



CONSENT CALENDAR  
DATE: March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmembers Terry Taplin and Sophie Hahn

Subject: Letter to Google Requesting Commercial Truck Routes on Google Maps

#### RECOMMENDATION

Send a letter to Google headquarters in Mountain View, CA, to request the inclusion of commercial truck routes on the Google Maps platform.

#### BACKGROUND

Berkeley Municipal Code 14.56.060 establishes “designated commercial truck route system requiring such vehicles exceeding seven tons gross vehicle weight to use the following streets or portions of streets within the City of Berkeley except when taking the shortest possible route between the truck route system and the point of origin or destination in the City of Berkeley:

1. Adeline Avenue between Martin Luther King Jr. Way (62nd Street) and Shattuck Avenue;
2. Ashby Avenue/Tunnel Road (SR13) between I-80 and east city limit;
3. Gilman Street between West Frontage Road and San Pablo Avenue (SR123);
4. Henry Street between Rose Street and Eunice Street;
5. Martin Luther King Jr. Way between Adeline Avenue (62nd Street) and south city limits;
6. San Pablo Avenue (SR123) between south city limits and north city limits;
7. Shattuck Avenue between Adeline Avenue and Shattuck Place;
8. Shattuck Place between Shattuck Avenue and Rose Street;

9. Solano Avenue between Del Norte Street and west city limits;
10. Sutter Street between Eunice Street and Del Norte Street;
11. University Avenue between I-80 and Oxford Street.”

The California Department of Transportation (Caltrans) also provides an official Caltrans Truck Network Map for all of its 12 districts across the state.

However, Google Maps currently does not offer any feature to filter streets for commercial truck routes when determining optimal driving directions to a specific destination.

Unfortunately, Berkeley residents have reported reckless behavior by truck drivers on residential streets where multi-axle commercial vehicles are discouraged or restricted, which endangers public safety.

In a March 8, 2021 letter to the Berkeley City Council, local resident Scott Schwalbach wrote:

*Addison between San Pablo and 10th is constantly blocked by completing delivery vehicles who aren't allowed to block San Pablo. By construction blocking the street without permits for dumpsters and the like. Drivers of those vehicles do not care and have stated such since there is no enforcement.*

*I continued to watch large vehicles attempt to make turns on the corner of Addison and 10th, often having to back up, adjust, back up, adjust, to make the turn and avoid hitting a legally parked vehicle. This corner is not designed to handle 53 foot tractor trailer[s]. We have many pedestrians, bicycles, strollers and mobility impaired people using the streets and sidewalks constantly put in danger.*

*And I have been calling this out with city staff from nearly day I moved in, warning that people and property would be hurt, killed or damaged. And on Feb 27th, that happened when an out of state Car Carrier Semi Tractor Trailer, drove down 9th Street from University, turned onto Addison headed east (driving over and damaging the traffic circle) and then attempted to turn from Addison to 10th Street southbound. Please see the video:*

<https://share.icloud.com/photos/0IBFA23Nyu6Ew7sWS2e95rohQ>

*That car being dragged by the truck was mine. Legally parked. The driver's excuse was that he was wanting to go eat on San Pablo at Gallego's and he's not allowed to park his truck on San Pablo. 5 minutes prior to him hitting the car, two women were walking their children in strollers. If you watch the video closely, you will see a small black truck zooming through the intersection past*

*the semitruck on the wrong side of the street to beat the truck from turning. You can see how close he came to hitting other vehicles and people.*

*He caused over \$4000 in damages.*

#### RATIONALE FOR RECOMMENDATION

While there are some proprietary truck route guides available in the state of California, none are as ubiquitous or easily available to the general public as Google Maps. This platform comes installed by default on new Android smartphones and tablets.

The OpenStreetMap (OSM) platform, an open source data project that maps streets worldwide, already includes data on state truck routes. The Overpass turbo<sup>1</sup> tool queries the OpenStreetMap API to visualize this data, and includes data on “HGV” (heavy goods vehicle) routes with reference to the Caltrans truck routes. Mapping truck routes is therefore well within the capabilities of a multi-billion-dollar corporation.

#### ENVIRONMENTAL IMPACTS

Improvements to public safety and potential reductions in Vehicle Miles Traveled (VMT) by large commercial vehicles.

#### FISCAL IMPACTS

None.

#### CONTACT

Councilmember Terry Taplin, District 2, 510-981-7120

#### ATTACHMENTS/SUPPORTING MATERIALS

1. Letter
2. BMC Chapter 14

---

<sup>1</sup> <https://overpass-turbo.eu/>



Google HQ  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

March 30, 2021

Google Maps team:

Pursuant to Berkeley Municipal Code 14.56.060, the city's designated commercial truck route system requires "vehicles exceeding seven tons gross vehicle weight" to use these routes "except when taking the shortest possible route between the truck route system and the point of origin or destination in the City of Berkeley." Additionally, BMC 14.56.070 lists fifty-five street segments that prohibit "vehicles exceeding three tons gross vehicle weight." A list of those streets is included in the text of the code chapter attached with this letter. Unfortunately, many of our constituents have reported large trucks and other commercial vehicles driving through and parking on smaller residential streets, jeopardizing public safety and the structural integrity of our pavement. While there are some proprietary truck route guides available in the state of California, none enjoy the ubiquitous popularity and ease of access of Google Maps, which comes installed by default on new Android smartphones. Your platform offers a potential tool for alerting commercial vehicle drivers of these restrictions and directing them to designated truck routes, and we request that you develop this feature on Google Maps with all deliberate haste.

Google Maps currently allows users to filter for bike routes or avoiding highways, tolls, and ferries on the way to their destination. However, no option is available for drivers of large commercial vehicles to avoid restricted streets or adhere to truck routes. Providing truck drivers with the same routes as a small sedan presents significant hazards for the public.

The California Department of Transportation (Caltrans) provides an official Caltrans Truck Network Map for all of its 12 districts across the state. This data is already available in maps using the OpenStreetMap API. We request that you incorporate commercial vehicle restrictions from *both* state *and* local jurisdictions in Google Maps as soon as possible.

Thank you for your prompt attention to this urgent public safety matter.

City Council, City of Berkeley  
2180 Milvia St  
Berkeley, CA 94704

Title 14

VEHICLES AND TRAFFIC\*\*

Chapters:

**Division I. Traffic Regulations\***

- 14.04 DEFINITIONS
- 14.08 ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS
- 14.12 TRAFFIC CONTROL DEVICES
- 14.16 TURNING MOVEMENTS
- 14.20 SPECIAL STOPS REQUIRED
- 14.24 MISCELLANEOUS DRIVING RULES
- 14.26 PROHIBITING HARASSMENT OF BICYCLISTS
- 14.28 GRADE SEPARATIONS
- 14.32 PEDESTRIAN REGULATIONS
- 14.36 STOPPING, STANDING AND PARKING FOR CERTAIN PURPOSES OR IN CERTAIN PLACES
- 14.40 STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS
- 14.44 STOPPING FOR LOADING OR UNLOADING ONLY
- 14.46 ELECTRIC VEHICLE PARKING
- 14.48 MISCELLANEOUS USE OF STREETS AND SIDEWALKS
- 14.52 PARKING METERS
- 14.56 MOVEMENT OF HEAVY VEHICLES AND EQUIPMENT
- 14.60 TRAINS
- 14.62 VEHICLE SHARING
- 14.64 PENALTIES AND EFFECT OF ORDINANCE
- 14.66 DOUBLE FINES – Sunsetting and Repealed January 1, 2007.

\*Editor's Note: Division I, Traffic Regulations, is a codification of the City of Berkeley Traffic Ordinance (Ord. 3262-NS) and all amending ordinances. Prior ordinance section information can be found in the traffic ordinance cross-reference table located at the end of this title.

**Division II. Bicycles**

- 14.68 BICYCLES AND BICYCLE ESTABLISHMENTS

**Division III. Preferential Parking**

- 14.72 PREFERENTIAL PARKING PROGRAM
- 14.76 AREA A--BATEMAN NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT
- 14.80 AREA B--WILLARD NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT
- 14.84 AREA C--MAGNA NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT

**Division IV. Pedestrian Malls**

- 14.88 PEDESTRIAN MALLS IN THE BATEMAN NEIGHBORHOOD

**Division V. Trip Reduction**

- 14.92 TRIP REDUCTION INFORMATION PROGRAM

**TRAFFIC ORDINANCE CROSS-REFERENCE TABLE**

\*\*For municipal off-street parking lots, see Ch. 6.24 of this code.

For traffic regulations in public parks, see Chs. 6.28 and 6.32 of this code.

For taxicab licensing and regulations, see Ch. 9.52 of this code.

For campers and house cars, see Ch. 12.76 of this code.

For assemblies and parades, see Ch. 13.44 of this code.

For trespassing by automobiles, see Ch. 13.52 of this code.

Chapter 14.04

DEFINITIONS

Sections:

14.04.010	Definitions of words and phrases.
14.04.020	Motor vehicle code definitions to be used.
14.04.030	Bicycle.
14.04.040	Coach.
14.04.050	Council.
14.04.060	Curb.
14.04.070	Divisional island.
14.04.080	Grade separation.
14.04.090	Loading zone.
14.04.100	Official time standard.
14.04.110	Official traffic control devices.
14.04.120	Official traffic signals.
14.04.130	Park.
14.04.140	Parking meter.
14.04.143	Pay-and-display station.
14.04.146	Pay-and-display station--Dispensing machine ticket.
14.04.150	Pedestrian.
14.04.160	Police officer.
14.04.170	Stop.
14.04.180	Stopping or standing.
14.04.190	Traffic.
14.04.200	Vehicle Code.

