

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE ADDING SECTION 10.50.025 TO CHAPTER 10.50 OF TITLE 10 OF THE SAN JOSE MUNICIPAL CODE TO PROHIBIT ENCOURAGING SPECTATORS TO GATHER AT STREET RACES AND RECKLESS DRIVING EXHIBITIONS**

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008 (General Procedure and Policy Making resulting in no changes to the physical environment); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and confirms the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

A new section is added to Chapter 10.50 of Title 10 of the San José Municipal Code, to be numbered, entitled, and to read as follows:

**10.50.025 Encouraging Spectators to Gather at Street Races and Reckless Driving Exhibitions Prohibited**

- A. It shall be unlawful for any person to knowingly encourage, promote, instigate, assist, facilitate, aid, or abet:
  - 1. The gathering of persons as Spectators at a Street Race conducted on a public street or highway; or
  - 2. The gathering of persons as Spectators at a Reckless Driving Exhibition conducted on a public street or highway or in an Offstreet Parking Facility.
  
- B. It shall be unlawful for any person to knowingly encourage, promote, instigate, assist, facilitate, aid, or abet:
  - 1. The gathering of persons as Spectators where Preparations are being made for a Street Race conducted on a public street or highway; or
  - 2. The gathering of persons as Spectators where Preparations are being made for a Reckless Driving Exhibition conducted on a public street or highway or in an Offstreet Parking Facility.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk