

## **ORDINANCE NO. 20-001**

**Ordinance Of The City Council Of The City Of Emeryville Repealing Sections 4-9.02 Through 4-9.14 Of Chapter 9 Of Title 4 Of The Emeryville Municipal Code Pertaining To Parking Meters, And Adding Chapter 10 To Title 4 Of The Emeryville Municipal Code, Entitled “Parking Meters” (CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15301(c))**

**WHEREAS**, on April 20, 2010, the City Council passed Ordinance No. 10-005, whereby provisions related to parking meters, previously contained in Chapter 7 of Title 4 of the Emeryville Municipal Code, were added to Chapter 9 of Title 4 of the Emeryville Municipal Code, entitled “Vehicular Traffic and Parking”, as Sections 4-9.02 through 4-9.14; and

**WHEREAS**, on February 3, 2015, the City Council passed Ordinance No. 15-001, repealing Chapter 10 of Title 4 of the Emeryville Municipal Code, entitled “Recreational Vehicles”; and

**WHEREAS**, on February 19, 2019, the City Council passed Resolution No. 19-20, approving the Emeryville Paid Parking Framework, which anticipates adoption of an ordinance to establish parking meter zones and rates; and

**WHEREAS**, in adopting Resolution No. 19-20, the City Council of the City of Emeryville has determined that the Emeryville Paid Parking Framework is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15301(c) which applies to operation and minor alteration of existing streets, sidewalks, and similar facilities; and

**WHEREAS**, California Vehicle Code section 22508 authorizes a local authority to establish parking meter zones and parking meter rates by ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:**

### **SECTION ONE. PURPOSE AND INTENT**

The purpose and intent of this Ordinance is to implement the Emeryville Paid Parking Framework by amending the Emeryville Municipal Code to add Chapter 10 to Title 4, entitled “Parking Meters”, and deleting existing provisions related to parking meters from Chapter 9 of Title 4, entitled “Vehicular Traffic and Parking”.

### **SECTION TWO. REPEALING SECTIONS 4-9.02 THROUGH 4-9.14 OF CHAPTER 9 OF TITLE 4 OF THE EMERYVILLE MUNICIPAL CODE.**

Sections 4-9.02 through 4-9.14 of Chapter 9 of Title 4 of the Emeryville Municipal Code, related to parking meters, are hereby repealed.

### SECTION THREE. ADDING CHAPTER 10 TO TITLE 4 OF THE EMERYVILLE MUNICIPAL CODE.

Chapter 10, entitled "Parking Meters", is hereby added to Title 4 of the Emeryville Municipal Code to read as follows:

#### CHAPTER 10. PARKING METERS

##### 4-10.01 Establishment Authority.

Parking Meter Zones in streets, public rights-of-way and publicly controlled off-street parking facilities, and rates and regulations for use thereof, shall be as established in accordance with this Chapter.

##### 4-10.02 Parking Meter Zones.

- (a) The following Parking Meter Zones are established and subject to the hours of operation, holidays observed, maximum time allowed, and Parking Meter rates designated below:

Zone	Limits	Hours of Operation	Holidays Observed	Maximum Time Allowed	Meter Rate
Bay Street (both sides)	Between Christie Avenue and Ohlone Way	Daily 8:00 a.m. to 10:00 p.m.	No	2 hours	\$0.25 for 15 minutes
North Hollis	Bounded on the south by Stanford Avenue, on the west by the Union Pacific Railroad mainline, on the north by the Berkeley city boundary, and on the east by the Oakland city boundary.	Monday through Friday 9:00 a.m. to 5:00 p.m.	Yes. See Section 4-10.05	None.	See Section 4-10.04
Triangle	Bounded on the west by San Pablo Avenue between 53 <sup>rd</sup> and 40 <sup>th</sup> Streets, Emery Street between 40 <sup>th</sup> Street and West MacArthur Boulevard, and Peralta Street; and on the south, east, and north by the Oakland city boundary, <u>including 47<sup>th</sup> Street for 600 feet west of San Pablo Avenue, but</u> excluding the State Highway right-of-way along San Pablo Avenue.	Monday through Friday 9:00 a.m. to 5:00 p.m.	Yes. See Section 4-10.05	None.	See Section 4-10.04

- (b) Within the North Hollis and Triangle Parking Meter Zones, the City Council may, by resolution, designate specific streets, or portions thereof, for the installation of Parking Meters. Rates for such Parking Meters shall be established pursuant to the criteria in Section 4-10.04.

