

CITY OF OAKLAND
COUNCIL AGENDA REPORT

OFFICE OF THE CITY CLERK
CITY OF OAKLAND
04 OCT 28 PM 2:53

TO: Oakland City Council Colleagues
FROM: Office of Council President De La Fuente
DATE: October 28, 2004 (for Public Safety Committee on November 9, 2004)
RE: ORDINANCE AMENDING THE OAKLAND MUNICIPAL CODE, TITLE 10, VEHICLES AND TRAFFIC, CHAPTERS 10.28.020, 10.28.030 AND 10.28.160 TO MAKE THEM CONSISTENT WITH NEW PARKING REGULATIONS FOR NONCOMMERCIAL BUSES, RECREATIONAL VEHICLES AND OTHER SUCH VEHICLES BUILT OR MODIFIED FOR DOMICILE OF PERSONS OR ANIMALS, AND ADDING FINES TO OAKLAND MUNICIPAL CODE, TITLE 10, CHAPTER 10.48.010

SUMMARY OF ORDINANCE

We are proposing two companion ordinances to restrict the parking of large, non-commercial vehicles (such as RVs) on City of Oakland streets.

The “first ordinance” (also scheduled by the Rules & Legislation Committee for the Public Safety Committee on November 9, 2004) would prohibit the parking of large vehicles between 2:00 a.m. and 6:00 a.m. and would limit parking of those vehicles during the remainder of the day to no more than two hours. A detailed report accompanies the first ordinance.

The “second ordinance” (which accompanies this report) clarifies other parking sections of the Oakland Municipal Code (OMC) so that the new restriction for large, non-commercial vehicles is clear throughout the OMC. This second ordinance also makes it clear that the fine would be \$40 for violating the 2-hour limit and the fine would be \$250 for violating the prohibition of parking between 2:00 a.m. and 6:00 a.m. The proposed fines are based on parking fines for similar violations. A \$40 fine already exists for those violating 2-hour and 4-hour time limits. A \$250 fine already exists for those violating 72-hour time limits and the seriousness of storing one’s large, non-commercial vehicle overnight between the hours of 2:00 a.m. and 6:00 a.m. warrants a similar fine.

As mentioned in the report accompanying the first ordinance, we are proposing this additional parking restriction “in response to increasing numbers of complaints received from Oakland residents that recreational type 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 may also hamper fire trucks, ambulances, and other critical vehicles.”

For additional background, we encourage the reader to consult the report accompanying the first ordinance. As mentioned earlier, the report accompanies the first ordinance also scheduled for the Public Safety Committee November 9, 2004. It is available in the City Clerk’s Office and is available on the internet at the following website address: <http://clerkwebsvr1.oaklandnet.com/attachments/9032.pdf>

FISCAL IMPACTS

In his report for the first ordinance, Legislative Analyst Eugene Weaver concluded, “the revenues from violations of the ordinance will offset the costs...” As this ordinance is a companion to the first ordinance, the conclusion for financial impacts is applicable here as well.

ACTION REQUESTED OF THE CITY COUNCIL

I am asking the full City Council to consider and approve this Ordinance.

Initial Draft Prepared by:

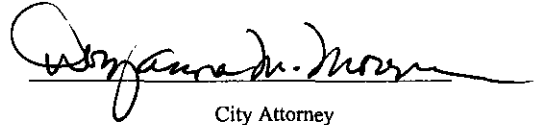
Alex Pedersen, Policy Analyst
Office of City Council President Ignacio De La Fuente

FILED
OFFICE OF THE CITY CLERK
OAKLAND

04 OCT 28 PM 2:53

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER Ignacio De La Fuente


City Attorney

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING THE OAKLAND MUNICIPAL CODE, TITLE 10, VEHICLES AND TRAFFIC, CHAPTERS 10.28.020, 10.28.030 AND 10.28.160 TO MAKE THEM CONSISTENT WITH NEW PARKING REGULATIONS FOR NONCOMMERCIAL BUSES, RECREATIONAL VEHICLES AND OTHER SUCH VEHICLES BUILT OR MODIFIED FOR DOMICILE OF PERSONS OR ANIMALS, AND ADDING FINES TO OAKLAND MUNICIPAL CODE, TITLE 10, CHAPTER 10.48.010

