

**CITY OF OAKLAND**  
**AGENDA REPORT**

OFFICE OF THE CITY CLERK  
2006 JUN 15 PM 1:34

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Finance and Management Agency  
DATE: June 27, 2006

RE: **Ordinance Amending Oakland Municipal Code Chapter 10.28 to Adopt Section 10.28.280 to Define and Clarify Parking Prohibitions for Street Sweeping**

---

**SUMMARY**

Staff requests City Council approval of an ordinance amending Oakland Municipal Code (OMC) Chapter 10.28, as amended, to adopt Section 10.28.280 "Parking Prohibited for Street Sweeping." The City of Oakland Parking Enforcement Division currently enforces violations of parking prohibitions for street sweeping pursuant to OMC Section 10.28.240 "Stopping, Standing or Parking Prohibited During Certain Hours." Section 10.28.240 provides that prohibitions on parking are not applicable on holidays, which is broadly defined in Section 10.04.040.<sup>1</sup> OMC Section 10.28.280 will clarify which days are holidays for street sweeping purposes and will allow the City of Oakland Public Works Agency to continue to provide additional street sweeping services on days that would otherwise be defined as "holidays" under OMC Section 10.04.040.

**FISCAL IMPACT**

There is no fiscal impact to the City of Oakland.

**BACKGROUND**

The City of Oakland has a duty to protect the public from health and safety hazards and the impairment of property values which result from accumulation of litter, trash, debris and other pollutants. Street sweeping is a proven and effective means of cleaning and maintaining our assets. The City also has a duty to comply with the Clean Water Act that was approved by Congress in 1972 and amended in 1987 to reduce the amount of pollution in storm water runoff, which flows to our creeks, lakes and the Bay.

---

<sup>1</sup> The word "holiday" is defined in section 10.04.040 of the OMC. The section states:  
"Holiday" means every Sunday, January 1<sup>st</sup>, February 12<sup>th</sup>, third Monday in February, last Monday in May, July 4<sup>th</sup>, first Monday in September, second Monday in October, fourth Monday in October, December 25<sup>th</sup>, Good Friday from twelve noon until three p.m., the Thursday in November appointed as "Thanksgiving Day," the Friday following the Thursday in November appointed as "Thanksgiving Day." If any of the foregoing days, except Sunday, falls upon a Sunday, the Monday following is a holiday."

Item: \_\_\_\_\_  
Public Works Committee  
City Council  
June 27, 2006

Cars that are parked in restricted areas obstruct street sweeping operations because they limit access. Garbage, debris and trash accumulate in the locations where the cars are parked adding blight to neighborhoods. The garbage and debris then accumulate in the City's drainage system, blocking drains and polluting our creeks, Lake Merritt, Lake Temescal and the Bay. Unrestricted street sweeping helps the City keep our waterways clear and clean, protects fish and wildlife and encourages water conservation.

The current parking prohibitions for street cleaning are promulgated and enforced pursuant to OMC Section 10.28.240 "Stopping, Standing or Parking Prohibited During Certain Hours." The parking prohibitions set forth in Section 10.28.240 are not applicable during "holidays," which is broadly defined in OMC Section 10.04.040 and can result in interference with street sweeping operations.

Adopting Section 10.28.280 will limit the definition of "holiday" for purposes of street sweeping parking prohibitions to New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and the day after Thanksgiving, and Christmas Day. This amendment will help facilitate street sweeping within the City of Oakland in furtherance of the goals set forth herein.

#### **KEY ISSUES AND IMPACTS**

Amending Chapter 10.28 by adopting Section 10.28.280 will clarify the language regarding street sweeping prohibition holidays which will result in easier and more consistent enforcement of the street sweeping parking prohibitions.

#### **SUSTAINABLE OPPORTUNITIES**

Economic: The continued reduction of trash and debris on city streets will improve the physical appearance of Oakland, which will help stimulate economic growth and civic pride.

Environmental: The decrease in trash and litter will lessen the amount of debris that enters the storm drain system polluting our creeks, Lake Merritt, Lake Temescal and the Estuary. In addition, the municipal storm water discharge permit requires thoroughly sweeping the streets on a regular basis. Drainage overflows should also be reduced.

