

Ordinance No. 0-2001-44

**CHAPTER 12.30 OF THE GENERAL ORDINANCE CODE OF THE COUNTY OF ALAMEDA
RELATING TO PARKING PERMIT FEES**

The Board of Supervisors of the Alameda County Flood Control and Water Conservation District do ordain as follows:

Section I

The establishment of a Residential Permit Parking Program by the addition of Chapter 12.30 to Title 12 of the Alameda County General Ordinance Code relating to Public Roadways and Parks, is hereby adopted.

Section II

The provisions of this ordinance are severable and if any provisions, clause, sentence, section, word or part hereof is held illegal, illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of the section or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, section, word or part had not been included therein, or such person or circumstances to which the Ordinance or part thereof is held inapplicable had been specifically exempted therefrom.

Section III

This ordinance shall take effect and be in force 30 days from and after the date of passage, and before the expiration of 15 days after its passage, shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the said County of Alameda.

ARTICLE I. - GENERAL

12.30.000 Title

This Ordinance shall be known as the "Residential Permit Parking Ordinance" of the County of Alameda.

12.30.010 Purpose

This Program is enacted to mitigate the serious adverse effects of congestion associated with on-street parking of motor vehicles by non-residents upon roadways within certain areas and neighborhoods of Alameda County. As set forth in more specific detail in Section 12.30.020 of this Chapter, such long-term parking by non-residents displaces resident parking, impairs the health, safety, and welfare of all Alameda County residents and negatively impacts the aesthetic appearance of residential neighborhoods. The provisions of this chapter set forth procedures for the establishment of Residential Permit Parking areas within unincorporated Alameda County.

12.30.020 Legislative Findings

The Board of Supervisors supports the continued vitality of Alameda County which depends on the preservation of safe, healthy, and attractive neighborhoods and other areas therein. There is inadequate off-street parking within certain neighborhoods and areas within the Unincorporated area of Alameda County to accommodate the convenient parking of motor vehicles by residents thereof in the vicinity of their homes. Long term on-street parking by non-residents within certain Alameda County areas and neighborhoods, displaces residential parking creating an excessive and undue burden upon the residents of those and other residential areas thereby detracting from the safety, health and attractiveness of those neighborhoods. There further exists certain parking "generators" within Alameda County, such as hospitals, BART stations, employment, and shopping centers, and locations convenient for commuter parking, which further exacerbate neighborhood parking issues. A system of residential permit parking will serve to alleviate the burdens upon residents within Unincorporated areas of Alameda County and thus promote the general public welfare.

12.30.030 Definitions

Unless the context clearly requires a different meaning, the meanings given for the following terms shall apply when used in this chapter:

- "Designated Residential Permit Parking Area," sometimes referred to as "Residential Permit Parking Area," shall mean any roadway upon which the Board of Supervisors imposes parking limitations pursuant to the authority granted by this Chapter.
- "Nonresident Vehicle" shall mean a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this Program, for the specific area in which it is parked.
- "Parking Permit" shall mean a permit issued under the provisions of this chapter.
- "Visitor" shall mean an individual who calls upon a resident in the designated residential permit parking area with specific intent to spend time in or about that resident's residence for the purpose of social interaction or to provide a service.
- "One-day Visitor Parking Permit" shall mean a parking permit issued pursuant to this chapter.
- "14-day Visitor Parking Permit" shall mean a parking permit issued pursuant to this chapter.
- "Motor Vehicle" shall mean any automobile, truck, motorcycle, or other motor driven form of transportation not in excess of 9,000 pounds gross weight.
- "Block" shall mean any roadway segment intersected by two other roadways; roadway segments over 800 feet in length, but less than 1,600 feet in length shall be considered two blocks; roadway segments over 1,600 feet in length shall be considered three blocks.
- "Resident" shall mean any person 18 years of age or older whose legal residential or business address is in the designated residential permit parking area.
- "Residence" shall mean a legal residential address and shall exclude business addresses.

