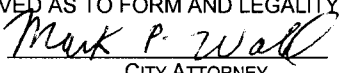


INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

ORDINANCE NO. 12085 C.M.S.

AN ORDINANCE AMENDING ORDINANCE NO. 12025 C.M.S.
(RESTRICTING THE PLACEMENT OF OUTDOOR ADVERTISING
SIGNS FOR ALCOHOL AND TOBACCO PRODUCTS) TO CLARIFY
THAT THE ORDINANCE ONLY APPLIES TO COMMERCIAL SPEECH

WHEREAS, the Oakland City Council adopted Ordinance No. 12025 C.M.S. (the "Ordinance") on December 16, 1997;

WHEREAS, based upon the legislative history of the Ordinance and its reasonable construction, it was intended to cover only commercial speech;

WHEREAS, issues have arisen concerning the interpretation of the Ordinance as it relates to noncommercial speech;

WHEREAS, on July 29, 1998, the City Manager issued an administrative regulation interpreting the Ordinance consistent with the foregoing;

WHEREAS, it is in the best interests of the City to clarify the intent of the Ordinance and confirm the City Manager's administrative regulations, which will not affect the manner in which the Ordinance has been or will be enforced; now therefore

The Council of the City of Oakland does ordain as follows:

Section 1: Section 202 of the Oakland Sign Code is deleted in its entirety and replaced with the following::

"Sec. 202. **ADVERTISING SIGN** is any sign, poster, placard, device, graphic display, or any other form of advertising promoting the sale of a commodity which is not sold, produced, conducted, or offered by any activity on the same lot."

Section 2 Section 1602 of the Oakland Sign Code is deleted in its entirety and replaced with the following:

"Sec. 1602. OUTDOOR ADVERTISING OF ALCOHOLIC BEVERAGES OR TOBACCO PRODUCTS. No Person may place any Advertising Sign promoting the sale of Alcoholic Beverages or Tobacco Products in Publicly Visible Locations."

Section 3: Paragraph 4 of Section 1603(a) of the Oakland Sign Code is deleted in its entirety and replaced with the following:

"4. Any Advertising Sign that does not refer to a specific brand of Alcoholic Beverages or Tobacco Products."

Section 4: Section 1604 of the Oakland Sign Code is deleted in its entirety and replaced with the following:

"Sec. 1604. Construction. This Chapter shall be construed to apply only to Commercial Speech."

Section 5: This Ordinance shall take effect immediately upon passage.

Introduced = 9-22-98

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 06 1998, 19__

PASSED BY THE FOLLOWING VOTE:

AYES-BRUNNER, CHANG, DE LA FUENTE, ~~MILEY~~, NADEL, REID, RUSSO, SPEES AND PRESIDENT HARRIS- 8


NOES- None

ABSENT- None

ABSTENTION- None

EXCUSED- Miley - 1

ATTEST:


CEDA FLOYD
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA

The Oakland Tribune

Making a difference from the Bay to the Valley



66 Jack London Sq. Oakland, CA. 94607
(510) 208-6340

LEGAL NO. 1348578

PUBLIC NOTICE

NOTICE AND DIGEST

AN ORDINANCE AMENDING ORDINANCE NO. 12025 C.M.S. (RESTRICTING THE PLACEMENT OF OUTDOOR ADVERTISING SIGNS FOR ALCOHOL AND TOBACCO PRODUCTS) TO CLARIFY THAT THE ORDINANCE ONLY APPLIES TO COMMERCIAL SPEECH

This Ordinance was introduced at the regular council meeting, Tuesday evening September 22, 1998, and passed to print 8 Ayes and 0 Noes. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening October 6, 1998 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st Floor, Oakland, California.

CEDA FLOYD, City Clerk

The Oakland Tribune, Legal No. 1348578
October 1, 1998

FILED
OFFICE OF THE CITY CLERK
OAKLAND

98 OCT -6 AM 9:00

PROOF OF PUBLICATION

Case No. _____

In the matter of
City of Oakland

Samantha Allen-Wise

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

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

October 1, 1998

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

Date October 1, 1998

at Oakland, California

Samantha Allen-Wise

Public Notice Advertising Clerk