

Oakland City Attorney's Office

OFFICE OF THE CITY CLERK  
OAKLAND

2007 SEP -6 PM 12:43

**OAKLAND CITY COUNCIL****ORDINANCE No. 12831 C.M.S.**


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**ORDINANCE REPEALING ORDINANCE NO. 12695 C.M.S. WHICH DECLARED VEHICLE SIDESHOWS A PUBLIC NUISANCE, PROHIBITED THE GATHERING OF SPECTATORS AT SUCH PUBLIC NUISANCE EVENTS AND PROVIDED FOR THE FORFEITURE OF VEHICLES INVOLVED IN SIDESHOW EVENTS.**

**WHEREAS**, on July 12, 2005, the Oakland City Council enacted Ordinance No. 12695 C.M.S. declaring Sideshows a public nuisance, prohibiting the gathering of spectators at such public nuisance events, and providing for the forfeiture of vehicles involved in Sideshow events; and

**WHEREAS**, Aram Sohigian, Sam Horton, and Carolyn Horton filed a taxpayers' lawsuit against the City in the Superior Court of the State of California, challenging the constitutionality of said ordinance; and

**WHEREAS**, the Superior Court denied the City's two motions to dismiss the lawsuit and ruled that the Sohigian plaintiffs made sufficient legal allegations to maintain the lawsuit against the City; and

**WHEREAS**, on July 17, 2007, the City Council passed Resolution No. 80717 C.M.S. approving the settlement of the Sohigian lawsuit; and

**WHEREAS**, the City Council has decided it is in the best interest of the City to repeal Ordinance No. 12695 C.M.S.; now therefore

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

**SECTION 1.** Repeal of Ordinance No. 12695 C.M.S.

Ordinance No. 12695 C.M.S. entitled "An Ordinance Amending Title 9 Of The Oakland Municipal Code To Add Chapter 9.60 Declaring Vehicle Sideshows a Public Nuisance, Prohibiting The Gathering of Spectators At Such Public Nuisance Events and Providing For The Forfeiture Of Vehicles Involved In Sideshow Events," is hereby repealed.

**SECTION 2.** Oakland Municipal Code, Title 9, Chapter 9.60, sections 9.60.010 through 9.60.110 hereby are repealed..

**SECTION 3.** Effective Date.

This Ordinance shall be come effective immediately on final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,   **OCT 2** 2007, 20  

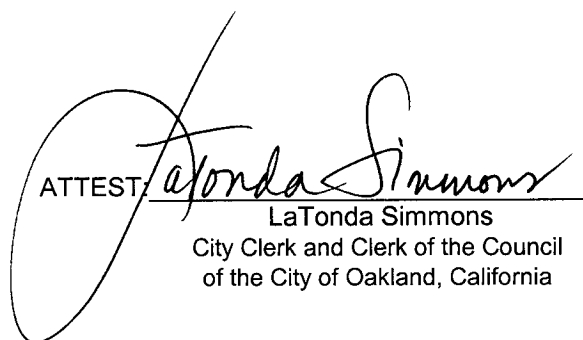
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Introduction Date: **SEP 18 2007**