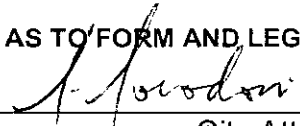


INTRODUCED BY COUNCIL MEMBER _____



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 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--Depositing coins	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