

SUMMARY: A PROPOSED ORDINANCE TO AMEND WASHOE COUNTY CODE CHAPTER 70 GOVERNING VEHICLES AND TRAFFIC BY CREATING NEW SECTIONS PROHIBITING SIDESHOWS, STREET RACING AND OTHER EXHIBITIONS OF SPEED.

BILL NO. 1895

ORDINANCE NO. 1702

TITLE: AN ORDINANCE AMENDING CHAPTER 70 OF THE WASHOE COUNTY CODE BY ADDING NEW SECTIONS PROHIBITING PARTICIPATION IN ILLEGAL SIDESHOWS, STREET RACING AND OTHER EXHIBITIONS OF SPEED; DECLARING ILLEGAL SIDESHOWS, STREET RACING AND OTHER EXHIBITIONS OF SPEED TO BE PUBLIC NUISANCES; PROVIDING FOR SUMMARY ABATEMENT OF SUCH NUISANCES THAT CONSTITUTE AN IMMINENT DANGER BY APPROPRIATE MEASURES INCLUDING IMPOUNDING THE VEHICLE(S) INVOLVED; AND PROVIDING OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1: Washoe County Code Sections 70.3901 through 70.3905, inclusive - Spectators and Participants Prohibited at Sideshows, Street Races, And Other Speed Exhibitions

Section 70.3901 - Purpose.

This Chapter establishes the requisite elements necessary to hold participants, spectators, organizers, promoters, facilitators, aiders, and abettors of Sideshows, Street Races, and other Speed Exhibitions accountable. Sideshows, Street Races, and other Speed Exhibitions threaten the health and safety of the public, interfere with pedestrian and vehicular traffic, cause damage to private property, create a public nuisance and interfere with the right of private business owners to enjoy and use their own property within Washoe County. These incidents pose unique dangers to the community and challenges to law enforcement because they are commonly organized via social media, word of mouth, or other methods of instant communication, and they frequently entail a series of related incidents that begin in one location where

individuals who are involved scatter upon the arrival of law enforcement and then use the same communication methods to move to a new location and repeat the same incident, only to scatter again upon the arrival of law enforcement. Existing enforcement measures have been inadequate to address the uniqueness of the circumstances involved, which has contributed to the ability to evade enforcement. The penalties, enforcement measures, and civil remedies authorized herein are cumulative and are not meant to be exclusive of any other applicable penalties, enforcement measures, and civil remedies provided for in law.

Section 70.3902 - Definitions.

The definitions in this Section apply to the following terms as used in this Chapter:

- A. "Imminent Dangerous Condition" means any condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property upon which the condition is located.
- B. "Preparations" for any Sideshow, Street Race, or other Speed Exhibition include, but are not limited to, any of the following acts:
 - 1. One or more motor vehicles or individuals have arrived at a location for the purpose of participating in or being a Spectator at the exhibition event; or
 - 2. One or more individuals have gathered on one or both sides, or around, the location to be utilized for the Sideshow, Street Race, or other Speed Exhibition; or
 - 3. One or more individuals have impeded the free public use of a public street or

highway by acts, words, or physical barriers; or

4. One or more motor vehicles have lined up with motors running; or
5. One or more drivers is revving the motor vehicle's engine or is causing the motor vehicle's tires to spin; or
6. One or more individuals is stationed at or near the location to act as a race starter.

C. "Sideshow" means a gathering, procession, or assemblage of one or more motor vehicles at a location or locations where motor vehicles are used to engage in an illegal street race, in illegal stunts or maneuvers, in any illegal exhibition of speed, or in partially or entirely blocking, impeding, or obstructing the ability of vehicles or pedestrians to engage in lawful use of public streets. Blocking, impeding, or obstructing includes but is not limited to any such assemblage where the following occur:

1. Vehicles are parked or situated in an oncoming lane;
2. Vehicles are parked or situated outside of a lane of travel such that other vehicles cannot get around them without taking significant evasive maneuvers;
3. Vehicles are parked or situated in a substantially perpendicular or diagonal position in relation to the lanes of travel;
4. Vehicles are parked or situated within an intersection such that its ordinary use as an intersection of streets is made impractical or impossible by other vehicles engaged in lawful use of the intersection; or