**Section 14.04.010 Definitions of words and phrases.**

The following words and phrases when used in this division shall for the purpose of this division have the meanings respectively ascribed to them in this article. (Ord. 3262-NS § 1, 1952)

**Section 14.04.020 Motor vehicle code definitions to be used.**

Whenever any words or phrases used in this division are not defined herein, but are defined in the Vehicle Code of the state and amendments thereto, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used herein as though set forth herein in full. (Ord. 3262-NS § 1.1, 1952)

**Section 14.04.030 Bicycle.**

A light vehicle without a motor, having two wheels, handle bars and a seat or seats, and propelled by the operator. (Ord. 3262-NS § 1.2, 1952)

**Section 14.04.040 Coach.**

Any motor bus, motor coach, trackless trolley, or passenger stage used as a common carrier of passengers. (Ord. 3262-NS § 1.3, 1952)

**Section 14.04.050 Council.**

The Council of the City of Berkeley. (Ord. 3262-NS § 1.4, 1952)

**Section 14.04.060 Curb.**

The lateral boundary of the roadway whether such curb be marked by curbing construction, or not so marked; the word "curb" as herein used shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights-of-way of public utility companies. (Ord. 3262-NS § 1.5, 1952)

**Section 14.04.070 Divisional island.**

A raised island located in the roadway and separating opposing or conflicting streams of traffic. (Ord. 3262-NS § 1.6, 1952)

**Section 14.04.080 Grade separation.**

Every structure by means of which any street passes over or under any stationary rails or tracks or another street. (Ord. 3262-NS § 1.7, 1952)

**Section 14.04.090 Loading zone.**

The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (Ord. 3262-NS § 1.9, 1952)

**Section 14.04.100 Official time standard.**

Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this City. (Ord. 3262-NS § 1.10, 1952)

**Section 14.04.110 Official traffic control devices.**

All signs, signals, markings and devices not inconsistent with this division placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic. (Ord. 3262-NS § 1.11, 1952)

**Section 14.04.120 Official traffic signals.**

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction. (Ord. 3262-NS § 1.12, 1952)

**Section 14.04.130 Park.**

To stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials. (Ord. 3262-NS § 1.13, 1952)

**Section 14.04.140 Parking meter.**

A mechanical device installed within or upon the curb or sidewalk area, immediately adjacent to a parking space, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle. (Ord. 3262-NS § 1.14, 1952)

**Section 14.04.143 Pay-and-display station.**

An electronic pay station installed within or upon the curb or sidewalk area within a designated parking zone for the purpose of controlling the period of time of occupancy of such pay-and-display space by any vehicle. (Ord. 6839-NS § 1 (part), 2005)

**Section 14.04.146 Pay-and-display station--Dispensing machine ticket.**

A parking ticket receipt dispensed from a pay-and-display station that when attached properly to a vehicle authorizes the legal parking of said vehicle for the time period indicated on the dispensing machine ticket. (Ord. 6839-NS § 2 (part), 2005)

**Section 14.04.150 Pedestrian.**

Any person afoot. (Ord. 3262-NS § 1.15, 1952)

**Section 14.04.160 Police officer.**

Every officer of the Police Department of the City or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (Ord. 3262-NS § 1.16, 1952)



**Section 14.04.170 Stop.**

When required, means complete cessation of movement. (Ord. 3262-NS § 1.17, 1952)

**Section 14.04.180 Stopping or standing.**

When prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Ord. 3262-NS § 1.18, 1952)

**Section 14.04.190 Traffic.**

Pedestrians, ridden or herded animals, vehicles, trains and other conveyances either singly or together while using any street for purposes of travel. (Ord. 3262-NS § 1.19, 1952)

**Section 14.04.200 Vehicle Code.**

The Vehicle Code of the state of California. (Ord. 3262-NS § 1.20, 1952)

Chapter 14.08

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Sections:

- 14.08.010 Authority of Police and Fire Department officials.
- 14.08.020 Persons other than officials shall not direct traffic.
- 14.08.030 Obedience to police or authorized officers.
- 14.08.040 Obstruction or interference with police or authorized officers.
- 14.08.050 Public employees to obey traffic regulations.
- 14.08.060 Exemption to certain vehicles.
- 14.08.070 Report of damage to certain property.
- 14.08.080 Authority of police in crowds.
- 14.08.090 When vehicles may be removed from streets.
- 14.08.100 Authority to give notice of violations.

**Section 14.08.010 Authority of Police and Fire Department officials.**

Officers of the Police Department and such officers as are assigned by the Chief of Police are authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department or members of the Fire Department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this division or the Vehicle Code. (Ord. 3262-NS § 2, 1952)

**Section 14.08.020 Persons other than officials shall not direct traffic.**

It is unlawful for any person other than an officer of the Police Department or members of the Fire Department or a person authorized by the Chief of Police or a person authorized by law to direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as herein provided, any mechanical push-button signal erected by order of the City Traffic Engineer. (Ord. 3262-NS § 2.1, 1952)

**Section 14.08.030 Obedience to police or authorized officers.**

It is unlawful for any person to refuse or fail to comply with or to perform any act forbidden by any lawful order, signal, or direction of a traffic or police officer, or a member of the Fire Department, or a person authorized by the Chief of Police or by law. (Ord. 3262-NS § 2.2, 1952)

**Section 14.08.040 Obstruction or interference with police or authorized officers.**

It is unlawful for any person to interfere with or obstruct in any way any police officer or other officer or employee of the City in their enforcement of the provisions of this division. The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of the City in connection with the enforcement of the parking regulations of this division shall constitute such interference or obstruction. (Ord. 3620-NS § 1, 1958)

**Section 14.08.050 Public employees to obey traffic regulations.**

The provisions of this division shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city, and it is unlawful for any said operator to violate any of the provisions of this division except as otherwise permitted in this division or by the Vehicle Code. (Ord. 3262-NS § 2.3, 1952)

**Section 14.08.060 Exemption to certain vehicles.**

A. The provisions of this division regulating the operation, parking and standing of vehicles shall not apply to authorized emergency vehicles operated by the Police or Fire Department, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an

authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified by the Vehicle Code in response to an emergency call.

B. The foregoing exemptions shall not, however, protect the operator of any such vehicle from the consequences of their willful disregard of the safety of others.

C. The provisions of this division regulating the parking or standing of vehicles shall not apply to any vehicle of the City department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail.

D. The provisions of this division regulating the parking or standing of vehicles shall not apply to any vehicle of the City that carries an (E) license plate and a decal or other insignia identifying it as a City vehicle. The exemption provided by this section shall not apply to City vehicles parked in locations and during the time periods specified in the administrative regulation on employee parking policies issued by the City Manager.

E. The provisions of this division regulating the parking or standing of vehicles shall not apply to any City CarShare vehicle that carries a decal or other insignia identifying it as a vehicle dedicated solely for city business during Monday through Friday from 8:00 AM to 6:00 PM. The exemption provided by this section shall not apply to City CarShare vehicles dedicated solely for city business during these hours parked in locations and during the time periods specified in the administrative regulation on employee parking policies issued by the City Manager.

F. The provisions of this division regulating the parking or standing of vehicles shall not apply to any vehicle displaying a "FIELD" parking permit. The exemption provided by this section shall not apply during time periods and locations specified in the administrative regulation on employee parking policies issued by the City Manager. (Ord. 6937-NS § 1, 2006)

**Section 14.08.070 Report of damage to certain property.**

A. The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic control device or other property of a like nature located in or along any street, shall within 24 hours after such accident make a written report of such accident to the Police Department of this City.

B. Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damage in such accident.

C. The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this section if and during the time they are physically incapable of making a report, but in such event they shall make a report as required in subsection A of this section within 24 hours after regaining ability to make such report. (Ord. 3262-NS § 2.5, 1952)

**Section 14.08.080 Authority of police in crowds.**

At places where large numbers of people and vehicles are to gather or have gathered, nothing in this division shall be construed to prevent any police officer from prohibiting any person from parking any vehicle upon or using any street or sidewalk, or from prohibiting any pedestrian from using any street or sidewalk, and said police officer shall have authority to direct the parking of vehicles in any reasonable manner, way or direction, and it is declared to be unlawful for any person to fail to promptly obey the said police officer's order, signal or command, regardless of any other provision of this division. (Ord. 3262-NS § 2.6, 1952)

**Section 14.08.090 When vehicles may be removed from streets.**

Any regularly employed and salaried employee of the City of Berkeley Police Department designated by the Chief of Police may remove or cause to be removed:

A. Any vehicle that has been parked or left standing upon a street or highway for 72 or more consecutive hours;

B. Any vehicle that is parked or left standing upon a street or highway when such parking or standing is prohibited by ordinance or resolution of the City and signs are posted giving notice of such removal;

C. Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or for the installation of underground facilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any

portion thereof is necessary for the movement of equipment, articles or structures of unusual size and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice that such vehicle may be removed are erected or placed at least 24 hours prior to the removal limit for the above purposes other than construction, and at least 72 hours for construction. (Ord. 6778-NS § 1, 2003: Ord. 4854-NS § 1 (part), 1976: Ord. 4006-NS § 1 (part), 1964: Ord. 3786-NS § 1 (part), 1961: Ord. 3634-NS § 1 (part), 1958)

