

**CITY OF OAKLAND**  
**AGENDA REPORT**

2007 NOV 29 PM 4:05

TO: Public Safety Committee, Oakland City Council  
FROM: Councilmember Desley Brooks  
DATE: December 11, 2007

RE: **A Report And Action On An Ordinance Adding Chapter 10.28.290 To Title 10, Vehicles And Traffic, Of The Oakland Municipal Code, Prohibiting The Parking Of Noncommercial Buses, Campers, Camp Trailers, Semitrailers, Trailers, Trailer Coaches, Trailer Buses, Fifth-Wheel Travel Trailers, Factory-Built Housing, House Cars, Mobilehomes, Motorhomes, Recreational Vehicles or RV's, Or Vehicles Built Or Modified For Domicile Of Persons Or Animals On City Streets, Portions Thereof Or City Thoroughfares Throughout The City**

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**SUMMARY**

This report and draft ordinance have been prepared in response to complaints received from Oakland residents that large vehicles parked and/or stored on the streets in their neighborhoods are creating dangerous conditions for motorists, pedestrians, and children. The visual obstructions and distraction caused by the presence of these vehicles causes roadways to be less safe for children and pedestrians by decreasing visibility and space for maneuvering. Their presence also hampers fire trucks, ambulances, and other critical service vehicles from accessing these streets without delay. Last of all, the continuous presence of these vehicles creates an eyesore for neighborhood residents.

This report presents two recommendations for Council consideration. These include: (1) modification of current Police Department practices to ticket or tow vehicles parked more than 72 hours without issuing multiple warning notifications and (2) adopting an ordinance prohibiting parking of noncommercial trailers and recreational vehicles including motor homes on City streets for any length of time at any time of day. If adopted, the ordinance would add a new chapter to Title X of the Oakland Municipal Code prohibiting the parking of certain large vehicles on public City streets. The ordinance would apply to any bus, camper, camper trailer, semitrailer, trailer, trailer coach, trailer bus, fifth-wheel travel trailer, factory-built housing, house car, mobilehome, motorhome, recreational vehicle or RV. The ordinance does not affect registered commercial vehicles.

Adopting the ordinance would require a significant amount of signage be installed on entrance roadways into the City of Oakland so that an unwary motorist could not enter the City, park on a street and be cited or towed, without ever having the opportunity to read a posted notice. The Parking Enforcement Division of the Finance & Management Agency and the Oakland Police Department would enforce this new ordinance on a complaint basis and as staff members come across recreational vehicles parked on City streets during the course of their normal duties.

Item: \_\_\_\_\_  
Public Safety Committee  
December 11, 2007

## **FISCAL IMPACT**

This ordinance would require extensive sign posting in order to provide adequate notice to drivers entering the City. California Vehicle Code § 22507 states that parking restrictions enacted pursuant to the authority it grants, "shall not apply until signs or markings giving adequate notice thereof have been placed." Because the proposed ordinance is a citywide ban it is not necessary to post every street corner in Oakland.<sup>1</sup> Instead, the City may post signs at the entrances to Oakland to satisfy the adequacy of notice requirement within Ca. Veh. Code § 22507. There are approximately 144 entrance points into Oakland that are roadways.<sup>2</sup>

### Cost of Signage

The cost of producing and erecting the required signage would be \$400.00 per sign, for a rough total of \$56,000 if all 144 identified entrance points are noticed. The Public Works Agency can produce the signs in-house at this cost.

## **BACKGROUND**

Dozens of other California cities have wrestled with the issue of oversized and recreational type vehicles parking in residential neighborhoods. In many cases, consideration of the problems caused by these vehicles has prompted the adoption of ordinances restricting parking during the day and eliminating nightly and long-term parking/storage on the street.

