

OFFERED BY COUNCILOR BRIAN WORRELL



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY SIX

ORDINANCE TO ADDRESS STREET TAKEOVERS IN THE CITY OF BOSTON

WHEREAS, A “street takeover” generally involves unpermitted occupation of a public roadway, parking lot, intersection, public way, or similar area by individuals or vehicles for the purpose of conducting or observing dangerous motor vehicle stunts, racing, or other activities that disrupt normal traffic, impede emergency access, create excessive noise, threaten public safety, and interfere with the lawful use and accessibility of public space; *and*

WHEREAS, Certain occupation of roadways is unlawful per several state laws; *and*

WHEREAS, The City of Boston’s ordinance relating to unlawful encampment on public property similarly restricts activity that involves unsanctioned camping, as well as occupation of public spaces and public right-of-ways; *and*

WHEREAS, While the city’s current noise ordinance and the Air Pollution Control Commission address general noise, with a lower threshold during overnight hours, there is no specific mechanism to address street takeovers; *and*

WHEREAS, Over the past few years, residents have expressed frequent and increasing concerns about street takeovers impacting quality of life, promoting underage drinking, obstructing roadways, leading to trespassing on private property, violations of the city noise level ordinance in addition to excessive noise and disturbances late at night, and creating conditions that have led to injuries, violence, and other unlawful activities; *and*

WHEREAS, Although such activity is technically already unlawful according to several state laws, BPD rules, the Air Pollution Control Commission’s noise level regulations, and Boston’s noise level ordinance, there has been a lack of enforcement over the years in addition to an absence of clarity around proper procedures to respond to street takeovers, as well as confusion as to which parties and city departments shall be in charge of enforcement and when; *and*

WHEREAS, Significant confusion around proper enforcement originates from the nuance often involved in instances of street takeovers (i.e., the challenge of making proper distinctions as to who is a participant or a spectator), combined with the responsibility technically shared among multiple city authorities depending upon the *type* of violation occurring, whether related to parking enforcement jurisdiction, community policing rules, and/or the challenges between the multiple state laws currently meant to govern certain components of the behavior this ordinance seeks to address, but none that provide a clear and holistic policy to sufficiently, equitably, and safely address all the challenges involved in street takeovers; *and*

WHEREAS, Such confusion and irregularity of enforcement is apparent in some instances, where residents and individuals who have not been found to be involved in any street takeover or related activity, have still been ticketed simply for being near the vicinity of concern and having their path obstructed while attempting to commute to their intended destination; *and*

WHEREAS, The Boston Police Department consistently report fear of the potential for escalation and violence given the challenges of addressing the large crowds often involved in instances of street takeovers in the city; *and*

WHEREAS, The City of Boston should take steps to clarify and solidify plans to address street takeovers for residents, in addition to enhancing the municipal code with clear enforcement measures to help all parties responsible for enforcement to clearly understand how to prevent dangerous street takeover activity; ***NOW, THEREFORE BE IT***

ORDERED: That, to enhance public safety and welfare for all residents, the City of Boston make it a clear violation to engage in street takeovers, and take steps to solidify a plan and appropriate response moving forward, one that involves not only addressing violations of this ordinance, but ensuring an equitable long-term solution that avoids the potential for further escalation or violence; ***AND, BE IT FURTHER***

Ordained by the City Council of Boston as follows:

SECTION 1. STREET TAKEOVERS.

The City of Boston Code, Ordinances, Chapter 16, *Prohibitions, Penalties, and Permits*, is hereby amended by inserting the following new sections immediately after Section 16-66, *Unlawful Camping on Public Property*:

Section 16-67. Unlawful Street Takeovers.

A. Definitions.

For the purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. **Amplification Device(s):** Any speaker, sound system, public-address system, sound amplification systems or similar equipment installed in or transported by a motor vehicle and knowingly used to facilitate or sustain a street takeover, provided that the volume or manner of use is determined to be excessive noise, violates an applicable law, ordinance, rule or regulation.
2. **Street Takeover:** The unlawful and unpermitted occupation of a public roadway, parking lot, or similar area by a group of individuals or vehicles for the purpose of conducting or observing dangerous stunts, racing, or other activities that disrupt normal traffic. This includes:
 - a. The operation of vehicles to perform reckless driving, racing, or stunts.
 - b. The use of amplification devices or playing loud music to attract participants or sustain the takeover.
3. **Participant:** Any individual actively involved in the organization, execution, or promotion of a street takeover.
4. **Vehicle Impoundment:** The legal seizure and storage of a vehicle involved in a street takeover.
5. **Willful violation.** A willful violation shall be subject to arrest or summons by law enforcement subject to M.G.L. **Ch. 272 Sec. 59.**

Section 16-67.1. Prohibited Conduct Related to Street Takeovers.