5. Vehicles are parked or situated next to each other such that they form a barrier or blockade of travel lanes of a public street; or
 6. Other barriers are erected or placed within a public street to make passage by other vehicles engaged in lawful use of the street impractical or impossible.
- D. "Street race" means any motor vehicle speed contest or motor vehicle exhibition of speed, which is conducted on one or more public streets or highways, or on private property which is open to the general public without any required permits or licenses and the consent of the owner or operator thereof.
- E. "Speed exhibition" means any other illegal exhibition of speed, as referred to in Washoe County Code Chapter 70, and Nevada Revised Statutes Chapters 484 and 484B, which is conducted on one or more public streets or highways, or on private property which is open to the general public without any required permits or licenses and the consent of the owner or operator thereof.
- F. "Spectator" means any person who is present or within a vicinity of three hundred feet of a Street Race, Sideshow, or other Speed Exhibition, or the site of the Preparations for any of these activities, for the purpose of viewing, observing, watching, or witnessing the exhibition. A "Spectator" includes any person at the location of the event without regard to the means by which the person arrived. Without limitation, any one or more of the following constitutes evidence that someone is a Spectator within the meaning of this ordinance:
1. Statements of a person that indicate or demonstrate that it was their purpose to be

a spectator or participant at a Street Race, Sideshow, or other Speed Exhibition;

2. Conduct of a person that indicates or demonstrates that it was their purpose to be a spectator or participant at a Street Race, Sideshow, or other Speed Exhibition;
3. Cheering on or otherwise encouraging participants in a Street Race, Sideshow, or other Speed Exhibition;
4. Use of lights or noise-making devices to show support for or encouragement of a Street Race, Sideshow, or other Speed Exhibition;
5. Standing or situating one's self, or parking or situating one's vehicle, in a manner that blocks, impedes, or otherwise obstructs a public street and facilitates the Street Race, Sideshow, or other Speed Exhibition;
6. Filming or photographing the incident on a phone or other video recording device or camera;
7. Harassing, threatening, assaulting, battering, or coercing passersby or members of the general public in order to facilitate the Street Race, Sideshow, or other Speed Exhibition;
8. Interfering or attempting to interfere with law enforcement, fire, ambulance, or other emergency personnel or vehicles from accessing or passing through the area where a Street Race, Sideshow, or other Speed Exhibition is occurring;

9. Placing or erecting barriers in public streets to block, impede, or obstruct lawful use thereof;
10. Using fireworks, pyrotechnics, or other explosives in conjunction with a Street Race, Sideshow, or other Speed Exhibition; or
11. Displaying, brandishing, or otherwise using weapons such as firearms or knives in conjunction with a Street Race, Sideshow, or other Speed Exhibition.

Section 70.3903 - Participants and spectators prohibited at street races, sideshows, and other speed exhibitions.

- A. Any individual who participates in or is knowingly present as a Spectator at a Street Race, Sideshow, or other Speed Exhibition is guilty of a misdemeanor.
- B. Any individual who participates in or is knowingly present as a Spectator where Preparations are being made for a Street Race, Sideshow, or other Speed Exhibition is guilty of a misdemeanor.
- C. Any individual who participates in or knowingly encourages, promotes, instigates, assists, facilitates, aids, or abets the gathering of individuals as Spectators to a Street Race, Sideshow, or other Speed Exhibition is guilty of a misdemeanor.
- D. Any individual who knowingly participates in or encourages, promotes, instigates, assists, facilitates, aids, or abets the gathering of individuals where Preparations are being made for a Street Race, Sideshow, or other Speed Exhibition is guilty of a misdemeanor.
- E. Any individual who, for the purpose of facilitating or aiding any Street Race, Sideshow, or other Speed

Exhibition, places any barricade or obstruction or assists in placing any barricade or obstruction which impedes the free public use of a public street, highway, alley, or roadway, is guilty of a misdemeanor.

- F. Nothing in this chapter prohibits peace officers or their agents who are acting in the course of their official duties from being Spectators at a Street Race, Sideshow, or other Speed Exhibition or at the location of any Preparations.

Section 70.3904 - Summary Abatement of Sideshow, Street Race, or Speed Exhibition posing an imminent threat to public health, safety, or welfare; Confiscation of Vehicles Involved; process for owners to retrieve confiscated vehicles.

- A. All unlawful Sideshows, Street Races, or Speed Exhibitions are hereby declared to be a public nuisance. In addition to the ordinary dangers attendant to the reckless driving associated with such incidents, they have the effect of blocking, impeding, or obstructing lawful use of public streets without valid authorization or the use of necessary safety measures, such as warnings to approaching traffic that the streets are impassable ahead. This is a known factor in causing vehicle accidents such as rear-end collisions, which lead to personal injury, up to and including death, as well as severe property damage. Furthermore, blocking, impeding, or obstructing the lawful use of public streets prevents emergency vehicles from passing through to respond to emergencies that threaten life or property, including but not limited to the ability of fire trucks, law enforcement vehicles, or ambulances to get to areas they need to access in order to respond to emergencies. Therefore, for all of these reasons and in accordance with NRS 244.3601 and related provisions, if at least three (3) persons who are members of a local law enforcement agency or fire

department or enforce building or housing codes, zoning ordinances, or local health regulations, determine in a signed, written statement that a Street Race, Sideshow, and/or other Speed Exhibition, or a series of related Street Races, Sideshows, and/or other Speed Exhibitions, constitute an imminently dangerous condition, to the extent that it rises to the level of an emergency requiring immediate action by law enforcement, the condition may be summarily abated by reasonable and appropriate measures, including but not limited to confiscation of the vehicle(s) involved.

