

## ATTACHMENT A

### ORDINANCE NO. 2025- 9

#### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADDING CHAPTER 12.70 (PROHIBITION ON ATTENDING STREET RACES AND RECKLESS DRIVING EXHIBITIONS) TO TITLE 12 (VEHICLES AND TRAFFIC) OF THE NEWPORT BEACH MUNICIPAL CODE**

**WHEREAS**, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

**WHEREAS**, motor vehicle speed contests, exhibitions of speed, and reckless driving are unlawful pursuant to California Vehicle Code Sections 23103 *et seq.* and 23109 *et seq.*;

**WHEREAS**, individuals frequently obstruct public streets, sidewalks, and off-street parking facilities in advance of these unlawful activities to conduct "sideshows," which include the unlawful takeover of intersections or parking lots for purposes such as high-speed burnouts and motorcycle stunts;

**WHEREAS**, these unlawful activities are typically organized with little notice and promoted via social media platforms, attracting large crowds of spectators, which in turn significantly impair traffic flow, compromise public safety, and diminish the quality of life for residents of Newport Beach;

**WHEREAS**, high-speed collisions and loss of vehicle control during these illegal activities often result in damage to roads, traffic signals, streetlights, medians, and signage;

**WHEREAS**, the California Vehicle Code only criminalizes street racing, exhibition of speed and reckless driving, and does not currently provide a mechanism to address or penalize people who are spectators attending these events and observing these illegal activities; and

**WHEREAS**, to address this gap in enforcement authority and proactively safeguard the health, safety, and welfare of the public, it is necessary to amend the Municipal Code to prohibit attendance at street races and reckless driving exhibitions within Newport Beach.

**NOW THEREFORE**, the City Council of the City of Newport Beach ordains as follows:

**Section 1:** The City Council hereby adds Chapter 12.70 (Prohibition on Attending Street Races and Reckless Driving Exhibitions) to Title 12 (Vehicles and Traffic) of the Newport Beach Municipal Code, which shall read as follows:

**Chapter 12.70**  
**PROHIBITION ON ATTENDING STREET RACES AND**  
**RECKLESS DRIVING EXHIBITIONS**

Section

- 12.70.010 Purpose and Findings.**
- 12.70.020 Definitions.**
- 12.70.030 Prohibition on Attending a Street Race or Reckless Driving Exhibition.**
- 12.70.040 Proving a Violation - Attendance at a Street Race or Reckless Driving Exhibition.**

**12.70.010 Purpose and Findings.**

The City Council hereby finds and declares as follows:

A. Under California Vehicle Code Sections 23103 et seq. and 23109 et seq., speed contests, exhibitions of speed, and reckless driving on public streets, highways, and off-street parking facilities are illegal. These activities often include pre-race “sideshows” and motorcycle “stunting,” where individuals block streets or parking lots to perform reckless maneuvers. Such events have increasingly occurred throughout Newport Beach in recent years.

B. Street races, sideshows, and motorcycle stunts pose serious threats to public safety, disrupt traffic, create public nuisances, and negatively impact local businesses. Participants and spectators typically gather late at night or early morning, blocking roadways, placing wagers, and facilitating or encouraging illegal racing.

C. Illegal racers often drive at dangerous speeds without regard for public safety, quickly relocate to evade law enforcement, and use social media and electronic communication to organize and avoid detection. These events have led to an increased number of accidents, property damage, and police calls. Spectators contribute to the continuation of these activities by fostering an environment that supports and emboldens unlawful conduct.



## **12.70.020 Definitions.**

For the purpose of this chapter, the following definitions shall apply:

A. "Street race" or "street racing" means any speed contest or exhibition of speed referred to in California Vehicle Code section 23109.

B. "Reckless driving exhibition" means any exhibition of reckless driving referred to in California Vehicle Code section 23103.

C. "Off-street parking facility" has the same meaning as set forth in subdivision (c) of California Vehicle Code section 12500 and includes any public or private parking facility open and accessible to members of the public.

D. "Scene" means the location of a street race or reckless driving exhibition or the location of the preparations for a street race or reckless driving exhibition.

E. "Spectator" means any person who is present at a street race or reckless driving exhibition, or the site of the preparations for either of these activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. A spectator includes any person at the location of the event without regard to how the person arrived.

F. A person is "present" at a street race or reckless driving exhibition if that person is within two hundred (200) feet of the location of the street race or reckless driving exhibition, or within two hundred (200) feet of the site of the preparations for either of these activities.

G. "Preparations" for any street race or reckless driving exhibition include, but are not limited to, any of the following acts done for the purpose of a street race or reckless driving exhibition:

1. One (1) or more motor vehicles and people have arrived or gathered at a predetermined scene;

2. One (1) or more people have gathered for a sideshow, motorcycle stunting or other exhibition in conjunction with a street race or reckless driving exhibition;

3. One (1) or more people have impeded the use of a public street, road, highway or sidewalk, or off-street parking facility by acts, words or physical barriers;

4. One (1) or more motor vehicles have lined up at the scene with motors running;

5. One (1) or more driver is revving a motor vehicle's engine or causing the motor vehicle's tires to spin; or

6. A person is standing or sitting in a location for the purpose of acting as a race starter.

**12.70.030 Prohibition on Attending a Street Race or Reckless Driving Exhibition.**

It shall be unlawful for any person to knowingly:

A. Be present as a spectator at a street race or reckless driving exhibition conducted on a public street, road, or highway or in an off-street parking facility; or

B. Be present as a spectator where preparations are being made for a street race or reckless driving exhibition conducted on a public street, road, or highway or in an off-street parking facility.

Nothing in this section prohibits attendance at an event for which a special event permit has been issued by the City, or for City employees, or their agents, acting in the course of and scope of their official duties, from being spectators at a street race or reckless driving exhibition or a location where preparations for these activities are occurring.

**12.70.040 Proving a Violation - Attendance at a Street Race or Reckless Driving Exhibition.**

Notwithstanding any other provision of law, to prove a person was knowingly present as a spectator, as set forth in Section 12.70.030, admissible evidence may include, but is not limited to, any of the following:

A. That the person charged:

1. Has previously participated in or been a spectator at a street race or reckless driving exhibition;

2. Has previously aided and abetted street racing or a reckless driving exhibition;

3. Has previously attended a street race or reckless driving exhibition; or

4. Was previously present at a scene where preparations were being made for a street race or reckless driving exhibition, or where a street race or reckless driving exhibition was in progress.



B. That, based on a totality of the circumstances, the evidence shows that the person knew they were present as a spectator, which circumstances may include, but are not limited to, the following:

1. The time of day;
2. The nature and description of the scene, including the number and configuration of traffic lanes;
3. The number of people at the scene;
4. The location of the person charged in relation to any person or group of people present at the scene;
5. The number and types of motor vehicles at the scene;
6. The presence of motor vehicles at the scene that have been modified or altered to increase power, handling, or visual appeal; or
7. The person charged admitted to being a spectator at a street race or reckless driving exhibition.

**Section 2:** The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

**Section 3:** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 4:** The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**Section 5:** Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

**Section 6:** The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 10th day of June, 2025, and adopted on the 24th day of June, 2025, by the following vote, to-wit:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Joe Stapleton, Mayor

**ATTEST:**

\_\_\_\_\_  
Leilani I. Brown, City Clerk

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

  
\_\_\_\_\_  
Aaron C. Harp, City Attorney