

To create Sec. 94-23 of the Municipal Code of the City of Racine, Wisconsin relating to Traffic & Vehicles – Cruising.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Section 94-23 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 94-23. Cruising.

1. Definitions.

(a) *Cruising* shall mean driving a motor vehicle past a traffic control point within the designated area more than twice in any two (2) hour period between the hours of 6:00 p.m. and 5:00 a.m. in a manner and under circumstances which manifest a purpose of unnecessary, repetitive driving in such designated area. Circumstances that may indicate whether such purpose has been manifested include, but are not limited to:

(1) That such person or any other person present in the vehicle attempts to gain the attention of other motorists or pedestrians or engages them in conversation, whether by hailing, arm waving, horn blowing, or other action or device;

(2) That such person or persons present in the vehicle enters or exits the vehicle directly from or to another vehicle driven on or parked in close proximity to the designated area;

(3) That such person or any other person present in the vehicle violates state or municipal traffic regulations or municipal ordinances;

(4) Or that such person has declared his or her purpose for driving to be cruising.

(b) *Designated Area* means:

(1) All of that portion of Hoeffert Drive within the city limits.

(2) All of that portion of Michigan Blvd. bounded by English St. on the north and Barker St. on the south.

(3) All of that portion of Gaslight Dr. bounded by Main St. on the west and Lake Ave. on the east.

(4) All of that portion of Lake Ave bounded by 9<sup>th</sup> street on the south and Gaslight Dr. on the north.

(5) All of that portion of Main St. bounded by 9<sup>th</sup> St. on the south and State. St. on the north.

(6) All of that portion of Wisconsin Ave bounded by State St. on the north and 9<sup>th</sup> St. on the south.

(7) All of that portion of College Ave. bounded by 9<sup>th</sup> St. on the south and Water St. on the north.

- (8) All of that portion of Park Ave. bounded by 9<sup>th</sup> St. on the south and Water St. on the north.
- (9) All of that portion of Villa St. bounded by 9<sup>th</sup> St on the south and Water St. on the north.
- (10) All of that portion of Grand Ave. bounded by 9<sup>th</sup> St. on the south and 6<sup>th</sup> St. on the north.
- (11) All of that portion of Center St. bounded by 9<sup>th</sup> St. on the south and Washington Ave. on the north.
- (12) All of that portion of Marquette St. bounded by State St. on the North and 9<sup>th</sup> Street on the south.
- (13) All of that portion of Water St. bounded by Marquette St. on the west and Wisconsin Ave. on the east.
- (14) All of that portion of State St. bounded by Wisconsin Ave. on the west and Main St. on the east.
- (15) All of that portion of 2<sup>nd</sup> St. bounded by Main St. on the east and State St. on the south.
- (16) All of that portion of 3<sup>rd</sup> St. bounded by Wisconsin Ave. on the west and Lake Ave. on the east.
- (17) All of that portion of 4<sup>th</sup> St. bounded by Wisconsin Ave. on the west and Lake Ave. on the east.
- (18) All of that portion of 5<sup>th</sup> St. bounded by College Ave. on the west and Lake Ave. on the east.
- (19) All of that portion of 6<sup>th</sup> St. bounded by Marquette St. on the west and Lake Ave. on the east.
- (20) All of that portion of 7<sup>th</sup> St. bounded by Grand Ave. on the west and Lake Ave. on the east.
- (21) All of that portion of 8<sup>th</sup> St. bounded by Marquette St. on the west and Lake Ave. on the east.
- (22) All of that portion of 9<sup>th</sup> St. bounded by Marquette St. on the west and Lake Ave. on the east.
- (23) All of that portion of Washington Ave. bounded by 9<sup>th</sup> St. on the south and 7<sup>th</sup> St. on the east.

## 2. Cruising Prohibited.

It shall be unlawful for anyone to engage in cruising. The person having control or ownership of a motor vehicle in question shall be considered the person cruising, without regard as to whether that person was actually driving the motor vehicle each time it passed the designated

traffic control point. Having control or ownership of a motor vehicle shall mean either the owner of said vehicle, if present in vehicle at the time of the violation, or, if the owner is not present, the person operating the vehicle at the time of the violation.

No arrest shall be made or citation given for a violation of this section unless the arresting officer first affords an opportunity to explain such conduct; and no person shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose, not unnecessary, repetitive driving. Lawful purposes include, but are not limited to, traveling to a specific destination by a person whose residence address is in the designated area or by a person whose business or employment requires driving in the designated area.

### 3. Exemptions.

This section shall not apply to:

- (a) Any authorized emergency vehicle.
- (b) Any taxicabs for hire, public transit buses or other vehicles being operated for business purposes.
- (c) Any publicly owned vehicle of any city, county, state, federal or other governmental unit, while the vehicle is being operated for official purposes of the governmental unit.

### 4. Temporary designated areas.

1. The chief of police or police or his or her designee may establish temporary designated areas where cruising is prohibited when one or more of the following conditions exist or are reasonably anticipated to exist:

- (a) Disruptive, continuous traffic congestion that causes excessive noise, air pollution, obstruction of streets, sidewalks or parking lots or interference with the use and enjoyment of property or conduct of business during evening and night hours.
- (b) Obstruction of access to and through the public way for emergency vehicles by vehicular traffic.
- (c) Loud, disruptive, unlawful or unruly behavior directly related to vehicular traffic.

5. Prior to establishing a temporary designated area the Chief of police or his or her designee shall draft a written plan and provide a written copy of that plan to the Common Council within 14 days of when the designated area is to take effect.

(a) The plan shall contain the following:

- i. The location of the designated area.
- ii. Date(s) and time(s) when the designated area will be in effect.
- iii. An enumeration of the condition or conditions listed in 4(a) that require(s) the creation and enforcement of the temporary designated area.
- iv. The location and content of signs posted pursuant to 4(c).

(b) Every temporary designated area shall be posted with signs sufficient to provide notice of the prohibition against cruising. The signs shall be of such size and shape as is deemed appropriate by the commissioner of public works.

6. Penalty.

Any person who violates this section shall upon conviction be subject to the following forfeitures, and in default of payment be confined in the county jail until such forfeiture and costs are paid, but not to exceed 16 days.

(a) Not more than \$100 if the person has not committed a previous violation within 12 months of the violation.

(b) Not more than \$200 if the person has committed a previous violation within 12 months of the violation.

(c) Not more than \$400 if the person has committed 2 or more violations within 12 months of the violation.”

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

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Approved: \_\_\_\_\_

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Mayor

Attest:

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City Clerk

Fiscal Note: N/A