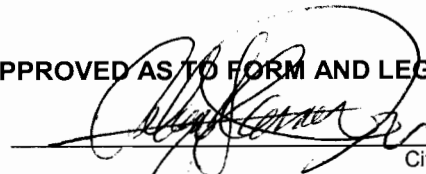


FILED
OFFICE OF THE CITY CLERK
OAKLAND

10 APR 14 AM 11:59

APPROVED AS TO FORM AND LEGALITY


City Attorney

OAKLAND CITY COUNCIL

ORDINANCE No. 13014 C.M.S.

ORDINANCE AMENDING SECTION 9.08.080 OF THE OAKLAND MUNICIPAL CODE TO DELETE THE LANGUAGE THAT MAKES IT UNLAWFUL TO DRESS IN ATTIRE OF A PERSON OF THE OPPOSITE SEX

WHEREAS, section 9.08.080 of the Oakland Municipal Code ("OMC") contains a clause prohibiting a person in the City of Oakland from appearing in any public place in the attire of a person of the opposite sex; and

WHEREAS, such clause has, through the evolution of men's and women's fashion, become vague and uncertain; and

WHEREAS, developments in jurisprudence developing over the past decades has found similar ordinances in other municipalities to be vague on their face and unconstitutional if applied to persons undergoing sex reassignment; and

WHEREAS, the City of Oakland seeks to cultivate a diverse and pluralistic community that respects the rights of citizens to self determine their own individual gender identity and gender expression; and

WHEREAS; discrimination based on one's gender expression directly and profoundly threatens the rights and freedom of all Oakland residents; now, therefore

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

Section 1. It is the intent of the City Council in amending this ordinance, to align our law with federal and state constitutions.

Section 2. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

Section 3. Oakland Municipal Code Section 9.08.080 is hereby amended as follows. Additions are indicated by underline type, and deletions are indicated by ~~strikethrough~~ type. Text not appearing here is unchanged:

9.08.080 - Immoral dress

It is unlawful for any person in the city to appear in any public place nude ~~or in the attire of a person of the opposite sex,~~ or in any indecent or lewd attire.

Section 4.

This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes on final adoption as provided by Section 216 of the City Charter; otherwise it shall become effective upon the seventh day after final adoption.

MAY 18 2010

IN COUNCIL, OAKLAND, CALIFORNIA, _____

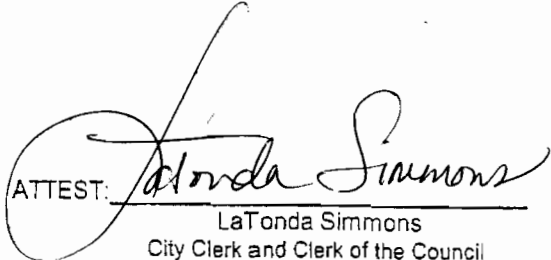
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 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: **MAY 4 2010**

DATE OF ATTESTATION: May 21, 2010

**ORDINANCE AMENDING SECTION 9.08.080 OF THE OAKLAND
MUNICIPAL CODE TO DELETE THE LANGUAGE THAT MAKES IT
UNLAWFUL TO DRESS IN ATTIRE OF A PERSON OF THE OPPOSITE
SEX**

NOTICE AND DIGEST

This Ordinance amends Oakland Municipal Code Section 9.08.080. That section currently prohibits persons in the City of Oakland from appearing, in public, in the nude, wearing attire of the opposite sex, and in indecent or lewd attire. This amendment deletes the clause which prohibits persons in the city from appearing in any public place wearing attire of the opposite sex.