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DEPARTMENT OF
POLICE

CITY OF SACRAMENTO
CALIFORNIA

HALL OF JUSTICE
815 SIXTH STREET
SACRAMENTO, CA
95814-2495

February 16, 1988

916-449-5121

JOHN P. KEARNS
CHIEF OF POLICE

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: ANTI-CRUISE ORDINANCE

SUMMARY

Attached are two ordinances drafted by the City Attorney's Office that are modeled on San Jose ordinances. These ordinances will allow the Police Department to take enforcement action against individuals who, after warning, drive twice past a control point in a declared cruising area or loiter without lawful purpose after being advised to leave.

I am requesting that the Committee approve these ordinances and forward to the City Council for enactment.

BACKGROUND

Section 21100(k) of the Vehicle Code allows local jurisdictions to enact ordinances designed to reduce the congestion and public disorder caused by large groups of people "cruising" a street or area. Many cities and counties have adopted such ordinances. The City of San Jose's ordinances appeared to best meet our needs. Following my request of November 23, 1987, the City Attorney's Office drafted the attached ordinances which are modeled on San Jose's laws.

The first is a cruising regulation that permits warning notices to be given to both operators and occupants of motor vehicles passing the traffic control point of a posted cruise area. It permits citation of the driver when he next drives past the traffic control point within four hours.

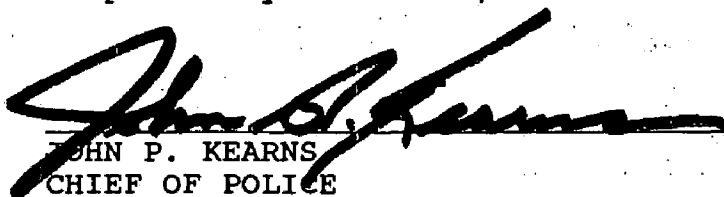
The ordinance describes when a street, alley or highway is so congested that the highest ranking peace officer can invoke the procedures of the ordinance. Portable signs would be posted at either end of the "cruising" area. A traffic control point will be established where warning notices will be handed out and enforcement initiated against violators.

The second ordinance prohibits loitering in a posted "no cruising" zone. It is a combination of the San Jose "no loitering" ordinance and out City Code 26.3 which prohibits loitering on the grounds of common carriers. Our officers would cite only those who have no apparent lawful purpose for being present and remain loitering after being warned.

RECOMMENDATION

Due to the problems outlined in my letter of November 23, 1987, I request that the Committee review these ordinances and recommend to the City Council that they be enacted.

Respectfully submitted,



JOHN P. KEARNS
CHIEF OF POLICE

JPK:jt

REF: 2-33

Attachments: Proposed ordinance
Letter to Council dated 11/23/87

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING ARTICLE XIV TO CHAPTER 25 OF THE SACRAMENTO CITY CODE RELATING TO CRUISING

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

WHEREAS, pursuant to Vehicle Code Section 21100(k), the Council of the City of Sacramento is authorized by State law to enact an ordinance regulating the congestion of City streets caused by persons who engage in repeated aimless driving trips on the City's streets; and

WHEREAS, undue congestion on City streets causes air and noise pollution, prevents ingress and egress to residential and business properties, impedes the movement of emergency vehicles, and is detrimental to the public health, safety, and welfare; and

WHEREAS, the activity of operating motor vehicles repetitively over City streets in conjunction with others so engaged creates, directly and indirectly, conditions which make local residents and businessowners unable to enjoy normal opportunities to freely travel, associate with friends and neighbors, and utilize and enjoy their property;

NOW, THEREFORE, ARTICLE XIV IS HEREBY ADDED TO CHAPTER 25 OF THE SACRAMENTO CITY CODE, TO READ AS FOLLOWS:

ARTICLE XIV. REGULATION OF CRUISING

Sec. 25.300 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 Sacramento in any area which has been posted as a no-cruising zone.

Sec. 25.301 "Cruising" defined.

For 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.

Sec. 25.302 "Congested traffic" defined.

For the purposes of this article, "congested traffic" means traffic on any public street, alley or highway which is delayed to the point that:

- (a) Motor vehicles cannot move through a one hundred (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
- (b) Motor vehicles cannot move through a one hundred (100) yard approach corridor to an intersection controlled by a traffic light within a five (5) minute period of time where the delay in forward movement is due to the position of other motor vehicles; or
- (c) Motor vehicles cannot readily move forward on portions of public streets, alleys, or highways between intersections because traffic speed has 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.