- "Business" shall mean an enterprise or establishment used for the purpose of conducting business located in the designated residential permit parking area.
- "Person" shall include, but not be limited to, individuals, corporations, businesses, partnerships, hospitals and churches.
- "Neighborhood-serving Establishment" shall mean all schools, day care centers, and non-profit public service organizations.
- "School" shall include any state licensed preschool, elementary, middle, junior high, or high school with five or more employees.
- "Day Care Center" shall include any state licensed day care center.
- "Non-profit Public Service Organization" shall include any non-profit organization involved in public service with the exception of those non-profit organizations who primarily provide medical care services including, but not limited to, hospitals, and medical office buildings.
- "Address" shall include any residential or business address. Each dwelling unit within an apartment building that is distinguished by an apartment number and each office within an office building that is distinguished by a suite number shall be considered an address.

ARTICLE II. PROCEDURE, REQUIREMENTS & EXEMPTIONS

12.30.040 Designation of a Residential Permit Parking Area.

- A. The Director of Public Works or his/her designee shall consider for designation as a residential permit parking area, any official Alameda County Residential Parking Permit Petition available at the Alameda County Public Works Agency located at 399 Elmhurst Street, Hayward, which meets and satisfies the following requirements:
 1. The petition shall contain a description or a map showing the proposed residential permit parking area.
 2. The proposed residential permit parking areas shall include at least 6 (six) adjacent block fronts and at least 80% of the block fronts must be residentially zoned, and at a minimum, 75% of all on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 8:00 a.m. and 6:00 p.m. Both sides of a roadway must be included in each area unless determined by the Director of Public Works or his/her designee to be impractical or undesirable.
 3. The Petition shall be supported by a signature, printed name, address, and date of signing of the petition by residents 18 years or older representing at least 67% of the addresses within each proposed area
- B. Receipt of a petition representing at least 67% of the addresses within a proposed area and meeting requirements 1-4 set forth above, will initiate the residential permit parking review process. Subsequent counter petitions received from residents within a proposed area will be reviewed, but they will in no

- way invalidate the initial petition requesting establishment of residential permit parking or terminate the review process.
- C. Notwithstanding the requirements of paragraphs 1 and 2 of this section, the Director of Public Works or his/her designee may recommend establishment of a residential permit parking area in an area when:
1. an area is not in a residential zone as defined by the California Vehicle Code and a significant daytime parking problem exists;
 2. it is impossible or impractical to establish an area with six or more adjacent block faces
 3. because accessibility to large apartments or condominiums is restricted, it is impossible to access a sufficient number of addresses to obtain signature representing 67% of the addresses. However, in no case shall an area be recommended to be established as a residential permit parking area when a petition containing signatures representing less than 30% of the addresses within the area has been submitted for review.
- D. Upon receipt by the Director of Public Works or his/her designee of a petition as described in subsection A of this Section, the Director of Public Works or his/her designee shall:
1. Undertake or cause to be undertaken such surveys or studies deemed necessary.
 2. Conduct a Public Hearing on the proposed residential permit parking area. Notice of the hearing shall be posted at least ten (10) days prior to the hearing on all block fronts proposed to be included in the residential permit parking area. Notice of Public Hearing will also be advertised in a major local newspaper. Following the hearing, the Director of Public Works or his/her designee may accept, amend or reject the proposed area in any manner, including, but not limited to, modification of boundaries of the proposed area and the restrictions imposed on such proposed area.
 3. Upon acceptance of the Petition by the Director of Public Works or his designee, the Director of Public Works shall thereafter, cause to be drafted a resolution recommending the granting of the Petition and the establishment of a residential permit parking area, including any regulations and time restrictions determined by the Director of Public Works or his designee, to be reasonable and necessary in such area.
 4. The Board of Supervisors may in its discretion, adopt, deny or modify the recommended resolution submitted by the Director of Public Works to grant the Petition establishing a residential permit parking area. However the resolution of the Board of Supervisors will not take effect until the Director of Public Works has caused the installation of signs designating the area as a residential permit parking area pursuant to [Section 12.30.050](#) of this Article.
- E. The establishment of a residential permit parking area and the receipt of a Permit pursuant to this chapter does NOT:

1. guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.
2. authorize the permit parking holder to leave standing his/her vehicle for more than 72 hours.
3. authorize the abridgment or alteration of regulations established by authority other than this chapter.
4. exempt the permit parking holder from other traffic controls and regulations existing in the designated residential permit parking area.

