



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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**DATE:** MAY 16, 2023

**DEPARTMENT:** CITY ATTORNEY'S OFFICE  
CITY CLERK'S OFFICE  
LIBRARY AND COMMUNITY SERVICES DEPARTMENT  
POLICE DEPARTMENT

**TITLE:** ORDINANCE REPEALING ARTICLE XIV OF CHAPTER 20 OF  
THE SALINAS MUNICIPAL CODE—PROHIBITION ON  
CRUISING

**RECOMMENDED MOTION:**

Consider adopting an ordinance repealing the prohibition on cruising codified at Article XIV of Chapter 20 of the Salinas Municipal Code.

**RECOMMENDATION:**

It is recommended that the City Council consider adopting the proposed ordinance.

**DISCUSSION:**

The proposed Ordinance is presented to the Council at the request of Council members González and Sandoval. Additionally, Council members Barrera and Osornio have served as members of the Car Club Subcommittee which has over several meetings discussed alternatives to the existing prohibition on cruising. A copy of the proposed Ordinance is attached to this Report for reference.

On June 16, 1992, the City Council adopted an ordinance adding Article XIV to Chapter 20 of the Salinas Municipal Code to prohibit the activity of cruising on streets where signs noticing the prohibition have been posted. (Ordinance No. 2169 (N.C.S.)). A copy of Ordinance No. 2169 is attached to this Report for reference. Six Council members voted in favor of the prohibition and one Council member was absent from the meeting. The minutes from the City Council's June 9, 1992, meeting indicate that cruising had negative effects on the community ranging from traffic congestion and minor criminal offenses, including alcohol offenses, littering, and noise complaints; to major criminal activity, such as weapons offenses and physical violence. A copy of the City Council's meeting minutes from June 9, 1992, is attached to this Report for reference.

As defined in Section 20-170(b) of the Salinas Municipal Code, cruising is define as the "repetitive driving of a motor vehicle past a traffic-control point in traffic which is congested at or near the traffic-control point, as determined by the ranking police officer on duty within the affected area, within a six-hour period and after the vehicle operator has been given an adequate written notice

that further driving past the traffic-control point will be a violation.” A traffic-control point is a location along a public street or highway utilized by a police officer on duty in the affected areas as an observation point in order to monitor traffic conditions for potential violations of the cruising ordinance.

### *Legal Considerations*

Cruising—the act of driving repeatedly past a traffic control point—is not a violation of state law, although California Vehicle Code section 21100(k) authorizes local agencies to adopt rules and regulations by ordinance or by resolution regulating cruising. Consistent with this delegation of authority, Article XIV of Chapter 20 of the Salinas Municipal Code prohibits the activity of cruising. Any violation of the prohibition may be cited criminally as an infraction. Infractions cannot result in an arrest (unless an individual refuses to sign the citation) and results in fine. Emergency vehicles, buses, taxicabs, and other business vehicles being driven for business purposes are excluded from the prohibition.

California Assembly Bill 436 proposes to repeal subdivision (k) of California Vehicle Code section 21100, thereby removing local agencies’ authority to regulate the activity of cruising. AB 436 also proposed to repeal California Vehicle Code section 24008 which makes it unlawful to operate a passenger vehicle that has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with the roadway. California Vehicle Code section 24008 is essentially a prohibition on lowriding. A copy of AB 436 is attached to this Report for reference. AB 436 is progressing toward approval: AB 436 passed the Assembly on April 27, 2023, and was ordered to the Senate. AB 436 has been read once in the Senate and as of the May 2, 2023, was with the Senate’s Committee on Rules for assignment.

The California Legislature has already approved Assembly Concurrent Resolution No. 176, filed with the Secretary of State on August 30, 2022. In passing ACR 176, the California Legislature found that “[c]ruising is the custom of leisurely driving on urban boulevards in dropped and dolled-up vehicles, that includes meetups of lowrider, vintage, and custom vehicle owners[; c]ruising is all about fun, the love of cars, the love of culture, and the craft of maintaining a vintage vehicle[; c]ruising in some form has been popular in California since the first American teenagers obtained vehicles in the 1930’s[; and c]ruising along a specific route became popular after World War II within individuals of Mexican heritage driving lowriders in southern California towns, and cruising rapidly became a popular activity among teenagers.” AC 176, therefore, “celebrate[s] the history and culture of cruising and encourage[s] local officials and law enforcement to work with local car clubs to conduct safe cruising events.”

