

# CITY OF OAKLAND

## Agenda Report

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OFFICE OF THE CITY CLERK  
OAKLAND

2003 SEP 11 PM 2:19

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Oakland Police Department  
DATE: September 23, 2003

**SUBJ: A Report and Ordinance Amending Oakland Municipal Code Chapter 8.44, "Security For Events At The Oakland-Alameda County Coliseum Complex, Section 8.44.040, "Activities Prohibited Within The Oakland-Alameda County Coliseum Complex Parking Facility" and Section 8.44.050, "Penalties" and amending Chapter 1.28, "General Penalty," Section 1.28.020, "Violations as infraction," Subsection A.1.e.**

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### SUMMARY

The Department is requesting to amend Sections 8.44.040 and 1.28.020, subsection A.1.(e), of the Oakland Municipal Code (OMC) to make technical corrections to language used therein. The corrections will clarify the scope of law enforcement authority within the grounds of the Coliseum Complex. In addition, the ordinance will amend Section 8.44.050, adding subsection C. of Section 8.44.030 of the OMC to change violations of this subsection from an infraction to a misdemeanor.

### FISCAL IMPACT

The proposed amendments to the OMC do not entail any negative fiscal impact.

### HISTORY

#### *Section 8.44.040 OMC – Activities prohibited within the parking facility*

On November 14, 2000, the Oakland City Council amended Chapter 8.44, Section 8.44.040, of the Oakland Municipal Code (OMC), adding subsection J. which prohibits patrons from bringing "within the perimeter of the boundaries of the Coliseum parking lots . . . any type of glass container." At that time, the City Council also amended Chapter 1.28, Section 1.28.020, adding subsection 1.e., making violations of Section 8.44.040 an infraction.

#### *Section 8.44.050 OMC – Penalties*

As currently written, only two subsections of Section 8.44.030 are specifically identified as misdemeanors: subsection H: "No person shall violate any local ordinance or state law." and subsection I: "No person shall refuse to obey an ejection (*sic*) order made pursuant to enforcement of this section, or shall re-enter the stadium or arena during the event that person

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was ejected from by purchase of another ticket or by any other means.”

## **KEY ISSUES AND IMPACTS**

### ***Section 8.44.040 OMC***

The activities prohibited under Section 8.44.040 of the OMC were written in order to ensure that all spectators and participants attending events at Coliseum facilities could enjoy their time without certain activities of a few causing disruption and potential safety hazards to the majority. Subsequent to that amendment, law enforcement officials experienced difficulties collecting the fines levied for infractions of this subsection of Section 8.44.040 when the violation(s) occurred within the boundaries of Coliseum property but not specifically within the perimeter of the “parking lots.” This section of the OMC will be amended to make a technical correction to change the term “parking lots” to “parking facility.”

As defined by OMC Chapter 8.44, Section 8.44.020 – Definitions, “Parking facility” means all parking areas, entrances and exits continuous from street grade and all passenger waiting areas at the complex, and all other areas which are part of the complex which are not part of the stadium or arena.” Note: Activities prohibited within the confines of the stadium and the arena are listed in Section 8.44.030 of the Municipal Code.

### ***Section 8.44.050 OMC***

During the past couple of years, there has been an increase in the number of incidents where spectators have trespassed on the field of play, entered vendors booths, and/or attempted to access other restricted areas within the stadium and arena. Law enforcement, with the concurrence and support of stadium officials and management officials of the professional sports teams who call the Oakland Coliseum stadium and arena home, request that violations of subsection C. of Section 8.44.030 be added to Section 8.44.050 of the OMC as a misdemeanor penalty. Subsection C reads:

“No person shall enter any area of the stadium or arena not open to the general public, or any other area set apart for the participants, performers, officials, attendants or service personnel at any time before, during, or after a stadium or arena event.”

A misdemeanor is punishable by imprisonment not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000.00), or both.

***Section 1.28.020 OMC***

Amending subsection A.1.e. of this section of the OMC will change the word “Chapter” to the proper term, “Section.” Violations will remain an infraction, subject to a fine of \$100 for the first offense, \$250 for a second offense, and \$500 for a third offense.