In recent years the size and number of motorhomes, trailers, and recreational vehicles on California roadways has increased, and their impact is felt nowhere more than in the neighborhoods in which they are parked. It is no longer unheard of to find a boat, stored on a trailer, parked on the street in front of the boat owner's home, or to find a motorhome owner using street parking in front of their residence as long term storage. Traffic flows are altered, and public space becomes dominated by the visual presence of these vehicles. As a result, entire neighborhoods are required to accommodate themselves to the lifestyles and leisure activities of a few neighbors.

### Current ordinances

Oakland currently regulates the parking and storage of large vehicles by the action of the Oakland municipal ordinances. On-street parking of any vehicle is limited to no more than 72 consecutive hours, and large vehicles parked on private property must conform to public safety standards. But other than the regulation of commercial vehicles and the existing 72 hour storage regulation, the Oakland Municipal Code (OMC) does not address the parking of large vehicles on residential streets.

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<sup>1</sup> See *Homes on Wheels v. City of Santa Barbara*, 119 Cal. App. 4th 1173, 1179 (Cal. Ct. App., 2004).

<sup>2</sup> Count estimated by CEDA-Traffic Engineering.

1. Parking/Storage on private property.  
Oakland currently prohibits the parking or storing of trailers, campers, recreational vehicles, boats, and other mobile equipment for a period of time in excess of seventy-two (72) consecutive hours in front or side yard areas, unless they are in “an accessory building constructed in accordance with the provisions of [the] code or in an area which provides for a five-foot setback from any property line. In addition to the setback requirement, fifteen hundred (1,500) square feet or at least sixty (60) percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space and no item shall be parked, stored or kept within five feet of any required exit, including existing windows.” OMC § 8.24.020 (F)(2)(a-b)(Deering 2004). A violation of these restrictions on one’s private property constitutes a blighted property, and may be cited as a nuisance.<sup>3</sup>
  
2. Parking, generally, limited to 72 hours.  
No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two (72) hours. In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of seventy-two (72) hours, any officer of the Police Department or any regularly employed and salaried civilian employee of the city who is engaged in the direction of traffic or enforcement of parking regulations when designated by the Chief of Police, may remove said vehicle from the street in the manner and subject to the requirements of Cal. Veh. Code §§ 22850 and 22856. OMC § 10.28.030 (Deering 2004).

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<sup>3</sup> Oakland Muni Code § 8.24.020 does not prohibit the following:

- a. Any owner, lessee or occupant of residential property may repair, wash, clean or service any personal property which is owned, leased, or rented by such owner, lessee or occupant of such property. Any such repairing or servicing performed in any such area shall be completed within a seventy-two (72) consecutive hour period. The provisions of this section shall apply to any truck, tractor, trailer, or other commercial vehicle weighing more than seven thousand (7,000) pounds.
  - b. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or
  - c. A vehicle or part thereof which is stored or parked in a lawful manner or private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard which is a legal nonconforming use. This exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter,
2. The use of any trailer, camper, recreational vehicle or motor vehicle for living or sleeping quarters in any place in the city, outside of a lawfully operated mobile home park or travel trailer park, subject to the following:
- a. Nothing contained in this section shall be deemed to prohibit bona fide guests of a city resident from occupying a trailer, camper, or recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seventy-two (72) consecutive hours.
  - b. Any trailer, camper, or recreational vehicle so used shall not discharge any waste or sewage into the city’s sewer system except through the residential discharge connection of the residential premises on which the trailer, camper or recreational vehicle is parked.

