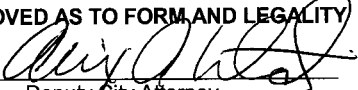


**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY  
  
Deputy City Attorney

2011 FEB 10 PM 2:56 **OAKLAND CITY COUNCIL**

ORDINANCE NO. 13055 C.M.S.

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**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE (O.M.C.) SECTION 10.48.025 "IMPOSITION OF COUNTY AND STATE SURCHARGES" TO INCREASE BY \$3.00 THE PASS-THROUGH SURCHARGE TO ALL O.M.C. PARKING VIOLATION FINES INCLUDING ALL CALIFORNIA VEHICLE CODE (C.V.C.) VIOLATION CITATIONS TO OFFSET AND REMIT TO STATE/ALAMEDA COUNTY THOSE SURCHARGES IMPOSED BY CALIFORNIA GOVERNMENT CODE SECTIONS 76000, 76100 AND 70372(B) AND C.V.C. SECTION 40255**

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

**WHEREAS**, pursuant to the provision of the California Constitution and the State of California laws, the City of Oakland is authorized to set new fines for all types of parking violations, fees and rates for parking violations; and

**WHEREAS**, Section 10.48.025 imposes a surcharge of \$10.00 on all parking offenses in order to pay amounts to Alameda County or the State of California amounts required by law; and

**WHEREAS**, the State of California Senate Bill 857 that becomes effective December 7, 2010, has increased the mandated state surcharge by \$3.00 per citation in order to fund the Trial Court Trust Fund; and

**WHEREAS**, the City of Oakland is proposing to pass through this \$3.00 charge to all of its parking violations and for citations issued for California Vehicle Code violations; now therefore

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

**Section 1.** Section 10.48.025 of the Oakland Municipal Code shall be amended to read as follows:

**10.48.025 - Imposition of county and state surcharges.**

For any parking offense under any ordinance or the California Vehicle Code, there shall be added to and imposed with the base fine a \$10.00 \$13.00 surcharge. Upon the expiration of California Senate Bill 857, said surcharge shall be \$10.00. The use of such surcharge shall be restricted for payments by the City to the county or the state required by law or to reimburse the City for such payments.

Each ticket for a parking violation shall specify separately the amount of the base fine and the amount for any surcharge that is required to be paid by the City to the county or the state.

**Section 2.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

**Section 3.** 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 4.** Effective Date. This ordinance shall become effective on **January 3, 2011.**

DEC 21 2010

IN COUNCIL, OAKLAND, CALIFORNIA, December \_\_\_\_\_, 2010

**PASSED BY THE FOLLOWING VOTE:**

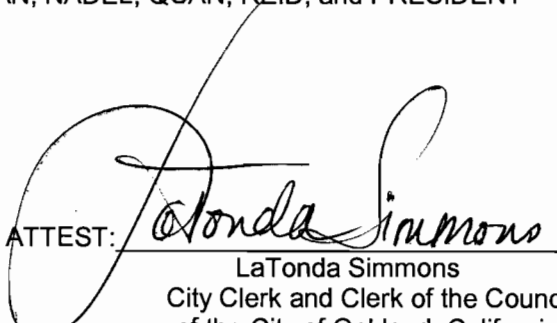
AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:

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

DATE OF ATTESTATION:

  
February 15, 2011

Introduction Date    DEC   7 2010