**Section 14.08.100 Authority to give notice of violations.**

Those employees of the City who are classified as parking supervisor, assistant parking supervisor, or parking enforcement representative, or who may hereafter be classified by some other appropriate designation with substantially the same duties and responsibilities as parking supervisor, assistant parking supervisor, or parking enforcement representative, or who are designated by the Chief of Police, are authorized to give the notice required by Section 40202 of the Vehicle Code of the state of violation of any provisions of said Vehicle Code governing the standing or parking of a vehicle, or requiring the display or any evidence of registration with respect to an unattended vehicle, or any provision of any ordinance enacted by the City governing the standing or parking of a vehicle or relating to parking meters or parking meter stands, either on the public street, highway or right-of-way, or on municipal off-street parking lots. In addition, employees of an independent contractor which has entered into a contract with the City to operate Sather Gate Garage are authorized to give the notice required by Section 40202 of the Vehicle Code of the state to persons who park illegally in the City-owned, contractor-operated garage at which that employee is employed. Training in the issuance of notices of violation for these contractors' employees shall be substantially similar to the training given to City parking enforcement representatives and such training shall be approved by the Chief of Police or their designee. (Ord. 6253-NS § 1, 1994: Ord. 4854-NS § 1 (part), 1976: Ord. 4182-NS § 1, 1966: Ord. 3825-NS § 1, 1961: Ord. 3795-NS § 1, 1961)

Chapter 14.12

TRAFFIC CONTROL DEVICES

Sections:

- 14.12.010 Authority to install traffic control devices.
- 14.12.020 Traffic control signs required for enforcement purposes.
- 14.12.030 Obedience to traffic control devices.
- 14.12.040 Installation of traffic signals.
- 14.12.050 Lane marking.
- 14.12.060 Authority to remove, relocate and discontinue traffic control devices.
- 14.12.070 Traffic control devices--Hours of operation.
- 14.12.080 Unauthorized painting of curbs.
- 14.12.090 Distinctive roadway markings.
- 14.12.100 Experimental neighborhood traffic control.

**Section 14.12.010 Authority to install traffic control devices.**

A. The City Traffic Engineer shall place and maintain or cause to be placed and maintained official traffic control devices when and as required to make effective the provisions of this division.

B. Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic control devices be installed to give notice to the public of the application of such law the City Traffic Engineer is authorized to install the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

C. The City Traffic Engineer may also place and maintain such additional traffic control devices as they may deem necessary or proper to regulate traffic or to guide or warn traffic, but they shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations, and rules as may be set forth in this division or as may be determined by ordinance or resolution of the Council. (Ord. 3262-NS § 3, 1952)

**Section 14.12.020 Traffic control signs required for enforcement purposes.**

No provision of the Vehicle Code or of this division for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and are sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws. (Ord. 3262-NS § 3.1, 1952)

**Section 14.12.030 Obedience to traffic control devices.**

It is unlawful for the operator of any vehicle or train to disobey the instructions of any official traffic control device placed in accordance with this division unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls. (Ord. 3262-NS § 3.2, 1952)

**Section 14.12.040 Installation of traffic signals.**

A. The City Traffic Engineer is directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

B. The City Traffic Engineer shall ascertain and determine the locations where such signals are required by field investigation, traffic counts and other traffic information as may be pertinent and their determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California Maintenance Manual issued by the Division of Highways of the State Department of Public Works. (Ord. 3262-NS § 3.3, 1952)

**Section 14.12.050 Lane marking.**

The City Traffic Engineer is authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway. (Ord. 3262-NS § 3.4, 1952)

**Section 14.12.060 Authority to remove, relocate and discontinue traffic control devices.**

The City Traffic Engineer is authorized to remove, relocate or discontinue the operation of any traffic control device not specifically required by the Vehicle Code or this division whenever they shall determine in any particular case that the conditions which warranted or required the installation no longer exist. (Ord. 3262-NS § 3.5, 1952)

**Section 14.12.070 Traffic control devices--Hours of operation.**

The City Traffic Engineer shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this division. (Ord. 3262-NS § 3.6, 1952)

**Section 14.12.080 Unauthorized painting of curbs.**

It is unlawful for any person, unless authorized by the City, to paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of the City pertaining thereto. (Ord. 3262-NS § 3.7, 1952)

**Section 14.12.090 Distinctive roadway markings.**

The City Traffic Engineer is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and marking shall have the same effect as similar markings placed by the State Department of Public Works pursuant to the provisions of the Vehicle Code. (Ord. 3786-NS § 2 (part), 1961)

**Section 14.12.100 Experimental neighborhood traffic control.**

A. The City Traffic Engineer is authorized to place and maintain road traffic control devices in the roadway that require a motorist to change said motorist's normally straight direction of travel and require a right turn, left turn or U-turn. Said devices shall include, but shall not be limited to, signs, markings and barriers. Said control devices may be placed or installed at an intersection or between intersections on streets that are classified as local streets in the Circulation Section of the Berkeley Master Plan as adopted by the City Council in August 1968, a copy of which Circulation Section is attached hereto by reference as Exhibit A, a copy of which is on file in the office of the City Clerk. All such signs, markings, barriers or other devices shall comply with the California Vehicle Code, the Traffic Manual of the California Division of Highways, the Uniform Manual of Traffic Control Devices of the United States Department of Transportation.

B. All such proposed control device installations or placements shall be reviewed and approved by the following departments or individuals prior to installation or placement: Department of Planning, Department of Public Works, Fire Department, Police Department and a majority of the residents residing within one block of each direction of the control device location. (Ord. 4664-NS § 2 (part), 1973)

Chapter 14.16

TURNING MOVEMENTS

Sections:

- 14.16.010 Authority to place turning markers.
- 14.16.020 Authority to place and obedience to restricted turn signs.
- 14.16.030 Left turns between intersections.
- 14.16.040 Required turns.

**Section 14.16.010 Authority to place turning markers.**

The City Traffic Engineer is authorized to place markers, signs or devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the City Traffic Engineer is authorized to allocate and indicate more than one lane of traffic from which operators of vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by the Vehicle Code or this division. (Ord. 3262-NS § 4, 1952)

**Section 14.16.020 Authority to place and obedience to restricted turn signs.**

A. The City Traffic Engineer is authorized to determine those intersections at which it shall be unlawful for the operator of any vehicle to make a right, left, or U-turn, and shall place appropriate signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours in which event the same shall be plainly indicated on the signs.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, it is unlawful for the operator of any vehicle to disobey the directions of any such sign. (Ord. 3262-NS § 4.1, 1952)

**Section 14.16.030 Left turns between intersections.**

It is unlawful for the operator of any vehicle to turn such vehicle to the left, whether for the purpose of entering or leaving a driveway or otherwise, at any place between the intersections and during the times so designated by the City Traffic Engineer when such places are appropriately signed or marked. (Ord. 3262-NS § 4.2, 1952)

**Section 14.16.040 Required turns.**

The City Traffic Engineer is authorized to determine those intersections or segments of roadway between intersections which require a motorist to change said motorist's normally straight direction of travel and require either a right turn, left turn or U-turn. (Ord. 4664-NS § 2 (part), 1973)

**Chapter 14.20**

**SPECIAL STOPS REQUIRED**

**Sections:**

- 14.20.010 Authority to erect stop signs.**
- 14.20.020 Emerging from alley or private driveway.**

**Section 14.20.010 Authority to erect stop signs.**

A. The Council may by resolution designate and describe any street or portion thereof as a through street, or any intersection thereto, or any railroad grade crossing at which vehicles are required to stop.

B. The City Traffic Engineer shall erect and maintain stop signs on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade crossing so designated; provided, however, that stop signs shall not be erected or maintained at any entrance to an intersection when such entrance is controlled by an official traffic control signal. Every such sign shall conform with and shall be placed as provided in the Vehicle Code.

C. The City Traffic Engineer is authorized to install and maintain stop signs at one or more of the intersecting approaches to street intersections classified as local streets in the Circulation Section of the Berkeley Master Plan, as adopted by the City Council in August 1968, a copy of which Circulation Section on file with the City Clerk. Every such sign shall conform and be installed in accordance with the recommendations of the Traffic Manual of the California Division of Highways. (Ord. 4664-NS § 1, 1973: Ord. 3982-NS § 1, 1963: Ord. 3262-NS § 5, 1952)

**Section 14.20.020 Emerging from alley or private driveway.**

The operator of any vehicle emerging from an alley, driveway or building, shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any driveway. (Ord. 3262-NS § 5.1, 1952)



Chapter 14.24

MISCELLANEOUS DRIVING RULES

Sections:

- 14.24.010 Driving through funeral procession.
- 14.24.020 Clinging to moving vehicle.
- 14.24.030 Commercial vehicles using private driveways.
- 14.24.040 Riding or driving on sidewalk.
- 14.24.050 New pavement and markings.
- 14.24.060 Limited access.
- 14.24.070 Vehicles on private property.
- 14.24.080 Removal of vehicle illegally parked on private property.
- 14.24.090 Liability for wrongful removal of vehicle.
- 14.24.100 Removal of vehicle to place of safety.
- 14.24.110 Notice to owner of removed vehicle.
- 14.24.120 Garage keeper's lien.
- 14.24.130 Obedience to barriers and signs.
- 14.24.140 No entrance into intersection that would obstruct traffic.
- 14.24.150 Prima facie speed limit on frontage road
- 14.24.160 Prohibiting the operation of a vehicle down grade on Marin Avenue between Grizzly Peak Boulevard and The Circle at a speed greater than twenty miles per hour.
- 14.24.170 Prima facie speed limit on Sacramento Street.
- 14.24.180 Prima facie speed limit on Solano Avenue.
- 14.24.190 Prohibiting bicycles on Solano Avenue between Del Norte Street and Contra Costa Avenue.
- 14.24.200 Prima facie speed limit on University Avenue.
- 14.24.210 Prima facie speed limit on West Frontage Road.
- 14.24.220 Prima facie speed limit on Claremont Avenue
- 14.24.230 Driving in transit-only lanes.
- 14.24.240 Closure of Camelia Street at Union Pacific Railroad Crossing

**Section 14.24.010 Driving through funeral procession.**

It is unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral procession or a parade, provided that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be entirely subject to the orders of the Police Department. (Ord. 3262-NS § 6, 1952)

**Section 14.24.020 Clinging to moving vehicle.**

It is unlawful for any person to attach themselves with their hands, or to catch on, or hold on to with their hands or by other means, to any moving vehicle or train for the purpose of receiving motive power therefrom. (Ord. 3262-NS § 6.1, 1952)

**Section 14.24.030 Commercial vehicles using private driveways.**

A. It is unlawful for any person to operate or drive a commercial vehicle in, on or across any private driveway approach or sidewalk area or the driveway itself without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited.