Item: \_\_\_\_\_  
Public Safety  
December 11, 2007

3. Parking of unattached trailers restricted.  
The City Traffic Engineer is authorized to place signs indicating no parking of unattached trailers upon any street or portion of any street when the City Traffic Engineer has determined that the parking of unattached trailers is creating a nuisance, blight or hazard. OMC § 10.28.160 (Deering 2004).
4. Parking of tall vehicles restricted.  
The City Traffic Engineer is authorized to place signs indicating no parking of vehicles which are six feet or more in height (including any load thereon) within one hundred (100) feet of any intersection upon any street when the City Traffic Engineer has determined that the parking of tall vehicles is creating a hazard. OMC § 10.28.170 (Deering 2004).
5. Commercial vehicles 7,000-10,000 pounds, parking restricted.  
Official signs prohibiting or otherwise restricting parking of any truck, tractor, trailer, or other commercial vehicle of any kind whatsoever having a curb weight more than seven thousand (7,000) pounds but not more than ten thousand (10,000) pounds may be erected on any public street or portion of street when the City Traffic Engineer, and his or her successor in title, has determined that the parking of such vehicles is creating a nuisance, blight, or hazard. OMC § 10.28.130 (Deering 2004).
6. Commercial vehicles over 10,000 pounds may not park in residential areas.  
No person shall park any truck, tractor, trailer, or other commercial vehicle of any kind whatsoever having a gross vehicle weight rating (GVWR) exceeding ten thousand (10,000) pounds on any public street or portion of street in a residential district. OMC § 10.28.120 (Deering 2004).
7. Parking commercial vehicles restricted in designated areas.  
No person shall park any truck, tractor, trailer, or other commercial vehicle of any kind whatsoever, whose weight carrying capacity is one ton or more, for a period exceeding five hours, on any public street in any area of the city which, by resolution, the City Council has designated as one to which such time limitation is applicable, and one which has been posted with signs giving notice to such parking limitation, except while loading or unloading property and time in addition to such five-hour period is necessary to complete such work; or when parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked and time in addition to such five-hour period is reasonably necessary to complete such service. OMC § 10.28.140 (Deering 2004).

The proposed ordinance does not affect commercial vehicles registered with the California Department of Motor Vehicles.

Legislative Authority

Item: \_\_\_\_\_  
Public Safety  
December 11, 2007

California State Vehicle Code § 22507 provides a general grant of authority to California municipalities to, "... by ordinance or resolution, prohibit or restrict the stopping, parking or standing of vehicles, including, but not limited to, vehicles which are six feet or more in height (including any load thereon) within 100 feet of any intersection, on certain streets or highways, or portions thereof, during all or certain hours of the day."

Questions regarding the authority of California municipalities to restrict certain classes of vehicles from parking on city streets pursuant to Ca. Vehicle Code section 22507 have been resolved in favor of the cities. A 1990 California Attorney General's opinion arguing that cities may not select particular classes of vehicles for parking prohibitions has been rejected by two California Appellate Court rulings, allowing for the type of parking restrictions proposed in this ordinance.

In *People v. Garth*, the Appellate Court held, "[the Attorney General's] interpretation renders meaningless the general grant of authority provided in the first part of section 22507. In our view, the more logical construction of section 22507 is that local authorities may prohibit or restrict the stopping, parking or standing of any type of vehicle on certain streets or highways, or portions thereof, during all or certain hours of the day, including, but not limited to, vehicles of a certain size parked within 100 feet of an intersection. Since appellant's boat trailer is a "vehicle", the City may, under the authority of section 22507, restrict when and where the trailer may be parked." *People v. Garth*, 234 Cal. App. 3d 1797, 1800-1801 (Cal. Ct. App., 1991)(footnotes omitted).

The reasoning of *Garth* has been reiterated in June 2004 in a similar case arising out of Santa Barbara, CA. "Homes on Wheels", a group representing individuals using RVs as their permanent residences, argued that Santa Barbara had exceeded the authority granted it under § 22507 by enacting and enforcing a city ordinance prohibiting the parking of trailers, semis, recreational vehicles, buses, and vehicles exceeding a 3/4-ton capacity on City streets between 2:00 a.m. and 6:00 a.m. *Homes*, 119 Cal. App. 4th 1173 (Cal. Ct. App., 2004). The Appellate court succinctly held, "Homes contends that the ordinance which restricts parking is invalid and preempted by state law because the City exceeded its authority under section 22507. We disagree ... Homes and the Attorney General misinterpret the language and legislative intent of section 22507... Here the ordinance is similar to the one in *Garth*. We agree with *Garth*." *Id.* at 1177-78.

