

2010 FEB 25 PM 2: 15

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: FMA/Parking Operations
DATE: March 9, 2010

RE: **Ordinance Amending Oakland Municipal Code Section 10.48.010 "Schedule of Parking Fines" to Increase from \$35.00 to \$55.00 City of Oakland Fine for a Violation of Oakland Municipal Code Section 10.36.30B "Valid Parking Receipt Not Displayed"**

SUMMARY

Oakland Municipal Code Section 10.48.010 currently imposes a \$35.00 fine for parking a vehicle at a multi-space (Cale) meter without displaying a valid parking receipt. At the same time, a fine for parking at an expired single-space meter is \$55.00. This Ordinance would increase the "Valid Parking Receipt Not Displayed" fine to \$55.00, which includes the \$10.00 State mandated amount remitted to Alameda County, to bring the fine in line with other parking fine increases adopted by the City Council last year.

DISCUSSION

On July 7, 2009 the City Council adopted Ordinance No. 12952 C.M.S. increasing parking fines for parking citations issued under various California Vehicle Code and Oakland Municipal Code (OMC) Sections. This included increasing fines for expired meter to \$55.00, increasing violations for one-hour, two-hour and four-hour zones to \$70.00, and increasing yellow, white and taxi zone violations to \$80.00. Fines related to Oakland Municipal Code Section 10.36.30B "Valid Parking Receipt Not Displayed" were not included in that Ordinance.

Display of a valid parking receipt is specific to the multi-space meters (Cale) used throughout the City. Parking enforcement staff have been issuing citations for this violation under other applicable parking violation code sections for which fines were increased to \$55.00 under Ordinance No. 12952 C.M.S. For statistical data collection, analysis and reporting purposes, staff will use OMC Section 10.36.30B to issue citations for violations related to not displaying a valid parking receipt. To make the fines under OMC Section 10.36.30B consistent with the other code sections under which these violations are written, the fine needs to be increased to \$55.00.

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FISCAL IMPACTS

Because citations for not displaying a valid parking receipt are currently written under other applicable OMC sections at the \$55.00 level, increasing the fine for OMC Section 10.36.30B from \$35.00 to \$55.00 will not generate additional revenue.

SUSTAINABLE OPPORTUNITIES

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

DISABILITY AND SENIOR CITIZENS ACCESS

The proposed action does not impact disability and senior citizen access.

RECOMMENDATION AND RATIONALE

Staff recommends that Council adopted the Ordinance amending Oakland Municipal Code Section 10.48.010 "Schedule of Parking Fines" to increase from \$35.00 to \$55.00 the City of Oakland parking fine for Oakland Municipal Code Section 10.36.30B "Valid Parking Receipt Not Displayed", such that the fine charged for this violation is consistent with the fine increases approved for other parking fines by Ordinance No. 12952 C.M.S..

ACTION REQUESTED TO THE CITY COUNCIL

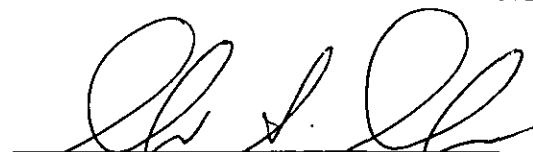
Approve the Ordinance amending Oakland Municipal Code Section 10.48.010 "Schedule of Parking Fines" to increase from \$35.00 to \$55.00 the City of Oakland parking fine for Oakland Municipal Code Section 10.36.30B "Valid Parking Receipt Not Displayed."

Respectfully submitted.



Noel Pinto, Parking Operations, Manager
FMA/Parking Operations Division

APPROVED AND FORWARDED TO
THE FINANCE AND MANAGEMENT COMMITTEE:

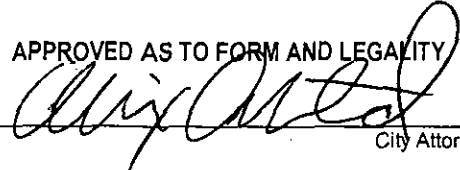

Office of the City Administrator

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FILED
OFFICE OF THE CITY CLERK
OAKLAND

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APPROVED AS TO FORM AND LEGALITY


City Attorney

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTION 10.48.010 "SCHEDULE OF PARKING FINES" TO INCREASE THE CITY OF OAKLAND FINE FOR A VIOLATION OF OAKLAND MUNICIPAL CODE SECTION 10.36.30B VALID PARKING RECEIPT NOT DISPLAYED" FROM \$35.00 (THIRTY FIVE DOLLARS) TO \$55.00 (FIFTY 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, the City of Oakland increased some of the parking violation fines set in Oakland Municipal Code Section 10.48.010 "Schedule of Parking Fines" effective July 1, 2009; and

WHEREAS, a Public Hearing was held on March 16, 2010 to review the proposed change herein; 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 Municipal Code Section	Description	Current OMC Fine	New OMC Fine	Pass Through Surcharge (Remitted to Alameda County)	Total New Fine Amount
10.36.30B	Valid Parking Receipt Not Displayed	\$35	\$45	\$10	\$55

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, March _____, 2010

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: _____