Council members and members of the public have in the past raised concerns regarding “speed contests” or “sideshows.” These activities are to be distinguished from cruising; these activities are regulated under the California Vehicle Code, whereas cruising was left to the discretion of local authorities. The City has tools to address speed contests or sideshows including California Vehicle Code section 23103(a), which makes it unlawful to engage in reckless driving, e.g., doing

doughnuts in the middle of the street<sup>1</sup>; California Vehicle Code section 23109(a), which makes it unlawful to participate in speed contests, i.e., racing<sup>2</sup>; and California Vehicle Code section 23109(c), which makes it unlawful to engage in an exhibition of speed, e.g., spinning tires in the middle of the street<sup>3</sup>. The City of Salinas has also adopted an ordinance making it unlawful to be a spectator at a speed contest or reckless driving exhibition (Article X of Chapter 5 of the Salinas Municipal Code).<sup>4</sup>

### *Law Enforcement Considerations*

Members of the public have raised concerns regarding cruising and the possibility that cruising may return to Salinas. From the Salinas Police Department's perspective, the existing prohibition on cruising should be revisited and the City Council should evaluate whether it is still necessary and effective in addressing the negative impacts of cruising. As outlined in the report, the prohibition has been in place since 1992, and was implemented due to concerns about traffic congestion and criminal activity. Whether the prohibition is repealed or temporarily suspended through a pilot program, the Salinas Police Department will evaluate and maintain data on traffic congestion and criminal activity and can report back to the City Council, as needed, and will work to keep the community safe.

Repealing the prohibition on cruising could have positive effects on the community by providing a safe and enjoyable activity for car enthusiasts and an opportunity for increased economic activity, such as car shows and events, which could benefit local businesses.

### *Subcommittee Meetings*

The Car Club Subcommittee had its first meeting February 17, 2023. At the Subcommittee's first meeting, a Committee objective was identified which was "to focus on community and car club engagement and to revisit Salinas Municipal Code Chapter 20, Article XIV – Cruising Ordinance." Representatives from the Salinas Police Department, Salinas Fire Department, Administration, and Library and Community Services Department were present with the appointed Subcommittee members Orlando Osornio and Tony Barrera. At this meeting, a pilot cruising program was discussed and proposed for August 2023. Councilmember Osornio recommended the City host a community meeting with different stakeholders to receive input regarding the ordinance and consideration of a pilot program. Additional Subcommittee meetings took place on March 10, 2023, and April 21, 2023. The focus of the meetings was to identify outreach opportunities and plan the community meeting which took place on April 25, 2023.

### *Community Meeting*

On April 25, 2023, the City of Salinas hosted a "Salinas Cruising Ordinance" community meeting. There were over 200 attendees at the meeting at Sherwood Hall, with the majority of the attendees

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<sup>1</sup> [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=23103.&lawCode=VEH](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=23103.&lawCode=VEH)

<sup>2</sup> [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=23109.&lawCode=VEH](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=23109.&lawCode=VEH)

<sup>3</sup> [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=23109.&lawCode=VEH](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=23109.&lawCode=VEH)

<sup>4</sup> [https://library.municode.com/ca/salinas/codes/code\\_of\\_ordinances?nodeId=PTIITHCO\\_CH5PUPEMO\\_ARTXSPS\\_PCOREDREX](https://library.municode.com/ca/salinas/codes/code_of_ordinances?nodeId=PTIITHCO_CH5PUPEMO_ARTXSPS_PCOREDREX)

representing the car club community. A brief presentation was given regarding the history of the no cruising ordinance, the steps the State Assembly and other cities in the region are taking regarding this topic, and a consideration of a pilot cruising program proposed by the Car Club Subcommittee. Following the presentation, members of the public were encouraged to provide feedback and ask questions regarding what was presented. Approximately ten members of the public voiced their support to allow cruising in Salinas. Attendees were also given an opportunity to complete a survey regarding the ordinance amendment. Below are the results of the in-person survey:

<b>Which of the following best applies to you?</b>			
<i>Car Enthusiast</i> 98	<i>Business Owner</i> 20	<i>Resident</i> 44	<b>TOTAL</b> 162
<b>Would you like to amend the no cruising ordinance?</b>			
<i>Yes</i> 109	<i>No</i> 6		116
<b>Are you interested in a pilot cruising program?</b>			
<i>Yes</i> 74	<i>No</i> 32		106
<b>How would you like to stay informed?</b>			
<i>Social Media</i> 68	<i>Email</i> 35		103

A strong representation from the car enthusiast community present, resulted in over 60% of the responses received from those that consider themselves to be “car enthusiast”.

Additional outreach and engagement is being conducted via an online survey and social media engagement. Results of that survey will be presented at this meeting.

A copy of the Power Point presentation from the April 25, 2023, community meeting is attached to this Report for reference.

