

## ORDINANCE NO. 2019-\_\_\_\_

**AN ORDINANCE** amending City of Yakima Municipal Code Chapter 9.25 Cruising Control to provide specific dates and times when cruising prohibitions will not be enforced.

**WHEREAS**, the City Council finds that cruising has historically been, and continues to be an event enjoyed by Yakima residents and visitors; and

**WHEREAS**, the City Council continues to find that there needs to be some regulations on cruising within the City to preserve the general health, safety and welfare of its residents and visitors; and

**WHEREAS**, the City Council determined that there should be specific dates wherein the City would not enforce YMC 9.25.010, and that those dates should be set forth in the ordinance rather than requiring that dates be approved by Council by resolution each year; and

**WHEREAS**, the City Council also acknowledges that there are many events, and may be future events, that take place during the summer months and on weekends in the summer in Yakima for which special event permits may be obtained; and

**WHEREAS**, the City Council finds that it is in the best interest of the residents and the City to amend YMC 9.25 to specify the dates wherein the cruising prohibition will not be enforced and to continue to support special events through the permit structure and requirements set forth in YMC 9.70; now, therefore,

### **BE IT ORDAINED BY THE CITY OF YAKIMA:**

**Section 1.** City of Yakima Municipal Code Chapter 9.25 Cruising Control is hereby amended to read as follows:

#### **Chapter 9.25 CRUISING CONTROL**

Sections:

9.25.010 Cruising prohibited.

9.25.020 Cruising permitted—Open cruising event.

#### **9.25.010 Cruising prohibited.**

A. No person shall drive or permit a motor vehicle under that person's care, custody or control to be driven past a traffic-control point more than two times in the same direction of travel within a two-hour period in or around a posted no cruising area so as to contribute to traffic congestion, obstruction of streets, sidewalks or parking lots, impediment of access to shops, restaurants or other buildings open to the public, or interference with the use of property or the conduct of business in the area adjacent thereto, except as provided in YMC 9.25.020.

B. The police chief or his designee shall determine when an area has become so congested by traffic as to present a danger of traffic congestion, obstruction of streets, sidewalks or parking lots, impediment of access to shops, restaurants or other buildings open to the public, or interference with the use of property or conduct of business in the area adjacent thereto or that emergency vehicles cannot respond in that area within a reasonable period of time. The

police chief or his designee shall then direct that the no cruising signs shall be erected or installed and maintained until the congestion has lessened to an appreciable degree. The chief of police may declare all or a portion of any street or way open to the public to be a no cruising area when:

1. Traffic congestion has slowed average vehicle speed to less than two-thirds the posted speed limit and the congestion is caused in whole or in substantial part by cruising; and
2. The congestion significantly interferes with passage of vehicles being driven to and from locations within the area; or
3. In areas which contain transit routes, buses or trolleys are or would be substantially delayed; or
4. The congestion is likely to prevent or substantially delay emergency vehicles from responding to locations within the area, or from passing through the area.

The designation of a street or way open to the public as a no cruising area shall remain in effect for a period of four hours, unless withdrawn earlier or extended for additional four-hour periods by the chief of police.

C. At every point where a public street becomes or provides ingress to a no cruising area, there shall be posted a sign which reads as follows: "NO CRUISING AREA." No person shall drive or permit a motor vehicle under that person's care, custody or control to be driven past a traffic-control point more than two times in the same direction of travel within a two-hour period in or around this area.

D. A "traffic-control point" as used in this section means any point or points established by the police department for the purpose of monitoring cruising within a designated no cruising area.

E. No violation shall occur except upon the third passage of a motor vehicle by the same traffic-control point in the same direction of travel within the aforementioned two-hour period. This section shall not apply to in-service emergency vehicles, police vehicles, taxicabs for hire, buses, trolleys and other vehicles being driven for business purposes.

F. Penalty. A violation of this chapter shall be an infraction subject to a penalty of one hundred dollars.

G. "Special Event Permit" is defined as a permit issued pursuant to Yakima Municipal Code 9.70. (Ord. 2005-20 § 1, 2005: Ord. 94-10 § 1, 1994).

#### **9.25.020 Cruising permitted—Open cruising event.**

A. Cruising shall be permitted by the public on Yakima Avenue from six p.m. to ten p.m. on the second and third Saturday evenings of the months of June, July, August and September of each year. This permission does not prohibit other special events to occur on Yakima Avenue during these times unless a Special Event Permit has been permitted which would preclude cruising.

B. For any additional open cruising event or events to take place such designation shall be made pursuant to resolutions adopted from time to time by the city council. Such additional

open cruising events shall be deemed special events subject to all of the provisions and requirements of Chapter 9.70 YMC. Such resolution shall contain the language: "If no special event permit is obtained within fourteen days of the date of the event, the resolution shall be considered null and void."

C. Following adoption of any resolution designating an open cruising event on Yakima Avenue, the designated open cruising event dates, with identification of the resolution designating such event, shall be posted on the city web site, and may be published in any other manner deemed appropriate.

**Section 2.** Severability. If any section, subsection, paragraph, sentence or clause of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of the ordinance.

**Section 3.** This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

**PASSED BY THE CITY COUNCIL,** signed and approved this 1st day of October, 2019.

ATTEST:

\_\_\_\_\_  
Kathy Coffey, Mayor

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Sonya Claar Tee, City Clerk

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_