B. For the purpose of this section a commercial vehicle shall mean a vehicle having a rated capacity in excess of one-half ton. (Ord. 3262-NS § 6.2, 1952)

**Section 14.24.040 Riding or driving on sidewalk.**

It is unlawful for any person to ride, drive, propel or cause to be propelled any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways and excepting when it is necessary for any

temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that said sidewalk area be substantially protected by wooden planks two inches thick, and written permission be previously obtained from the Director of Public Works. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours from six p.m. to six a.m. (Ord. 3262-NS § 6.3, 1952)

**Section 14.24.050 New pavement and markings.**

It is unlawful for any person to ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted marking in any street when a barrier or sign is in place warning persons not to drive over or across such pavement or marking, or when a sign is in place stating that the street or any portion thereof is closed. (Ord. 3262-NS § 6.4, 1952)

**Section 14.24.060 Limited access.**

It is unlawful for any person to drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established. (Ord. 3262-NS § 6.5, 1952)

**Section 14.24.070 Vehicles on private property.**

It is unlawful for any person to operate or drive or leave any vehicle in, over, or upon any private property without express or implied permission of the owner thereof, or the person entitled to the possession thereof for the time being, or the authorized agent of either, except that this section shall not apply to public or private parking lots. (Ord. 3315-NS § 1, 1953; Ord. 3262-NS § 6.6, 1952)

**Section 14.24.080 Removal of vehicle illegally parked on private property.**

Any regularly employed and salaried officer of the Police Department of the City, the owner of any private property or the person entitled to the possession thereof for the time being, or the authorized agent of either, may remove or cause to be removed any vehicle that has been parked or left standing on any private property in violation of Section 14.24.070 of this chapter. (Ord. 3315-NS § 6.6-a, 1953)

**Section 14.24.090 Liability for wrongful removal of vehicle.**

If a vehicle removed from such private property was rightfully there, the person or persons who complained of the presence of such vehicle and/or the person or persons (other than employees of the Police Department) who caused such vehicle to be removed shall be liable for any and all charges for towage and for caring for and keeping safe such vehicle. (Ord. 3315-NS § 6.6-b, 1953)

**Section 14.24.100 Removal of vehicle to place of safety.**

Any person referred to in Section 14.24.070 of this chapter who removes any vehicle from any private property in the City is authorized to remove said vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the City. (Ord. 3315-NS § 6.6-c, 1953)

**Section 14.24.110 Notice to owner of removed vehicle.**

Any person referred to in Section 14.24.070 of this chapter who removes a vehicle from private property shall give notice to the owner of the vehicle as provided in Section 585 of the Vehicle Code of the state. (Ord. 3315-NS § 6.6-d, 1953)

**Section 14.24.120 Garage keeper's lien.**

The keeper of any garage in which any vehicle is stored in accordance with the provisions of this chapter shall have a lien thereon for their compensation for towage and for caring for and keeping safe such vehicle, and may satisfy such lien upon compliance with and under the conditions stated in Section 585 of the Vehicle Code of the state. (Ord. 3315-NS § 6.6-e, 1953)

**Section 14.24.130 Obedience to barriers and signs.**

It is unlawful for any person, public utility or department in the City to erect or place any barrier or sign on any street unless of a type approved by the director of public works, or to disobey the instructions, remove, tamper

with or destroy any barrier or sign lawfully placed on any street by any person, public utility or by any department of this City. (Ord. 3262-NS § 6.7, 1952)

**Section 14.24.140 No entrance into intersection that would obstruct traffic.**

It is unlawful for the operator of any vehicle to enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle they are operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Ord. 3262-NS § 6.8, 1952)

**Section 14.24.150 Prima facie speed limit on frontage road**

A prima facie speed limit of thirty-five miles per hour is established on the westerly frontage road of the Eastshore Highway from Hearst Avenue to Gilman Street. (Ord. 6945-NS § 1 (part), 2006: Ord. 3614-NS § 2, 1958)

**Section 14.24.160 Prohibiting the operation of a vehicle down grade on Marin Avenue between Grizzly Peak Boulevard and The Circle at a speed greater than twenty miles per hour.**

When authorized signs are in place giving notice thereof, it is unlawful for any person to operate a vehicle at a speed greater than twenty miles per hour down grade on Marin Avenue between Grizzly Peak Boulevard and The Circle. (Ord. 3684-NS § 1, 1959)

**Section 14.24.170 Prima facie speed limit on Sacramento Street.**

A prima facie speed limit of thirty miles per hour is established on Sacramento Street between Rose Street and the south City limits. (Ord. 3817-NS § 1, 1961)

**Section 14.24.180 Prima facie speed limit on Solano Avenue.**

A prima facie speed limit of twenty-five miles per hour is established on Solano Avenue, between Del Norte Street and The Alameda. (Ord. 3921-NS § 1, 1963)

**Section 14.24.190 Prohibiting bicycles on Solano Avenue between Del Norte Street and Contra Costa Avenue.**

It is unlawful for any person to ride, push or wheel a bicycle on the Solano Avenue roadway between Del Norte Street and Contra Costa Avenue. (Ord. 3967-NS § 1, 1963)

**Section 14.24.200 Prima facie speed limit on University Avenue.**

A prima facie speed limit of thirty-five miles per hour is established on University Avenue, between Eastshore Highway and Marina Boulevard. (Ord. 4574-NS § 1 (part), 1972)

**Section 14.24.210 Prima facie speed limit on West Frontage Road.**

A prima facie speed limit of thirty-five miles per hour is established on the West Frontage Road between Gilman Street and the south City limit. (Ord. 6276-NS § 1, 1995: Ord. 4574 § 1 (part), 1972)

**Section 14.24.220 Prima facie speed limit on Claremont Avenue**

A prima facie speed limit of twenty-five miles per hour is established on Claremont Avenue between Ashby Avenue and Alcatraz Avenue/Oakland City limit. (Ord. 6945-NS § 2 (part), 2006: Ord. 6581-NS § 1, 2000)

**Section 14.24.230 Driving in transit-only lanes.**

In vehicle lanes designated by the use of markings and/or posting for transit-only use, public transit vehicles and bicycles are the only vehicles allowed to operate within such lanes during hours and days indicated by posting and/or marking. Vehicles may be operated momentarily within a transit-only lane while preparing to make

a turn or entering into or exiting from a designated parking space or a driveway. Parking, passenger loading and unloading by non-public transit vehicles, and freight loading or unloading are prohibited in the transit-only lane unless otherwise indicated by markings and/or posting. (Ord. 7576-NS § 1, 2017)

**Section 14.24.240 Closure of Camelia Street at Union Pacific Railroad Crossing**

As part of the safety improvements for I-80 Gilman Interchange Project the at-grade crossing of Union Pacific railroad corridor at Camelia Street is permanently closed to all traffic, allowing the City to bank credits towards a possible railroad quiet zone in the future. (Ord. 7738-NS § 1, 2020)

Chapter 14.26

PROHIBITING HARASSMENT OF BICYCLISTS

Sections:

- 14.26.010 Findings and purpose.
- 14.26.020 Definitions.
- 14.26.030 Prohibited conduct.
- 14.26.040 Remedies.

**Section 14.26.010 Findings and purpose.**

Harassment of bicyclists in Berkeley occurs solely based on their status as bicyclists. Persons who harass bicyclists solely based on their status as bicyclists endanger bicyclists and discourage bicyclists from using bicycles for transportation. (Ord. 7221-NS § 1 (part), 2012)

**Section 14.26.020 Definitions.**

"Bicycle" shall have the same definition as set forth in Vehicle Code section 231.

"Bicyclist" shall mean a person riding a Bicycle. (Ord. 7221-NS § 1 (part), 2012)

**Section 14.26.030 Prohibited conduct.**

A person is prohibited by this Section from doing or attempting to do the following:

- A. Physically assaulting a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- B. Threatening to physically assault or injure a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- C. Intentionally injuring a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- D. Intentionally distracting a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- E. Intentionally forcing a Bicyclist off a roadway for a purpose unrelated to public safety. (Ord. 7221-NS § 1 (part), 2012)

**Section 14.26.040 Remedies.**

A. An aggrieved Bicyclist may bring a civil lawsuit, including a small claims court action, against a person who violates this Chapter.

