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OAKLAND
INTRODUCED BY COUNCILMEMBER _____
03 FEB 20 PM 3:04

APPROVED AS TO FORM AND LEGALITY

City Attorney

ORDINANCE No. 12478 C.M.S.

AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 10.16 – MISCELLANEOUS TRAFFIC CONTROL REGULATIONS, ADDING CHAPTER 10.16.220 – DOUBLE PENALTIES FOR VIOLATING TRAFFIC REGULATIONS IN SCHOOL ZONES

WHEREAS, Assembly Bill 1886, signed by California Governor Gray Davis on September 15, 2002, authorizes cities within Alameda County to double fines for certain violations of the California Vehicle Code that occur within school zones; and

WHEREAS, Assembly Bill 1886 authorizes the amount of the increased fines to be committed to a Bicycle and Pedestrian School Safety Fund; and

WHEREAS, the Bicycle and Pedestrian School Safety Fund will be used to meet Oakland's need for a comprehensive safe routes to school program, including more school crossing guards, safety improvements around schools, and safety education for students; and

WHEREAS, Oakland's Pedestrian Master Plan prioritizes safety for young people in and around school sites; and

WHEREAS, this ordinance is submitted with the cooperation and support of the Oakland Unified School District, as required by law.

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

Section 1.

The City of Oakland hereby adopts section 42011 of the California Vehicle Code.

Section 2.

Section 10.16.220 will be added to the Oakland Municipal Code as follows:

"Section 10.16.220

Double Penalties for Violating Traffic Regulations in School Zones

A. The fine for a violation of offenses specified in Section 42011 of the California Vehicle Code shall be doubled in the case of misdemeanors, and increased as specified in the case of infractions, if the violation is committed by the driver of a vehicle within a school zone in either of the following situations:

1. When the school building or grounds thereof are contiguous to a highway and posted with a standard "SCHOOL" warning sign and an accompanying sign notifying motorists that increased

penalties apply for traffic violations that are committed within that school zone, and children are going to or leaving the school either during school hours or during the noon recess period.

- 2. When the school grounds are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children, and the highway is posted with a standard "SCHOOL" warning sign and an accompanying sign notifying motorists that increased penalties apply for traffic violations that are committed within that school zone.

B. Proceeds from the collection of fines shall be deposited in a designated Bicycle and Pedestrian School Safety Fund, with the funds used for the creation and maintenance of a comprehensive safe routes to school program, including, but not limited to, the crossing guard program, safety education programs in schools, capital improvements around schools impacting pedestrian and bicycle safety, and tracking and monitoring of safe routes activities.

C. This section shall remain in effect until January 1, 2007 unless California Vehicle Code section 42011, that authorizes this section, is extended or made permanent by the State of California."

Introduction Date:
MAR 04 2003

MAR 18 2003

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:


AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, ~~WAN~~, and PRESIDENT DE LA FUENTE - 7

NOES- 0

Excused
ABSENT- WAN-1

ABSTENTION- 0

PUBLIC NOTICES
NOTICE & DIGEST
AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 10.16-MISCELLANEOUS TRAFFIC CONTROL REGULATIONS, ADDING CHAPTER 10.16.230-DOUBLE PENALTIES FOR VIOLATING TRAFFIC REGULATIONS IN SCHOOL ZONES
This ordinance provides for the health, safety and general welfare by protecting persons on the way to and from school by doubling the fine for certain moving violations committed by drivers of vehicles who violate Section 42011 of the California Vehicle Code while driving in a marked school zone. Proceeds from the collection of fines shall be deposited in a designated Pedestrian and Bicycle Safety Fund and utilized for the creation and maintenance of programs to promote safe routes for pedestrians and bicycle riders.
NOTICE OF PUBLICATION
This Ordinance was introduced at the City Council meeting, Tuesday evening March 11, 2003, and passed to print 8 Ayes, 0 Noes. Hearing on final adoption has been scheduled for the City Council meeting Tuesday evening March 18, 2003, 7:00 p.m., at One Frank H. Ogawa Plaza, Council Chambers, on the third floor in Oakland, California.
Three full copies are available for use and examination by the Office of the City Clerk at One Frank H. Ogawa Plaza, 1st floor, Oakland, California.
CEDA FLOYD, CITY CLERK
The Oakland Tribune, #212579
March 15, 2003

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