  
CITY ATTORNEY**ORDINANCE No. 11790 C. M. S.****AN EMERGENCY ORDINANCE AMENDING ORDINANCE  
#11504 C.M.S. AND AMENDING SECTION 113.1 OF  
THE OAKLAND TRAFFIC CODE REGARDING CRUISING IN  
THE CITY OF OAKLAND**

**WHEREAS**, cruising has become a significant problem in the City of Oakland, especially in recent weeks around the Lake Merritt region of the City; and

**WHEREAS**, based on eyewitness accounts of police officers over the last several weeks, including actions which occurred on Sunday, April 9, 1995, and including increased incidents of crowd control problems and other criminal activity related to cruising activity, the increase in cruising activity presents a serious threat to the public peace, health, and safety; and

**WHEREAS**, the current ordinance does not allow the Oakland Police Department to adequately deal with cruising problems since the number of times a person must pass a checkpoint under the current ordinance before they are guilty of cruising allows the cruising activity to continue; and

**WHEREAS**, reducing the number of times a person may be observed passing a checkpoint before they are guilty of the offense of cruising will allow the Police Department to more effectively deal with cruising problems; and

**WHEREAS**, the Council finds and determines that passage of this ordinance on an emergency basis is necessary to protect the public peace, health, and safety of the citizens of the City of Oakland; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS  
FOLLOWS:**

**Section 1:** Section 113.1 of the Oakland Traffic Code is hereby amended to read as follows:

### **SECTION 113.1 CRUISING ORDINANCE.**

(a) Cruising Defined. Cruising shall mean the driving of or being a passenger in a motor vehicle driven two (2) times within a four (4) hour period past a traffic control point which has been posted as a no cruising zone.

(b) 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 by the posting of signs.

(c) Cruising - Signs. Signs shall be placed at the beginning and end of the portion of any street subject to cruising controls. The signs shall state that the area is a no cruising zone pursuant to Oakland Traffic Code Section 113.1 and Vehicle Code Section 21100(k).

(d) Cruising - Written Notice. Any person who, as the operator of, or passenger in, a motor vehicle driven past a traffic control point established pursuant to Section 113.1(b) may be given written notice on that person's first time past a traffic control point that the person's second or any subsequent trips past the control point within a four (4) hour period will be a violation of Section 113.1.

(e) Cruising Prohibited. No person, having driven or having been a passenger in a motor vehicle who has received a written notice pursuant to Section 113.1(d) shall drive or be a passenger in a vehicle driven past a traffic control point within a four (4) hour time period. 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. Each successive violation shall be punishable by an increased fine as provided for by law.

**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 emergency ordinance shall take effect immediately upon adoption by the City Council.

INTRODUCED: 4/18/95

IN COUNCIL, OAKLAND, CALIFORNIA, APR 18 1995, 19 \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

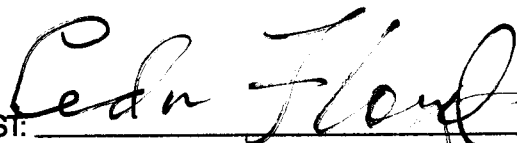
AYES— ~~BAYTON~~, DE LA FUENTE, JORDAN, MILEY, <sup>RUSSO, CHANG</sup> ~~MOORE, OGAWA~~, SPEES, ~~WOODS-JONES~~, and PRESIDENT ~~HARRIS~~ — 6

NOES— PRESIDENT HARRIS — 1

ABSENT— BAYTON / Woods-Jones — 2

ABSTENTION— None

ATTEST:



CEDA FLOYD

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

CPV

**N O T I C E   A N D   D I G E S T**

**AN EMERGENCY ORDINANCE AMENDING ORDINANCE #11504 AND AMENDING  
SECTION 113.1 OF THE OAKLAND TRAFFIC CODE REGARDING CRUISING  
IN THE CITY OF OAKLAND**

This is an emergency ordinance amending ordinance # 11504 C.M.S. and amending section 113.1 of the Oakland Traffic Code, which regulates cruising in the City of Oakland, to amend the definition of cruising in the ordinance and make other technical changes to the ordinance.

# The Oakland Tribune.

66 Jack London Square, Oakland, CA 94607  
(510) 208-6300

LEGAL NO. 4088

## PUBLIC NOTICE

### NOTICE AND DIGEST

**AN EMERGENCY ORDINANCE  
AMENDING ORDINANCE #11504 AND  
AMENDING SECTION 113.1 OF THE OAK-  
LAND TRAFFIC CODE REGARDING  
CRUISING IN THE CITY OF OAKLAND**

This is an emergency ordinance amending ordinance #11504 C.M.S. and amending section 113.1 of the Oakland Traffic Code, which regulates cruising in the City of Oakland, to amend the definition of cruising in the ordinance and make other technical changes to the ordinance.

This Ordinance was enacted as an emergency ordinance under the provisions of Section 213 of the Oakland City Charter by a vote of 6 Ayes, 1 Noes, effective April 18, 1995.

Notice thereof is hereby published pursuant to Section 214 of the Oakland City Charter.

Ceda Floyd,  
City Clerk

Oakland Tribune, Legal No. 4088  
Apr. 26, 1995

ORD # 11790

## PROOF OF PUBLICATION

Case No. ....

In the matter of

City of Oakland  
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Samantha Allen ..... deposes and says that he/she was the Public Notice Advertising Clerk of THE OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the .....

Notice & Digest  
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of which the annexed is a printed copy, was published in every issue of THE OAKLAND TRIBUNE on the following dates:

April 26, 1995  
.....  
.....

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date, April 26, 1995  
at Oakland, California.

*Samantha Allen*

Public Notice Advertising Clerk

95 APR 28 PM 2:13  
FILED  
OFFICE OF THE CITY CLERK