

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Randy Breault, Director of Public Works/City Engineer and Lisa Macias, Chief of Police via City Manager

SUBJECT: Ordinance No. 621, Vehicles and Traffic

DATE: February 15, 2018

City Council Goals:

To develop plans and pursue opportunities to protect natural resources. (#8)

To provide public service that assures the safety of property and citizens residing, working, or visiting in Brisbane. (#9)

Purpose:

The proposed ordinance revises the “white line” parking restrictions so that violation on lower streets is punishable by citation, rather than towing. The ordinance also creates parking regulations for electric vehicle charging stations.

Recommendation:

Introduce Ordinance 621, waiving first reading, amending Title 10 of the Municipal Code concerning “Vehicles and Traffic”.

Background:

The City’s “white line” parking restrictions found in Brisbane Municipal Code §10.24.055 were put in place after the Oakland Hills fire and the post incident analysis revealing the access challenge presented to first responders, and the egress challenge presented to fleeing residents. While initially applied only to the upper streets of Central Brisbane, the parking restrictions were later applied to many of the lower streets due to the increasing competition for a limited number of parking spaces.

As presently written, violation of the code section is punishable only by towing. The proposed ordinance restricts this penalty to specific streets, where a violation of the code creates an actual hazard by restricting ingress and egress: Trinity, Kings, Humboldt, Sierra Point, and Tulare. On all other streets where the white lanes are in place, this

ordinance changes the penalty for violation to a parking citation, but also leaves in place the discretion for a police officer to determine the vehicle has created a hazard and should be towed.

The addition of BMC §10.24.246 implements the provisions of sections 22511 and 22511.1 of the California Vehicle Code, which allows for towing of vehicles parked in an electric charging station unless connected for charging, and allows for citations of vehicles that block access to a charging station.

Discussion:

Not implementing the revisions to BMC §10.24.055 would retain the status quo, which leaves the Brisbane Police Department with towing as the only enforcement option for violations of white line parking restrictions everywhere in town.

Not adding BMC §10.24.246 to the municipal code leaves the city without recourse against vehicles parked in an electric charging station while not connected for charging, and against vehicles blocking access to a station.

Fiscal Impact:

There is no direct cost to the city as a result of implementing the recommended ordinance. A very small amount of income may be derived from the new parking citations.

Attachments:

Ordinance No. 621
Redline version of BMC §10.24.055



Director of Public Works/City Engineer



City Manager



Chief of Police

ORDINANCE NO. 621

**AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING TITLE 10 OF THE MUNICIPAL CODE
PERTAINING TO VEHICLES AND TRAFFIC**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Section 10.24.055 to Chapter 10.24 of Title 10 of the Municipal Code is amended to read as follows:

§10.24.055 - Parking on narrow streets.

A, The city traffic engineer is authorized, when the public safety requires it or to maintain roadway dimensions for emergency access, to place signs prohibiting parking and place roadway markings indicating restricted parking, to maintain the minimum roadway widths specified below.

Minimum Roadway Dimensions

<u>Straight</u>	<u>Curve</u>	
	(Gentle)	(Hard)
12'	16'	20'

B. No person shall stop, park, or leave standing any vehicle in violation of signs prohibiting parking, or stop, park or leave standing any vehicle to the left of the roadway markings indicating restricted parking.

C. When official signs and roadway markings prohibiting parking are in place upon narrow streets as authorized in this section, vehicles left stopped, parked or standing upon the streets specified below in violation of any sign and marking will be towed.

Trinity Road
Kings Road
Humboldt Road
Sierra Point Road
Tulare Street

D. When official signs and roadway markings prohibiting parking are in place upon narrow streets as authorized in this section, vehicles left stopped, parked or standing upon all streets other than those specified in the preceding section in violation of any sign and marking will be subject to citation for a parking violation. This subsection is not intended to restrict the city's authority pursuant to California Vehicle Code Section 22651(b) to remove vehicles parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the highway.

E. For purposes of this section, a "narrow street" shall be any street that is less than thirty-six (36) feet in width if parallel parking is permitted on both sides; less than a minimum of twenty-eight (28) feet in width if parallel parking is permitted on one side only; and less than a minimum of twenty (20) feet in width if no parking is permitted on such street.

SECTION 2: Chapter 10.24 of Title 10 of the Municipal Code is amended to add Section 10.24.246 as follows:

§10.24.246 - Parking regulations for electric vehicle charging stations.

- A. When authorized signs are in place giving notice thereof, no person shall park or leave standing any vehicle in a parking stall or space designated for the purpose of charging electric vehicles unless the vehicle is connected for charging.
- B. No person shall obstruct, block, or otherwise bar access to a parking stall or space designated for the purpose of charging electric vehicles.
- C. Vehicles that violate subsection A of this Section 10.24.246 shall be towed.
- D. Vehicles that violate subsection B of this Section 10.24.246 shall be subject to citation for a parking violation.

SECTION 3: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 4: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

W. Clarke Conway, Mayor

ATTEST:

Ingrid Padilla, City Clerk

APPROVED AS TO FORM:



10.24.055 - Parking on narrow streets.

A.

The city traffic engineer is authorized, when the public safety requires it or to maintain roadway dimensions for emergency access, to place signs prohibiting parking and place roadway markings indicating restricted parking, to maintain the minimum roadway widths specified below.

Minimum Roadway Dimensions

<u>Straight</u>	<u>Curve</u>	
	(Gentle)	(Hard)
12'	16'	20'

B.

No person shall stop, park, or leave standing any vehicle in violation of signs prohibiting parking, or stop, park or leave standing any vehicle ~~across or to the left of the roadway~~ markings indicating restricted parking.

C.

When official signs and roadway markings prohibiting parking are in place upon narrow streets as authorized in this section, vehicles left stopped, parked or standing upon ~~any such street~~ the streets specified below in violation of any sign and marking will be towed.

- Trinity Road
- Kings Road
- Humboldt Road
- Sierra Point Road
- Tulare Street

D.

When official signs and roadway markings prohibiting parking are in place upon narrow streets as authorized in this section, vehicles left stopped, parked or standing upon all streets other than those specified in the preceding section in violation of any sign and marking will be subject to citation for a parking violation. This subsection is not intended to restrict the city's authority pursuant to California Vehicle Code Section 22651(b) to remove vehicles parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the highway.

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