#### **4-10.03 Parking Meter Devices.**

- (a) Defined. A Parking Meter is any mechanical or electronic device that accepts payment for use of parking spaces in a Parking Meter Zone.
- (b) Types of Meters. Parking Meters include, but are not limited to:
  - (1) Single-Space Meters, which serve one parking space.
  - (2) Dual-Space Meters, which serve two adjacent parking spaces, consisting of two Single-Space Meters mounted on a single pole.
  - (3) Multi-Space Meters, which serve two or more parking spaces.
- (c) Method of Payment.
  - (1) Physical Payment. All Parking Meters shall accept payment by United States coins and/or currency.
  - (2) Other Methods. Parking Meters may accept payment by other methods including, but not limited to, credit card, debit card, pre-paid card, or mobile device.
  - (3) Prepayment. Vehicles entering a metered parking space between 7:00 a.m. and 9:00 a.m. may pre-pay for the time parking rates apply.
- (d) Evidence of Payment. Evidence of Parking Meter payment may include, but is not limited to:
  - (1) Meter Signal. A visible indication on the Parking Meter that payment has been made.
  - (2) Pay and Display. A receipt for payment dispensed by the Parking Meter and placed face up on the vehicle's driver's side dashboard.
  - (3) Pay by Space. A visible or electronic indication from the Parking Meter that payment has been made for the space in which the vehicle is parked.
  - (4) Pay by License. Association of Parking Meter payment with the vehicle's license plate.

#### **4-10.04 Parking Meter Rates.**

- (a) Parking Meter rates within the Bay Street Parking Meter Zone shall be as set forth in Section 4-10.02. Within the North Hollis and Triangle Parking Meter Zones, the City Council may, by resolution, establish rates and locations for Parking Meters pursuant to this Section.

- (b) Parking Meter rates established pursuant to this Section shall be no less than \$0.50 per hour and no more than \$10.00 per hour, and shall be prorated at intervals of no greater than 15 minutes.
- (c) Parking Meter rates established pursuant to this Section may be adjusted by resolution of the City Council no more frequently than once every 60 calendar days. Any such adjustment shall not exceed \$0.50 per hour.
- (d) The City Council may, by resolution, decrease Parking Meter rates within the North Hollis or Triangle Parking Meter Zone if the average parking occupancy falls below 65% during the peak period, and increase Parking Meter rates if the average parking occupancy exceeds 85% during the peak period.
- (e) The City Manager or designee may review the average parking occupancy of the North Hollis and Triangle Parking Meter Zones and may recommend to the City Council that Parking Meter rates be adjusted pursuant to subsection (d) if the average parking occupancy during the peak period is found to be below 65% or above 85%.

#### **4-10.05 Holidays.**

For purposes of this Chapter, the following days are defined as Holidays in Parking Meter Zones: January 1, third Monday in January (Martin Luther King, Jr.'s birthday), third Monday in February (President's Day), last Monday in May (Memorial Day), July 4, first Monday in September (Labor Day), Thanksgiving Day and December 25. If any of the foregoing days falls upon a Sunday, the Monday following is a Holiday. If a Holiday is being observed in a Parking Meter Zone, payment of a Parking Meter pursuant to Section 4-10.07 is not required. This Section shall not apply to those Parking Meter Zones designated in Section 4-10.02 as not observing Parking Meter Holidays.

#### **4-10.06 Installation.**

- (a) Single- and Dual- Space Meters. Single- and Dual- Space Meters installed in a Parking Meter Zone shall be placed immediately adjacent to individual parking places on the sidewalk or curb or in publicly controlled off-street parking facilities next to the space(s).
- (b) Multi-Space Meters. Each Multi-Space Meter shall be installed in an area near the designated parking spaces.
- (c) Rates, Time Limits, and Instructions. Each Parking Meter shall conspicuously display the applicable parking rates, time limits, and instructions for use of the Parking Meter.



#### **4-10.07 Parking Meter Use Required.**

When a vehicle is parked in any space controlled by a Parking Meter and payment is required under this Chapter, the operator of the vehicle shall, upon entering the parking space, immediately purchase time in accordance with Section 4-10.03. The operator shall follow any instructions on the Parking Meter necessary to put the Parking Meter into operation. If display of a receipt is required in accordance with Section 4-10.03(d)(2), the operator shall immediately cause the receipt provided by the machine to be placed face up on the driver's side dashboard of the vehicle. Failure to put the Parking Meter in operation by purchasing time, or failure to properly display a receipt if required, shall constitute a violation of this Chapter.

#### **4-10.08 Overparking.**

- (a) Except as provided in Article 2 of Chapter 13 of this Title, "Car Share", it is unlawful for the operator of any vehicle to permit a vehicle to remain parked in any parking space beyond the time that payment has been made or during any time that a Parking Meter is showing a signal that time has expired or that the space is illegally in use, excepting the time immediately after the original occupancy of the parking space as is necessary to make payment to operate the Parking Meter.
- (b) Notwithstanding the fact that a Parking Meter may indicate legal parking, it is unlawful for any person to park or leave standing any vehicle in any area of a parking space for a period of time in excess of parking time limits established for the Parking Meter Zone.
- (c) A vehicle for which a license plate has been entered by mobile device or in a Parking Meter in accordance with the provisions of this Chapter shall be permitted to be parked in a pay-by-license zone for the period of time indicated on the display without being subject to parking penalties in effect for such area. However, any vehicle on which there is not a valid license, or for which the license plate was not properly entered, shall be subject to parking regulations and consequent penalties of this Chapter.

