance on the proposed changes to this Ordinance
- Staff is seeking Council suggestions for addressing the unique challenges associated with sideshows through the use of this Ordinance

Questions & Discussion

