

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE
REPEALING CHAPTER 11.34 OF TITLE 11 OF THE
SAN JOSE MUNICIPAL CODE RELATING TO
REGULATION OF CRUISING**

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008 (General Procedure and Policy Making resulting in no changes to the physical environment); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 11.34 of Chapter 11.34 of Title 11 of the San José Municipal Code is hereby repealed.

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Chapter 11.34

Regulation of Cruising

~~11.34.010 Cruising prohibited.~~

~~No person shall engage in the activity known as "cruising," as defined in this chapter, on the public streets or highways of the City of San José.~~

~~11.34.020 "Cruising" defined.~~

~~For purposes of this chapter, "cruising" shall be defined as the repetitive driving of any motor vehicle past a traffic control point in congested traffic at or near the traffic control point.~~

~~11.34.030 "Congested traffic" defined.~~

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

- ~~A. Motor vehicles cannot move through a one hundred yard approach corridor to an intersection controlled by a traffic light within two 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 yard approach corridor to an intersection controlled by a traffic light within a five 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 or highways between intersections because traffic speed has slowed to less than five miles per hour, and the delay in movement is due to the position of other motor vehicles.~~

~~The determination that a street or highway is congested shall be made by the ranking police officer on duty in the affected area.~~

~~11.34.040 "Green light cycle" defined.~~

~~For purposes of this chapter, 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.~~

~~11.34.050 "Traffic control point" defined.~~

~~For purposes of this chapter, "traffic control point" shall mean a location along a public street or highway utilized by a police officer on duty in the affected area as an observation point in order to monitor traffic conditions for potential violations of this chapter.~~

~~11.34.060 Warning against cruising.~~

~~A police 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 will be a violation of this chapter.~~

~~11.34.070 Violation of this chapter.~~

~~Any person who, after having received a written notice as described in Section 11.34.060, subsequently drives past the same traffic control point within a four-hour period shall be in violation of this chapter.~~

~~11.34.080 Posting of no-cruising zones.~~

~~A. This chapter will be enforced in any area which has been posted as a no-cruising zone.~~

~~B. No cruising signs shall be posted at the beginning and end of any public street or highway which is a no-cruising zone. The signs shall reference California Vehicle Code Section 21100(k) and this chapter.~~

PASSED FOR PUBLICATION of title this _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk