

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE LEGISLATIVE CLERK
CITY OF OAKLAND

04 OCT 14 AM 11:31

TO: Public Safety Committee
FROM: Eugene Weaver, Legislative Analyst to Council
DATE: October 12, 2004

RE: AN ORDINANCE ADDING CHAPTER 10.28. ___ TO TITLE 10, VEHICLES AND TRAFFIC, OF THE OAKLAND MUNICIPAL CODE, REGULATING THE PARKING OF 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 IN A RESIDENTIAL OR COMMERCIAL DISTRICT.

SUMMARY

This ordinance will add a new chapter to Title X of Oakland Municipal Code prohibiting the parking of certain classes of vehicles on City streets between 2:00 a.m. and 6:00 a.m. and limiting parking during the remainder of the day to no more than two hours. The ordinance will apply to any non-commercial 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. The ordinance does not apply to registered commercial vehicles.

Questions regarding the authority of California municipalities to restrict certain classes of vehicles from parking on city streets 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, paving the way for the parking restrictions proposed in this ordinance.

FISCAL IMPACT

Notice Required

California Veh. 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. See *Homes on Wheels v. City of Santa Barbara*, 119 Cal. App. 4th 1173, 1179 (Cal. Ct. App., 2004). 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 140 entrance points into Oakland that are roadways.¹ The actual number of roadways that must be posted to effect adequate notice of the proposed ordinance may be significantly fewer. While there are many roads that traverse the Oakland City Line, it is not

¹ Count estimated by the Office of the Legislative Analyst – at the drafting of this report Traffic Engineering was unable to provide an accurate count.

possible to access these roads without first entering Oakland by means of a posted roadway.² There would be no purpose, therefore, in posting such roadways.

Cost of Signage

The cost of production for 140 entrance points would be \$56,000.00 at a cost of \$400.00 per sign. The Department of Transportation Services can produce the signs in-house at this cost. The actual cost of providing adequate notice would most likely be lower (in accord with the actual number of entrances into Oakland.)

The revenues collected from violations of the ordinance will offset the costs of producing and posting the signs.

BACKGROUND

Council President De La Fuente requested that the Office of the Legislative Analyst prepare this report and the accompanying draft ordinance 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 services vehicles from accessing these streets without delay. And the long-term street storage of vehicles that are designed to function as domiciles presents unique problems related to storage and disposal of hazardous or septic waste and wastewater products.

Oakland is not alone in confronting this trend. Dozens of other California cities are, or have, wrestled with the same issue. The Office Legislative Analyst has reviewed ordinances and proposed ordinances from Agura Hills, Alameda, Camarillo, Citrus Heights, Costa Mesa, Cypress, Del Mar, Encinitas, Fremont, Gilroy, Irvine, Laguna Niguel, Los Gatos, Mission Viejo, Orange County, Palos Verdes, San Buenaventura, Santa Ana, Santa Barbara, San Diego, Villa Park, West Covina, and Yorba Linda. In every case, 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.

² For example, it is not possible for a visitor from Santa Barbara to enter into Oakland, in their motorhome, from Piedmont without having first entered Oakland by means of a posted road.

This ordinance will add a new chapter to Title X of Oakland Municipal Code prohibiting the parking of any non-commercial 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 on City streets between 2:00 a.m. and 6:00 a.m. and limiting parking during the remainder of the day to no more than two hours.

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, the Oakland municipal Code does not effectively prevent the parking of classes of vehicles named in this proposed ordinance on residential streets.

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.” Oakland Muni. Code § 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.³

³ 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.

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. Oakland Muni. Code § 10.28.030 (Deering 2004).
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. Oakland Muni. Code § 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. Oakland Muni. Code § 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. Oakland Muni. Code § 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. Oakland Muni. Code § 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

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.

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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. Oakland Muni. Code § 10.28.140 (Deering 2004).

While the proposed ordinance does not affect commercial vehicles registered with the California Department of Motor Vehicles, it will otherwise prevent the parking of the named classes of vehicles on residential streets.

Legislative Authority

Historically, California cities have restricted the parking of designated classes of vehicles, or alternatively all vehicles, from standing or parking as required in order to maintain public safety and order on their streets. Since the 1959 recodification of the California State Vehicle Code, Cal. Veh. 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." California cities typically relied on § 22507 to specifically regulate the parking of oversized vehicles, trailers, motorhomes, etc. It was not until 1990 that this authority came into question.

A 1990 California Attorney General ("CAAG") opinion stated "that other than prohibiting or otherwise restricting the parking of commercial vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or more, a California city has no authority to prohibit the parking of particular categories of vehicles on its residential streets." 1990 Cal. AG LEXIS 3, 38 (73 Op. Att'y Gen. Cal. 13). After first arguing that the general grant of authority contained in § 22507 would "[o]rdinarily, ... not be one of limitation," the Attorney General concluded that because the general grant of authority to prohibit parking fails to expressly designate particular classes of vehicles, or to authorize the designation of such classes, municipalities have no discretion to do so independently and "[a]ny parking restrictions ... would [therefore] have to apply to all vehicles or none." *Id.* at 17. The CAAG opinion directly contradicted the prevailing legislative trend among California cities, which had relied on the plain meaning of the general grant of authority within § 22507. In fact, a significant number of cities were already using § 22507 in combination with California State Vehicle Code § 22507.5 to effect an outright prohibition against the parking of certain, or all, vehicles from residential streets at all times of the day or night at its publication.⁴

⁴ "Notwithstanding Section 22507, local authorities may, by ordinance or resolution, prohibit or restrict the parking or standing of vehicles on certain streets or highways, or portions thereof, between the hours of 2 a.m. and 6 a.m.,

In late 1991, Dean Garth, a resident of Rancho Palos Verdes, CA, challenged a Rancho Palos Verdes ordinance that prohibited the parking of trailers or semi-trailers upon any “highway, street, alley, public way or public place” unless attached to a vehicle capable of moving it, which thereby prohibited him from parking his boat-trailer and boat on the street in front of his home. Mr. Garth relied upon the 1990 Attorney General’s opinion in arguing that the ordinance exceeded the scope of authority granted to municipalities to regulate standing and parking of vehicles by the state. Not surprisingly, the Appellate Court found the Attorney General’s argument “unpersuasive.” In rejecting the Attorney General’s opinion 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 this past June in a similar case arising out of Santa Barbara, CA. *Homes on Wheels*, a group representing individuals using RVs as their permanent residences, appealed a district court decision arguing 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.