**CONCLUSION**

Amendment of the proposed sections of the OMC is consistent with a goal of improving and providing a safer environment for persons who use, work at or patronize the complex. The Coliseum management, private security, the Police Department and others believe that the proposed technical correction to Section 8.44.040 of the Oakland Municipal Code will provide law enforcement and Coliseum security with the ability to mitigate potentially serious problems, without unduly inconveniencing patrons. The proposed amendment to Section 8.44.050 would create a greater deterrent by making such acts a misdemeanor instead of the lesser penalty of infraction.

**SUSTAINABLE OPPORTUNITIES**

**Economic**

There are no direct economic opportunities associated with this report.

**Environmental**

There are no environmental opportunities connected to the proposed amendments.

**Social Equity**

Amending Oakland Municipal Code Sections 8.44.040 and 8.44.050 of Chapter 8.44 - SECURITY FOR EVENTS AT THE OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX will enhance the public health, welfare and safety of the spectators and participants at events held at the facilities regulated by this chapter.

**DISABILITY AND SENIOR CITIZEN ACCESS**

Approval of this ordinance amending the OMC will improve the personal safety of all Coliseum Complex patrons.

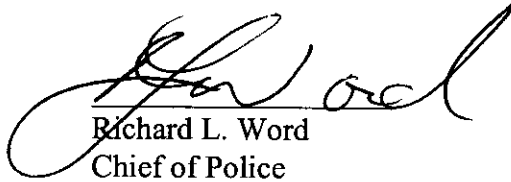
**RECOMMENDATION**

The Department recommends acceptance of this report and approval of the proposed ordinance

**RECOMMENDATION**

The Department recommends acceptance of this report and approval of the proposed ordinance amending Section 8.44.040, Section 8.44.050, and Section 1.28.020 of the Oakland Municipal Code.


Respectfully submitted,



Richard L. Word  
Chief of Police

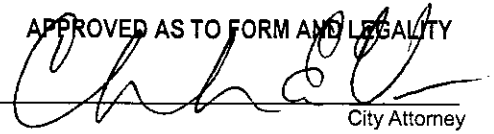
Prepared by: W. R. Uber  
Admin & Tech Division  
Bureau of Services

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:



Office of the City Manager

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City Attorney

2003 SEP 11 PM 2:19 ORDINANCE No. \_\_\_\_\_ C.M.S.

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 8.44, "SECURITY FOR EVENTS AT THE OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX, SECTION 8.44.040, "ACTIVITIES PROHIBITED WITHIN THE OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX PARKING FACILITY" AND SECTION 8.44.050, "PENALTIES" AND AMEND CHAPTER 1.28, "GENERAL PENALTY," SECTION 1.28.020, "VIOLATIONS AS INFRACTION," SUBSECTION A.1.E.**

THE CITY COUNCIL OF THE CITY OF OAKLAND HEREBY ORDAINS AS FOLLOWS:

The Oakland Municipal Code is hereby amended by amending and/or adding the following subsections:

**8.44.040 Activities prohibited within the parking facility.**

The following activities are prohibited within the parking facility .

- A. No person shall maliciously and/or in a manner that disturbs public order or causes a threat to public safety throw, discharge, launch or spill any solid object including footballs, baseballs, Frisbees and other such devices or liquid substances, or otherwise cause such objects or substances to be maliciously and/or in a manner that disturbs public order or causes a threat to public safety thrown, discharged, launched, spilled or to become airborne within the parking facility .
- B. No person shall explode, set off, discharge, or otherwise release or cause to be released any smoke bomb, fireworks, stink bomb, or other substance which is physically harmful or otherwise irritating, offensive, repugnant, or disgusting to the eyes or sense of smell within the parking facility.
- C.
  1. No person shall participate in any activity, including, but not limited to vehicle driver training, running, jogging, volleyball, baseball, soccer, football, roller skating, bicycle riding, skateboarding or Frisbee within the parking facility unless expressly authorized by the authorized representative.
  2. No tables, barbecues, chairs, umbrellas or other objects shall be permitted on walkways and promenades in the inner areas of the parking facility without the written permission of the authorized representative.