In the wake of the *Homes* and *Garth* cases, California municipalities are permitted to designate specific classes of vehicles to be subject to the restrictions and prohibitions allowed under Cal. Veh. Code §§ 22507 and 22507.5.

## KEY ISSUES AND IMPACTS

Item: \_\_\_\_\_  
Public Safety  
December 11, 2007

Whether it is an RV camper, a boat and trailer, or an unattached semi-trailer, Oakland has seen an increase in the number of complaints regarding the parking and/or storage of oversized vehicles in residential and commercial areas throughout the City. The use of public streets for the parking and storage of these vehicles creates driving hazards that threaten the safety of motorists and pedestrians alike. Additionally, these vehicles represent potential obstacles and hazards for the ingress and egress of critical service vehicles from the streets on which they are parked, or stored. And perhaps just as frustrating for residents in the communities where these vehicles are parked is the visual blight that is created by their long-term presence. There are two possible revisions to current practice that would allow the City to better address the storage of recreational vehicles on City streets.

1. Amend Police Department Procedure for 72 hour violations.

As stated above, the Oakland Municipal Code currently limits the parking of any vehicle to no more than 72 consecutive hours. It has been the practice of Oakland Police Department personnel to respond to complaints of vehicles standing longer than 72 hours with a warning placed on the vehicle's windshield stating that the vehicle must be moved or be towed. The vehicle's odometer is recorded; no enforcement action is taken if the vehicle registers one or more miles on the odometer when the enforcement officer returns in 72 hours. This practice has led many individuals when they receive the courtesy notice to simply drive the vehicle for the required one (1) mile and return the vehicle to the same general vicinity. Also, vehicles with digital (electronic) odometers cannot have their mileage recorded while parked. In essence, because of the odometer requirements and the issuance of courtesy notices, offending vehicle owners avoid being cited and towed although they are often parked in the same spot for more than 72 hours.

The current 72 hour parking restriction could be an effective tool for dealing with all vehicles stored illegally on city streets, if the current procedure requiring the issuance of a courtesy notice is limited to one courtesy notice, and if the City can establish that the vehicle has otherwise not been moved for the requisite 72 hours or more. A procedure can be utilized for marking the location of the vehicle similar to the methods used by the Parking Enforcement Division of the Finance & Management Agency (for example, marking of tires with chalk or ultraviolet markers). This change in enforcement procedure can be affected without amending the OMC; the noticing and odometer reading requirements are contained within OPD's Departmental Orders, and thus can be changed administratively.

2. Amend the OMC to expressly prohibit at all times the parking of Recreational Type Vehicles and Trailers on City Streets.

An alternative recommendation for City Council consideration would be to adopt the attached ordinance *prohibiting the parking of trailers and certain identified recreational vehicles on public City streets for any length of time at any time of day*. This ordinance would reduce visual blight caused by these oversized vehicles that are parked and stored on Oakland's streets by way of encouraging their removal to appropriate storage facilities. More importantly, the safety of

Item: \_\_\_\_\_  
Public Safety  
December 11, 2007

Oakland's streets for motorists, pedestrians and children would be improved by removing the vehicles that create visibility and maneuvering obstructions.

The proposed ordinance would prohibit the standing or parking of any bus, camper, camper trailer, semitrailer, trailer, trailer coach, trailer bus, fifth-wheel travel trailer, factory-built housing, house car, mobilehome, motorhome, recreational vehicle or RV on Oakland public streets at any time. Commercial vehicles that are registered with the California Department of Motor Vehicles are not affected by this ordinance.

The Parking Enforcement Division of the Finance & Management Agency and the Oakland Police Department would enforce this new ordinance in two ways: (1) On a complaint basis. That is, in order to have a vehicle cited when it is in violation of the parking restrictions, a call must be placed to the Police Department's Abandoned Auto Unit at (510) 777-8622, (2) When a parking enforcement officer drives down your street and observes identified recreational vehicles parked on City streets, the officer may cite the vehicle on the first offense and may tow the vehicle on the second offense. The proposed fine associated with this citation would be \$250.

