



AGENDA REPORT

**TO: DEANNA J. SANTANA
CITY ADMINISTRATOR**

**FROM: Sean Whent
Interim Chief of Police**

SUBJECT: Ordinance Amending Title 10

DATE: May 10, 2013

City Administrator
Approval

Date

5/14/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council Amend Title 10 of The Oakland Municipal Code to (1) Supplement And Clarify Terms Affecting Parking In Limited-Time Parking Zones and (2) Amend The Parking And Meter Holidays To Conform With Current Observed Holidays.

OUTCOME

Staff will continue to enforce parking ordinances and rules, but expect to see a reduction in the number of complaints made based on misunderstanding of the limited time parking rules.

BACKGROUND/LEGISLATIVE HISTORY

Title 10 of the Oakland Municipal Code was passed decades ago, and contains most of the laws which control the manner and means of parking motor vehicles in the City of Oakland. Chapter 10.04 contains the general provisions that apply to Title 10, including the definition of certain words and phrases used in Title 10. Title 10 contains a number of Chapters which state maximum limits on the time that motor vehicles can be parked in certain locations, such as Chapter 10.28 (posted maximum parking of one-hour, two-hour, etc.) and Chapter 10.44 (limited time parking in residential parking permit zones).

By the current wording of the ordinance, after reaching the maximum allowed parking time, a vehicle could not re-park anywhere else in any limited time zone in the City, for the rest of the day. The way this has been enforced is by staff not considering it to be a violation if such car relocates at least one block, or two-tenths of a mile away, or across the street. Complaints have arisen where parked vehicles have been ticketed after relocating just one parking space at a short distance.

These amendments are proposed with the intent of making the enforcement rules and expectations clearer, providing for a reasonable turnover of limited parking spaces, and

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providing reasonable options for vehicle owners who need to stay in a certain area longer than posted maximum parking times.

Additionally, Title 10 contains a list of "Parking Holidays" (Section 10.04 "Holidays") and "Meter Holidays" (Section 10.36.090 "Holidays in parking meter zones on streets"). Over the decades, some of the observed holidays which are currently listed in those sections have changed, and staff desires to update those listed holidays.

ANALYSIS

The proposed Ordinance would amend the parking laws to clarify a few key terms to increase the availability of parking spaces and provide clarity to avoid misunderstandings about parking rules.

First, it would be made clear that "shifting" a parked vehicle is prohibited, unless that vehicle is moved at least one block or two-tenths of a mile. Second, for the purposes of parking enforcement, a "Block" would be clearly defined to mean both sides of an uninterrupted segment of street or alley between two adjacent intersections. Third, for those rare occasions where a block is very long, a violation based on "shifting" can be avoided by moving a parked car at least two-tenths of a mile.

Additionally, there is an existing definition of "Block" in Chapter 10.44 which differs from the proposed new definition under section 10.04.040. "Block" in Chapter 10.44 is used solely for the purpose of analyzing a location for the potential institution a Residential Parking Permit Zone. Clarifying language is added to Chapter 10.44 to make this clear.

Next, a number of outdated holidays are updated to conform to current practice as follows:

- "Third Monday in January" – is added to recognize that the City observes this as the Dr. Martin Luther King, Jr. holiday.
- "September 9" – is added to recognize that the City observes this day as California Admissions Day holiday.
- "Second Monday in October" – is stricken to recognize that the City does not observe Columbus Day as a holiday.
- "Fourth Monday in October" – is stricken and replaced by November 11th to recognize that the City observes this as Veteran's Day. From 1971-1978, Veteran's day was observed on the fourth Monday in October under the Federal Uniform Monday Holiday Act.
- "Good Friday from twelve noon until three p.m."- is stricken to recognize that the City does not observe this Christian event as an official holiday.
- "Washington's Birthday" – is stricken and replaced with "President's Day" to recognize that the City observes the President's Day holiday.

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PUBLIC OUTREACH/INTEREST

Because these changes are intended to clarify the public's understanding of how, where, and when vehicles can be parked, staff will follow the passage of this Ordinance with a number of public notice and outreach efforts including:

- Posting prominent banners or warnings on various pages of the City's website, including the parking enforcement webpage.
- Issuing press releases and announcements to publicize the changes in law.
- Institution of a one month grace period after the changes go into effect, during which parking violations affected by these changes will not be issued, but a warning notice will be issued explaining the changes.

COORDINATION

The Budget Office and the City Attorney's Office were consulted in preparation of this report.

COST SUMMARY/IMPLICATIONS

There is no Fiscal impact associated with the adoption of this proposed Ordinance.

SUSTAINABLE OPPORTUNITIES

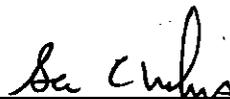
Economic: An updated ordinance will provide citizens with necessary clarification regarding the City's Parking Holidays and rules, thus reducing the overall citizen complaints.

Environmental: There are no environmental opportunities to this report.

Social Equity: There are no social equity opportunities to this report.

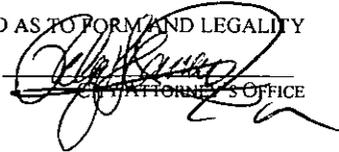
For questions regarding this report, please contact Yvonne Cropp, Police Service Manager (Parking Enforcement Section), at 510-238-6210.

