

# CITY OF OAKLAND

## AGENDA REPORT

2007 MAY 21 8:46

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Finance and Management Agency  
DATE: June 12, 2007

RE: **Ordinance Amending Oakland Municipal Code Section 10.36.010 "Parking Meter Defined," 10.36.020 "Parking Meter Installation--Painting Of Lines," 10.36.030 "Deposit Of Coins – Amount Of Coins Corresponds To Value Of Coins," 10.36.050 "Parking Meter Indication That Space Is Illegally In Use," 10.48.010 "Schedule Of Parking Fines" To Apply To Pay-And-Display Parking Meters And Adding Section 10.36.015 "Acceptable Card And Pay-And-Display Meter Defined"**

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### SUMMARY

This Ordinance has been prepared to amend Oakland Municipal Code Sections 10.36.010 "Parking Meter Defined," 10.36.020 "Parking Meter Installation--Painting of lines," 10.36.030 "Deposit of Coins," and 10.36.050 "Parking Meter Indication that Space is Illegally in Use," 10.48.010 "Schedule of Parking Fines" to apply to pay-and-display parking meters and to add Section 10.36.015 "Acceptable Cards Defined" to provide new procedures and requirements governing the usage of the multi-space pay-and-display meters.

### FISCAL IMPACT

There is no Fiscal Impact associated with the adoption of this report.

### BACKGROUND

On February 6, 2007 Council adopted Resolution No. 80392 C.M.S awarding a contract to Cale Parking Systems USA, Inc. for the purchase of the multi-space pay and display meters. Since there is no language in the current Oakland Municipal Code about the legal requirements related to use of the multi-space pay-and-display meter, staff recommends that new language be added to the Oakland Municipal Code about the legal requirements related to the use of these meters.

### KEY ISSUES AND IMPACTS

The City of Oakland-Parking Division will start the initial installation of the multi-space pay-and-display meters on June 1, 2007 in the areas around the Police Administration Building and at

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the Grand Avenue Parking Lot. The installation of these meters will continue at the rate of 50 meters every two weeks until the installation is complete through out the City.

The general guidelines for a vehicle operator are:

- Select the nearest pay-and-display meter on the block where vehicle is parked. When necessary, a vehicle operator can also obtain a receipt from any pay-and-display meter within the same vicinity.
- The instructions for the usage of coins, credit cards and debit cards are provided on the sticker affixed to the multi-space meter.
- When using maximum allowable time, by pressing the MAX button, the receipt will be generated automatically.
- For using other desired times (5 minutes, 10 minutes, etc.) other then maximum time, print the receipt by pressing the green button, labeled "PRINT RECEIPT"
- Display the printed receipt inside the vehicle by placing the receipt on the street side of the vehicle dashboard.

The Parking Division will be promoting these meters by TV advertisement through KTOP channel, newspapers, flyers and posters around the city. In addition, all Parking Division field staff will be wearing green shirts with the City's tree logo that says "ASK ME!" at the front of the shirt and says "ABOUT PARK, PAY, DISPLAY" on the back.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** Parking meter revenue is projected to increase by about \$1.4 million annually.

***Environmental:*** There are no environmental opportunities associated with the Municipal Code revisions.

***Social Equity:*** The multi-space pay-and-display meters will maximize short-term parking availability, which should benefit merchants and their customers.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

There is no impact to disabled or senior citizen access.

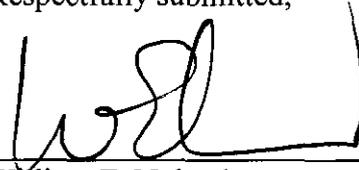
**RECOMMENDATION(S) AND RATIONALE**

Staff recommends that the City Council approve the ordinance amending Oakland Municipal Code Chapter 10.36 "Parking Meter Zones" to provide new procedures and requirements governing the usage of the multi-space pay-and-display meters.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that the City Council approve the ordinance amending Chapter 10.36, "Parking Meter Zones," Sections 10.36.010 "Parking Meter Defined," 10.36.030 "Deposit of Coins," and 10.36.050 "Parking Meter Indication that Space is Illegally in Use," 10.48.010 "Schedule of Parking Fines" to apply to pay-and-display parking meters and add Section 10.36.015 "Acceptable cards Defined" to provide new procedures for the usage of these multi-space pay-and-display meters.