### **SUSTAINABLE OPPORTUNITIES**

This ordinance would provide the following sustainable opportunities:

Economic: The ordinance would generate revenue from the issuance and collection of fines for violations and reduce the incidence of accidents and confrontations resulting from their presence.

Environmental: By encouraging the use of appropriate storage facilities, this ordinance would decrease illegal dumping from recreational vehicles.

Social Equity: This ordinance would eliminate critical service access issues on streets where oversized vehicles create obstructions. It would also improve the safety of streets for motorists, pedestrians and children by improving visibility and driving conditions. Additionally, this ordinance would decrease visual blight in Oakland's neighborhoods, especially for the neighbors of these vehicle owners.

### **RECOMMENDATION AND RATIONALE**

This report presents two options for dealing with parking of certain defined recreational vehicles on residential neighborhood streets.

First, OPD could change their administrative practices when it comes to citing any vehicles parked/stored on public streets for longer than 72 hours. This change would consist of allowing the issuance of citations and fines of \$250 for any vehicle parked on a City street for longer than 72 hours, without requiring OPD to provide more than one courtesy notice, and without requiring odometer readings. The second offense could result in the vehicle being towed. This approach

Item: \_\_\_\_\_  
Public Safety  
December 11, 2007

would not require amending the OMC. Vehicles of all types could still be legally parked on city streets for up to 72 hours.

Second, an ordinance has been drafted and it is included with this report for Council's consideration. Adopting this ordinance would completely prohibit parking at any time of certain defined recreational vehicles on City streets, but would not affect commercial vehicles. This ordinance would require extensive sign posting in order to provide adequate notice to drivers entering the City.

**ACTION REQUESTED BY COUNCIL**

I request that the Public Safety Committee approve the ordinance and forward to the full City Council for consideration.

Respectfully submitted,



Desley Brooks  
City Councilmember, District 6

Item: \_\_\_\_\_  
Public Safety  
December 11, 2007



## Appendix A: Vehicle Terms Defined by State Code

A "bus" is:

- (a) Except as provided in subdivision (b), a "bus" is any vehicle, including a trailer bus, designed, used, or maintained for carrying more than 15 persons including the driver.
  - (b) A vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus.
  - (c) This section does not alter the definition of a schoolbus, school pupil activity bus, general public paratransit vehicle, farm labor vehicle, or youth bus.
  - (d) A vanpool vehicle is not a bus.
- Cal. Veh. Code § 233 (Deering 2004).

A "camper" is a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes. A camper having one axle shall not be considered a vehicle. Cal. Veh. Code § 243 (Deering 2004).

A "camp trailer" is a vehicle designed to be used on a highway, capable of human habitation for camping or recreational purposes, that does not exceed 16 feet in overall length from the foremost point of the trailer hitch to the rear extremity of the trailer body and does not exceed 96 inches in width and includes any tent trailer. Where a trailer telescopes for travel, the size shall apply to the trailer as fully extended. Notwithstanding any other provision of law, a camp trailer shall not be deemed to be a trailer coach. Cal. Veh. Code § 242 (Deering 2004).

A "semitrailer" is a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle. Cal. Veh. Code § 550 (Deering 2004).

A "trailer" is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle. As used in Division 15 (commencing with Section 35000), "trailer" includes a semitrailer when used in conjunction with an auxiliary dolly, if the auxiliary dolly is of a type constructed to replace the function of the drawbar and the front axle or axles of a trailer. Cal. Veh. Code § 630 (Deering 2004).

A "trailer coach" is a vehicle, other than a motor vehicle, designed for human habitation or human occupancy for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle. A "park trailer," as described in Section 18009.3 of the Health and Safety Code, is a trailer coach. Cal. Veh. Code § 635 (Deering 2004).

