

  
City Attorney

12 JUN 27 PM 4:43  
INTRODUCED BY COUNCILMEMBER KAPLAN AND CITY ATTORNEY PARKER

**OAKLAND CITY COUNCIL**

**ORDINANCE No. 13138 C.M.S.**

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**AN ORDINANCE REPEALING ORDINANCE No. 4718 N.S. AND SECTION 9.08.200 OF THE OAKLAND MUNICIPAL CODE PROHIBITING MARATHONS**

**WHEREAS**, Oakland Ordinance No. 4718 N.S., passed on November 18, 1930, declared it a misdemeanor to promote, conduct, or carry on, within the City of Oakland; any public exhibition of endurance contests, such as “walkathons”, “dance marathons,” or “skate marathons”; and

**WHEREAS**, section 9.08.200 of the Oakland Municipal Code (“OMC”) (previously codified as section 3-8.04) currently prohibits the public exhibition of endurance contests known and designated as “walkathons” or “dance marathons” or “skate marathons”; and

**WHEREAS**, Oakland Ordinance No. 4718 N.S., was enacted during an era when the dance marathon fad and other types of endurance contests were prevalent across the United States; and

**WHEREAS**, the concerns which motivated the passage of Oakland Ordinance No. 4718 N.S., have subsided, and that Ordinance is no longer deemed necessary to protect the public health and welfare; and

**WHEREAS**, large-scale events such as the Oakland Running Festival, which started in 2010, must continue to obtain a Special Events permit in order to be conducted, ensuring that they are safe and address traffic and the concerns of affected business and residents; and

**WHEREAS**, the City of Oakland recognizes that foot race marathons events and walkathons are now viewed in a positive light, as a means of charitable fundraising or of attracting people from across the nation to the neighborhoods of Oakland, and as a marketing and economic tool for the City; and

**WHEREAS**, on May 20, 2009, the City Council voted to pass Resolution No. 82034 C.M.S. honoring Corrigan Sports for organizing the Oakland Marathon which later took place on March 27, 2010; and

**WHEREAS**, in just over two years since the Oakland Marathon (now known as the Oakland Running Festival) commenced in 2010, the Oakland Running Festival has grown each year, bringing 8,211 participants in 2012 from 38 states and six countries to Oakland; and

**WHEREAS**, the 2011 Oakland Running Festival attracted an estimated \$3 million in revenue for local hotels, restaurants, retailers, transportation companies, and entertainment venues, and the 2012 Oakland Running Festival attracted an estimated \$3.5 million in such revenue; and

**WHEREAS**, the 2010, 2011, and 2012 Oakland Running Festivals combined, raised approximately \$800,000 for local charities; and increased awareness for important social causes and highlighted Oakland's vibrancy and community; and

**WHEREAS**, special events like marathons can be a powerful contribution to improving the quality of life in Oakland, spurring economic development and increasing public safety, attracting businesses and customers, expanding economic opportunity, and promoting an increased pedestrian presence and community safety; now therefore

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

**Section 1**

The City Council does hereby find and declare that the above recitals are true and correct and hereby makes them part of this Ordinance.

**Section 2**

Ordinance No. 4718 N.S. and the following section of the Oakland Municipal Code is hereby repealed and shall be removed from the Oakland Municipal Code:

~~**9.08.200. Marathons.**~~

~~It is unlawful for any person within the city to promote, conduct, carry on or take part in, any public exhibition of endurance contests commonly known and designated as "walkathons" or "dance marathons" or "skate marathons."~~

**Section 3**

The City Council finds and determines that the adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA"), including under Section 15061(b)(3) of the State CEQA Guidelines, and authorizes the filing of a Notice of Exemption with the Alameda County Clerk.

**Section 4**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance and the application shall not be affected thereby.

**Section 5**

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

**Section 6**

This Ordinance is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI of the California Constitution.

IN COUNCIL, OAKLAND, CALIFORNIA,      **NOV 13 2012** -2012

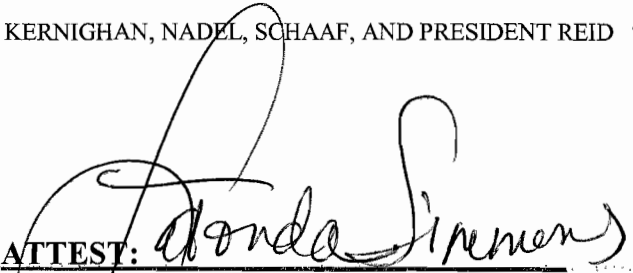
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, AND PRESIDENT REID -8

NOES-0

ABSENT-0

ABSTENTION-0

**ATTEST:** 

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATES OF ATTESTATION 11/16/12

Introduction Date      **JUL 17 2012**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 JUN 27 PM 4:43

NOTICE AND DIGEST

**ORDINANCE REPEALING ORDINANCE 4718 N.S. AND  
SECTION 9.08.200 OF THE  
OAKLAND MUNICIPAL CODE  
PROHIBITING MARATHONS.**

This Ordinance repeals Ordinance No. 4718 N.S. and Section 9.08.200 from the Oakland Municipal Code, which currently prohibit any public exhibition of endurance contests, including walkathons, dance marathons, and skate marathons. This repeal deletes Ordinance No. 4718 N.S. and Oakland Municipal code section 9.08.200 in their entirety.