

TITLE 9 -PUBLIC PEACE, MORALS AND SAFETY

BILL NO. \_\_\_\_\_

INTRODUCED BY COUNCIL

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ENACTING CHAPTER 9.32 OF THE SPARKS MUNICIPAL CODE PROHIBITING SPECTATORS AT STREET RACES, SIDESHOWS, AND OTHER SPEED EXHIBITIONS, PROHIBITING SPECTATORS AT PREPARATIONS FOR STREET RACES, SIDESHOWS, AND OTHER SPEED EXHIBITIONS, PROHIBITING THE PROMOTION, INSTIGATION, AIDING, OR FACILITATING OF STREET RACES, SIDESHOWS, AND OTHER SPEED EXHIBITIONS, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.**

**THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:**

**SECTION 1.**

MUNICIPAL CODE CHAPTER 9.32 – SPECTATORS PROHIBITED AT STREET RACES, SIDESHOWS, AND OTHER SPEED EXHIBITIONS

**Section 9.32.010 – Purpose.**

This Chapter establishes the requisite elements necessary to hold spectators, organizers, promoters, facilitators, aiders, and abettors of Street Races, Sideshows, and other Speed Exhibitions accountable. Street Races, Sideshows, 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 interferes with the right of private business owners to enjoy and use their own property within the City of Sparks.

**Section 9.32.020 – Definitions.**

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

- A. “Preparations” for any Street Race, Sideshow, 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 Street Race, Sideshow, 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

## TITLE 9 -PUBLIC PEACE, MORALS AND SAFETY

6. One or more individuals is stationed at or near the location to act as a race starter.
- B. “Sideshow” means a gathering, procession, or assemblage of one or more motor vehicles at a location where motor vehicles are used to engage in a street race, or in stunts or maneuvers, or in any other illegal exhibition of speed.
- C. “Street race” means any motor vehicle speed contest or motor vehicle exhibition of speed, which is conducted on a public street or highway, or on private property which is open to the general public without the consent of the owner or operator thereof.
- D. “Speed exhibition” means any other illegal exhibition of speed, as referred to in Sparks Municipal Code Title 10, and Nevada Revised Statutes Chapters 484 and 484B, which is conducted on a public street or highway, or on private property which is open to the general public without the consent of the owner or operator thereof.
- E. “Spectator” means any person who is present or within two hundred (200) 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.

### **Section 9.32.030 – Spectators prohibited at street races, sideshows, and other speed exhibitions.**

- A. Any individual who is knowingly present as a Spectator at a Street Race, Sideshow, or other Speed Exhibition is guilty of a misdemeanor.
- B. Any individual who 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 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 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

## TITLE 9 -PUBLIC PEACE, MORALS AND SAFETY

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 9.32.040 – Relevant Circumstances to Prove a Violation.**

- A. 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 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;
  8. How the person charged arrived at the location.

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

**SECTION 3.** The City 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.

TITLE 9 -PUBLIC PEACE, MORALS AND SAFETY

**SECTION 5.** The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the 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.

**SECTION 7.** The City Council finds that this ordinance is **not** subject to business impact statement requirements of Nevada Revised Statutes Chapter 237.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by the following vote of the City Council:

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

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

**ABSTAIN:** \_\_\_\_\_

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

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by:

\_\_\_\_\_  
**ED LAWSON, Mayor**

**ATTEST:**

TITLE 9 -PUBLIC PEACE, MORALS AND SAFETY

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**LISA HUNDERMAN, City Clerk**

**APPROVED AS TO FORM:**

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**WESLEY K. DUNCAN, City Attorney**