B. A person who violates this Chapter shall be liable for (1) treble compensatory damages for each violation, or \$1,000, whichever is greater, and (2) attorney's fees and costs of suit. Additionally, a jury or court may award punitive damages, if warranted.

C. Violations of this Chapter shall not be considered a criminal offense, except where the underlying act independent of this Chapter constitutes a criminal offense.

D. The remedies provided in this Section are in addition to other remedies that may be provided by law. Nothing in this Chapter is intended to preclude a Bicyclist from pursuing any other remedy at law in addition to the remedies provided here. (Ord. 7221-NS § 1 (part), 2012)

Chapter 14.28

GRADE SEPARATIONS

Sections:

- 14.28.010 Use of grade separations by pedestrians.
- 14.28.020 Use of grade separations by bicycles.
- 14.28.030 Use of grade separations by animals.
- 14.28.040 Operation of vehicles on grade separations.
- 14.28.050 Stopping, standing or parking on grade separations.
- 14.28.060 Removal of vehicles from grade separations.
- 14.28.070 Prima facie speed limit.

**Section 14.28.010 Use of grade separations by pedestrians.**

It is unlawful for any pedestrian to be in or upon any grade separation, except such grade separations as shall have pedestrian walks specifically designated or constructed thereon, provided that the provisions of this section shall not apply, in the event of an emergency, to persons employed to do work or labor upon such grade separation, or to members of the Police Department when engaged in law enforcement or traffic regulation. (Ord. 3262-NS § 7, 1952)

**Section 14.28.020 Use of grade separations by bicycles.**

It is unlawful for any person to ride a bicycle upon any grade separation. (Ord. 3262-NS § 7.1, 1952)

**Section 14.28.030 Use of grade separations by animals.**

It is unlawful for any person to ride or drive any animal, even though tethered or harnessed, in or upon any grade separation. (Ord. 3262-NS § 7.2, 1952)

**Section 14.28.040 Operation of vehicles on grade separations.**

Unless otherwise directed by a member of the Police Department or other authorized person, vehicles in or upon any grade separation shall at all times stay to the right of the center of all grade separations; slow moving vehicles shall remain as close as possible to the right hand side or curb of the grade separation; and where a grade separation is marked with traffic lanes, vehicles shall cross the markings only when overtaking and passing other vehicles. It is unlawful for the operator of any vehicle to cross any such marking unless such movement can be made with safety. (Ord. 3262-NS § 7.3, 1952)

**Section 14.28.050 Stopping, standing or parking on grade separations.**

It is unlawful for the operator of any vehicle to stop, stand or park said vehicle in or upon any grade separation, except in the event of an emergency, or when necessary to avoid injury or damage to persons or property, or in compliance with the direction of a member of the Police Department or other authorized person, or with the direction of a sign or signal. (Ord. 3262-NS § 7.4, 1952)

**Section 14.28.060 Removal of vehicles from grade separations.**

When any vehicle in or on any grade separation is stopped for any reason and is obstructing or may obstruct the flow of traffic, any member of the Police Department may move such vehicle or have such vehicle moved to the nearest terminus of said grade separation and beyond to a place of safety. The registered owner or owners and the operator of such vehicle shall be responsible for all reasonable charges for the moving services. (Ord. 3262-NS § 7.5, 1952)

**Section 14.28.070 Prima facie speed limit.**

A prima facie speed limit of thirty-five miles per hour is established on the overpass on University Avenue from East Shore Highway to Fifth Street. (Ord. 3262-NS § 7.6, 1952)

Chapter 14.32

PEDESTRIAN REGULATIONS

Sections:

- 14.32.010 Traffic Engineer to establish marked crosswalks.
- 14.32.020 When pedestrian must use crosswalks.
- 14.32.030 Crossing at right angles.
- 14.32.040 Standing in roadway--Use of divisional islands.
- 14.32.050 Pedestrians to obey special pedestrian traffic signals.
- 14.32.060 Regulating the use of skateboards.

**Section 14.32.010 Traffic Engineer to establish marked crosswalks.**

The City Traffic Engineer is authorized to establish and maintain crosswalks and to designate them by appropriate devices or painted signs upon the surface of the roadway. (Ord. 3262-NS § 8, 1952)

**Section 14.32.020 When pedestrian must use crosswalks.**

It is unlawful for any pedestrian to cross a roadway in any business district other than by a crosswalk. (Ord. 3262-NS § 8.1, 1952)

**Section 14.32.030 Crossing at right angles.**

It is unlawful for any pedestrian to cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk. (Ord. 3262-NS § 8.2, 1952)

**Section 14.32.040 Standing in roadway--Use of divisional islands.**

It is unlawful for any person to stand in any roadway other than in a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic and it is unlawful for any person to use any safety zone or divisional island for any purpose other than that necessary to provide temporary safety from moving vehicular traffic. This section shall not apply to any public officer or employee, or employee of a public utility when necessarily upon a street or divisional island in the line of duty. (Ord. 4241-NS § 1, 1967; Ord. 3262-NS § 8.3, 1952)

**Section 14.32.050 Pedestrians to obey special pedestrian traffic signals.**

Pedestrians shall obey the indication of special traffic signals installed for pedestrians only and shall disregard the indication of a vehicular traffic signal at any location where special pedestrian traffic signals are in place. (Ord. 3262-NS § 8.4, 1952)

**Section 14.32.060 Regulating the use of skateboards.**

Skateboards shall obey all rules applicable to pedestrians, the California Vehicle Code and comply with the following regulations:

- A. No age restrictions shall be placed upon skateboard users;
- B. Skateboarders shall wear reflecting material and/or light colored clothing when skateboarding after dark;
- C. Butt boarding and lying down on skateboards shall be prohibited;
- D. Home made ramps in streets shall be prohibited;
- E. Sidewalks shall be used for skateboarding where available, and skateboarders will yield the right-of-way to pedestrians;
- F. Where sidewalks are not available, the skateboarder will be required to use the extreme left-hand edge of the roadway; facing oncoming traffic;
- G. Skateboarders are required to obey traffic laws and vehicles codes set forth in California Highway Patrol's Skateboard Safety Handbook. (Ord. 5853-NS § 1, 1988)

Chapter 14.36

STOPPING, STANDING AND PARKING FOR CERTAIN PURPOSES OR IN CERTAIN PLACES

Sections:

- 14.36.010 Application of regulations.
- 14.36.020 Traffic Engineer to maintain no stopping zones and no parking areas.
- 14.36.030 No parking areas.
- 14.36.040 Use of streets for storage of vehicles prohibited.
- 14.36.050 Seventy-two hour limit.
- 14.36.060 Repairing or greasing vehicles on public streets.
- 14.36.070 Washing or polishing vehicles.
- 14.36.080 Parking adjacent to schools.
- 14.36.090 Parking on grades.
- 14.36.100 Parking under overpass.
- 14.36.110 Emergency parking signs.
- 14.36.120 Display of warning devices when commercial vehicle disabled.
- 14.36.130 Designated parking--Disabled persons.

**Section 14.36.010 Application of regulations.**

A. The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

B. The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this City prohibiting or limiting the standing or parking of vehicles in specified places or at specified times. (Ord. 3262-NS § 9, 1952)

**Section 14.36.020 Traffic Engineer to maintain no stopping zones and no parking areas.**

A. The City Traffic Engineer is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in this division.

B. When said curb markings or signs are in place it is unlawful for the operator of any vehicle to stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this division. (Ord. 3262-NS § 9.1, 1952)

**Section 14.36.030 No parking areas.**

It is unlawful for the operator of any vehicle to stop, stand, park, or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

A. Within any divisional island unless authorized and clearly indicated with appropriate signs or markings;

B. On either side of any street between the projected property lines of any public walk, public steps, street, or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;

C. In any area where the City Traffic Engineer determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface;

D. In any area established by resolution of the Council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface;

E. Upon, along or across any railway track in such manner as to hinder, delay, or obstruct the movement of any car traveling upon such track;

F. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;



G. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice of such no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking.

H. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6686-NS § 2 (part), 2002: Ord. 3634-NS § 1 (part), 1958: Ord. 3366-NS § 1, 1954: Ord. 3270-NS § 1 (part), 1952: Ord. 3262-NS § 9.2, 1952)

**Section 14.36.040 Use of streets for storage of vehicles prohibited.**

It is unlawful for any person to park, keep or store any motor vehicle which has been damaged, wrecked or is in a state of disrepair upon any public street in the City in connection with or as a part of the business operation of any automobile repair garage, body repair shop, auto wrecking establishment or similar business activity. (Ord. 3954-NS § 1, 1963: Ord. 3262-NS § 9.3, 1952)

**Section 14.36.050 Seventy-two hour limit.**

It is unlawful for any person to park or leave standing, or cause to be parked or left standing any vehicle upon any public street in the City for seventy-two or more consecutive hours. (Ord. 4006-NS § 1 (part), 1964: Ord. 3954-NS § 2, 1963)

**Section 14.36.060 Repairing or greasing vehicles on public streets.**

It is unlawful for any person to construct or cause to be constructed, repair or cause to be repaired, to grease or cause to be greased any vehicle or any part thereof upon any public street in the City; provided, however, that temporary repairs in case of an emergency may be made upon a public street in the City. (Ord. 3262-NS § 9.5, 1952)

**Section 14.36.070 Washing or polishing vehicles.**

It is unlawful for any person to wash or cause to be washed, to polish or cause to be polished any vehicle or any part thereof upon any public street in the City when a charge is made for such service. (Ord. 3262-NS § 9.6, 1952)

**Section 14.36.080 Parking adjacent to schools.**

A. The City Traffic Engineer is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in their opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, it is unlawful for the operator of any vehicle to park said vehicle in any such designated place. (Ord. 3262-NS § 9.7, 1952)

**Section 14.36.090 Parking on grades.**

It is unlawful for the operator of any vehicle to stand or park said vehicle upon any street, the grade of which exceeds three percent, without setting the brakes thereon and blocking the wheels of said vehicle by turning them against the curb or by other means. (Ord. 3262-NS § 9.8, 1952)

**Section 14.36.100 Parking under overpass.**

A. Vehicles may be parked in the center of University Avenue under the overpass on University Avenue between Fifth Street and State Highway No. 60 (East Shore Highway).

