

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
OFFICE OF THE CITY CLERK  
OAKLAND

*[Signature]*  
City Attorney

03 JAN 23 PM 12:15

ORDINANCE NO. 12465 C.M.S.

**ORDINANCE REPEALING SECTION 10.24.040 – “STANDING IN ROADWAYS” OF THE OAKLAND MUNICIPAL CODE**

**WHEREAS**, California Vehicle Code Section 21 prohibits any local authority from enacting or enforcing any ordinance on matters covered by the Vehicle Code unless expressly authorized; and

**WHEREAS**, Section 10.24.040 of the Oakland Municipal Code was found to be preempted by California Vehicle Code Section 21954(a) in the court case of People v. McNeil, decided March 21, 2002; now, therefore

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

**Section 1.** Oakland Municipal Code Section 10.24.040, “Standing in Roadways,” is hereby repealed.

**10.24.040 — Standing in roadways**

~~— No person shall stand in any roadway other than in a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic. This provision shall not apply to an public officer or employee, or employee of a public utility when necessarily upon a street in line of duty. (Prior traffic code § 143)~~

Introduction Date: FEB 04 2003

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 18 2003, 20\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, ~~and PRESIDENT DE LA FUENTE~~ <sup>PRESIDENT De La Fuente - 8</sup>

NOES-

ABSENT-

ABSTENTION-

ATTEST: *[Signature]*  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California