Sec. 25.303 "Green light cycle" defined.

For purposes of this article, a "green light cycle" shall mean the period commencing upon the switching of a red light to a green light through to the return of a red light.

Sec. 25.304 "Traffic control point" defined.

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. 25.305 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 that any subsequent passage past that traffic control point within the next succeeding four (4) hours will be a violation of this article.

Sec. 25.306 Violation of this article.

Any person who, after having received a written notice as described in Section 25.305, subsequently drives past the same traffic control point within the next succeeding four (4) hours shall be in violation of this article.

Sec. 25.307 Posting of signs.

This article will 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.

Sec. 25.308 Penalty for violation.

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 year, the minimum penalty is a \$200.00 fine; for a third or subsequent conviction within one year, the minimum penalty is a \$250.00 fine.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTION 26.76 TO THE SACRAMENTO CITY CODE, RELATING TO LOITERING IN NO-CRUISE ZONES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 26.76 is hereby added to the Sacramento City Code to read as follows:

Sec. 26.76 Prohibition against loitering in no-cruising zone.

(a) It shall be unlawful for any person to loiter on any property in the proximity of any posted no-cruising zone between the hours of 8:00 p.m. of one day and 6:00 a.m. of the next day.

(b) For purposes of this section, "loitering" shall mean remaining on any property under such circumstances that a reasonable person would conclude that the person who remains on the property:

- (1) does not have a purpose connected with the usual and ordinary use to which such property is put; and
- (2) does not have a bona fide intent to exercise a constitutional right; and
- (3) is causing public inconvenience or annoyance.

(c) For the purposes of this section, "property in the proximity of any posted no-cruising zone" shall mean any property which is both visible from and located within 300 feet of any portion of a street, alley or highway which is posted as a no-cruising zone pursuant to section 25.307 of the City Code.

(d) No person shall be held to be in violation of this section unless that person has, within the prior four (4) hours, been warned, either verbally or in writing, that it is unlawful to loiter in the proximity of a posted no-cruising zone.

(e) It shall be a separate offense if, upon citation for loitering pursuant to this section, a person fails to depart promptly from the proximity of the posted no-cruising zone.

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

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK



DEPARTMENT OF
POLICE

CITY OF SACRAMENTO
CALIFORNIA

November 23, 1987

HALL OF JUSTICE
813 SIXTH STREET
SACRAMENTO, CA
95814-2495

916-449-5121

JOHN P. KEARNS
CHIEF OF POLICE

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: ANTI-CRUISE ORDINANCE

SUMMARY

Recently many jurisdictions, including Sacramento County, have adopted anti-cruising ordinances as authorized by Section 21100K of the Vehicle Code.

The City Council has asked the Police Department for an opinion as to the value of such an ordinance in eliminating cruising on Franklin Boulevard. Enforcing a cruising ordinance can be cumbersome and expensive in terms of manpower and resources. The cost will vary depending upon the location of the cruise and the number of intersections that must be controlled. If the City adopted an anti-cruising ordinance, the Police Department would enforce it only when less expensive enforcement or traffic control methods were not effective.

I recommend that the City Council direct the City Attorney to develop and submit for your approval, an Anti-Cruising Ordinance similar to the one developed by the City of San Jose.

BACKGROUND

Cruising by young adults has existed in Sacramento since the early 1940's and the police have always had to deploy manpower to deal with the accompanying social disorder and traffic congestion. Most recently, our cruising problems have existed on J and L Streets downtown, Old Sacramento, William Land Park, Franklin Boulevard, Tahoe Park, and Miller Park. The only area that has not generated a lot of citizen complaints has been Miller Park.

We have been able to employ traffic control measures that have mitigated the congestion problems in some areas. Examples are:

1. The use of barriers in Old Sacramento on weekend nights to create a one-way traffic flow.
2. The creation of a one-way traffic system on the interior of William Land Park.
3. The establishment of an emergency lane on J and L Streets during the time that cruising was a problem on the "loop".