- D. No person shall lead, conduct or otherwise bring or allow to remain in the parking facility any animal, bird, fish or reptile except trained guide dogs or dogs for the disabled certified by the state of California and which are in actual use.
- E. No person shall bring or attempt to bring a vehicle into the parking facility without paying the prescribed charge required for admission. No employee of the authorized representative or any employee of any organization holding an event at the complex shall enter or attempt to enter the parking facility without presenting a valid ticket or pass to that event, or a pass or I.D. indicating that the person is an on-duty employee working the event.
- F. For purposes of the California Vehicle Code, all surfaced areas of the parking facility, on which vehicles normally travel to enter and leave parking spaces or the parking facility, shall be considered "highways" as defined in California Vehicle Code Section 360.
- G. 1. No person shall park or stand a vehicle in more than one parking space. If the vehicle exceeds twenty (20) feet in length, the driver thereof shall park said vehicle in parking spaces for standard size vehicles and pay for the additional space and display evidence of such payment.
2. No person shall utilize in any manner more than the parking space that his or her vehicle is entitled to occupy under the provisions of this chapter. Roadways and fire lanes shall remain clear of vehicles and objects to maximize use for traffic circulation.
3. No person shall interfere in any manner with the use of an adjacent parking space.
- H. Coliseum staff may set a reasonable closing time for parking facilities following an event. No person shall remain within the parking facilities after being informed by a police officer or security personnel the facilities are closed. No person shall refuse to obey the lawful order of a police officer or security personnel made pursuant to enforcement of this subsection.
- I. No person shall bring, or cause to be brought, for the purposes of sale or barter, or have for sale, or sell or exchange, or offer for sale or exchange any food, drink, service, goods, wares, ticket or merchandise within any portion of the parking facility including the perimeter sidewalk of the complex without first having obtained a city business tax certificate and a permit from the authorized representative.
- J. No person shall bring within the perimeter of the boundaries of the Coliseum parking facility, or cause to be brought to the parking facility, a beer keg or any type of glass container. This subsection shall not apply to patrons possessing prescribed medication in glass containers.
- K. Subsections A through J of this section shall not apply to any duly authorized employee, agent or officer of the Authorized Representative while acting in the course and scope of his or her employment, nor shall it apply to any duly authorized participant, performer,

official, security or service personnel specifically authorized to perform such an act by the authorized representative while acting in the scope of his or her employment or participation.

**8.44.050 Penalties.**

- A. Any person violating any provision of this chapter may be ejected from the complex by any Oakland Police Department officer, Alameda County Sheriff or other security personnel of the authorized representative.
- B. In addition to the penalties described in subsection A of this section, a violation of Section 8.44.030 C, H or I is a misdemeanor punishable by imprisonment not to exceed six months, or by fine not to exceed one thousand dollars (\$1,000.00), or both. A violation of any other section is an infraction, punishable by a fine of one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense, and five hundred dollars (\$500.00) for the third offense.

**1.28.020 Violations as infraction**

A.1.(e) Section 8.44.040. Activities prohibited within the parking facility.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California



## **NOTICE AND DIGEST**

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 8.44, "SECURITY FOR EVENTS AT THE OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX, SECTION 8.44.040, "ACTIVITIES PROHIBITED WITHIN THE OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX PARKING FACILITY" AND SECTION 8.44.050, "PENALTIES" AND AMENDING CHAPTER 1.28, "GENERAL PENALTY," SECTION 1.28.020, "VIOLATIONS AS INFRACTION," SUBSECTION A.1.E.**

This is an ordinance amending Chapter 8.44 of the Oakland Municipal Code concerning security for events at the Oakland-Alameda County Coliseum Complex. The ordinance amends the Municipal Code by making technical corrections Section 8.44.040, to change the term "parking lots" to the more inclusive "parking facility." This ordinance will also amend Section 8.44.050 making it a misdemeanor to violate Section 8.44.030, subsection C, which states "No person shall enter any area of the stadium or arena not open to the general public, or any other area set apart for the participants, performers, officials, attendants or service personnel at any time before, during, or after a stadium or arena event." This ordinance will also amend Section 1.28.020, Subsection A.1.e. to change the word "Chapter" to the proper term "Section."

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**Public Safety Committee**  
**September 23, 2003**