It shall be unlawful for any person to:

- A.** Participate in, organize, or promote a street takeover.
- B.** Use social media or other communication tools to plan or encourage a street takeover.
- C.** Operate a vehicle to perform reckless driving, stunts, or racing as part of a street takeover.
- D.** Use amplification devices or play loud music to aid in the promotion, attraction, or continuation of a street takeover.

Section 16-67.2. Enforcement.

Subsection 16-67.1 may be enforced by any Police Officer, any special Police Officer designated by the Commissioner to do so, by any designee of the Air Pollution Control Commission or of

the Board of Health and Hospitals or of the Commissioner of Inspectional Services. The Housing Court may enjoin violation of these Subsections.

Section 16-67.3. Penalties.

- A. Fines:** Any person who violates Subsection 16-67.1 shall be fined \$300 for the first violation in any 12-month period, \$400 for the second violation in any 12-month period, and \$500 for the third violation and each subsequent violation in any 12-month period. If the person in violation refuses to provide the above-required information or if any information provided proves to be false, then said person shall be punished by a fine of an additional \$100.
- B. Police Response:** The Boston Police Department, in response to each complaint, shall verify by use of a sound level meter or other measure approved by the Boston City Council, that the noise complained of does exceed the limit described herein and if so, may thereupon arrest and/or make application in the appropriate court for issuance of a criminal complaint for violation of M.G.L. Chapter 272, Section 53, which sets forth the penalties for disturbing the peace.
- C. Vehicle Impoundment:** Any vehicle used by a participant (stunt operator or loud amplification vehicle) in a street takeover shall be impounded at the owner's expense for a period of time of 24 hours.
- D. Seizure of Equipment:** Notwithstanding the provisions of any other ordinance of the city, if a person is arrested by a Boston Police Officer under the authority of the M.G.L., including, without limitation, the provisions of M.G.L. Chapter 272, Section 54 for disturbing the peace under M.G.L. Chapter 272, Section 53, or any applicable M.G.L., the arresting Officer may, pursuant to said M.G.L., seize any loud amplification device or similar equipment, as defined in Subsection 16-67, as evidence. In the event of such seizure for evidence by a Boston Police Officer incident to such arrest, such amplification device or similar equipment shall be inventoried and held by the Boston Police Department or its Agents, and shall be returned to its owner according to the terms of this Section, unless a court of competent jurisdiction orders otherwise. No such device or equipment shall be returned to any person unless and until all judicial proceedings that may be held regarding the criminal allegations shall have been finally completed, or unless a court of competent jurisdiction orders otherwise.
- E. Second and Subsequent Offenses:** Any person found to commit a subsequent violation of this ordinance shall be deemed to have committed a **willful violation**.

Section 16-67.4. Aggravated Factors and Enhanced Penalties.

A. Aggravated Factors:

The following circumstances shall be considered aggravating factors in the commission of a street takeover, resulting in enhanced penalties:

- a. **After Midnight:** The offense occurs between 11:00 PM and 7:00 AM, when noise and disturbances are more likely to disrupt residential areas or businesses.

- b. **Private Property:** The offense involves trespassing onto private property without the owner's consent, causing potential damage or disruption.
- B. Additional Penalties for Aggravated Factors:**
 - a. An additional fine of up to **\$100.00** per aggravated factor, applied cumulatively.

Section 16-67.4. Deposit in the General Fund.

All fines assessed herein shall be payable to the city for deposit in the General Fund.

Section 16-67.5. No Conflict with Right to Peaceful Assembly.

Nothing in this Section shall be construed to curtail, abridge or limit the right or opportunity of any person to exercise the right of peaceful assembly or protest, peaceful persuasion guaranteed by M.G.L. Chapter 149, Section 24 or to curtail, abridge or limit the intentment of any statute of the commonwealth.

SECTION 2.

The provisions of this ordinance are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

SECTION 3.

The provisions of this ordinance shall be effective immediately upon passage.

Filed on: August 3, 2026