B. The City Traffic Engineer shall cause painted or marked lines to be placed on the pavement in said area for the purpose of allotting spaces in which to park vehicles, and it is unlawful for the operator of any vehicle to

park said vehicle in said area unless said vehicle is entirely within one allotted space, and is parked in the manner and in the position indicated by the markings. (Ord. 3262-NS § 9.9, 1952)

**Section 14.36.110 Emergency parking signs.**

A. Whenever the City Traffic Engineer or the Chief of Police shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, the City Traffic Engineer shall have authority to order temporary signs to be erected or posted on the affected streets, indicating that the operation, parking and standing of vehicles is prohibited or restricted on such streets and that vehicles in violation are subject to removal during the time such emergency signs are in place.

B. Temporary no parking signs may be issued and used in accordance with rules and regulations therefor as adopted by the City Council. It is unlawful for any person to use such signs except in compliance with such rules and regulations.

C. When authorized signs are in place giving notice thereof, it is unlawful for any person to operate, park or stand any vehicle contrary to the directions and provisions of such signs, except when the driver of said vehicle is so authorized by any police officer.

D. Any vehicle found to be in violation of the provisions of this section may be removed or caused to be removed by any regularly employed and salaried employee of the Police Department of the City, designated by the Chief of Police. (Ord. 5379-NS § 1, 1981; Ord. 3875-NS § 1, 1962; Ord. 3381-NS § 1, 1954; Ord. 3262-NS § 9.10, 1952)

**Section 14.36.120 Display of warning devices when commercial vehicle disabled.**

When any motor truck having an unladen weight of four thousand pounds or more, any truck tractor irrespective of weight, or any trailer or semitrailer, is, at any time mentioned in 618 of the Vehicle Code, disabled upon the roadway, or within ten feet thereof, of any highway outside of any business or residence district, upon which highway there is insufficient street lighting to reveal a vehicle at a distance of two hundred feet, a warning signal of the character indicated in Section 590 of the Vehicle Code shall be immediately placed at a distance of approximately one hundred feet in advance of and one hundred feet to the rear of such disabled vehicle. The continuous flashing of at least four approved Class A-Type I turn signal lamps, at least two toward the front and at least two toward the rear of the vehicle shall be considered to meet the requirements of this section until the devices mentioned above and in said Section 590 of the Vehicle Code can be placed in the required locations. The warning signals herein mentioned should be displayed continuously during the times mentioned in said Section 618 while such vehicle remains disabled upon the roadway or within ten feet thereof. (Ord. 3658-NS § 1 (part), 1958)

**Section 14.36.130 Designated parking--Disabled persons.**

A. The City Manager or the City Manager's designee is authorized to place and maintain distinctive traffic markings in compliance with Section 22511.7 of California Vehicle Code to designate parking spaces for the exclusive use of physically handicapped persons whose vehicles display either one of the distinguishing license plates issued to disabled persons pursuant to Section 22511.5 or to disabled veterans as specified in Section 9105 or bear a properly mounted distinguishing placard as specified under these same sections. Any such spaces shall be designated by appropriate blue markings on the curb or edge of pavement and may also be indicated by signs or other suitable means.

B. In determining the location of such designated parking spaces, the City Manager or the City Manager's designee shall consider the interests of all members of the public. (Ord. 4963-NS § 1, 1976)

Chapter 14.40

**STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS**

**Sections:**

- 14.40.010 Short time limit parking.**
- 14.40.020 Thirty minute parking.**
- 14.40.030 One hour parking.**
- 14.40.035 Ninety minute parking.**
- 14.40.040 Two hour parking.**
- 14.40.045 Long term parking.**
- 14.40.050 Parallel parking.**
- 14.40.060 Diagonal parking.**
- 14.40.070 No stopping zones.**
- 14.40.080 No parking zones to prevent flooding.**
- 14.40.090 Preferential parking.**
- 14.40.100 Disabled persons--Exempt parking.**
- 14.40.110 Waiver of time limit provisions.**
- 14.40.120 No parking between two a.m. and five a.m.**
- 14.40.130 Use of driveways and parking spaces in City Hall area and City parking lots.**
- 14.40.140 Curb parking--Right-of-way.**
- 14.40.150 Special parking regulations for two-wheeled and three-wheeled motor vehicles.**
- 14.40.160 Commercial parking.**

**Section 14.40.010 Short time limit parking.**

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice of time limit parking of 24 minutes or less, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle adjacent to any such legible curb marking or sign or parking meter in violation thereof. Such parking time limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets, and during the hours and on the days indicated by said signs, parking meters, pay-and-display stations, or curb markings. In addition to said signs, parking meters, pay-and-display stations or curb markings, adjacent curbs may be painted green to indicate such short time limit parking.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6840-NS § 1 (part), 2005: Ord. 6686-NS § 3 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 4080-NS § 1, 1965: Ord. 3701-NS § 1 (part), 1959: Ord. 3262-NS § 10, 1952)

**Section 14.40.020 Thirty minute parking.**

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice thereof, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than 30 minutes. Such parking limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6840-NS § 2 (part), 2005: Ord. 6686-NS § 4 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 3701-NS § 1 (part), 1959: Ord. 3569-NS § 1, 1957: Ord. 3262-NS § 10-a, 1952)

**Section 14.40.030 One hour parking.**

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice thereof, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than one hour. Such parking time limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6840-NS § 3 (part), 2005: Ord. 6686-NS § 5 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 3701-NS § 1 (part), 1959: Ord. 3262 § 10.1, 1952)

**Section 14.40.035 Ninety minute parking.**

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice of parking time limits of ninety minutes, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than ninety minutes adjacent to any such legible curb markings, sign, parking meter or pay-and-display station in violation thereof. Such parking time limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every ninety minutes of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6912-NS § 2 (part), 2006)

**Section 14.40.040 Two hour parking.**

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice of parking time limits of two hours, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than two hours adjacent to any such legible curb markings, sign, parking meter or pay-and-display station in violation thereof. Such parking time limit shall be applicable for the total time period parked within one or more designated parking spaces of street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every two hours of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6912-NS § 3 (part), 2006: Ord. 6840-NS § 4 (part), 2005: Ord. 6686-NS § 6 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 3701-NS § 1 (part), 1959: Ord. 3262-NS § 10.2, 1952)

**Section 14.40.045 Long term parking.**

A. When authorized signs, parking meters, pay-and-display stations are in place giving notice of parking longer than two-hours time limit, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of an day except Sundays adjacent to any such legible sign, parking meter or pay-and-display station in violation thereof. Such parking time limit shall be applicable for a total period within one or more designated parking spaces of street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offence for each and every time limit of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6912-NS § 4 (part), 2006)

**Section 14.40.050 Parallel parking.**

A. In such areas where any painted or marked lines have been placed on the pavement for the purpose of allotting space to parked vehicles, it is unlawful for the operator of any vehicle to park said vehicle unless said vehicle is entirely within the limits of said allotted space.

B. Any vehicle parked on a street designated as a one-way street shall be parked in accordance with the provisions of this chapter, except that such vehicle shall be faced in the direction indicated by the one-way street sign, and both wheels of such vehicle on the side nearest the curb shall be not more than 18 inches distant from the curb or the bike lane dividing line or buffer.

C. The provisions of this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case that vehicle may be backed up to the curb, provided that such vehicle does not extend beyond the center line of the street and does not block traffic thereby. (Ord. 7576-NS § 2, 2017: Ord. 3262-NS § 10.3, 1952)

**Section 14.40.060 Diagonal parking.**

On any of the streets or portions of streets established by resolution of the Council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it is unlawful for the operator of any vehicle to park said vehicle except:

A. At the angle and in the direction to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of such allotted space, and with the bumper of the vehicle nearest the curb within 12 inches of the curb, or where a bike lane is marked between the diagonal parking and the curb, within 12 inches of the bike lane dividing line or buffer.

B. Upon any portion of a street where back-in diagonal parking is indicated by a traffic control device, no vehicle shall idle more than sixty seconds.

C. No vehicle shall be parked in a diagonal parking zone if it exceeds twenty feet in length or eight feet in width, including cargo or load.

The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in Section 14.40.050 of this chapter shall be complied with. (Ord. 7576-NS § 3, 2017; Ord. 3584-NS § 1, 1957; Ord. 3262-NS § 10.4, 1952)

**Section 14.40.070 No stopping zones.**

A. The City Traffic Engineer shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping vehicles is prohibited and indicating the hours and day when stopping is prohibited.

B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to stop said vehicle on any of the streets or parts of streets established by Resolution of the Council as no stopping zones. (Ord. 3262-NS § 10.5, 1952)

**Section 14.40.080 No parking zones to prevent flooding.**

A. In order to prevent flooding of adjacent property, the City Traffic Engineer shall designate established no parking zones by placing and maintaining appropriate signs indicating that parking of vehicles is prohibited and indicating the hours and days when parking is prohibited.