Respectfully submitted,



William E. Noland

Director, Finance and Management Agency

Reviewed by:

Francine Larkrith-Thompson

Parking Division Manager

Prepared by:

Shahla Azimi

Revenue Analyst

APPROVED AND FORWARDED TO THE  
FINANCE & MANGEMENT COMMITTEE:



Office of the City Administrator

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Finance and Management Committee  
June 12, 2007

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
2007 MAY 15

*A. Gordon*

City Attorney

## OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTIONS 10.36.010 "PARKING METER DEFINED," 10.36.020 "PARKING METER INSTALLATION--PAINTING OF LINES," 10.36.030 "DEPOSIT OF COINS - AMOUNT OF COINS CORRESPONDS TO VALUE OF COINS," 10.36.050 "PARKING METER INDICATION THAT SPACE IS ILLEGALLY IN USE," 10.48.010 "SCHEDULE OF PARKING FINES" TO APPLY TO PAY-AND-DISPLAY PARKING METERS AND ADDING SECTION 10.36.015 "ACCEPTABLE CARD AND PAY-AND-DISPLAY METER DEFINED"**

**WHEREAS**, the City of Oakland wishes to preserve the livability, social, and economic stability of the City; and

**WHEREAS**, the City of Oakland has a duty to enforce parking violations as set forth by the Oakland Municipal Code; and

**WHEREAS**, the City of Oakland collects revenues used to support a multitude of public services from fines resulting from parking violations; and

**WHEREAS**, the City of Oakland is proposing to modify Oakland Municipal Code section 10.36.010 "Parking meter defined," 10.36.020 "Parking meter installation-- painting of lines," 10.36.030 "Deposit of coins -- amount of coins corresponds to value of coins," 10.36.050 "Parking meter indication that space is illegally in use," 10.48.010 "Schedule of parking fines" to apply to pay-and-display parking meters and add section 10.36.015 "Acceptable card and pay-and-display meter defined," now therefore

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

SECTION 1. The Municipal Code is hereby amended as set forth below, additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of ordinances not cited or not shown in underscoring or strike-through type are not changed.

**10.36.010 Parking meter defined**

For purposes of this chapter, the term "parking meter" means any coin receptacle, instrument, device, indicator or machine which upon the deposit therein such coin of the

United States or other form of payment as may be required by this title shows, indicates, registers, displays or permits legal parking in the parking meter zone wherein or adjacent to which such coin receptacle, instrument, device, indicator or machine is situated. A parking meter as defined herein may or may not be a self-contained timing device; it may be manually adjusted, automatically or manually controlled, or otherwise operated either externally or internally, so as to show, indicate, register, display or permit legal parking upon the deposit of coin of the United States or other form of payment as required by this title.

**10.36.015 Acceptable Card and Pay-and-display meter defined**

For the purpose of this chapter, the term "acceptable card " means any payment card authorized and accepted by the City Administrator as a valid form of payment.

For the purpose of this chapter, the term "pay-and-display meter" means an electronic pay station installed within or upon the curb or sidewalk area within a designated parking zone for the purpose of controlling the period of time of occupancy of a space by a vehicle. A "pay-and-display space" means the space controlled by a pay-and-display meter.

**10.36.020 Parking meter installation--Painting of lines.**

A. Parking meters, other than pay-and-display meters, shall be installed upon the street, parkway, curb, sidewalk or municipal parking lot area immediately adjacent to the individual parking spaces designated as herein prescribed.

The Traffic Engineer shall cause to have lines or markings painted or otherwise designated as herein prescribed.