12.30.050 Enforcement

- A. Unless otherwise exempt as provided by Section 12.30.070 below, it shall be unlawful and shall constitute a violation of this ordinance for any person to stand or park a motor vehicle, without a current residential parking permit properly displayed, at a curb within a residential permit parking area for a period of time exceeding the posted restricted parking limitations within a designated Residential Parking Permit area established by the Board of Supervisors pursuant to this Chapter.
- B. The Board of Supervisors authorizes and directs the Alameda County Sheriff's Department to issue citations to any and all persons violating the restricted parking limitations established pursuant to this ordinance and such citation shall be deemed to be a civil complaint charging violations of this title and requiring payment of the penalties set forth therein. The method of giving notice of citation for unattended vehicles shall be as specified in section 40202 of the California Vehicle Code or any successor provision thereto. Citations for violations of restricted parking limitations established pursuant to this ordinance shall be processed as civil penalties in accordance with California Vehicle Code section 40200 et seq. or any successor provision thereto.

12.30.060 Posting of Residential Permit Parking Area.

- A. Permit stickers in a number representing at least 50% of the addresses in a given block or 15 stickers, whichever is less, must be purchased in each block before signs will be installed designating residential permit parking in any one area and indicating prominently thereon the time limitation, period of the day for its application, and conditions under which permit parking shall be exempt therefrom. B) If the minimum number of permits are not purchased within 90 days after Board of Supervisors action establishing a residential permit area, money will be refunded and the designated area will be voided.

12.30.070 Permit Parking Exemption.

- A. A motor vehicle on which is displayed a valid residential parking permit, as provided for herein, shall be exempt from the

time restrictions established for that Residential Permit Parking Area pursuant to this Program

- B. Any vehicle, including but not limited to, a clearly marked delivery, emergency utility or service vehicle with appropriate commercial license plates, which is under the control of an individual providing service to a property located on a roadway in the permit parking area shall be exempt from the time restrictions in that Residential Permit Parking Area while actually engaged in making pick-ups or deliveries of goods, wares, or merchandise from or to any building or structure within the permit parking zone or rendering a service to a resident within the permit parking area . Identification of such vehicle shall be the responsibility of the driver of such vehicle.
- C. Any vehicle which is identified as used by disabled individuals meeting the requirements of Section 22511.5 of the California Vehicle Code and displaying the disabled plates or placards, shall be exempt from the time restrictions applicable within Residential Permit Parking Areas.

12.30.080 Modification of a Residential Permit Parking Area.

Upon satisfaction of the requirements as provided in Section 12.30.040 hereof, the Board of Supervisors may, by appropriate resolution, modify an existing residential on-street permit parking area.

12.30.090 Issuance of Residential Parking Permits.

- A. **RESIDENTIAL PERMITS:** The Alameda County Public Works Agency shall be the responsible County agency for the receipt of applications for and the issuance of residential parking permits to eligible recipients of designated residential parking permit areas. Application forms for residential parking permits are available at the Alameda County Public Works Agency located at 399 Elmhurst Street, Hayward. Permits may be issued upon the terms and conditions set forth below:
 - 1. A residential parking permit may be issued for each vehicle owned, leased or under the continuing custody of an applicant who provides proof of residency within the designated Permit Parking Area and proof of vehicle ownership or continuous custody, up to a maximum of three (3) parking permits per address. Proof of residency can consist of, but is not limited to, a driver's license, current rent receipt, or utility bill which identifies the applicant as a resident of a dwelling unit in the area. Proof of vehicle ownership or continuing custody can consist of, but is not limited to, a vehicle registration or certificate of vehicle lease agreement.
 - 2. A residential parking permit may, in addition, be issued for each vehicle owned, leased, or under the continuing custody of a person who owns or leases commercial property and engages in business activity and employees thereof, within the designated residential permit parking area up to a maximum a maximum of three (3) parking permits per business address.

3. Where it appears that the number of permits issued would exceed the number of legal on-street parking spaces, the three (3) permit maximum referred to in (a) and (b) above, may be decreased at the discretion of the Director of Public Works or his designee.