B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to park said vehicle on any of the streets or parts of streets established by Resolution of the Council as such no parking zones. (Ord. 3334-NS § 1, 1953)

**Section 14.40.090 Preferential parking.**

A. The City Traffic Engineer shall designate established preferential parking zones by placing and maintaining appropriate signs indicating that parking of vehicles beyond the permitted time within the zone is prohibited, unless a valid permit is attached to the left rear bumper. Unless a valid parking permit is properly displayed, it is unlawful for the operator of any vehicle to park said vehicle in excess of the posted time during the days designated on the signs on a preferential parking street or parts of streets as established by Resolution of the Council.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6686-NS § 7 (part), 2002; Ord. 5248-NS § 1, 1980)

**Section 14.40.100 Disabled persons--Exempt parking.**

Disabled person, as used in this section, shall mean any person who has completely lost by paralysis the use of one or both feet or one or both legs, or who has had one or both feet or one or both legs amputated.

The provisions of this section regulating overtime parking shall not apply to any vehicle owned and operated by a disabled person as herein defined when parked by said disabled person in any area limiting parking, nor shall they be required to operate any parking meter, subject to the following requirements:

A. The disabled person shall complete an application on a form furnished by the Police Department. Upon approval of the application by the Police Department the disabled person will be issued one special vehicle identification windshield sticker and one personal identification card.

B. The disabled person shall have a valid driver's license and the personal identification card in their immediate possession at all times when driving or parking a motor vehicle and shall display said driver's license and identification card to any police officer upon request.

C. The disabled person shall display the special vehicle identification windshield sticker in compliance with the provisions of Section 676 (a) of the Vehicle Code.

D. The disabled person shall operate the motor vehicle themselves when expecting the benefits herein stated.

E. The disabled person will not be permitted to park a motor vehicle in any zone where it is otherwise unlawful to park, nor to claim the benefits of this section while parked in a 24 minute parking zone.

Abuse of privileges, or noncompliance with any of the above mentioned requirements by disabled persons will constitute sufficient grounds for revocation by the Chief of Police of all privileges herein granted. (Ord. 3314-NS § 1, 1953; Ord. 3262-NS § 10.7, 1952)

**Section 14.40.110 Waiver of time limit provisions.**

In its sound discretion and good cause appearing therefore, the Council, by Resolution, may waive the provisions of Sections 14.40.010, 14.40.020, 14.40.030 and 14.40.040 of this chapter and permit the parking of vehicles in 24-minute, 30-minute and one- and two-hour zones for extended periods of time. (Ord. 6686-NS § 8 (part), 2002; Ord. 3614-NS § 1, 1958; Ord. 3262-NS § 10.8, 1952)

**Section 14.40.120 No parking between two a.m. and five a.m.**

A. It is unlawful for any person to park any oversize or heavy duty commercial vehicle on any street between the hours of two a.m. and five a.m. for a greater length of time than one hour.

B. For the purpose of this section, oversize or heavy duty commercial vehicle shall mean a single vehicle or combination of vehicles having more than two axles, a single vehicle or combination of vehicles 20 feet or more in length, or a single vehicle or combination of vehicles six feet six inches or more in width, and shall include, but shall not be limited to dump trucks, moving vans, tractors, pole or pipe dollies, recreational vehicles (RVs), campers. (Ord. 7643-NS § 1, 2019; Ord. 3262-NS § 10.9, 1952)

**Section 14.40.130 Use of driveways and parking spaces in City Hall area and City parking lots.**

A. The roadways, driveways, and parking spaces in the City-operated parking lots in the City Hall area, bounded by Grove Street, Allston Way, McKinley Avenue and Addison Street, the City-operated parking lots on the west side of McKinley Avenue between Allston Way and Addison Street and the City-operated parking lots in the Corporation Yard area bounded by Allston Way, Acton Street, Bancroft Way and West Street are hereby reserved for the use of City-, county-, and state-owned equipment and vehicles and the vehicles of City, county and state officers and employees and other authorized persons who have been so authorized by the issuance of approved stickers, which shall be placed in the lower right-hand corner of the windshield of the vehicle or in such other place on the vehicle as may be specified when said stickers are issued. It is unlawful for any person other than those so authorized as hereinabove set forth to park any motor vehicle in said areas, or to use the roadway or driveways for vehicular traffic, or as a thoroughfare from one street to another in the City Hall area or parking lots referred to in this section.

B. When signs are in place or painted or marked lines are placed on the pavement in the City Hall area or City-owned parking lots for allotting space to parked vehicles, or directing the movement of vehicles, it is unlawful for the operator of any vehicle to park said vehicle unless it is entirely within the limits of said allotted space or to move a vehicle contrary to said signs or markings.

C. It is further unlawful for the operator of any vehicle to park said vehicle in a space marked "No Parking", "Emergency" or "Reserved", except those vehicles for which the space is specifically provided, or to park any vehicle in a backed-in position in any diagonal parking space.

D. The City Traffic Engineer shall cause appropriate signs to be erected, indicating that the roadways, driveways and parking spaces in the City Hall property and City-owned parking lots are restricted as hereinabove indicated.

E. Any regularly employed and salaried officer of the Police Department of the City may remove or cause to be removed any vehicle that has been parked or left standing in violation of the provisions of this section upon the roadways, driveways or parking spaces in the City-operated parking lots in the City Hall area bounded by Grove Street, Allston Way, McKinley Avenue and Addison Street, the City-operated parking lots on the west side of McKinley Avenue between Allston Way and Addison Street, and the City-operated parking lots in the

Corporation Yard area bounded by Allston Way, Acton Street, Bancroft Way and West Street, provided signs are posted giving notice of such removal. (Ord. 4459-NS § 1, 1969: Ord. 4398-NS § 1, 1969: Ord. 3937-NS § 1, 1963: Ord. 3721-NS § 1, 1959: Ord. 3658-NS § 1 (part), 1958: Ord. 3262-NS § 10.10, 1952)

**Section 14.40.140 Curb parking--Right-of-way.**

A. Definition--Limited Curb Parking Space. For the purpose of this section, a "limited curb parking space" means an area open for lawful parking along side of, and adjacent to, a curb, which area is not of sufficient length to permit two or more vehicles to freely move for parking therein at the same time.

B. Parking at Curb--Right-of-Way. Any person seeking to park their vehicle, in a limited curb parking space, whose vehicle arrives at said parking space prior to any other vehicle, and who proceeds beyond said space a distance not to exceed ten feet for the purpose of backing their vehicle therein, shall have the right-of-way over any person driving or attempting to drive any other vehicle directly into such limited curb parking space or who in any manner obstructs such limited curb parking space and the driver of such other vehicle shall yield the right-of-way to the driver who first arrived at said parking space. (Ord. 3786-NS § 2 (part), 1961)

**Section 14.40.150 Special parking regulations for two-wheeled and three-wheeled motor vehicles.**

A. The City Traffic Engineer is authorized to establish special parking zones for two-wheeled and three-wheeled motor vehicles. When authorized signs or curb markings are in place giving notice of such special parking zones, it is unlawful for the operator of any vehicle except a two-wheeled or three-wheeled motor vehicle to stop, stand or park such vehicle in such special parking zone.

B. The City Traffic Engineer is authorized to establish parking time limits for special parking zones for two-wheeled and three-wheeled motor vehicles. When authorized signs or curb markings are in place giving notice of such parking time limit, it is unlawful for the operator of any vehicle to stop, stand or park such vehicle in such special parking zone for a period of time greater than the parking time limit specified on such authorized signs or curb markings. (Ord. 6545-NS § 1, 2000: Ord. 4130-NS § 1, 1965)

**Section 14.40.160 Commercial parking.**

When authorized signs are in place, commercial vehicles are prohibited from stopping, parking, or standing with the wheels of such vehicle more than 18 inches from the curb on the south side of Center Street adjacent to the established taxi stand zone between Shattuck Avenue and Milvia Street, more specifically described as that area beginning at the front of the passenger loading zone and extending 150' in the westerly direction.(Ord. 6689-NS § 1, 2002)

Chapter 14.44

STOPPING FOR LOADING OR UNLOADING ONLY

Sections:

- 14.44.010 Authority to establish loading zones.
- 14.44.020 Standing for loading or unloading only.
- 14.44.030 Standing in passenger loading zones.
- 14.44.040 Bicycle zones.
- 14.44.050 Special passenger loading zones.
- 14.44.060 Coach zones.
- 14.44.070 Funeral zones.
- 14.44.080 Taxicab stands.

**Section 14.44.010 Authority to establish loading zones.**

The City Traffic Engineer is authorized to determine and to mark loading zones in metered or unmetered areas, and passenger loading zones at any place in any business district, or elsewhere in front of or adjacent to any place of business or any hall or place used for the purpose of public assembly. (Ord. 7586-NS § 1, 2017: Ord. 3262-NS § 11, 1952)

**Section 14.44.020 Standing for loading or unloading only.**

A. Yellow curb marking shall mean no stopping, standing, or parking at any time between seven a.m. and six p.m. of any day except Sundays, unless other times are designated by appropriate signs, for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three minutes, nor the loading or unloading of materials more than twenty minutes.

B. Passenger vehicles may use a loading zone for the purpose of loading or unloading passengers but may not load or unload materials unless said passenger vehicles are used for commercial purposes, which fact is plainly indicated by signs placed in the windows of such vehicles, or by other appropriate markings.

