

STAFF REPORT

Date: May 10, 2023

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Ordinance Introduction - Bill No. _____ Ordinance to amend Reno Municipal Code, Title 8, Chapter 8.12, Section 8.12.170 making it a misdemeanor to knowingly attend an unpermitted motor vehicle race, contest or exhibition as a spectator.

From: Kathryn Nance, Chief of Police

Department: Police Department

Summary:

Staff seeks Council support for an ordinance amendment to make it a misdemeanor to knowingly attend an unpermitted motor vehicle race, contest, or exhibition as a spectator.

Alignment with Strategic Plan:

Public Safety

Previous Council Action:

In 2003, the City of Reno enacted Reno Municipal Code (RMC) §6.06.170 which made it a misdemeanor to knowingly attend an unpermitted motor vehicle race, contest, or exhibition as a spectator.

Discussion:

Motor vehicle races, contests, and exhibitions (including events referred to as “drag races,” “street takeovers,” “stunt driving,” and “sideshows”) are gatherings where drivers perform illegal stunts and dangerous driving maneuvers in public places, such as city streets and in parking lots, to include, but not limited to burnouts, doughnuts, drifting and racing. Spectators of these illegal activities not only help fuel the occurrence and duration of these events, the spectators themselves are often in danger as a result of the affirmative choice to attend or participate in these events. Spectators are at risk of vehicle vs. pedestrian collisions, assaults, battery or other crimes against persons. Additionally, the driving maneuvers often result in flying debris to include rocks, glass, shredded tire and metal, etc. which can cause bodily injury.

In addition to the dangers spectators face, the community deals with impacts from these illegal activities. The noise generated by these illegal activities is disruptive to local residents and businesses. The high speeds, reckless driving, and property crimes associated with the events result in thousands of dollars of damage to public and private property, such as ruining paved surfaces. Littering creates clean-up tasks which often take hours to complete, graffiti damages buildings, and illegal fireworks and bonfires create fire hazards. The events can turn violent, with fights breaking out among spectators or between rival groups. There have been instances of spectator groups attacking uninvolved motorists, climbing on their cars, and causing damage to their cars as they try to navigate through these events as they occur. The safety issues for the public are severe and in other jurisdictions citizens attempting to drive through these events have been met with gun violence.

Spectators at these activities encourage the activity by providing an audience which becomes self-fueling, creates a sense of group anonymity, and creates a crowd mentality where illegal activity can flourish. Once established, these crowds of spectators quickly devolve to unlawful assemblies, replete with crowd mentality driven criminal acts akin to riotous behavior. Lastly, as is the nature with these events, they tend to “pop up,” establish for some time, break down, and then “pop up” soon after at a different location. Usually, the same spectators travel from one event to the next, continuing to engage in the illegal behavior.

In 2021, the Nevada Legislature enacted AB 116 which converted some existing criminal traffic offenses to civil infractions, including without limitation, RMC § 6.06.170. RMC § 6.06.170 has no direct counterpart under State law. Today, the City lacks the ability to criminally charge and prosecute spectators for knowingly attending unpermitted motor vehicle events.

Given the non-traffic nature of the offense, repealing RMC 6.06.170 and creating a separate criminal offense in Title 8 will resolve the problem of the conversion to a civil offense created. If enacted, police may resume the practice of criminally citing spectators for knowingly attending unpermitted motor vehicle events within the corporate limits of the city, provide the court with more latitude to impose penalties, and affect arrests in instances where police reasonably believe spectators actions will continue as they have been observed to do.

Financial Implications:

There are no financial implications at this time.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation:

Staff recommends Council refer Bill No. _____ for a second reading.

Proposed Motion:

I move to refer Bill No. _____ for a second reading and adoption.

Attachments:

Ordinance – 8.12