B. NEIGHBORHOOD-SERVING ESTABLISHMENT

PERMITS: A residential parking permit may be issued for any vehicle owned, leased, or under the continuing custody of a person who is employed by or a representative of a neighborhood-serving establishment located within the designated residential permit parking area. Each employee or representative of a neighborhood-serving establishment will be allowed to obtain one (1) permit for each vehicle they own or lease subject to the following criteria which shall be used to establish the eligibility of a neighborhood-serving establishment and the maximum number of permits to be issued:

1. An establishment for which there is inadequate off-street parking and no financially feasible way of creating adequate off-street parking on the site of the establishment.
2. The total number of permits issued, under no circumstances, shall exceed the lesser of 60 percent of the establishment's employees present on any given weekday or the number of unrestricted parking spaces along the establishment's frontage of the roadway designated as residential permit parking.
3. In areas where it appears that the number of permits sold per block would exceed the number of legal on-roadway parking spaces per block, the initial sale would be limited to one (1) or possibly two (2) permits per neighborhood-serving establishment.
4. Distribution of permits shall be through a designated representative of the establishment who will be responsible for allocation of the permits to employees.

- C. BUSINESS PERMITS:** A residential parking permit may be issued to a resident or an employee of a business located along a roadway that has been determined by the Director of Public Works or his/her designee to be significantly impacted by the implementation of residential permit parking on adjacent residential roadways. The Director of Public Works or his/her designee will determine which commercial roadways will qualify and the appropriate boundaries. Any resident or employee whose business is located on a qualifying portion of a roadway will be allowed to obtain one (1) permit for each motor vehicle they own, lease, or have under their continuing custody up to a maximum of two (2) permits per address. In areas where it appears that the number of permits sold would exceed the number of legal on-roadway parking spaces, the initial sale would be limited to one (1) permit per address. Any resident or employee whose business is located on a qualifying portion of a roadway and whose address is in a building that was required by the County to provide off-street parking will not be allowed to obtain a residential parking permit.

- D. TERM OF PERMITS: Residential parking permits shall be valid for a term of one (1) year from July 1 to June 30, regardless of the actual date of issuance.
- E. RENEWAL OF PERMITS: Renewal of residential parking permits shall be subject to the same application procedure and conditions imposed on new permits.

12.30.100. Visitor Permits.

- A. The public works agency shall issue visitor parking permits in accordance with this section. A visitor parking permit shall be of limited duration, but shall otherwise grant to the holder thereof all the rights and privileges of a residential parking permit. Visitor parking permits shall be one of three types:
 - 1. One-day visitor parking permits shall, during the date indicated upon the face of said permit, exempt the vehicle displaying such permit from parking time restrictions established pursuant to this program.
 - 2. Fourteen (14) day visitor parking permits shall, for the period of fourteen (14) days commencing upon the date indicated upon the face of said permit, exempt the vehicle displaying such permit from parking time restrictions established pursuant to this program.
 - 3. One (1) year visitor parking permits shall, for the period of one year from July 1st to June 30th, exempt the vehicle displaying such permit from the parking time restrictions established pursuant to this program. No more than one 1-year visitor parking permit per address shall be issued at any one time.
- B. An eligible applicant for the one-day, fourteen-day, and one-year visitor parking permits shall be any person eligible to obtain a residential parking permit pursuant to criteria set forth in Section 12.30.090 of this chapter, but no more than six (6) visitor parking permits per address shall be issued at any one time.

12.30.110 Display of Permit.

- A. Residential parking permits shall be affixed to the motor vehicle at the left rear bumper.
- B. Visitor permits shall either be placed on top of the dashboard of the vehicle on the driver's side or be attached to the rearview mirror with the front face of the visitor permits clearly visible through the windshield on the driver's side.

12.30.120 Ordinance Interpretation.

The Director of Public Works or his/her designee shall have discretion in the implementation, and/or interpretation of this ordinance.