Social Equity: Consistent enforcement of street sweeping enhances the overall appearance of the City's streets and prohibits leaving abandoned vehicles on the City streets.

Item: \_\_\_\_\_  
Public Works Committee  
City Council  
June 27, 2006

**DISABILITY AND SENIOR CITIZEN ACCESS**

This report does not include the approval of any specific projects or programs.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the ordinance amending the change to Chapter 10.28 of the Oakland Municipal Code to adopt Section 10.28.280 which sets forth specific parking prohibitions for street cleaning and defines holidays for the purpose of street cleaning parking prohibitions as New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and the day after Thanksgiving, and Christmas Day.

Respectfully submitted,



William E. Noland  
Director, Finance and Management Agency

Prepared by:  
Francine LarKriith-Thompson  
Parking Division Manager

APPROVED AND FORWARDED TO THE  
Public Works Committee:

  
Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
City Council  
June 27, 2006

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

OFFICE OF THE CLERK OF THE CITY OF OAKLAND

*James Atencio*

City Attorney

2006 JUN 15 PM 2:21

ORDINANCE NO. \_\_\_\_\_

C.M.S.

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 10.28 TO ADOPT SECTION 10.28.180 TO DEFINE AND CLARIFY PARKING PROHIBITIONS FOR STREET SWEEPING**

**WHEREAS**, the City of Oakland wishes to preserve the livability, appearance, and social and economic stability of the City; and

**WHEREAS**, the City of Oakland has a duty to protect the public from health and safety hazards and the impairment of property values which result from accumulation of litter, trash, debris, garbage, other materials and pollutants on public streets; and

**WHEREAS**, unobstructed and thorough street cleaning will help reduce drainage overflow, trash, debris and water pollutants that end up in our creeks, lakes and the Bay; and

**WHEREAS**, the City of Oakland has made a large capital investment on the purchase of new street sweeping vehicles, the repair and construction of city streets and the installation of underground utilities, and parking enforcement activities; and

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

**WHEREAS**, Oakland Municipal Code section 10.28.240 "Stopping, Standing or Parking Prohibited During Certain Hours" authorizes the Parking Enforcement Division to issue tickets for violations of posted signs prohibiting parking during certain times for the purpose of street cleaning;

**WHEREAS**, the City Council finds that compliance will be more likely and enforcement easier if the parking prohibitions for street sweeping are specifically defined in a separate code section;

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

**Section 1:** Chapter 10.28 of the Oakland Municipal Code is hereby amended to adopt Section 10.28.280 as follows:

**10.28.280      Parking Prohibited for Street Sweeping**

- A. No person shall park any vehicle on the side of any street on the days, except holidays, and between the hours, designated by the Oakland City Council for the purpose of street cleaning. Each side of each street shall be posted with signs giving notice of the days, and the hours, of the parking prohibition effective on that side of the street. Any person violating the provisions of this Section 10.28.280(A) shall be deemed guilty of an infraction and upon conviction thereof shall be punished by a fine as set forth in the Master Fee Schedule.
- B. Notwithstanding other provisions of this title to the contrary and for the purpose of this section only, "holidays" is defined as the following days: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and the day after Thanksgiving, and Christmas Day.

**PASSED BY THE FOLLOWING VOTE:**

**AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE**

**NOES-**

**ABSENT-**

**ABSTENTION-**

**ATTEST:** \_\_\_\_\_  
**LATONDA SIMMONS**  
**City Clerk and Clerk of the Council**  
**of the City of Oakland, California**

## NOTICE AND DIGEST

### **ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 10.28 TO ADOPT SECTION 10.28.180 TO DEFINE AND CLARIFY PARKING PROHIBITIONS FOR STREET SWEEPING**

This Ordinance will prohibit parking any vehicles on the side of any street on the days, except holidays and between the hours, designated by the Oakland City Council for the purpose of street cleaning. "Holidays" is defined as the following days: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and the day after Thanksgiving, and Christmas Day.