

CITY ATTORNEY'S OFFICE

**ORDINANCE NO. 13163 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**WHEREAS**, a number of parking holidays currently listed in the Code are outdated, and should be corrected to conform to currently observed holidays; and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 9<sup>th</sup> ~~second Monday in October~~, ~~fourth Monday in October~~, November 11<sup>th</sup>, 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, JUN 18 2013, 2013

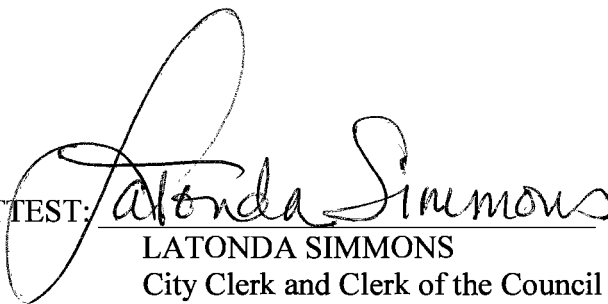
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND  
PRESIDENT KERNIGHAN - 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 4 2013

Date of Attestation:

NOTICE AND DIGEST

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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.