

CITY OF FAIRFIELD

ORDINANCE NO. 2021-17

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD ADDING A NEW ARTICLE XVII TO
CHAPTER 11 OF THE FAIRFIELD MUNICIPAL CODE TO PROHIBIT SPECTATORS AT ILLEGAL
SPEED CONTESTS, EXHIBITIONS OF SPEED, OR SIDESHOWS**

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 11, Article XVII is hereby added to the Fairfield City Code and shall read as follows:

“Article XVII. Spectators of Illegal Speed Contests Prohibited

11.17.1 Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

“Illegal motor vehicle speed contest” or “illegal exhibition of speed” means any speed contest or exhibition of speed referred to in Vehicle Code Section 23109, and reckless driving as referred to in Vehicle Code Section 23103.

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

- (a) A group of motor vehicles or individuals has arrived at a location for the purpose of participating in, or being spectators at, the event; or
- (b) A group of individuals has lined one or both sides of a public street or highway for the purpose of participating in, or being a spectator at, the event; or
- (c) A group of individuals has gathered on private property without the consent of the owner, operator, or agent thereof for the purpose of participating in, or being a spectator at, the event; or
- (d) One (1) or more individuals has impeded the free public use of a public street or highway by actions, words, or physical barriers for the purpose of conducting the event; or
- (e) Two (2) or more vehicles have lined up with motors running for an illegal motor vehicle speed contest, exhibition of speed, or sideshow; or

(f) One (1) or more drivers is revving his or her engine or spinning his or her tires in preparation for the event; or

(g) An individual is stationed at or near one (1) or more motor vehicles serving as a race starter.

“Sideshow” means a gathering, procession, or assemblage of vehicles where vehicles are used to exhibit stunts and maneuvers in the presence of spectators.

“Spectator” means any individual who is present at an illegal motor vehicle speed contest, exhibition of speed, or sideshow, 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.

11.17.2 Spectating of illegal speed contests, exhibitions of speed, or sideshows prohibited.

(a) It is unlawful for any individual to:

(1) Be knowingly present as a spectator at an illegal motor vehicle speed contest, exhibition of speed, or sideshow; or

(2) Be knowingly present as a spectator where preparations are being made for an illegal motor vehicle speed contest, exhibition of speed, or sideshow.

(b) An individual is present at an illegal motor vehicle speed contest, exhibition of speed, or sideshow if that individual is on a public street or highway, public property, or on private property without the consent of the owner, operator, or agent thereof, and is within two hundred (200) feet of the location of the event or within two hundred (200) feet of the location where preparations are being made for the event.

(c) Exemption. Nothing in this Section prohibits law enforcement officers, medical professionals, firefighters, or their agents from being present at illegal motor vehicle speed contests, exhibitions of speed, or sideshows in the course of their official duties.

11.17.3 Relevant circumstances to prove a violation.

(a) Notwithstanding any other provision of law, to prove a violation of Section 11.17.2 of this Code, admissible evidence may include, but is not limited to, any of the following:

- (1) The time of day;
- (2) The nature and description of the scene;
- (3) The number of people at the scene;
- (4) The location of the individual charged in relation to any individual or group present at the scene;
- (5) The number and description of motor vehicles at the scene;
- (6) The activities in which the motor vehicles are engaged;
- (7) Whether the individual charged drove, walked, or was transported to the scene;
- (8) How long the individual charged was present at the scene of the event;
- (9) Whether the individual charged has previously participated in an illegal motor vehicle speed contest, exhibition of speed, or sideshow;
- (10) Whether the individual charged has previously aided and abetted an illegal motor vehicle speed contest, exhibition of speed, or sideshow;
- (11) Whether the individual charged has previously attended an illegal motor vehicle speed contest, exhibition of speed, or sideshow; or
- (12) Whether the individual charged previously was present at a location where preparations were being made for an illegal motor vehicle speed contest, exhibition of speed, or sideshow or where an illegal motor vehicle speed contest, exhibition of speed, or sideshow was in progress.

(b) The list of circumstances set forth in subsection (a) of this Section is not exclusive. Evidence of prior acts may be admissible to show the propensity of the individual charged to be present at or attend an illegal motor vehicle speed contest, exhibition of speed, or sideshow, if the prior act or acts occurred within three (3) years of the presently charged offense. These prior acts may be admissible to show knowledge on the part of the individual charged that an illegal motor vehicle speed contest, exhibition of speed, or sideshow was taking place at the time of the presently charged offense. Prior acts are not limited to those that occurred within the City.

11.17.4 Violations.

Any person who violates this Article is guilty of a misdemeanor subject to a maximum of six (6) months in jail and a fine of \$1,000.00, unless at the discretion of the city attorney or district attorney, the violation is reduced to an infraction."

SECTION 2. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. This ordinance shall be effective 30 days following its adoption by the City Council. A summary of this ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Fairfield on the 17th day of August, 2021, and

PASSED AND ADOPTED this 7th day of September, 2021, by the following vote:

AYES: Councilmembers: PRICE / BERTANI / MOY / PANDURO / TIMM / TONNESEN / VACCARO

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

MAYOR

ATTEST:

CITY CLERK