



AGENDA REPORT



TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Charlene Wang

DATE: June 11, 2026

SUBJECT: Ordinance Amending Oakland Municipal Code Chapter 10.74 (Sideshows) to Increase Penalties, Broaden Vehicle Definitions, Strengthen Impoundment Authority, and Create Enforcement Exemptions.

RECOMMENDATION:

TO ADOPT AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 10.74 TO INCREASE CIVIL AND CRIMINAL PENALTIES FOR SIDESHOW PARTICIPANTS, ORGANIZERS, AND FACILITATORS; BROADEN THE DEFINITION OF COVERED VEHICLES TO INCLUDE ALL-TERRAIN VEHICLES, DIRT BIKES, AND OFF-HIGHWAY VEHICLES; STRENGTHEN VEHICLE IMPOUNDMENT AUTHORITY; ESTABLISH ENFORCEMENT EXEMPTIONS TO COVER FIRST AMENEMDENT PROTECTIONS.

EXECUTIVE SUMMARY:

This ordinance amends Oakland Municipal code 10.74 to strengthen the city's legal tools for addressing sideshows. The amendment increases civil penalties for spectators, organizers, and promoters of these events. It also expands vehicle coverage to include ATVs, dirt bikes, and off-highway vehicles. This ordinance strengthens impoundment authority by establishing joint and several liability among participants, creates clear exemptions for law enforcement, media, and uninvolved bystanders, while requiring annual reporting on enforcement activity and equity outcomes.

BACKGROUND:

Sideshows are events where participants block or obstruct public streets to perform motor vehicle stunts, speed contests, and exhibit reckless driving behaviors before spectators. Oakland has experienced repeated, high-profile sideshow events resulting in collisions, injuries, fatalities, and significant public safety threats. These have caused otherwise unnecessary deployment of public safety resources including but not limited to police overtime, fire department responses, emergency medical services, and public works cleanup. Oakland Municipal Code Chapter 10.74 addresses this conduct through civil enforcement. However, the existing ordinance contains several gaps that limit its deterrent function including:

- **Too Narrow Vehicle Coverage:** The current ordinance lacks the language to cover ATVs, dirt bikes, and off-highway vehicles, which are increasingly used in illegal ride-outs on Oakland streets.

- **Registration Loopholes:** Vehicles being used in these activities are often borrowed, leased, or registered to parties other than the participant, undermining enforcement actions focused on vehicle operators.
- **Insufficient penalties:** Current civil penalties do not deter sideshows. A higher, escalating penalty structure as set out in the ordinance amendment proposed here are necessary to discourage repeat violations.

DESCRIPTION OF POLICY CHANGES

1. **Increased Penalties:** Ordinance amendment establishes a tiered civil penalty with escalating fines based on the nature of the violation and the offender’s prior history:
 - **Spectators:** \$1,500 for a first-time offense, \$3,000 for a second offense within three years, \$5,000 for a third offense in three years
 - **Organizers and Facilitators:** \$10,000-\$20,000 for a first violation, \$20,000-\$30,000 for a second violation within three years, \$30,000-\$50,000 for a third violation within three years.
 - **Cost Recovery:** The city of Oakland may impose a cost-recovery fee to recoup expenses from sideshow responses including police, fire, EMS, and public works costs.
2. **Broadened Vehicle Definitions (Section 10.74.030):** The amended definition of “motor vehicle” expressly includes automobiles, trucks, motorcycles, ATVs, dirt bikes, off-highway vehicles, and motorized scooters, regardless of whether the vehicle is registered for lawful street operation. This closes existing gap that excluded non-street-legal vehicles from the ordinance’s reach.
3. **Strengthened Impoundment Authority (Section 10.74.060):** Any motor vehicle as defined above used in violation of this chapter is subject to impoundment for up to 30 days, regardless of whether the operator is the registered owner. The registered owner is responsible for towing and storage fees unless they demonstrate, by a preponderance of evidence, that the vehicle was used without their knowledge or consent or was reported stolen prior to the violation. Registered owners who knowingly permit use of their vehicle for a sideshow are jointly liable for civil penalties and costs. Each participant in an illegal sideshow is jointly and severally liable with other participants for all costs, damages, penalties, and attorneys’ fees arising for that action.
4. **Enforcement Exemptions (Section 10.74.65):** The ordinance creates explicit exemptions from liability under Chapter 10.74 for:
 - Law enforcement officials acting in the course and scope of their duties
 - Members of the media acting in the course of their rights and duties
 - Members of the public who are merely observing or reporting on a sideshow, provided they are not participating in or aiding and abetting the organization or promotion of the event
5. **Annual Reporting Requirements (Section 8):** Beginning August 2027, the City Administrator must submit an annual written report to the city council covering:
 - **Law enforcement Activity:** total number of fines issued and collected under this chapter
 - **Demographic Data:** Information on individuals arrested or cited by race/ethnicity, gender identity, age, and home city
 - **Fiscal Transparency:** Total fines assessed and costs associated with collection efforts
 - **Community Impact and Equity Review:** Assessment of unintended consequences or disparities that require future policy adjustments and an overall evaluation of the impact on sideshow frequency.

RACIAL AND EQUITY IMPACT:

Sideshows most frequently occur in Oakland's lower-income neighborhoods and communities of color, placing those residents at greatest risk of harm. To guard against inequitable enforcement, the ordinance exempts uninvolved bystanders, retains the geographic proximity clause limiting citation based on location alone, and mandates annual demographic reporting to monitor enforcement patterns and identify disparate impacts.

FISCAL IMPACT:

The cost-recovery provision specifically authorizes the city to recoup expenses incurred from sideshow responses which are currently being absorbed by the general fund. The city attorney is also authorized to bring civil actions for damages, injunctions, restitution, and penalties.

CONCLUSION:

This ordinance provides Oakland with a more comprehensive and effective set of tools to deter and address sideshows. By increasing penalties, closing vehicle definition gaps, expanding impoundment authority, and establishing clear liability rules, it strengthens enforcement while including protections against overboard application. The annual reporting requirement ensures ongoing oversight and accountability. These changes reflect the City's commitment to public safety on Oakland streets and to equitable enforcement of its laws.

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