#### **4-10.09 Parking Within Lines and Markings.**

The City Manager or designee may have lines or markings painted or placed upon the curb, right-of-way or parking lot adjacent to each Parking Meter for the purpose of designating the parking space for which the Parking Meter is to be used. Spaces regulated as pay-by-space shall be assigned numbers, which shall be clearly painted next to each space. It shall be unlawful and a violation of this Chapter to park any vehicle across any such line or marking or to park the vehicle in such position that the vehicle is not entirely within the area so designated by such lines or markings.

#### **4-10.10 Temporary Suspension.**

The provisions of this Chapter may be suspended from time to time by resolution of the City Council in any case where the City Council finds that strict compliance would not serve the public interest, including but not limited to the use of public streets and sidewalks for celebrations, public events, celebration of holiday seasons and any other such activity or purposes as the City Council in its sole discretion shall determine. In cases where the Parking Meter controlling parking on a street, right-of-way, or off-street public parking lot is located on private property, the provisions of this Chapter may be suspended from time to time by agreement between the owner of such private property and the City.

#### **4-10.11 Substitute Coins.**

It is unlawful to deposit or cause to be deposited into any Parking Meter any slugs, device or metallic substance or any other substitute for any U.S. coins or the permitted payment methods displayed on the Parking Meter.

#### **4-10.12 Parking Meter Tampering Prohibited.**

It is unlawful for any person to deface, injure, tamper with, or willfully break, destroy, or impair the usefulness of any Parking Meter.

#### **4-10.13 Issuance of Covers.**

- (a) Issuance. The City Manager or designee is authorized to issue Parking Meter covers to persons engaged in construction, repairs, or service to buildings or other like work, who require that one or more parking spaces in Parking Meter Zones immediately adjacent to the work be reserved for and restricted to their use or that said parking spaces not be used for parking of vehicles. Each cover shall be inscribed with the expiration date, the hours the restriction shall be in effect, the name of the person or company to whom the cover has been issued, and wording indicating that parking is restricted. The fee for Parking Meter covers shall be as set by resolution of the City Council.
- (b) Restricted Parking When Parking Meters Covered. It is unlawful for any person, other than a person to whom a Parking Meter cover has been issued, to park any vehicle in any Parking Meter Zone on any street at any time during which the Parking Meter is covered by a Parking Meter cover and displaying thereon an unexpired validation date during the hours which the Parking Meter cover is in effect.
- (c) Restrictions on Use of Covers – Revocation. It is unlawful for any person to whom a Parking Meter cover has been issued to use said Parking Meter cover in any Parking Meter Zone other than one immediately adjacent to the work being performed or to permit said Parking Meter cover to remain on a Parking Meter beyond the time actually required for said work. In addition to other penalties imposed, the privileges herein granted shall be revoked, the Parking Meter cover

shall be removed, and the fee paid for any unexpired period shall be forfeited whenever the City Manager or designee determines that any person to whom a Parking Meter cover had been issued has violated the restrictions imposed on its use.

#### **4-10.14 Allocation and Expenditure of Parking Meter Funds.**

- (a) For Parking Meters located on public property, all of the gross revenues received from all on-street Parking Meters shall be deposited by the City Treasurer in the General Fund as unrestricted funds, unless otherwise specified by the City Council.
- (b) In cases where the Parking Meter controlling parking on a street, right-of-way, or off-street public parking lot is located on private property, the revenue from such Parking Meter(s) may be allocated between the City and the owner of the private party as may be agreed upon between them.

### **SECTION FOUR. CEQA DETERMINATION**

The City Council finds and determines that this Ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15301(c) which applies to operation and minor alteration of existing streets, sidewalks, and similar facilities.

### **SECTION FIVE. SEVERABILITY**

The City Council hereby declares that every section, paragraph, clause and phrase of this Ordinance is severable. If, for any reason, any section, paragraph, clause and phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases.

### **SECTION SIX. CODIFICATION**

Sections Two and Three of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Four, Five, Six and Seven shall not be codified.


## SECTION SEVEN. EFFECTIVE DATE AND POSTING

This Ordinance shall take effect 30 days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33693.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting held on Tuesday, February 4, 2020 and **PASSED AND ADOPTED** by the City Council at a regular meeting held on Tuesday February 18, 2020 by the following vote:

AYES:	<u>5</u>	Mayor Patz, Vice Mayor Martinez, and Council Members Bauters, Donahue, and Medina
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

ATTEST:

  
CITY CLERK

  
MAYOR

APPROVED AS TO FORM:

  
CITY ATTORNEY