#### *Alternative Available to Council*

Instead of repealing the prohibition on cruising in its entirety, the City Council may institute a pilot program to allow cruising to occur on a temporary, limited basis. This would allow the City Council and the community an opportunity to determine whether a full repeal would work. As discussed with the Car Club Subcommittee and as presented at the April 25, 2023, community meeting, the City Council could implement a pilot program to allow cruising to first occur in August 2023, with the cruise being on a fixed route from East Bernal/North Main Street to East Curtis/North Main Street with “staging” to occur at the Sherwood Hall parking lots. The cruise would be permitted to occur between the hours of 5:00 P.M. through 7:00 P.M.. Following completion of the pilot program, a report would be presented to City Council with data and information collected about the cruising and whether it had any negative effects on the community. The City Council could then decide whether to continue with the prohibition on cruising, extend the pilot program, or fully repeal the prohibition on cruising as presented in the proposed

Ordinance. The Pilot Program is still in the planning stage and the development and parameters was to be discussed at future subcommittee meetings with key stakeholders.

CEQA CONSIDERATION:

CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, this matter is not a project. (CEQA Guidelines Section 15601(b)(3).)

STRATEGIC PLAN INITIATIVE:

The City Council's adoption of the proposed Ordinance is consistent with the City Council's goal of providing an Effective and Culturally Responsive Government (City of Salinas Strategic Plan 2022-2025).

DEPARTMENTAL COORDINATION:

The City's Administration Department, City Attorney's Office, City Clerk's Office, Library and Community Services Department, and Police Department coordinated on this Report and the proposed Ordinance.

FISCAL AND SUSTAINABILITY IMPACT:

The proposed Ordinance amendment is not anticipated to have direct impact on the General Fund.

ATTACHMENTS:

Proposed Ordinance  
Ordinance No. 2169 (N.C.S.)  
City Council Meeting Minutes, Jun 9, 1992  
Community Meeting Power Point Presentation, April 25, 2023  
Assembly Bill 436  
Assembly Concurrent Resolution 176

**ORDINANCE NO. \_\_\_\_\_ (N.C.S.)**

**AN ORDINANCE REPEALING THE PROHIBITION ON CRUISING CODIFIED AT  
ARTICLE XIV OF CHAPTER 20 OF THE SALINAS MUNICIPAL CODE**

*City Attorney Impartial Analysis*

*This Ordinance repeals Ordinance No. 2169 (N.C.S.) (codified at Article XIV of Chapter 20 of the Salinas Municipal Code) which imposed a prohibition on the activity of cruising where signs have been posted to inform the public of such prohibition. This Ordinance would repeal that prohibition thereby allowing the activity of cruising to occur within the city limits.*

WHEREAS, on June 16, 1992, the City Council adopted Ordinance No. 2169 (N.C.S.) which imposed a prohibition and criminal sanctions on the activity of cruising on any portion of public streets or highways where signs prohibiting such activity have been posted; and

WHEREAS, as noted in the meeting minutes from the City Council’s June 16, 1992, meeting, the prohibition on cruising was put into place to combat traffic congestion; minor criminal offenses including alcohol offenses, littering, and noise complaints; major criminal activity such as weapons offenses and physical violence; and

WHEREAS, California Assembly member David Alvarez, joined by other Assembly members, has introduced Assembly Bill 436 which, if approved and chaptered, would

- (1) repeal subsection (k) of Section 21100 of the California Vehicle Code, thereby restricting local jurisdictions’ authority to adopt rules and regulations by ordinance or resolution that prohibit cruising; and
- (2) repeal California Vehicle Code Section 24008, thereby removing the State’s prohibition on the operation of passenger vehicles which have been modified from the original design to allow for low clearance driving (low riding); and

WHEREAS, Assembly Concurrent Resolution No. 176—a measure “celebrat[ing] the history and culture of cruising and encourage[ing] local officials and law enforcement to work with local car clubs to conduct safe cruising events”—was approved by both the Assembly and the Senate and was chaptered by the California Secretary of State on August 30, 2022; and

WHEREAS, on April 25, 2023, the City hosted a community meeting to provide an opportunity for interested members of the community to express their opinions related to the current prohibition on cruising in Salinas; and

WHEREAS, approximately two hundred individuals attended the community meeting, with the large majority of those individuals supporting a repeal of the City’s prohibition on cruising; and

WHEREAS, other California cities have repealed their prohibitions on cruising including San Jose, Sacramento, and National City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SALINAS as follows:

**SECTION 1.** Article XIV of Chapter 20 of the Salinas Municipal Code is hereby repealed in its entirety.

**SECTION 2. Compliance with the California Environmental Quality Act.** Adoption of this Ordinance is exempt from environmental review under the general rule in California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3). The activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5. Publication.** Prior to the expiration of fifteen (15) calendar days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

**SECTION 6. Effective Date.** This Ordinance shall take effect and be enforced thirty (30) calendar days after the date of its adoption.

**PASSED AND ADOPTED** on \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Kimbley Craig, Mayor

APPROVED AS TO FORM:

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Christopher A. Callihan, City Attorney

ATTEST:

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Patricia M. Barajas, City Clerk