ARTICLE III. - FEES AND PENALTIES

12.30.130 Parking Permit Fees.

The initial purchase, renewal or replacement of a residential parking permit for a vehicle owned, leased, or under the continuing custody of a resident and registered at a qualifying residence or business address in addition to vehicles owned, leased, or under the continuing custody of an owner or employee of a qualifying neighborhood-serving center shall be assessed the corresponding fees set forth in Section 12.30.140 Fee Schedule. Fees will be reviewed on an annual basis and established by the Director of Public Works and may be changed by resolution of the Board of Supervisors.

12.30.140 Fee Schedule.

The fees for the Residential Parking Permit Program shall be that fixed by the schedule adopted for that purpose by the Board of Supervisors at the time of application for the permit as follows:

RESIDENTIAL PERMIT PARKING PROGRAM

FEE SCHEDULE

RESIDENTIAL PARKING PERMIT	FEE
Residential Parking (auto)	\$25.00
Residential Parking (Senior Citizens 50 yr.)	\$15.00
Residential Parking Annual Renewal	\$15.00
Business (owner-auto)	\$25.00
Business (employee)	\$40.00
Business (commercial vehicle)	\$75.00
Visitor Parking (1-year)	\$25.00
Visitor Parking (14-day)	\$10.00
Visitor Parking (1 day)	\$5.00
Replace Lost Permit	\$25.00

12.30.150 Revocation of Permit.

- A. **BASIS FOR REVOCATION:** The following are acts which may be the basis for revocation of parking permits issued by the Director of Public Works:
1. For any person to falsely represent himself or herself as eligible for parking permit or to furnish false information in an application therefor.
 2. For any person holding a valid parking permit issued pursuant hereto to permit use or display of or to use or display such permit on a motor vehicle other than that for which the permit was issued.
 3. For any person to copy, reproduce or otherwise bring into existence a facsimile or counterfeit parking permit or permits without written authorization from the Public Works Agency.
 4. For any person to knowingly use or display a facsimile or counterfeit parking permit in order to evade time limitations on parking applicable in a residential parking permit area.
 5. For any person holding a valid parking permit issued pursuant hereto to sell, give or exchange said permit to any other person.
 6. For any person to knowingly commit any act which is prohibited by the terms of this Program or any ordinance enacted by authority granted by this Program.
- B. **REVOCATION PROCESS:** The Public Works Director or his/her designee is authorized to revoke the residential parking permit of any person alleged to be in violation of this Program subject to the following procedural guidelines:
1. The Director of Public works shall provide written notice of the Director of Public Work's intent to revoke permit to the permittee. Such written notice shall include a statement outlining the grounds for revoking the permit as well as the date, time, and place set for a hearing before the Director of Public Works or his/her representative to determine if the revocation shall be effectuated. Written notice of the date, time, and place of such hearing shall be served upon the permittee at least five (5) days prior to the date set for such hearing. Failure to appear shall constitute a waiver of the Permittee's opportunity to challenge the revocation and shall be deemed an admission by the Permittee of the grounds for revocation stated in the written notice.
 2. At the hearing before the Director of Public Works or his/her representative, the permittee shall have the right to be represented by an attorney, to present evidence and a written or oral argument or both.
 3. No decision shall be invalidated because of the admission into the record and the use of any proof of any fact in dispute of any evidence not admissible under the common law or statutory rules of evidence.
 4. Within five (5) working days after close of hearing, the Director of Public Works or his/her representative shall

enter his/her decision based upon the record presented and notify the permittee in writing of such decision. The decision of the Director of Public Works shall be final. Failure, when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this ordinance. There will be no refunds for revoked permits.

- C. PENALTY: Any person found to be in violation of the ordinance based upon any of the acts stated in (A) of this section above, in addition to revocation of the permit, shall be subjected to the fines set forth in California Vehicle Code section 42001.

Adopted by the Board of Supervisors of the County of Alameda on the 17th day of April, 2001, by the following called vote:

AYES: Carson, Miley, Steele

NOES:

EXCUSED: Haggerty, Lai-Bitker

_____ Gail Steele, President of the Board of Supervisors of the County of Alameda, State of California

_____ CRYSTAL K. HISHIDA, Clerk of the Board of Supervisors, County of Alameda, State of California

Approved as to Form

RICHARD E. WINNIE, County Counsel

By: _____