

ORDINANCE NUMBER O- 18197 (NEW SERIES)

ADOPTED ON JUL 31 1995

AN EMERGENCY ORDINANCE PURSUANT TO SECTION 17 OF THE CHARTER OF THE CITY OF SAN DIEGO AMENDING CHAPTER V, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 50, SECTIONS 52.5001, 52.5002, 52.5003, 52.5004, 52.5005 AND 52.5006, ALL RELATING TO CRUISING ACTIVITY.

WHEREAS, The City of San Diego, under the police power delegated to it by the Constitution of the State of California, has the authority to react when the potential exists for jeopardy to the public health, safety and general welfare of its citizens; and

WHEREAS, pursuant to California Motor Vehicle Code section 21100(k), the City Council of the City of San Diego is authorized by state law to enact an ordinance regulating the congestion of city streets caused by persons who engage in an activity commonly known as cruising; and

WHEREAS, traffic congestion on Mission Boulevard, between and including Ventura Place and the South Mission Bay Jetty and all adjacent parking lots, including Mariner's Point/Bonita Cove and Ventura Cove parking lots [hereinafter referred to as Mission Boulevard], has increased dramatically since May 1, 1995, due to an influx of summer weekend traffic, and

WHEREAS, the activity of operating motor vehicles repetitively [hereinafter referred to as "cruising"] on Mission Boulevard on Saturday, Sunday and holiday evenings between 5:00 p.m and 9:00 p.m. with others so engaged in the activity of

cruising has exacerbated the congestion problem preventing ingress to and egress from residential and commercial properties and making local residents and business owners unable to enjoy normal travel opportunities, to travel freely, associate with friends and neighbors and utilize their property; and

WHEREAS, the activity of cruising on Mission Boulevard on Saturday, Sunday and holiday evenings between 5:00 p.m. and 9:00 p.m. with others so engaged in the activity of cruising significantly impedes the movement of emergency vehicles; and

WHEREAS, cruising activity on Mission Boulevard on Saturday, Sunday and holiday evenings between 5:00 p.m. and 9:00 p.m. has precipitated traffic congestion, numerous calls for police service, and disturbances of the public peace, health and safety as reported to the San Diego Police Department; and

WHEREAS, the situation herein described constitutes an emergency associated with the immediate summer weather and holiday conditions, the City Council finds that it is necessary for the immediate preservation of the public peace, property, health and safety to prohibit cruising activity on Mission Boulevard on Saturday, Sunday and holiday evenings between 5:00 p.m. and 9:00 p.m. for a period not longer than ninety days from the date of adoption or until due course adoption of an anti-cruising ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 2, of the San Diego Municipal Code be and the same is hereby amended by adding

Division 50, Sections 52.5001, 52.5002, 52.5003, 52.5004, 52.5005 and 52.5006, to read as follows:

**DIVISION 50**

**Cruising Activity**

**SEC. 52.5001 Definitions**

For purposes of this Division:

"Cruising" means the repetitive driving of or being a passenger in a motor vehicle two or more times within a four-hour period, in the same direction, past a traffic control point established pursuant to Section 52.5005.

"Mission Boulevard" means Mission Boulevard, between and including Ventura Place and the South Mission Bay Jetty and all adjacent parking lots, including Mariner's Point/Bonita Cove and Ventura Cove parking lots.

**SEC. 52.5002 Acts Prohibited**

(a) If a traffic control point has been established pursuant to Section 52.5005, and if written notice has been issued pursuant to Section 52.5006, it is unlawful for any person to engage in Cruising on Mission Boulevard on Saturday, Sunday and holiday evenings between 5:00 p.m. and 9:00 p.m.

(b) Each successive trip within a four-hour period past the traffic control point established pursuant to Section 52.5005 constitutes a separate violation. No additional written notice is required to establish separate violations.

**SEC. 52.5003 Exceptions**

This Division does not apply to:

- (a) persons shown in Department of Motor Vehicle records to reside within the Mission Boulevard area;
- (b) authorized emergency vehicles as defined in Section 165 of the California Motor Vehicle Code;
- (c) vehicles licensed for public transportation; or
- (d) to publicly owned vehicles of any city, county, district, state or federal agency.

**SEC. 52.5004 Signs**

On JUL 31 1995, The City Manager shall place signs at the beginning and end of Mission Boulevard which state that Cruising is prohibited.

**SEC. 52.5005 Cruising - Traffic Control Point**

The ranking police officer on duty within an area on Mission Boulevard affected by traffic congestion may establish one or more traffic control points at or near the area of traffic congestion.

**SEC. 52.5006 Written Notice of Cruising**

A violation of Section 52.5002 does not occur until a motor vehicle operator or passenger has been given a written notice on a previous driving trip past the control point. The notice shall state that further driving past the control point within a specified time period is a violation of Section 52.5002.

Section 2. The City Clerk is hereby directed to insert the effective date of this ordinance, once known, in the blank space left for this purpose in Section 52.5004.

Section 3. This ordinance is declared to be an emergency measure required for the immediate preservation of the public safety, health and welfare pursuant to Section 17 of the Charter of the City of San Diego and shall take effect immediately and continue in force from the day of adoption thereof by two-thirds of the members of the City Council until OCT 29 1995.

APPROVED: JOHN W. WITT, City Attorney

By Joseph M. Battaglino  
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