WHEREAS, the City will impose new parking regulations on 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 vehicles built or modified for domicile of persons or animals; and

WHEREAS, the City will impose new fines for parking in violation of said regulations which requires addition of fines to Oakland Municipal Code, Title 10, Vehicles and Traffic, Chapter 10.48.010; and

WHEREAS, several preexisting provisions of the Oakland Traffic Code must be amended to make them consistent with new parking regulations for 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 vehicles built or modified for domicile of persons or animals;

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

SECTION 1. Amendments to Oakland Municipal Code, Title 10, Vehicles and Traffic, Chapter 10.28.020. Chapter 10.28.020 is amended to add the underscored language as follows:

10.28.020 Standing in parkways prohibited.

Except as otherwise authorized in the Oakland Traffic Code (Oakland Municipal Code Title 10) or the State Vehicle Code, No person shall stop, stand or park a vehicle within any parkway.

SECTION 2. Amendments to Oakland Municipal Code, Title 10, Vehicles and Traffic, Chapter 10.28.030. Chapter 10.28.030 is amended to add the underscored language as follows:

10.28.030 Use of streets for storage of vehicles prohibited.

- A. 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.
- B. 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 Sections 22850 and 22856 inclusive of the Vehicle Code of the state of California.
- C. Notwithstanding the above, if other chapters of the Oakland Traffic Code (Oakland Municipal Code, Title 10) or provisions of the State Vehicle Code impose more restrictive parking regulations, the more restrictive parking regulations of the Oakland Traffic Code or State Vehicle Code shall apply.

SECTION 3. Amendments to Oakland Municipal Code, Title 10, Vehicles and Traffic, Chapter 10.28.160. Chapter 10.28.160 is amended to add the underscored language as follows:

10.28.160 Parking prohibited--Unattached trailers.

- A. 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.
- B. When official signs prohibiting unattached trailer parking are erected upon any street or portion of any street as authorized herein, no person shall park an unattached trailer at any time upon any such street or portion of any such street in violation of any such sign.
- C. Notwithstanding the above, if other chapters of the Oakland Traffic Code (Oakland Municipal Code, Title 10) or provisions of the State Vehicle Code impose more restrictive parking regulations, the more restrictive parking regulations of the Oakland Traffic Code or State Vehicle Code shall apply.

SECTION 4. Amendments to Oakland Municipal Code, Title 10, Vehicles and Traffic, Chapter 10.48.010. Chapter 10.48.010 is amended to add parking fines as follows:

- A. A fine of forty dollars (\$40.00) per occurrence for parking, standing or permitting to remain for any period in excess of two (2) hours any noncommercial bus, camper, camp trailer, semitrailer, trailer, trailer coach, trailer bus, fifth-wheel travel trailer, factory-built housing, house car, mobilehome, motorhome, recreational vehicles or rv, or vehicle built or modified for domicile of persons or animals on any street,

street, highway, limited access highway, public alley or any parkway area between curb and sidewalk.

- B. A fine of two hundred and fifty dollars (\$250.00) per occurrence for overnight parking, standing or permitting to remain any noncommercial bus, camper, camp trailer, semitrailer, trailer, trailer coach, trailer bus, fifth-wheel travel trailer, factory-built housing, house car, mobilehome, motorhome, recreational vehicle or rv, or vehicle built or modified for domicile of persons or animals on any street between the hours of 2:00 a.m. and 6:00 a.m. of any day.

SECTION 5. 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 6. Effective Date. 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 (7th) day after final adoption.

332666

IN COUNCIL, OAKLAND, CALIFORNIA, _____ 20__

PASSED BY THE FOLLOWING VOTE:

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

Noes- _____

Absent- _____

Abstention- _____

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