A "trailer bus" is a trailer or semitrailer designed, used, or maintained for the transportation of more than 15 persons, including the driver, and includes a connected towing motor vehicle that is a motor truck, truck tractor, or bus. Cal. Veh. Code § 636 (Deering 2004).

A "fifth-wheel travel trailer" is a vehicle designed for recreational purposes to carry persons or property on its own structure and so constructed as to be drawn by a motor vehicle by means of a kingpin connecting device. Cal. Veh. Code § 324 (Deering 2004).

"Factory-built housing" is a structure as defined in Section 19971 of the Health and Safety Code. As used in this code, factory-built housing is a trailer coach which is in excess of eight feet in width or in excess of 40 feet in length. Cal. Veh. Code § 321 (Deering 2004).

A "house car" is a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a house car except that, for the purposes of Division 11 (commencing with Section 21000) and Division 12 (commencing with Section 24000), a motor vehicle equipped with a camper having an axle that is designed to support a portion of the weight of the camper unit shall be considered a three-axle house car regardless of the method of attachment or manner of registration. A house car shall not be deemed to be a motortruck. Cal. Veh. Code § 362 (Deering 2004).

"Mobilehome" is a structure as defined in Section 18008 of the Health and Safety Code. For the purposes of enforcement of highway safety laws and regulations, a mobilehome is a trailer coach which is in excess of 102 inches in width, or in excess of 40 feet in overall length measured from the foremost point of the trailer hitch to the rear extremity of the trailer. Cal. Veh. Code § 396 (Deering 2004).

The terms "recreational vehicle", and "RV" shall be defined as "any motorized vehicle, which is not an automobile or motorcycle, used for recreational activities or domicile."


The term "motorhome" shall be defined as a noncommercial passenger vehicle defined in the Cal. Veh. Code § 465 as a "house car" and commonly referred to as a recreational vehicle.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

07 NOV 29 PM 3:22

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

  
\_\_\_\_\_  
City Attorney

**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

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**ORDINANCE ADDING CHAPTER 10.28.290 TO TITLE 10,  
VEHICLES AND TRAFFIC, OF THE OAKLAND MUNICIPAL  
CODE, PROHIBITING THE PARKING OF  
NONCOMMERCIAL BUSES, BOATS, CAMPERS, CAMP  
TRAILERS, SEMITRAILERS, TRAILERS, TRAILER  
COACHES, TRAILER BUSES, FIFTH-WHEEL TRAVEL  
TRAILERS, FACTORY-BUILT HOUSING, HOUSE CARS,  
MOBILEHOMES, MOTORHOMES, RECREATIONAL  
VEHICLES OR RV'S, OR VEHICLES BUILT OR MODIFIED  
FOR DOMICILE OF PERSONS OR ANIMALS ON CITY  
STREETS, PORTIONS THEREOF OR CITY  
THROUGHFARES THROUGHOUT THE CITY**

**WHEREAS**, City streets and other thoroughfares are increasingly used to regularly or routinely park or store campers, trailers, RVs, motorhomes and boats, or vehicles which are built or modified to temporarily or permanently domicile persons or animals; and

**WHEREAS**, the City of Oakland has seen an increase in the number of complaints of traffic danger and health concerns regarding the routine or regular parking and/or storage of such vehicles in residential and commercial areas throughout the City; and

**WHEREAS**, regular or routine parking and/or storage of such vehicles on Oakland City streets obstructs the line of sight from intersections and driveways and impairs access of emergency and critical service vehicles; and

**WHEREAS**, regular or routine parking and/or storage of such vehicles creates health and safety hazards if the City is not able to monitor the occurrence of illegal discharges of septic waste, wastewater, fuels, trash or garbage into City streets, sewers, storm drains or thoroughfares; and

**WHEREAS**, regular or routine parking and/or storage of such vehicles on residential streets interferes with the normal flow of vehicle traffic, especially on narrow streets; and

