

DOWNEY POLICE DEPARTMENT

TRAINING



BULLETIN

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Chief of Police

No. 22-02

Downey Municipal Code 4998 – Speed Contests or Exhibitions of Speed

On September 13, 2022, an ordinance was adopted by the City Council of the City of Downey adding **Section 4998** (“Speed Contests or Exhibitions of Speed”) to Chapter 15 (“Speed Contests or Exhibitions of Speed”) of Article IV (“Public Welfare, Morals, and Policy”) of the Downey Municipal Code. The new ordinance includes **Section 4998.1** (“Spectator at Illegal Speed Contest or Illegal Exhibition of Speed”) and **Section 4998.2** (“Relevant Circumstances to Prove a Violation”).

Section 4998. Definitions.

As used in this Chapter, the following words and phrases shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. “City” shall mean the City of Downey.
- B. “Illegal exhibition of speed” or “illegal speed contest” shall mean either any exhibition of speed referred to in California Vehicle Code Sections 23109(a) or 23109(c). “Illegal exhibition of speed” or “illegal speed contest” shall also include:
 - 1. Any incident where a motor vehicle is raced on a public street or highway against another motor vehicle, a clock, or other timing device where the presence of two or more spectators is known to the driver or may be reasonably anticipated by the driver; and/or,
 - 2. Any willful act of showing off or displaying a dangerous or imprudent speed in a vehicle on a public street or highway, or private property generally open to the public, where the presence of two or more spectators is known to the driver or may be reasonably anticipated by the driver.
 - 3. Any incident where a motor vehicle is driven upon a highway or in an off-street parking facility in a willful or wanton disregard for the safety of persons or property, as prohibited by California Vehicle Code Sections 23103(a) and 23103(b).

For purposes of this Definition, an event in which the time to cover a prescribed route of more than 20 miles is measured, but in which the vehicle does not exceed the speed limits, is not a “speed contest.”

- C. "Preparations" shall include, but shall not be limited to, any situation in which:
1. A group of motor vehicles or individuals have arrived at a location for the purposes of participating in or being spectators at an illegal speed contest or illegal exhibition of speed;
 2. Two or more persons have lined one or both sides of a public street or highway for the purposes of participating in or being a spectator at an illegal speed contest or illegal exhibition of speed;
 3. Two or more persons have gathered on private property generally open to the general public without the consent of the owner, operator, or agent thereof and for the purpose of participating in or being a spectator at an illegal speed contest or illegal exhibition of speed;
 4. One or more persons have impeded the free public use of a public street or highway by actions, words, or physical barriers for the purposes of conducting an illegal speed contest or illegal exhibition of speed;
 5. Two or more vehicles have lined up with motors running for an illegal speed contest or illegal exhibition of speed;
 6. One or more drivers is revving the engine or spinning the tires of a motor vehicle in preparation for an illegal speed contest or illegal exhibition of speed; and/or,
 7. A person is stationed at or near one or more motor vehicles to serve as a "race starter" at an illegal speed contest or illegal exhibition of speed.
- D. "Spectator" shall mean any individual who is within 200 feet of an illegal speed contest or illegal exhibition of speed, or within 200 feet of any location where preparations are being made for such activities, for the purpose of attending, viewing, observing, watching, or witnessing the events as they progress.

The ordinance goes into effect 30 days after adoption. Effective October 14, 2022, personnel are authorized to issue municipal code citations to spectators at an illegal speed contest or illegal exhibition of speed. Personnel shall utilize Downey Municipal Code Section 4998.1, which states the following:

Section 4998.1. Spectator at Illegal Speed Contest or Illegal Exhibition of Speed

- A. It shall be unlawful and a misdemeanor for any person to be present as a spectator, either on a public street or highway, or on private property generally open to the public without the consent of the owner, operator, or agent thereof, at an illegal speed contest or illegal exhibition of speed.
- B. It shall be unlawful and a misdemeanor for any person to be present as a spectator, either on a public street or highway, or on private property generally open to the public without the consent of the owner, operator or agent thereof, where preparations are being made for an illegal speed contest or illegal exhibition of speed.
- C. Exemption. Nothing in this Section prohibits law enforcement officers or their agents from being spectators at an illegal speed contest or illegal exhibition of speed in the course of their official duties.
- D. This chapter is not intended to and does not criminalize the innocent use of the public right-of-way by passers-by who may have happened upon such illegal activities.

Section 4998.2 outlines relevant circumstances officers should consider and include if applicable in their police reports if a citation is issued for a violation of Section 4998.1.

Section 4998.2. Relevant Circumstances to Prove a Violation.

Notwithstanding any other provision of law, to prove a violation of Section 4998.1 of this Code, admissible evidence may include, but is not limited to, any of the following:

- A. The time of day;
- B. The nature and description of the scene;
- C. The number of people at the scene;
- D. The location of the person charged in relation to any other person or group of persons at the scene;
- E. The number and description of motor vehicles at the scene;
- F. The time at which the individual arrived at the scene;
- G. The time at which the individual lingered at the scene;
- H. Whether the individual participated in, aided, or abetted the illegal speed contest or illegal exhibition of speed, including, but not limited to, acting as a “race starter” or standing in the road in such a manner as to block access by other vehicles to the area used for such illegal purposes;
- I. The manner in which the person charged arrived at the scene; and/or,
- J. Any prior presence as a spectator, attendance at, participation in, or aiding and abetting of any illegal speed contest or illegal exhibition of speed, or the same at any location where preparations for an illegal speed contest or illegal exhibition of speed were in progress, where such prior act is relevant to prove some fact, including, but not limited to, motive, opportunity, intent, preparation, plan, knowledge, identity, and absence of mistake or accident.