

ORDINANCE NO. 2706 -C.S.

AN ORDINANCE ADDING ARTICLE 18 TO CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO CRUISING.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Article 18 is hereby added to Chapter 2 of Title III of the Modesto Municipal Code to read as follows:

ARTICLE 18. REGULATION OF CRUISING.

SEC. 3-2.1801. CRUISING PROHIBITED.

No person shall engage in the activity known as "cruising" as defined in this Article, on the public streets, alleys, or highways of the City of Modesto in any area which has been posted as a no-cruising zone.

SEC. 3-2.1802. DEFINITIONS.

- (a) Cruising. For the purposes of this Article, "cruising" shall be defined as the repetitive driving of any motor vehicle past a traffic control point in traffic which is congested at or near the traffic control point.
- (b) Congested Traffic. For purposes of this Article, "congested traffic" means traffic on any public street, alley or highway which is delayed to the point that:
 - (1) Motor vehicles cannot move through a 100-yard approach corridor to an intersection controlled by a traffic light within two (2) complete green light cycles where the delay in forward movement is due to the position of other motor vehicles; or
 - (2) Motor vehicles cannot move through a 100-yard approach corridor to an intersection controlled by a traffic light, stop sign or yield sign within a five (5) minute period of time where the delay in forward movement is due to the position of other motor vehicles; or
 - (3) Motor vehicles cannot readily move forward on portions of public streets, alleys or highways between intersections because traffic speed is slowed to less than five (5) miles per hour, and the delay in movement is due to the position of other motor vehicles.

The determination that a street, alley or highway is congested shall be made by the ranking peace officer on duty within the affected area.

- (c) Green Light Cycle. For purposes of this Article, a "green light cycle" shall mean the period commencing upon the switching of a traffic light from a red light to a green light through to the return of a red light.
- (d) Traffic Control Point. For purposes of this Article, "traffic control point" shall mean a location along a public street, alley or highway utilized by a peace officer on duty within the affected area as an observation point in order to monitor traffic conditions for potential violations of this Article.

SEC. 3-2.1803. WARNING AGAINST CRUISING.

A peace officer may issue a written notice to any person operating or occupying any motor vehicle passing a traffic control point stating that any subsequent passage past that traffic control point within the next succeeding four (4) hours will be a violation of this Article.

SEC. 3-2.1804. VIOLATION OF THIS ARTICLE.

Any person who, after having received a written notice as described in Section 3-2.1803, subsequently drives past or is a passenger in a vehicle passing the same traffic control point within the next succeeding four (4) hours shall be in violation of this Article.

SEC. 3-2.1805. POSTING OF SIGNS.

This Article may be enforced in any area which has been posted as a "no-cruising zone". No cruising signs shall be posted at the beginning and end of any public street, alley or highway or portion thereof which is a no-cruising zone. The signs shall reference California Vehicle Code Section 21100(k) and this Article. The City Manager is hereby authorized to designate no-cruising zones in which it is found that conditions of congested traffic exist.

SEC. 3-2.1806. PENALTY FOR VIOLATIONS.

Violation of this Article is an infraction. The minimum penalty for a first conviction of cruising is a \$100.00 fine; for a second conviction within one (1) year, the minimum penalty is a \$200.00 fine; for a third or subsequent conviction within one (1) year, the minimum penalty is a \$250.00 fine.

SEC. 3-2.1807. SEVERABILITY.

If any provision, clause, sentence or paragraph of this Article or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Article which can be given effect without the invalid provisions or application and, to this end, the provisions of this Article are hereby declared to be severable.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1990, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

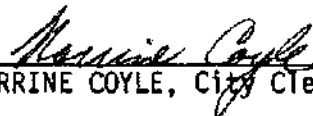
AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None


APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney