

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
AGENDA REPORT

2009 JUN 17 PM 9:58

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Parking Operations
DATE: June 30, 2009

RE: Supplemental Report to An Ordinance Amending Oakland Municipal Code Section 10.48.010 "Schedule Of Parking Fines" To Increase California Vehicle Code Parking Fines, And Amending O.M.C. Section 10.36.050 "Parking Meter Indication That Space Is Illegally In Use", To Increase The Parking Meter Hours, And Amending O.M.C. Section 10.36.090 "Holidays In Parking Meter Zones On Streets" To Increase The Days Of The Week During Which A Parking Space Can Be Illegally In Use, And Amending O.M.C. Section 10.48.010 "Schedule Of Parking Fines" To Increase Parking Fines Related To Illegal Truck Parking

SUMMARY

At the June 16, 2009 Special City Council meeting, staff presented a proposed ordinance amending several sections of the Oakland Municipal Code (O.M.C.) related to parking fines and parking meter operations. In response to questions raised during the discussion on the item, staff have prepared a revised ordinance for consideration.

The changes are as follows: (1) The previous iteration of the proposed ordinance sought to eliminate Sundays as "Holidays in Parking Meter Zones on Streets," the revised ordinance leaves this provision unchanged (**parking meters will not be enforced on Sundays**). (2) The previously presented ordinance listed only the O.M.C. fines and did not incorporate the \$10 "pass-through" charge to the county authorized by Ordinance No. 12928 C.M.S. on May 5, 2009. The revised ordinance now contains a chart indicating the previous O.M.C. fine amount, the recommended fine amount, the "pass-through" charge, and the total fine amount that cited owners will pay for each violation type.

In addition, clarification was requested regarding the violation and fine for Section 10.28.130, "Parking commercial vehicles weighing more than seven thousand pounds and less than ten thousand pounds." The question was whether the Code referred only to residential streets or not. In the text pertaining to this item in the O.M.C., parking commercial vehicles of the specified size on any **public street** is a violation of the code and can be cited, *except* under the following conditions:

C. The provisions of this section shall not apply to the driver or owner of any service vehicle owned or operated by or for or operated under contract with a utility or public utility, whether privately, or publicly owned, used in the construction, operation, removal, or repair of the utility or public utility property or facilities upon, in, over, under, or adjacent to such restricted

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streets, whether privately, municipally, or publicly owned, if warning devices are displayed and when the vehicle is engaged in authorized work on such restricted streets.

D. The provisions of this section shall not apply to the driver or owner of any commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on such restricted streets or highways, or to the driver or owner of any commercial vehicle used for the purpose of delivering materials in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets or highways for which a building permit or re-roofing registration is required.

RECOMMENDATION AND RATIONALE

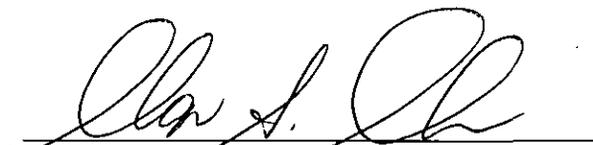
Staff recommends the City Council accept this supplemental report on the proposed Ordinance amending Oakland Municipal Code (O.M.C.) section 10.48.010 "Schedule of Parking Fines" to increase California Vehicle Code parking fines, and amending O.M.C. section 10.36.050 "Parking Meter Indication That Space Is Illegally In Use," to increase parking meter hours, and amending O.M.C. section 10.36.090 "Holidays In Parking Meter Zones On Streets" to increase the days of the week during which a parking space can be illegally in use, and amending O.M.C. section 10.48.010 "Schedule of Parking Fines" to increase parking fines related to illegal truck parking.

Respectfully submitted,



Noel Pinto
Parking Manager

APPROVED AND FORWARDED TO THE
CITY COUNCIL:


Office of the City Administrator

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


City Attorney

2009 JUN 17 PM 8:47 **OAKLAND CITY COUNCIL**

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTION 10.48.010 "SCHEDULE OF PARKING FINES" TO INCREASE CALIFORNIA VEHICLE CODE PARKING FINES, AND AMENDING O.M.C. SECTION 10.36.050 "PARKING METER INDICATION THAT SPACE IS ILLEGALLY IN USE", TO INCREASE THE PARKING METER HOURS, AND AMENDING O.M.C. SECTION 10.48.010 "SCHEDULE OF PARKING FINES" TO INCREASE PARKING FINES RELATED TO ILLEGAL TRUCK PARKING

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, the City of Oakland seeks to raise certain State Vehicle Code fines set in Oakland Municipal Code Section 10.48.010 "Schedule of Parking Fines;" and

WHEREAS, the City of Oakland seeks to increase the hours during which it is illegal to park a vehicle in a parking meter zone, as set forth in Oakland Municipal Code Section 10.36.050; and

WHEREAS, the City of Oakland seeks to raise the fines for illegal truck parking set in Oakland Municipal Code Section 10.48.010 "Schedule of Parking Fines;" and

WHEREAS, a Public Hearing was held on June 30, 2009 to review these proposed changes; 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.

Oakland Traffic Code Section	Description	Current CVC Fine	Proposed CVC Fine	Pass Through Surcharge (Remitted to Alameda County)	Total New Fine Amount
10.28.130	Parking of commercial vehicles-7,000 to 10,000 pounds	\$122.00	\$260.00	\$10.00	\$270.00
10.28.160	Parking prohibited--Unattached trailer	\$63.00	\$80.00	\$10.00	\$90.00
10.28.120	Parking of commercial vehicles in a residential district--over 10,000 pounds	\$122.00	\$260.00	\$10.00	\$270.00

Section 2 Oakland Municipal Code (O.M.C.) section 10.48.010 "Schedule of Parking Fines State Vehicle Code Section" 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
21113(a)	Parking on Public Grounds	\$45.00	\$55.00	\$10.00	<u>\$65.00</u>
22500	Improper parking, citation category not specified	\$30.00	\$100.00	\$10.00	<u>\$110.00</u>
22500(a)	No parking--Intersection	\$30.00	\$75.00	\$10.00	<u>\$85.00</u>
22500(b)	No parking--Crosswalk	\$30.00	\$75.00	\$10.00	<u>\$85.00</u>
22500(c)	No parking--Safety zone (red zone between stop bar and right-hand curb)	\$30.00	\$75.00	\$10.00	<u>\$85.00</u>
22500(d)	No parking within 15 of fire station driveway	\$30.00	\$75.00	\$10.00	<u>\$85.00</u>
22500(e)	No parking--Driveway	\$30.00	\$75.00	\$10.00	<u>\$85.00</u>
22500(f)	No parking--Sidewalk	\$30.00	\$90.00	\$10.00	<u>\$100.00</u>
22500(g)	No parking--Obstructing construction traffic	\$30.00	\$50.00	\$10.00	<u>\$60.00</u>
22500(h)	No parking--Double parked	\$30.00	\$65.00	\$10.00	<u>\$75.00</u>
22500(j)	No parking--Tunnel	\$30.00	\$50.00	\$10.00	<u>\$60.00</u>
22500(k)	No parking--Bridge	\$30.00	\$50.00	\$10.00	<u>\$60.00</u>
22500.1	No parking--Fire lane	\$30.00	\$90.00	\$10.00	<u>\$100.00</u>
22500.I	Bus Zone		\$270.00	\$10.00	<u>\$280.00</u>
22500.L	Wheelchair Access		\$270.00	\$10.00	<u>\$280.00</u>

22502	18" from curb (or distance from curb)	\$30.00	\$50.00	\$10.00	\$60.00
22505	No parking--State highway areas	\$30.00	\$40.00	\$10.00	\$50.00
22507.8	Disabled Parking Space		\$325.00	\$10.00	\$335.00
22513	No solicitation by tow truck	\$30.00	\$100.00	\$10.00	\$110.00
22514	No parking--Fire hydrant	\$30.00	\$90.00	\$10.00	\$100.00
22515	Improper parking--Wheels not blocked/brakes not set	\$30.00	\$60.00	\$10.00	\$70.00
22516	Locked vehicle--Person unable to escape	\$30.00	\$90.00	\$10.00	\$100.00
22520	No parking on freeway	\$30.00	\$250.00	\$10.00	\$260.00
22520.5	Vending on freeway prohibited	\$30.00	\$250.00	\$10.00	\$260.00
22521	No parking on/near railroad track	\$30.00	\$65.00	\$10.00	\$75.00
22522	Sidewalk Access Ramp within 3'		\$320.00	\$10.00	\$330.00
22658(a)	Removal from private property	\$40.00	\$40.00	\$10.00	\$50.00
22951	No street/alley parking from offstreet lot	\$30.00	\$30.00	\$10.00	\$40.00
23333	No parking--Vehicular crossing	\$30.00	\$60.00	\$10.00	\$70.00
5200	Missing license plates	\$ 70.00	\$80.00	\$10.00	\$90.00
5204(a)	Current tabs not attached	\$ 70.00	\$70.00	\$10.00	\$80.00

(Ord. 12898 § 1 (part), 2008; Ord. 12814 § 1, 2007; Ord. 12813 § 1 (part), 2007;

Ord. 12510 § 1, 2003; Ord. 12508, 2003; Ord. 12473 § 1, 2003; Ord. 12472, 2003;

Ord. 12339 § 2, 2001; Ord. 12170 § 2, 1999; Ord. 12038 § 3, 1998; Ord. 11985 § 1, 1997;

Ord. 11975 § 1, 1997; amended during 1997 codification; Ord. 11792-A § 2, 1995; prior traffic code § 401)

(Ord. 12898 § 1 (part), 2008; Ord. 12814 § 1, 2007; Ord. 12813 § 1 (part), 2007; Ord. 12510 § 1, 2003; Ord. 12508, 2003; Ord. 12473 § 1, 2003; Ord.

Section 3 Oakland Municipal Code (O.M.C.) section 10.36.050 "Parking Meter Indication That Space is Illegally in Use" 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.

A. It is illegal for any person to park or leave standing any vehicle in any parking meter zone on any street at any time during which the parking meter shows, indicates, registers, or displays that the parking space is illegally in use except during the time necessary to deposit United States coins in said parking meter so as to show, indicate, register, display, or permit legal parking and excepting also during the time from ~~six p.m.~~ eight p.m. to eight a.m., and excepting also all holidays as defined in Section 10.36.090 when indicated by appropriate signs located on the parking meter. When five-hour meters are installed, such meters shall show, indicate, register, display, or permit legal parking during a twenty-four (24) hour period, seven days a week, when indicated by appropriate signs located on the parking meters.

Section 5. 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 6. Effective Date. This ordinance shall become effective immediately upon adoption if upon final passage it passes with six or more affirmative votes. It will take effect seven days after final passage if it is adopted with five affirmative votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2009

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: _____