


APPROVED AS TO FORM AND LEGALITY

City Attorney

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE No. 12475 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
03 JAN 30 PM 1:12

AN ORDINANCE AMENDING SECTION 10.64.020 OF THE OAKLAND MUNICIPAL CODE (ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES) AND ADDING A DEFINITION FOR "INOPERATIVE VEHICLE"

WHEREAS, the Vehicle Abatement Ordinance (Chapter 10.64 of the Oakland Municipal Code) does not contain a definition of "inoperative" vehicles; and

WHEREAS, the City finds that numerous unregistered vehicles are parked on private property, contributing to urban blight; and

WHEREAS, the City wants to be able to tow these vehicles as part of the Vehicle Abatement Program to eliminate the blighting effects of these vehicles; and

WHEREAS, this is a proper exercise of the City's police powers; and

WHEREAS, case law provides that the proposed definition is permissible; and

WHEREAS, adding the definition will avoid confusion over what vehicles are subject to the ordinance; now, therefore

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

Section 1.

Chapter 10.64 of the Oakland Municipal Code is hereby amended to add the following language:

"Inoperative – For purposes of this chapter, inoperative shall mean a vehicle that is either a) mechanically incapable of being driven or b) prohibited from being operated on a public street or highway pursuant to California Vehicle Code sections 4000, 5202, 24002, or 40001 concerning license plates, registration, equipment, safety and related matters."

Section 2 – Severability

If any word, sentence, paragraph, clause or phrase is ruled unconstitutional or unenforceable by any court of competent jurisdiction, said ruling shall not affect the validity of the rest of this ordinance. The City Council finds and determines that it would have enacted this ordinance without said word, sentence, paragraph, clause or phrase.

Introduction Date: FEB 18 2003

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 25 2003, 20


PASSED BY THE FOLLOWING VOTE:

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

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