

LESLIE E. DEVANEY
ANITA M. NOONE
LESLIE J. GIRARD
SUSAN M. HEATH
GAEL B. STRACK
ASSISTANT CITY ATTORNEYS

CASEY GWINN
CITY ATTORNEY

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO

Casey Gwinn
CITY ATTORNEY

CIVIL DIVISION
1200 THIRD AVENUE, SUITE 1620
SAN DIEGO, CALIFORNIA 92101-4199
TELEPHONE (619) 236-6220
FAX (619) 236-7215

October 16, 2002

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

PROPOSAL TO AMEND THE SAN DIEGO MUNICIPAL CODE BY EMERGENCY
ORDINANCE BY AMENDING CHAPTER 5, ARTICLE 2 OF THE SAN DIEGO
MUNICIPAL CODE BY ADDING A NEW DIVISION 52, TITLED "SPECTATORS
PROHIBITED AT ILLEGAL SPEED CONTESTS OR EXHIBITIONS OF SPEED."

INTRODUCTION

This Report addresses a proposal to amend the San Diego Municipal Code by emergency ordinance prohibiting spectators from attending an illegal speed contest or illegal exhibition of speed. The amendment change also makes it unlawful for a person to be present as a spectator where preparations are being made for such illegal activities. A violation of these amendments would be a misdemeanor. This measure is needed to provide for the immediate preservation of the public peace, property, health, and safety.

BACKGROUND

On October 15, 2002, the City Council introduced ordinance number O-2003-62, which amended the San Diego Municipal Code to prohibit spectators at illegal speed contests or exhibitions of speed. That ordinance will be adopted on October 29, 2002, but will not become effective until November 28, 2002. A copy of our report on that matter is enclosed as Attachment 1.

V. AN EMERGENCY ORDINANCE IS NEEDED

As set forth in the San Diego City Charter section 17, an emergency ordinance is to provide "for the immediate preservation of the public peace, property, health, or safety." The problem of illegal street racing in the City of San Diego is immediately threatening public health and safety. Fifteen people have already been killed this year. In the short time between the ordinance being discussed at the Public Safety and Neighborhood Services Committee on September 25 until the time it came to Council, two more innocent lives were lost. The City

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cannot wait until the end of November for this important matter to become effective. As an emergency measure, the City Council must approve this proposed emergency ordinance by a two-thirds affirmative vote.

CONCLUSION

Illegal street racing and exhibitions of speed are significant problems in the City of San Diego, immediately threatening the public peace, property, health, and safety of citizens. By passing the proposed emergency ordinance and reducing the number of spectators at these illegal activities, we can eliminate much of the "sport" of speed contests and exhibitions of speed. The proposed emergency ordinance is the best way to address this problem. The City Attorney recommends adoption of this proposal.

Respectfully submitted,

CASEY GWINN
City Attorney

LLP:vj:jp:520.1
RC-2002-20
Attachment