The Traffic Engineer shall cause to have lines or markings painted or otherwise designated upon the parkway, curb, sidewalk, street or municipal parking lot area adjacent to each parking meter in such manner as to identify the parking space with each respective parking meter. It is unlawful to park or leave standing any vehicle across any such line or marking or in any position other than within the parking area so designated. (Prior traffic code § 121)

B. Pay-and-display meters shall be installed upon the curb or sidewalk area within any designated meter zone.

**10.36.030 Deposit of Coins, credit card, debit card and acceptable card - Amount of time corresponds to value of coins, credit card, debit card and acceptable card**

A. When any vehicle shall be parked in any parking space adjacent to which a coin operated parking meter is located in accordance with the provisions of this chapter, the operator of said vehicle upon so parking shall, and it is unlawful to fail to, deposit immediately one or more coins of the United States in such parking meter and,

when required by the directions on the parking meter, the operator of such vehicle, after deposit of the proper coin or coins of the United States, shall also set in operation the timing mechanism, if any, on such parking meter, and failure to deposit such proper coin or coins and to set the timing mechanism, if any, in operation when so required shall be unlawful. Any such operator who, upon so parking, deposits coins in such parking meter in an amount greater than is legally required does so at his or her own convenience, and the city shall not be liable for any refund therefor.

B. Pay-and-display meters. When a vehicle shall be parked at a pay-and-display meter space, the operator of the vehicle shall, if required by the time and date restrictions for the space, locate the nearest pay-and-display meter on the block, and deposit immediately one or more coins of the United States, credit card, debit card or an acceptable card in such pay-and display meter and make selections in accordance with the instructions posted on the face of the pay-and-display meter. Upon obtaining the printed receipt from the pay-and display meter, the operator of the vehicle shall immediately place the valid printed receipt face up on the street-side of the vehicle's dashboard where the expiration time and date are readily visible from the vehicle exterior.

C. Parking meter fees shall be established annually in the City of Oakland Master Fee Schedule Ordinance.

**10.36.050 Parking meter indication that space is illegally in use**

A. It is unlawful for any person to park or leave standing any vehicle in any parking meter zone on any street at any time during which the parking meter shows, indicates, registers, or displays that the parking space is illegally in use except during the time necessary to deposit United States coins in said parking meter so as to show, indicate, register, display, or permit legal parking and excepting also during the time from six p.m. to eight a.m., and excepting also all holidays as defined in Section 10.36.090 when indicated by appropriate signs located on the parking meter. When five-hour meters are installed, such meters shall show, indicate, register, display, or permit legal parking during a twenty-four (24) hour period, seven days a week, when indicated by appropriate signs located on the parking meters.

B. Pay-and-display meter. It is unlawful for any person to park or leave standing any vehicle in any pay-and-display space on any street for a period of time in excess of parking time limits designated on the receipt issued from pay-and-display meter controlling the space.

**10.48.010 Schedule of parking fines**

Oakland Traffic Code Section	Description	Fine
10.36.030A and B	Meters— <del>Depositing coins</del>	35.00
10.36.50A and B	Parking meter violation--Expired	35.00

**SECTION 2. Severability.** If any article, section, subsection sentence, clause or phrase of this ordinance or exhibit is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

**SECTION 3. Effective Date.** This ordinance shall become 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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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



## NOTICE AND DIGEST

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 10.36  
“PARKING METER ZONES,” SECTIONS 10.36.010 “PARKING METER  
DEFINED,” 10.36.020 “PARKING METER INSTALLATION—PAINTING OF  
LINES,” 10.36.030 “DEPOSIT OF COINS,” AND 10.36.050 “PARKING METER  
INDICATION THAT SPACE IS ILLEGALLY IN USE,” 10.48.010 “SCHEDULE OF  
PARKING FINES” TO APPLY TO PAY AND DISPLAY METERS AND ADD  
SECTION 10.36.015 “ACCEPTABLE CARDS DEFINED”**

This Ordinance will amend Oakland Municipal Code Sections 10.36.010 “Parking Meter Defined,” 10.36.020 “Parking Meter Installation--Painting of lines,” 10.36.030 “Deposit of Coins,” and 10.36.050 “Parking Meter Indication that Space is Illegally in Use,” 10.48.010 “Schedule of Parking Fines” to apply to pay-and-display parking meters and add Section 10.36.015 “Acceptable cards Defined” to provide new procedures and requirements governing the usage of these multi-space pay-and-display meters.