

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

2009 JUL 16 PM 5:34

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: FMA - Parking Operations Division  
DATE: July 21, 2009

RE: **Ordinance Amending Oakland Municipal Code Sections 10.48.010 "Schedule of Parking Fines" to Decrease the City of Oakland Fine for California State Vehicle Code Section 22522 "Sidewalk Access Ramp Within Three (3) Feet" From \$320 (Three Hundred Twenty Dollars) To \$275 (Two Hundred Seventy-Five Dollars)**

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**SUMMARY**

On July 7, 2009 City Council adopted Ordinance No. 12953 C.M.S., amending Oakland Municipal Code Section 10.48.010 "Schedule of Parking Fines." While the Council action included an increase to the fine for California State Vehicle Code (CVC) Section 22522; "Sidewalk Access Ramp Within Three (3) Feet" from \$275 to \$320, Council directed staff to keep this particular fine unchanged. The attached legislation accomplishes this.

**FISCAL IMPACT**

Staff had estimated that the increase of the fine amount from \$275 to \$320 would generate \$3,150 in new revenue to the General Purpose Fund (1010), Treasury Operation Organization (08721), State Vehicle Code Account (43111) in Fiscal Year 2009-10. Rolling the fine back to its previous amount will result in the projected revenue not being realized.

**BACKGROUND**

California State Vehicle Code (CVC) Section 22522, "Sidewalk Access Ramp Within Three (3) Feet," is cited when vehicles are parked less than three feet away from a sidewalk access ramp, or "curb cut." The purpose of the fine is to discourage drivers from blocking sidewalk access for persons with disabilities, including those who use wheelchairs. It is drivers' responsibility to be aware of the vehicle code and to park the required distance from the sidewalk access ramp. Often curb cuts are marked with red paint on the adjacent curb, but not always. The presence of red markings is not required for enforcement of the code; drivers must leave adequate clearance for the curb cut when they park and may be cited whether the curb is marked or not.

**KEY ISSUES AND IMPACTS**

A survey of nearby cities revealed that the previous fine amount of \$275 was within the range of fines charged for a sidewalk access ramp violation and that raising the fee to \$320 would put Oakland's fine close to the top of the local scale. Additionally, since Oakland recovers the

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Alameda County surcharge of \$10 for each citation by adding it to the Oakland fine amount, a fine of \$275 becomes a cost of \$285 to the vehicle owner.

**Comparison of Nearby Cities\*:**

<b>CVC Violation Code</b>	<b>Violation Type</b>	<b>Alameda</b>	<b>Berkeley</b>	<b>Emeryville</b>	<b>Hayward</b>	<b>San Leandro</b>	<b>San Francisco</b>
22522	Sidewalk Access Ramp within 3'	\$300	\$280	\$36	\$330	\$275	\$250

\*Fines listed above do not include the \$10 Alameda County surcharge; the total cost of the fines is \$10 higher.

**SUSTAINABLE OPPORTUNITIES**

There are no direct economic, environmental, or social equity opportunities resulting from this action.

**DISABILITY AND SENIOR CITIZEN ACCESS**

The proposed action serves to discourage drivers from blocking sidewalk access for persons with disabilities, including those who use wheelchairs, thereby supporting greater disability access throughout the city.

**RECOMMENDATION(S) AND RATIONALE**

Staff recommends that Council adopt the proposed ordinance amending Oakland Municipal Code Sections 10.48.010 "Schedule Of Parking Fines" to decrease the City Of Oakland fine for California State Vehicle Code Section 22522 "Sidewalk Access Ramp Within Three (3) Feet" from \$320 to \$275. This action follows the City Council's intent expressed during the July 7, 2009 City Council meeting.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that City Council approve the ordinance.

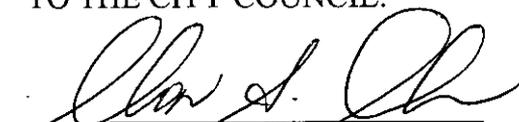
Respectfully submitted,

*Noel Pinto..*

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Noel Pinto  
Parking Operations Manager

Prepared by:  
Kip Walsh, Administrative Services Manager II  
Finance and Management Agency

APPROVED AND FORWARDED  
TO THE CITY COUNCIL:

  
\_\_\_\_\_  
Office of the City Administrator

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**DRAFT**

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

City Attorney

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND**OAKLAND CITY COUNCIL**

2009 JUL 16 PM 5:34

**ORDINANCE No. \_\_\_\_\_ C.M.S.**

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTIONS 10.48.010 "SCHEDULE OF PARKING FINES" TO DECREASE THE CITY OF OAKLAND FINE FOR CALIFORNIA STATE VEHICLE CODE SECTION 22522 "SIDEWALK ACCESS RAMP WITHIN THREE (3) FEET" FROM \$320 (THREE HUNDRED TWENTY DOLLARS) TO \$275 (TWO HUNDRED SEVENTY-FIVE DOLLARS)**

**WHEREAS**, the City of Oakland collects fines for violations of the Oakland Traffic Code as set forth in Title 10 of the Oakland Municipal Code; and

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

**WHEREAS**, on July 7, 2009, the City of Oakland adopted Ordinance No. 12953 C.M.S. amending Oakland Municipal Code Section 10.48.010 "Schedule of Parking Fines," which included an increase to the fine for California State Vehicle Code 22522; "Sidewalk Access Ramp Within Three (3) Feet" from \$275 (two hundred seventy-five dollars) to \$320 (three hundred twenty dollars); and

**WHEREAS**, further analysis of the fine resulted in a recommendation to return the fine to its previous amount of \$275 (two hundred seventy-five dollars); and

**WHEREAS**, a Public Hearing was held on July 21, 2009 to review the proposed change to the fines; now, therefore

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

**Section 1.** Oakland Municipal Code (O.M.C.) Section 10.48.010 "Schedule of Parking Fines" is hereby amended as set forth below. Additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of ordinances not cited or not shown in underscoring or strike-through type are not changed.

State Vehicle Code Section	Description	Current CVC Fine	Proposed CVC Fine	Pass Through Surcharge (Remitted to Alameda County)	Total New Fine Amount
22522	Sidewalk Access Ramp within 3'	\$320.00	\$275.00	\$10.00	\$285.00

**Section 2.** 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 3. Effective Date.** This ordinance shall become effective as provided in section 216 of the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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

DATE OF ATTESTATION: \_\_\_\_\_