

APPROVED AS TO FORM AND LEGALITY

City Attorney

OFFICE OF THE CITY CLERK
OAKLAND

COMMITTEE ON AMIG: 14

OAKLAND CITY COUNCIL
ORDINANCE No. 13070 - C.M.S.

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE AMENDING SECTION 10.52.060 OF THE OAKLAND MUNICIPAL CODE TO ADD SUNNYMERE AVENUE AND HILLMONT DRIVE TO THE LIST OF CITY STREETS WHERE COMMERCIAL VEHICLES EXCEEDING FOUR AND ONE-HALF TONS ARE PROHIBITED

WHEREAS, California Vehicle Code section 35701 allows local authorities, by ordinance, to prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit; and

WHEREAS, Oakland Municipal Code (OMC) Section 10.52.060 prohibits commercial vehicles with a gross vehicle weight rating above four and one-half tons from using specific street segments; and

WHEREAS, the restriction in OMC Section 10.52.060 does not apply to passenger buses and commercial vehicles exceeding four and one-half tons that are using the restricted streets in question as a direct route to deliver goods or services; and

WHEREAS, Sunnymere Avenue residents requested City staff to prohibit large commercial trucks from using their street as a cut-through route; and

WHEREAS, said residents stated that the large commercial trucks create loud noises, rattle windows, damage street pavement, create traffic hazards, and exhaust air pollutants that pose health hazards; and

WHEREAS, staff's investigation indicated that large commercial trucks were using Sunnymere Avenue as a cut-through route between Seminary Avenue and Edwards Avenue; and

WHEREAS, residents agree with staff's recommendation to include Hillmont Drive, a residential street that runs parallel and adjacent to Sunnymere Avenue, in the proposal to prohibit large commercial trucks; and

WHEREAS, residents submitted a petition, signed by 63% of the occupied addresses on Sunnymere Avenue and Hillmont Drive combined, to prohibit large commercial trucks from using said streets; and

WHEREAS, the prohibition of large commercial trucks on Sunnymere Avenue and Hillmont Drive encourages said vehicles to use the designated City truck routes; now, therefore

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

Section 1. Oakland Municipal Code, Title 10, Chapter 10.52.060 Amended. Oakland Municipal Code Title 10, Chapter 10.52.060 is amended adding 1) Sunnymere Avenue from Seminary Avenue to Edwards Avenue, and 2) Hillmont Drive from Sunnymere Avenue to 73rd Avenue to the list of streets where commercial vehicles exceeding a gross vehicle weight rating of four and one-half tons are prohibited.

10.52.060 - Vehicles exceeding four and one-half tons prohibited use on certain streets.

When such streets are appropriately sign posted, the use of the hereinafter described portion of the hereinafter named streets by any motor vehicle (other than passenger buses and passenger stages referred to in Section 50-1/4 of the Public Utilities Act of the state of California), when the total weight of the vehicle and load exceeds four and one-half tons, except for the purpose of loading and unloading thereon, is prohibited.

Section 2. This ordinance shall be effective upon approval by the Council of the City of Oakland if upon final passage it passes with six or more affirmative votes. It will take effect seven days after final passage if the ordinance passes with five affirmative votes.

JUN 21 2011

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID-8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LaTonda Simmons

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

Introduction Date

JUN 7 2011

DATE OF ATTESTATION:

6/27/11

NOTICE AND DIGEST

ORDINANCE AMENDING SECTION 10.52.060 OF THE OAKLAND MUNICIPAL CODE TO ADD SUNNYMERE AVENUE AND HILLMONT DRIVE TO THE LIST OF CITY STREETS WHERE COMMERCIAL VEHICLES EXCEEDING FOUR AND ONE-HALF TONS ARE PROHIBITED

This ordinance authorizes an addition to Chapter 10.52.060 of the Oakland Municipal Code prohibiting through commercial vehicles exceeding four and one half tons in gross vehicle weight rating on the street segments listed below:

<u>Street</u>	<u>From</u>	<u>To</u>
Sunnymere Avenue	Seminary Avenue	Edwards Avenue
Hillmont Drive	Seminary Avenue	73 rd Avenue