

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
2006 NOV -1 PM 4: 12

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Finance and Management Agency
DATE: November 14, 2006

RE: **Ordinance Amending Oakland Municipal Code, Title 10, Chapter 10.36, Article 10.36.030 to Delete Obsolete Parking Meter Provisions**

SUMMARY

This ordinance has been prepared to amend Oakland Municipal Code, Title 10, Chapter 10.36, Title 10.36.030 to delete obsolete parking meter provisions, and to bring the Oakland Municipal Code (OMC) Parking Meter fee, Article 10.36.030, titled "Deposit of coins-Amount of time corresponds to value of coins" into conformity with the parking-meter rates stated in the current Master Fee Schedule (MFS).

The amendment will delete obsolete parking meter rates stated in the OMC and add a reference to the City of Oakland MFS Ordinance which is adjusted annually to reflect Oakland's current fees, including parking meter rates.

FISCAL IMPACT

There is no fiscal impact to the City of Oakland.

BACKGROUND

Current parking meter rates are set forth in the City's Master Fee Schedule, Ordinance No. 12744 C.M.S., adopted on June 20, 2006. The MFS Ordinance is periodically updated and adopted by the City Council whenever there are meter rate increases. The last amendment to the MFS to increase on-street parking meter fees was adopted by the City Council on June 20, 2006.

Oakland Municipal Code Article 10.36.030 also sets forth parking meter fees. These fees are obsolete and cause confusion as to the appropriate rates.

KEY ISSUES AND IMPACTS

The on-street parking meter rates set forth in the Oakland Municipal Code should be deleted and a reference to the current Master Fee Schedule Ordinance, which sets forth current parking meter rates should be added to eliminate confusion over parking meter rates.

Item: _____
November 14, 2006
Finance & Management Committee

SUSTAINABLE OPPORTUNITIES

No sustainable opportunities have been identified.

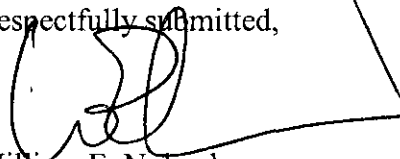
DISABILITY AND SENIOR CITIZEN ACCESS

There is no impact to disabled or senior citizen access.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the Ordinance amending Oakland Municipal Code (OMC) Title 10, Chapter 10.36, Article 10.36.030. This ordinance will delete the obsolete rate provisions and add a reference to the City of Oakland Master Fee Schedule Ordinance, which is adjusted annually to reflect Oakland’s current fees, including parking meter rates.

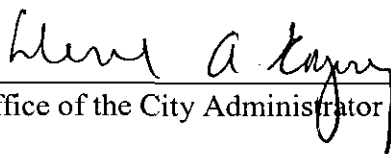
Respectfully submitted,



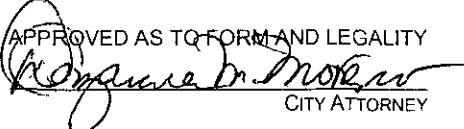
William E. Noland
Director, Finance and Management Agency

Prepared by:
F.V. Larkrith-Thompson
Parking Division Manager

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:


Office of the City Administrator

2006 NOV -1 PM 4:12

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

ORDINANCE NO. _____ C.M.S.

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE, TITLE 10,
CHAPTER 10.36, ARTICLE 10.36.030, *PARKING METER ZONES*, TO
DELETE OBSOLETE PARKING METER FEE PROVISIONS**

Whereas, the California Vehicle Code §22508 requires the elected body of a local jurisdiction to adopt parking meter fees by ordinance; and

Whereas, the Oakland City Council has established parking meter fees by adopting the City of Oakland Master Fee Schedule Ordinance, which is adopted annually; and

Whereas, Oakland Municipal Code, Title 10, Chapter 10.36, Article 10.36.030 sets forth obsolete parking meter fees and, therefore, should be amended; now, therefore,

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

Section 1. Delete obsolete provisions of Oakland Municipal Code. Oakland Municipal Code Title 10, Chapter 1.36, Article 10.36.030 is hereby amended as follows:

10.36.030 Deposit of coins – Amount of time corresponds to value of coins.

When any vehicle shall be parked in any parking space adjacent to which a parking meter is located in accordance with the provisions of this chapter, the operator of said vehicle upon so parking shall, and it is unlawful to fail to, deposit immediately one or more coins of the United States in such parking meter and, when required by the directions on the parking meter, the operator of such vehicle, after deposit of the proper coin or coins of the United States, shall also set in operation the timing mechanism, if any, on such parking meter, and failure to deposit such proper coin or coins and to set the timing mechanism, if any, in operation when so required shall be unlawful. Any such operator who, upon so parking, deposits coins in such parking meter in an amount greater than is legally required does so at his or her own convenience, and the city shall not be liable for any refund therefor.

Parking meter fees shall be established annually in the City of Oakland Master Fee Schedule Ordinance. ~~One-half hour on-street parking meters shall show legal parking during a designated period of time corresponding to the amount of United States coins deposited, based upon fifteen (15) minutes for five cents (\$.05) or multiples thereof to and including ten cents (\$.10) for one-half hour. One-hour on-street parking meters shall show legal parking during a designated period of time corresponding to the~~

~~amount of United States coins deposited, based upon fifteen (15) minutes for five cents (\$.05) or multiples thereof and including forty cents (\$.40) for two hours. Five-hour on-street parking meters shall show legal parking during a designated period of time corresponding to the amount of United States coins deposited, based upon fifteen (15) minutes for five cents (\$.05), thirty (30) minutes for ten cents (\$.10) or multiples thereof, sixty (60) minutes for twenty cents (\$.20) or multiples thereof, to and including one dollar (\$1.00) for five hours. The one-half, one, two, and five-hour meters shall be designated to receive nickels, dimes and quarters. (Prior traffic code § 122)~~

Section 2. Remaining Provisions Unchanged. Except as amended herein, all provisions, articles, sections, subsections, sentences, clauses or phrases of Oakland Municipal Code Title 10, Chapter 10.36, Article 10.36.030 shall remain unchanged and in full force and effect.

Section 3. Severability: If any article, section, subsection sentence, clause or phrase of this ordinance 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 4. Effective Date: This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, (DATE), 20(YEAR)

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 TITLE 10, CHAPTER 10.36, ARTICLE 10.36.030, *PARKING METER ZONES*, TO DELETE OBSOLETE PARKING METER FEE PROVISIONS

This ordinance will amend Oakland Municipal Code Title 10, Chapter 10.36, Article 10.36.030, which, among other things, sets forth obsolete parking meter fees. The purpose of this amendment is to delete the obsolete fees provisions and add a reference to the City of Oakland Master Fee Schedule Ordinance which is adjusted annually to reflect Oakland's current fees including parking meter fees.