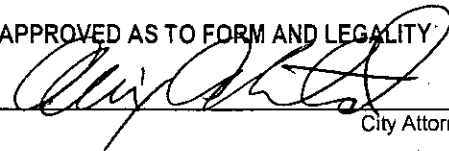


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OFFICE OF THE CITY CLERK
OAKLAND

2010 FEB 23 PM 3:33

REVISED

APPROVED AS TO FORM AND LEGALITY



City Attorney

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTION 10.48.010 "SCHEDULE OF PARKING FINES" TO ADD OR INCREASE A CITY OF OAKLAND FINE FOR CALIFORNIA STATE VEHICLE CODE SECTIONS 4461, 4463 "MISUSE OR ABUSE OF DISTINGUISHING PLACARDS AND SPECIAL LICENSE PLATES" TO \$1,010 (ONE THOUSAND TEN DOLLARS), AND SECTION 22507.8 "DISABLED PERSON PARKING SPACE" TO \$368 (THREE HUNDRED SIXTY-EIGHT DOLLARS) AND SECTION 22522 "3 FEET FROM SIDEWALK ACCESS RAMP" TO \$313 (THREE HUNDRED THIRTEEN DOLLARS)

WHEREAS, the City of Oakland collects fines for violations of the Oakland Traffic Code as set forth in Title 10 of the Oakland Municipal Code; and

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

WHEREAS, recently enacted California Assembly Bill 144, amending California Vehicle Code Sections 4461 and 4463 to authorize a civil penalty of not less than \$250 and not more than \$1,000 for the improper loaning or misuse of a special license plate or placard, the use of a counterfeit, forged, altered or mutilated placard or special license plate, and the use of a valid license plate or placard when it is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the special license plate or placard was issued; and

WHEREAS, the Vehicle Code also requires local jurisdictions to impose an additional ten dollar fine for the above violations to be passed through to Alameda County, bringing the maximum fine for those violations to \$1010; and

WHEREAS, The City Council finds and determines that establishing the maximum \$1010 fine for improper loaning or misuse of a disabled parking placard, the use of a counterfeit, forged, altered or mutilated placard or special license plate and the improper parking in a disabled parking space while misusing a disabled parking placard is necessary to enforce these violations; and

WHEREAS, The new parking citation fines for violations of Vehicle Code Sections 4461 and 4463 have been authorized by California law and justified by the Finance and Management Agency; and

WHEREAS, A.B. Bill 144 also amends Vehicle Code Section 22507.8 to require local jurisdictions to impose an additional ten percent penalty for parking a vehicle in a space designated for disabled persons without a valid license plate or placard, thereby increasing the existing fine from \$335 to \$368; and

WHEREAS, A.B. Bill 144 also amends Vehicle Code Section 22522 to require local jurisdictions to impose an additional ten percent penalty for parking less than three feet from a sidewalk access ramp, thereby increasing the existing fine from \$285 to \$313; and

WHEREAS, a Public Hearing was held on February 23, 2010 to review the proposed changes to the fines; now, therefore

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

Section 1. Oakland Municipal Code (O.M.C.) Section 10.48.010 "Schedule of Parking Fines" 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.

State Vehicle Code Section	Description	Current CVC Fine	Proposed CVC Fine	Pass Through Surcharge (Remitted to Alameda County)	Total New Fine Amount
4461 (b)	Improper Lending of Distinguishing Placards and Special License Plates	\$0	\$1,000.00	\$10.00	\$1,010.00
4461 (c)	Improper Display of, and Misuse or Abuse of Distinguishing Placards and Special License Plates	\$0	\$1,000.00	\$10.00	\$1,010.00
4461 (d)	Parking in Designated Spaces While Misusing Distinguishing Placards and Special License Plates	\$0	\$1,000.00	\$10.00	\$1,010.00
4463 (c)	Use of a Counterfeit, Forged, Altered or Mutilated Placard or Special License Plate	\$0	\$1,000.00	\$10.00	\$1,010.00
22507.8	Disabled Person Parking Space	\$335	\$368	N/A	\$368
22507.8A	Disabled Person Parking Space	\$335	\$368	N/A	\$368

State Vehicle Code Section	Description	Current CVC Fine	Proposed CVC Fine	Pass Through Surcharge (Remitted to Alameda County)	Total New Fine Amount
22507.8B	Disabled Person Parking Space	\$335	\$368	N/A	\$368
22507.8C	Disabled Parking - Hatch Marks	\$335	\$368	N/A	\$368
22522	3' from Sidewalk Access Ramp	\$285	\$313	N/A	\$313

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 as provided in Section 216 of the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, FEBRUARY _____, 2010

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

DATE OF ATTESTATION: _____