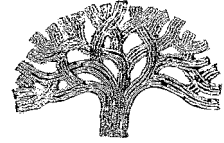


CITY OF OAKLAND



CITY HALL • ONE CITY HALL PLAZA • OAKLAND, CALIFORNIA 94612

Office of City Manager
Craig G. Kocian
City Manager

(510) 238-3301
TTY/TDD (510) 238-3724

April 18, 1995

PUBLIC SAFETY/HEALTH & HUMAN SERVICES COMMITTEE Oakland, California

Chairperson Nate Miley and Members of the Committee:

Subject: Recommendation for an Emergency Ordinance Restricting Cruising
Around Lake Merritt

Introduction

An emergency ordinance to amend Section 113.1 of the Oakland traffic code has been prepared for your consideration and adoption.

Background

The City currently has a cruising ordinance (Section 113.1 of the Oakland Traffic Code) which restricts cruising activity. The ordinance defines cruising as driving a motor vehicle more than three (3) times past a given traffic control point in a four hour period. From an enforcement standpoint, this ordinance is administratively impractical because it requires police officers to track hundreds—perhaps even thousands—of cars at least four times through a checkpoint. In addition, the threshold for cruising is so high relative to other Bay Area municipalities that Oakland is currently perceived as “cruiser friendly.” Virtually all other cities that have cruising ordinances either do not define the activity with any requisite number of times a person must pass a checkpoint, or they define the activity as two (2) times past a checkpoint in a given period of time. Partly as a result of the “cruiser friendly” perception, large crowds of non-Oakland residents are drawn to Lakeside Park, especially on Sundays.

The addition of cruisers to the area significantly adds to crowd management problems for the Police Department (OPD) and intensifies complaints from area residents about such issues as blight, public urination and verbal and physical assaults. Among the specific traffic issues are overcrowding, traffic control, neighborhood parking congestion, double parking, and noise

PS/HHS

S-I

4/18/95

disturbances (from car stereo systems). The added pedestrian traffic in and around the Park, which occurs when cruisers eventually park their vehicles, also negatively impacts public transit routes and the response of emergency service providers to the area.

On Sunday, April 9, 1995, OPD attempted to break up a fight between two Park patrons and disarm the fighters. A disturbance ensued which included rock and bottle throwing and resulted in a serious injury to a police officer.

Recommendation

Based on eyewitness accounts from police officers, area residents, merchants, and others over the last several weeks, and the actions that transpired at Lakeside Park on Sunday, April 9, 1995, which resulted in a civic disturbance, staff recommends adoption of the attached emergency ordinance amending Section 113.1 of the Oakland Traffic Code. The proposed ordinance deletes the requirement that a person must pass a control point four times before they are guilty of the offense of cruising.

The recommended change will enhance public safety by reducing the large number of cruising vehicles that are coming from outside of Oakland to Lakeside Park, and thereby ease some of the crowd-related problems recently experienced at the Lake. The proposed change brings Oakland's ordinance in line with those of other Bay Area cities. The amendment will also ease the logistical burden on OPD and allow for more effective enforcement of the traffic code.

Respectfully submitted,



CRAIG G. KOCIAN

ORDINANCE No. _____ C. M. S.

AN EMERGENCY ORDINANCE 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 this past 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 repetitive driving of a motor vehicle 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 past a traffic control point established pursuant to Section 113.1 within a four (4) hour period, may be given written notice 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. Each successive violation shall be punishable by an increased fine as provided for by law.

I hereby certify that the foregoing is a full, true and correct copy of an Ordinance passed by the City Council of the City of Oakland, on

CEDA FLOYD
City Clerk and Clerk of the Council

Per _____, Deputy