For 30 weekends, from April through October of 1987, officers were deployed to the areas of Sacramento that had "cruising" problems. Disturbances, fights and vandalism on Franklin Boulevard, William Land Park, and Miller Park were minimal due to vigorous enforcement action.

The following statistics indicate the average number of officers deployed for a minimum of four hours a night:

FRANKLIN BOULEVARD

<u>Day of Week</u>	<u>Patrol Officers</u>	<u>Traffic Officers</u>	<u>Reserves</u>	<u>Total</u>
Friday	5	4	5	14
Saturday	5	3	5	13
Sunday	5	0	0	5

MILLER PARK

Sunday	5	0	5	10
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WILLIAM LAND PARK

Sunday	5	2	6	13
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During the 30 weekends the assigned officers made 188 arrests and issued 4,295 citations. There is not a cruising problem during the winter months. We will begin a similar deployment in the spring of 1988.

Analysis of Anti-Cruising Ordinance

The Vehicle Code requires the following components:

1. The ordinance must regulate cruising.
2. The ordinance must provide for establishment of clearly posted "No Cruising Zones".

3. Once the "No Cruising Zones" have been properly posted, the officers may establish traffic control points in the "No Cruising Zones".
4. Officers may then issue written warnings to persons operating or occupying vehicles that any subsequent passage past that traffic control point is a violation of the ordinance.
5. Any person who subsequently drives past the traffic control point within the specified time period after receiving written notification is subject to a citation.

The number of officers required to man the checkpoints and barricades will vary depending upon the configuration and size of the streets where the cruising is occurring. Officers must man barricades and checkpoints, and at the same time patrol the length of the cruise. Officers, when issuing a citation for a second pass through a checkpoint must be able to verify that the driver was in the car and warned during the first pass. The Sheriff's Department utilized 19 officers at Birdcage Walk for a cost of \$8,373 in overtime funds for just two weekends. The Sheriff's Department made three arrests, issued 85 citations, and gave out 500 anti-cruise warnings. It is estimated that it will require 30 officers to enforce the Anti-Cruising Ordinance on Franklin Boulevard due to the geographical factors.

San Jose has passed a companion ordinance to the Anti-Cruise Ordinance. Their Municipal Code prohibits loitering in the proximity of any posted "No Cruising Zone" during the late evening hours. Persons may not be cited unless they have returned (or refused to leave) within four hours of being warned against loitering. We believe a similar ordinance would be beneficial to Sacramento.

We believe that an Anti-Cruise Ordinance could be a useful tool in controlling traffic congestion due to "cruisers" on Franklin Boulevard and other parts of the city.

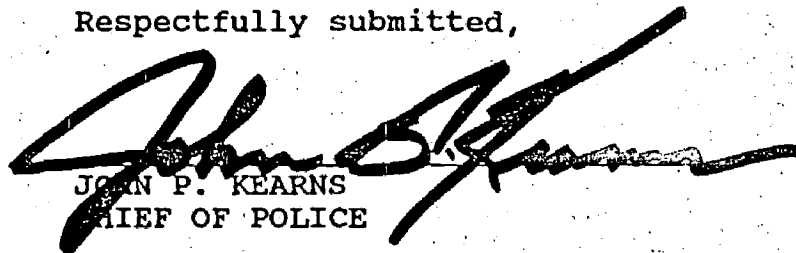
We do not believe that cruising will ever be eliminated from the city. As enforcement or traffic control efforts are applied to a cruise area, the cruise shifts to other streets. Sgt. Tom Mitchell of the Los Gatos Police Department is a recognized expert on cruising in the State of California. He estimates that 60% of the cruisers simply move to another location while forty percent will give up and go home.

If the City enacts an Anti-Cruising Ordinance, the Police Department would use it when cruisers cause streets to become congested and more economical enforcement or traffic control methods are not effective. The ordinance would not be applicable, by definition, to some areas where cruisers congregate such as Miller Park.

RECOMMENDATION

I recommend that the City Council direct the City Attorney to develop Anti-Cruise and Anti-Loiter Ordinances similar to San Jose's.

Respectfully submitted,



JOHN P. KEARNS
CHIEF OF POLICE

APPROVED:

WALTER J. SLIPE
CITY MANAGER

Attachments: San Jose Ordinance
Sacramento County Ordinance

JPK:lf

Ref: 11-37