The California Attorney General’s 1990 interpretation of Cal. Veh. Code § 22507 has been twice rejected as misinterpreting the legislative intent expressed by the California legislature. Therefore, in the wake of *Homes* and *Garth*, 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

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

and may, by ordinance or resolution, prohibit or restrict the parking or standing, on any street, or portion thereof, in a residential district, of commercial vehicles having a manufacturer’s gross vehicle weight rating of 10,000 pounds or more.” Cal. Veh. Code § 2207.5 (2004).

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motorists and pedestrians alike. 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.

More importantly, vehicles designed to be used as domiciles frequently contain cistern systems for septic waste, wastewater, cooking fuels etc., which are best handled within appropriate storage facilities. This ordinance will ensure that Oakland's streets are not used to store vehicles that should be garaged, or placed in storage facilities for safekeeping.

ORDINANCE DESCRIPTION

The proposed ordinance will prohibit the standing or parking 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 on Oakland's streets for a period longer than two hours and prohibits their standing or parking for any period between 2:00 a.m. and 6:00 a.m.

This ordinance does not apply to any commercial vehicle registered as such with the California Department of Motor Vehicles.

SUSTAINABLE OPPORTUNITIES

This ordinance will provide the following sustainable opportunities:

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

Environmental: By encouraging the use of appropriate storage facilities, this ordinance will decrease illegal dumping from recreational vehicles. It will also ensure that domiciliary vehicles capable of storing septic waste, wastewater, cooking fuels and other hazardous or toxic substances related to its functioning as a domicile, are stored in properly equipped facilities.

Social Equity: This ordinance will eliminate critical service access issues on streets where oversized vehicles create obstructions. It will also improve the safety of those streets for motorists, pedestrians and children by improving visibility and driving conditions.

Further, this ordinance will ensure that vehicles designed to be used as domiciles are stored in a manner that minimizes the potential accidental or overt release of septic waste, wastewater, cooking fuels and other hazardous or toxic substances related to its functioning as a domicile into the Oakland sewer lines or neighborhoods.

Lastly, this ordinance will decrease visual blight in Oakland's neighborhoods, especially for the neighbors of these vehicle owners.

ACTION REQUESTED BY COUNCIL

The Legislative Analyst to the Council recommends that the Public Safety Committee approve this ordinance for consideration by the City Council.

Respectfully Submitted,

Eugene Weaver

Legislative Analyst to the Council

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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).

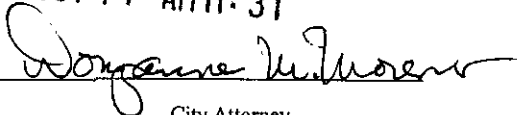
“Mobilehome” is a structure as defined in Section 18008 of the Health and Safety Code. For the purposes of enforcement of highway safety laws and regulations, a mobilehome is a trailer coach which is in excess of 102 inches in width, or in excess of 40 feet in overall length measured from the foremost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

The 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.

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.”

FILED
OFFICE OF THE CITY CLERK
OAKLAND
APPROVED AS TO FORM AND LEGALITY

04 OCT 14 AM 11:31


City Attorney

INTRODUCED BY COUNCILMEMBER Ignacio De La Fuente

ORDINANCE No. _____ C.M.S.

ORDINANCE ADDING CHAPTER 10.28. TO TITLE 10, VEHICLES AND TRAFFIC, OF THE OAKLAND MUNICIPAL CODE, REGULATING 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 THROUGHFARES THROUGHOUT THE CITY

WHEREAS, City streets and other thoroughfares are increasingly used to regularly or routinely park or store certain vehicles, such as 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, the regular or routine parking and/or storage of such vehicles on Oakland City streets creates driver's line of sight obstructions from intersections and driveways and reduces effective ingress and egress 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 or thoroughfares; and

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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, 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. Chapter 10.28.____ is added to Title 10, Vehicles and Traffic, of the Oakland Municipal Code, as follows:

10.28.____ . 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 motorized vehicle, which is not an automobile or motorcycle, used for recreational activities or domicile.

B. **STREET PARKING.** No person shall park or stand or permit to remain for a period in excess of two (2) hours on any street or highway or limited access highway or public alley, or on any parkway area between curb and sidewalk, any bus, 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.

C. **OVERNIGHT PARKING.** No person shall park or stand or permit to stand any 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 on any street between the hours of 2:00 a.m. and 6:00 a.m. of any day.

D. COMMERCIAL VEHICLES EXCLUDED. This Chapter shall not apply to a "commercial" vehicle as established by a current registration with the California Department of Motor Vehicles under California Vehicle Code § 260.

Section 2. Conflicts in Existing Traffic Code. Provisions of this ordinance shall supercede any existing provisions of the Oakland Traffic Code, which regulate the stopping, standing and parking of certain large vehicles, including but not limited to OMC Sections 10.28.020, 10.28.170, 10.28.160, 10.28.120, to the extent that such existing provisions conflict with this ordinance.

Section 3. 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 4. 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.

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

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