

  
CITY ATTORNEY**ORDINANCE No. 11504 C. M. S.**

JPT:lmf

**AN ORDINANCE OF THE CITY OF OAKLAND  
ADDING SECTION 113.1 TO THE OAKLAND  
TRAFFIC CODE PROHIBITING CRUISING IN  
CERTAIN AREAS OF THE CITY**

**WHEREAS**, the Police Department has reported problems with vehicle cruising in certain areas of the City of Oakland, specifically, Lakeshore Drive, Grand Avenue, Foothill Boulevard between 60th and 73rd Avenues, and Bancroft Street between 60th and 73rd Avenues; and

**WHEREAS**, cruising activity has led to traffic congestion, accidents, and other disturbances of the public health, safety, and welfare as reported by the Police Department, and

**WHEREAS**, the City Council finds and determines that regulating cruising activity will promote the public health, safety and welfare; and

**WHEREAS**, California Vehicle Code section 21100(k) confers upon local agencies the power to regulate cruising by ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

Section 1: That the Oakland Traffic Code is hereby amended by adding the following section, to be numbered 113.1, which said section reads as follows:

"Sec. 113.1 CRUISING ORDINANCE

(a) Cruising Defined.

Cruising shall mean the driving of a motor vehicle three (3) or more times within a four (4) hour period, in a particular direction, past a traffic control point established at or near a place where traffic is congested at or near the traffic control point on any street or highway in the City of Oakland which has been posted as a no cruising zone.

(b) Cruising - Signs.

Signs shall be placed at the beginning and end of the portion of any street which is determined is subject to cruising

controls which briefly and clearly state the appropriate provisions of Section 113.1 and Vehicle Code Section 21100(k).

(c) Cruising - Traffic Control Point.

The ranking peace officer on duty within an area affected by traffic congestion may establish one or more traffic control points at or near the area of traffic congestion and may post the signs required by Section 113.1(b).

(d) Cruising - Written Notice.

Any person who, as the operator of, or passenger in, a motor vehicle driven in a particular direction past a traffic control point established pursuant to Section 113.1 at least two (2) times within a four (4) hour period, may be given written notice on the third or subsequent trip past the control point that further driving past the control point will be a violation of Section 113.1.

(e) Cruising Prohibited.

No person, having driven a motor vehicle, or having been a passenger in a motor vehicle driven past a traffic control point established pursuant to Section 113.1(c) where signs have been posted as required by Section 113.1(b), and having received written notice as provided by Section 113.1(d), shall drive past that control point within the time period while cruising controls are in effect. Each successive trip past the traffic control point shall constitute a separate violation of this section, and no additional written notice shall be required for such separate violation."

Section 2: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Oakland hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 3: This ordinance shall take effect immediately upon final adoption by the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 6 1992, 19

PASSED BY THE FOLLOWING VOTE:

AYES— BAZILE, CANNON, ~~CHESN~~ ~~HASKELL~~, MILEY, ~~MOORE~~, OGAWA, ~~RILEY~~ DE LA FUENTE, SPEES, and PRESIDENT HARRIS , - 7

NOES— NONE

ABSENT— HASKELL, MOORE, - 2

ABSTENTION— NONE

ATTEST:

ARRECE JAMESON

City Clerk and Clerk of the Council  
of the City of Oakland, California