**WHEREAS**, detached Trailers parked on the street constitute a safety hazard as they do not have an independent braking system; and

**WHEREAS**, the parking of such vehicles on Oakland City Streets in residential and commercial areas creates visual blight in the City; and

**WHEREAS**, regulating the parking of such vehicles improves the safety of streets for motorists, pedestrians and children by improving visibility and driving conditions, and improves the health and safety of the Oakland community, residents and visitors by minimizing the use of City streets and thoroughfares for the illegal discharge of septic waste, wastewater, garbage and trash; and

**WHEREAS**, current parking regulations are inadequate to address the problem of parking such vehicles on residential streets; and

**WHEREAS**, the City of Oakland wishes to preserve the safety and attractiveness of its streets and public thoroughfares;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Section 10.28.290 is added to Title 10, Chapter 28, Vehicles and Traffic, of the Oakland Municipal Code, as follows:

**10.28.290. Prohibition on Parking of Certain Recreational Vehicles and Vehicles Built or Modified for Domicile of Persons or Animals on a City Street, any Portion Thereof or City Thoroughfare Throughout the City.**

A. **DEFINITIONS.** The definitions below shall apply to this Chapter.

“Bus”, “Camper”, “Camper Trailer”, “Semitrailer”, “Trailer”, “Trailer Coach”, “Trailer Bus”, “Fifth-wheel Travel Trailer”, “Factory-built Housing”, “House Car”, and “Mobilehome” shall have a meaning as defined in the California Vehicle Code.

“Motorhome” shall be defined as a non-commercial passenger motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached.

“Recreational Vehicle” and “RV” shall be defined as any vehicle, which is not an automobile or motorcycle, used for recreational activities or domicile, including any type of watercraft or boat.

B. **STREET PARKING.** No person shall park or stand or permit to remain on any street or highway or limited access highway or public alley, or on any parkway area between curb and sidewalk, any bus, boat, camper, camp trailer, semitrailer, trailer, trailer coach, trailer bus, or fifth-wheel travel trailer, factory-built housing, house car, mobilehome, motorhome, or recreational vehicle or RV, except when necessary as provided in section 10.28.010A of this Chapter.

C. In the event a vehicle defined in 10.28.290A of this Section is parked or left standing upon a street in violation of this Section, any officer of the Police Department or any regularly employed and salaried civilian employee of the city who is engaged in the direction of traffic or enforcement of parking regulations when designated by the Chief of Police, may issue a parking fine in an amount specified in Section 10.48.010 of Chapter 10.48, or remove said vehicle from the street in the manner and subject to

the requirements of the Vehicle Code of the State of California. [Will require amending 10.48]

D. COMMERCIAL VEHICLES EXCLUDED. This Section shall not apply to a "commercial" vehicle otherwise regulated pursuant to Sections 10.28.120 through 10.28.150 of this Chapter, as established by a current registration with the California Department of Motor Vehicles under California Vehicle Code § 260.

**Section 2. Conflicts with Existing Code.** To the extent there is a conflict with existing provisions of the Oakland Municipal Code which regulate the stopping, standing and parking of vehicles, this ordinance shall supersede any such conflicting provisions.

**Section 3. Posting of Notice.** City shall cause the posting of an adequate number of appropriate signs at entrance points to the City to notify the public of the parking restrictions contained in this Section.

**Section 4. Severability.** If any article, section, subsection sentence, clause or phrase of this ordinance or exhibit hereto is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions thereof which shall remain in full force and effect.

**Section 5. Effective Date.** Pursuant to Oakland City Charter section 216, this ordinance shall become effective immediately on final adoption if it receives six (6) or more affirmative votes; otherwise it shall become effective upon the seventh (7<sup>th</sup>) day after final adoption.

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

**PASSED BY THE FOLLOWING VOTE:**

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

Noes- \_\_\_\_\_

Absent- \_\_\_\_\_

Abstention- \_\_\_\_\_

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

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