Respectfully submitted,



Sean Whent
Interim Chief of Police
Oakland Police Department

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CITY ATTORNEY'S OFFICE

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING TITLE 10 OF THE OAKLAND MUNICIPAL CODE TO (1) SUPPLEMENT AND CLARIFY TERMS AFFECTING PARKING IN LIMITED-TIME PARKING ZONES AND (2) AMEND THE PARKING AND METER HOLIDAYS TO CONFORM WITH CURRENTLY OBSERVED HOLIDAYS

WHEREAS, the Oakland Municipal Code contains numerous restrictions that specify the maximum time which a motor vehicle may be parked in various limited time parking zones; and

WHEREAS, there has been confusion by the public about how far motor vehicles must be moved, or when they can be re-parked in the same zone, in order to avoid violating the limited time parking restrictions; and

WHEREAS, the parking citations issued to motor vehicles for violation of limited time zone parking restrictions can lead to owner or driver frustration when the owner or driver does not correctly understand the parking rules and has made an attempt to comply with the restrictions; and

WHEREAS, significant amounts of time are spent by the public and by City staff in handling appeals and complaints which arise from such parking citations and tows; and

WHEREAS, the reputation of the City of Oakland is harmed by the perception that its parking enforcement rules and administration are unclear and unfair; and

WHEREAS, a number of parking holidays currently listed in the Code are outdated, and should be corrected to conform to currently observed holidays; and

WHEREAS, by amending Title 10 of the Oakland Municipal Code to provide clarity, residents of and visitors to the City of Oakland will all benefit from the reduced potential for misunderstanding of City of Oakland parking rules; now, therefore,

THE OAKLAND CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1 – The City Council does hereby find and declare that the above recitals are true and correct and hereby makes them part of this Ordinance.

Section 2 –Chapter 10.04 (General Provisions) of the Oakland Municipal Code is amended as set forth below. Additions are indicated by underscored type, while deletions are indicated by strikethrough type:

10.04.040 - Definitions of words and phrases.

“Block” means both sides of the uninterrupted segment of a street or alley between two adjacent intersections or between an intersection and the terminus of the street or alley or the City boundary.

"Holiday" means every Sunday, January 1st, third Monday in January, February 12th, third Monday in February, last Monday in May, July 4th, first Monday in September, September 9th second-Monday-in-October, fourth-Monday-in-October, November 11th, December 25th, ~~Good-Friday from twelve-noon-until-three-p.m.~~, the Thursday in November appointed as "Thanksgiving Day," the Friday following the Thursday in November appointed as "Thanksgiving Day." If any of the foregoing days, except Sunday, falls upon a Sunday, the Monday following is a holiday.

10.04.050 – Shifting of Parked, Stopped, and Standing Vehicles

For the purposes of parking enforcement, a vehicle shall be deemed to have been stopped, parked, or left standing, whether attended or unattended, if the vehicle has not been moved (a) at least one (1) "Block" or (b) two-tenths (2/10) of mile (approximately 1050 feet), from its original stopped, parked or standing position upon expiration of the applicable parking time limit. This section applies to all limited time parking zones.

Section 3 –Chapter 10.36 (Parking Meter Zones) of the Oakland Municipal Code is amended as set forth below. Additions are indicated by underscored type, while deletions are indicated by strikethrough type:

10.36.090 - Holidays in parking meter zones on streets.

Notwithstanding other provisions of this title to the contrary and for the purpose of this chapter only, the following days are defined as holidays in parking meter zones, on streets in the City: every Sunday, January 1st, third Monday in January (Martin Luther King Jr.'s birthday), third Monday in February (~~Washington's birthday~~ Presidents' Day), last Monday in May (Memorial Day), July 4th, first Monday in September (Labor Day), Thanksgiving Day and December 25th. If any of the foregoing days, except Sunday, falls upon a Sunday, the Monday following is a holiday.

The provisions of this section do not apply to parking meter zones located in municipal parking lots.

Section 4 – the following sections of Chapter 10.44 (Residential Permit Parking Program) of the Oakland Municipal Code are amended as set forth below. Additions are indicated by underscored type, while deletions are indicated by strikethrough type:

10.44.030 - Definitions.

"Block" for the purpose of Chapter 10.44 only, means any street segment intersected by two other streets; street segments over eight hundred (800) feet in length, but less than one thousand six hundred (1,600) feet in length shall be considered two blocks; street segments over one thousand six hundred (1,600) feet in length shall be considered three blocks.

Section 5 The City Council finds and determines that the adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA"), including under section 15061(b)(3) of the State CEQA Guidelines, and authorizes the filing of a Notice of Exemption with the Alameda County Clerk.

Section 6 If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

Section 7. This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes as provided by Section 216 of the City Charter; otherwise it shall become effective upon the seventh day after final adoption.

Section 8. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI of the California Constitution.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2013

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND
PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Date of Attestation:

NOTICE AND DIGEST

ORDINANCE AMENDING TITLE 10 OF THE OAKLAND MUNICIPAL CODE TO (1) SUPPLEMENT AND CLARIFY TERMS AFFECTING PARKING IN LIMITED- TIME PARKING ZONES AND (2) AMEND THE PARKING AND METER HOLIDAYS TO CONFORM WITH CURRENTLY OBSERVED HOLIDAYS

This Ordinance amends Title 10 of the Oakland Municipal Code in the following ways:

- (1) Amends Section 10.04.040 to add a definition of the term "Block," and adds section 10.04.050 stating that a parked motor vehicle which has not moved at least one Block or two-tenths (2/10) of a mile after expiration of a posted parking space time limit, will be deemed to have remained stationary; and
- (2) Amends Sections 10.04.040 and 10.36.090 changing listed parking and meter holidays to conform to currently recognized City holidays.