- B. Without limitation, any one or more of the following circumstances supports a conclusion that a Sideshow, Street Race, or Speed Exhibition is a public nuisance that also constitutes an imminently dangerous condition to the extent that it rises to the level of an emergency requiring immediate action by law enforcement:
1. The incident occurs within or upon a street or area that is an arterial or other major thoroughfare or roadway;
 2. The incident occurs at a time when there is heavy vehicular or pedestrian traffic in the area that is not associated with the incident;
 3. The incident occurs in or near a residential area;
 4. The incident occurs in or near a hospital, school, fire station, police station, or facility that dispatches ambulances or other emergency vehicles;
 5. Persons participating in or spectating at the incident are observed brandishing,

displaying, or otherwise using weapons such as firearms, knives or explosives;

6. The vehicles involved in the incident are observed being operated in a manner that is dangerous or recklessly disregards human life or safety; or
7. Some or all of the vehicles involved in the incident are all-terrain vehicles (ATVs) not authorized for use on public streets;
8. The incident involves fights, acts of violence, or threats of fights or acts of violence;
9. The incident involves the use of fireworks, pyrotechnics, or other explosives; or
10. The incident involves harassment, threats, coercion, or intimidation of passersby or members of the public.

C. Where summary abatement of a Street Race, Sideshow, and/or other Speed Exhibition results in confiscation of any vehicle(s) involved in the Street Race, Sideshow, and/or Speed Exhibition, the following apply.

1. The owner of a vehicle confiscated under this Section shall be provided with a Notice sent via certified mail, return receipt requested, that his or her vehicle was involved in a public nuisance and as a result has been confiscated in order to summarily abate the nuisance. The notice shall inform the owner of the process available to retrieve the vehicle, which shall require the owner to first pay the actual costs involved in impounding the

vehicle, including but not limited to towing and storage of the vehicle.

2. Upon filing and processing of a request for retrieval of the vehicle, payment of the actual costs to the county, and verification by the county of ownership, the vehicle shall be made available for the owner to retrieve from the location designated by the county for pick-up. Reasonable efforts will be made to complete this process within 30 days, unless the owner demonstrates the existence of an emergency or other compelling cause that makes it necessary to make the vehicle available sooner.
3. If the owner of a vehicle confiscated under this Section fails to respond to the required notice under Subsection 1 of this Section within 90 days, the County may commence legal proceedings in a court of competent jurisdiction to establish title to the vehicle in the County's name.

Section 70.3905 - Relevant Circumstances to Prove a Violation.

- G. To prove a violation of this Chapter, admissible evidence may include, but is not limited to, evidence that the person charged has previously been convicted of any of the following offenses:
1. Aggressive driving; Unauthorized speed contests; Trick driving; Reckless driving; or any substantially similar offense or other provision of this Chapter.
 2. Evidence of these prior convictions may be admissible to prove motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

B. In addition to the circumstances set forth in subsection A, to prove a violation of this Chapter, admissible evidence may also include, but is not limited to, any of the following:

1. The time of day;
2. The nature and description of the location;
3. The number of people at the location;
4. The location of the person charged in relation to the involved motor vehicle(s) or other individuals;
5. The number and description of the involved motor vehicles at the location;
6. The activities in which the motor vehicle(s) are engaged;
7. Whether any of the involved motor vehicles have been modified or altered in any way to increase speed, power, handling, or visual appeal; and/or
8. How the person charged arrived at the location.
9. The conduct of the person in relation to the Street Race, Sideshow, or Speed Exhibition or preparation therefor.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. The County Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 4. This ordinance shall become effective upon passage, approval, and publication.

SECTION 5. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of public health, safety, welfare, and convenience.

SECTION 6. If any subsection, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation, or expansion of a business.]

Proposed on the 9 day of May, 2023.

Proposed by Commissioner Garcia.

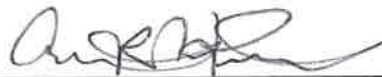
Passed on the 23 day of May, 2023.

Vote:

Ayes: Hill, Herman, Clark, Garcia, Andriola

Nays: None

Absent: None



Chair
Washoe County Commission



County Clerk

This ordinance shall be in force and effect from and after June 2, 2023.