C. When authorized signs or curb markings are in place, it is unlawful for the operator of any vehicle to stop, stand, or park said vehicle in any loading zone for any purpose other than loading or unloading passengers or materials for such time as is permitted in this section.

D. When commercial loading zones are designated as paid parking areas by appropriate signs, drivers of commercial vehicles using the metered yellow curb must pay the applicable fee.

E. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 7586-NS § 2, 2017: Ord. 6686-NS § 9 (part), 2002: Ord. 4170-NS § 1, 1966: Ord. 3701-NS § 1 (part), 1959: Ord. 3262-NS § 11.1, 1952)

**Section 14.44.030 Standing in passenger loading zones.**

A. White curb marking shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers which shall not exceed three minutes, except when otherwise designated by appropriate signs.

B. When authorized signs or curb markings are in place, it shall be unlawful for the operator of any vehicle to stop, stand or park said vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in this section.

C. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6686-NS § 10 (part), 2002: Ord. 3262-NS § 11.2, 1952)

**Section 14.44.040 Bicycle zones.**

A. It is unlawful for the operator of any vehicle to stop or park such vehicle in any of those zones designated by the City Traffic Engineer as bicycle zones.



B. The City Traffic Engineer shall cause the provisions of this section to be designated by placing and maintaining appropriate signs directing that the stopping of vehicles is prohibited, or by placing or maintaining red paint or other red material upon the entire curb surface within such zones. (Ord. 3262-NS § 11.3, 1952)

**Section 14.44.050 Special passenger loading zones.**

A. It is unlawful for the operator of any vehicle to stop, stand, or park said vehicle in any special passenger loading zone when approved permanent or portable signs are in place, as hereinafter provided, for any period of time longer than is necessary for the loading or unloading of passengers and not to exceed three minutes.

B. Special passenger loading zones, as used herein, shall be those areas adjacent to the curb, not more than sixty feet in length, located between two approved permanent or portable signs in front of or adjacent to, and within the projected real property boundaries of any church theater, club, or place of business or public gathering. Said signs shall be provided and paid for by the church, theater, club, or place of business or public gathering for which they are used and shall be approved by the City Traffic Engineer. The signs shall be located upon the sidewalk or pavement area within two feet of the curb, and shall be used under such terms and conditions as may be imposed by the City Traffic Engineer. (Ord. 3262-NS § 11.4, 1952)

**Section 14.44.060 Coach zones.**

A. The City Traffic Engineer is authorized to establish coach zones opposite curb space for the loading and unloading of coaches and to determine the location thereof subject to the directives and limitations set forth herein.

B. The City Traffic Engineer shall designate coach zones by painting the curb red or by placing and maintaining appropriate signs.

C. It is unlawful for the operator of any vehicle except a coach to stop, stand or park said vehicle in a coach zone, provided that if a coach zone is designated by a sign or signs and such sign or signs indicate that said zone is a coach zone only during specified hours, such prohibition shall apply only during such specified hours.

D. When stopping to load or unload passengers at places designated as coach zones, the operator of the coach must stop or park said coach within the coach zone and in such a manner that the front wheel of such coach on the side nearest the curb is not more than three feet distant from said curb; provided, however, when stopping to load or unload passengers at coach zones which are sixty feet or more in length, the operator of the coach must stop or park said coach within the coach zone and in such a manner that both wheels of such coach on the side nearest the curb are not more than eighteen inches distant from said curb. (Ord. 4411-NS § 1, 1969; Ord. 3338-NS § 1, 1953; Ord. 3262-NS § 11.5, 1952)

**Section 14.44.070 Funeral zones.**

It is unlawful for the operator of any vehicle to stop, stand or park said vehicle for any period of time longer than is necessary for the loading or unloading of passengers and not to exceed three minutes at any place between the limit markers or signs placed within the projected real property boundaries of any undertaking establishment, private residence, or any public or private place at any time during or within forty minutes prior to the beginning of any funeral or funeral service, unless the operator of said vehicle is directed by or has received permission from the director or other person in charge of such funeral or funeral service to park such vehicle in such place, provided that such director or person in charge shall have placed and maintained prior to and during the time limit herein specified two approved portable signs, one at each extremity of such place, upon the sidewalk or pavement area and within two feet of the curb. (Ord. 3262-NS § 11.6, 1952)

**Section 14.44.080 Taxicab stands.**

A. The curb surface within each taxicab stand shall be painted white and marked "Taxicab Stand" in red lettering, or shall be designated by signs of a type and size approved by the City Traffic Engineer.

B. It is unlawful for the operator of any vehicle, other than a taxicab or automobile for hire, to park said vehicle in such taxicab stand. (Ord. 3262-NS § 11.7, 1952)

Chapter 14.46

**ELECTRIC VEHICLE PARKING**

**Sections:**

- 14.46.010 Authority.**
- 14.46.020 Purpose.**
- 14.46.030 Definitions.**
- 14.46.040 Designation of electric vehicle parking spaces.**
- 14.46.050 Electric vehicle parking restriction.**

**Section 14.46.010 Authority.**

This chapter is enacted pursuant to California Vehicle Code §§ 22511 and 22511.1. (Ord. 7601-NS § 2 (part), 2018)

**Section 14.46.020 Purpose.**

The electric vehicle parking standards established in this chapter are intended to promote sustainable and alternative transportation practices; manage the availability of on-street parking, particularly in areas that will maximize the use of electric vehicles; and thereby improve traffic and parking circulation. (Ord. 7601-NS § 2 (part), 2018)

**Section 14.46.030 Definitions.**

As used in this chapter, unless otherwise apparent from the context, the following words and phrases shall have the following meanings:

A. "Electric vehicle (EV)" means any vehicle that operates, either partially or exclusively, on electrical energy from an off-board source that is stored on-board for motive purpose.

B. "Electric vehicle supply equipment (EVSE)" means a unit of fueling infrastructure that supplies electric energy for the recharging of electric vehicles, such as plug-in electric vehicles, including electric cars, neighborhood electric vehicles, and plug-in hybrids. EVSE is also referred to as EV charging station unit and EV charging infrastructure.

C. "Charging event" means an EV is plugged into the EVSE and in the process of charging.

D. "Electric vehicle charging station" means a parking space dedicated to active charging events. (Ord. 7601-NS § 2 (part), 2018)

**Section 14.46.040 Designation of electric vehicle parking spaces.**

A. Designation of Parking Spaces. The City Traffic Engineer is authorized in accordance with the purposes of this chapter to designate spaces on street for the exclusive parking of electric vehicles that are connected to electric vehicle charging stations for the purpose of transfer of electricity to the battery or other energy storage device of an electric vehicle.

B. Signs or Markings. Upon designation of a parking space or spaces for the exclusive use of electric vehicles pursuant to Subsection A of this section, the Public Works department shall place signs or markings giving adequate notice that the parking space or spaces are restricted and to be used only for such electric vehicles. The signs or markings shall be in compliance with California Vehicle Code § 22511 indicating that vehicles left standing in violation of the restriction may be removed. The parking restriction shall not apply to the designated parking spaces until the sign or markings have been placed. (Ord. 7601-NS § 2 (part), 2018)

**Section 14.46.050 Electric vehicle parking restriction.**

A. In parking stalls designated by the use of markings and/or posting as electric vehicle charging stations, only electric vehicles are allowed to park for charging events during designated hours.

B. It is unlawful for the operator of any vehicle to allow a vehicle to park or stand in a designated electric vehicle charging station longer than the posted time limit.

C. It is unlawful for the operator of an electric vehicle to allow that vehicle to park or stand in a designated electric vehicle charging station unless the vehicle is actively conducting a charging event.

D. The police department is authorized to cite and/or remove or cause the removal of vehicles parked in violation of this section in accordance with California Vehicle Code § 22511. (Ord. 7601-NS § 2 (part), 2018)

Chapter 14.48

MISCELLANEOUS USE OF STREETS AND SIDEWALKS

Sections:

- 14.48.010 One-way streets.
- 14.48.020 Obstructions on streets and sidewalks.
- 14.48.030 Objects in transit.
- 14.48.040 Construction materials and barricades.
- 14.48.050 Trees and shrubs.
- 14.48.060 Poles, hydrants, signs, etc.
- 14.48.070 Bicycle racks.
- 14.48.080 Bus benches and bus shelters.
- 14.48.090 Mail boxes and armed forces recruiting signs.
- 14.48.100 Newspaper racks and newspapers.
- 14.48.110 Authorized retail displays.
- 14.48.120 Temporary Noncommercial Objects.
- 14.48.130 Decorative noncommercial installations.
- 14.48.140 Public telephones.
- 14.48.150 Sidewalk seating, benches and planters.
- 14.48.160 Removal of obstructions on streets and sidewalks.
- 14.48.170 Use of streets and sidewalks by vendors.
- 14.48.180 Trap doors in sidewalks.
- 14.48.190 Parklets.

**Section 14.48.010 One-way streets.**

The City Traffic Engineer is authorized and directed to suitably indicate by appropriate signs those streets or portion of streets designated by resolution of the Council as one-way streets. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12, 1952)

**Section 14.48.020 Obstructions on streets and sidewalks.**

It is unlawful for any person to place or cause to be placed anywhere upon any Sidewalk, Parklet or roadway, any object which obstructs, restricts, or prevents the use of any portion of such Sidewalk, Parklet or roadway, except as set forth in this Chapter or in a regulation promulgated by the City Manager and adopted by the City Council.

For purposes of this Chapter, Sidewalk is defined as provided in BMC Section 1.04.010(18) as that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians. Parklet is defined as provided in BMC Section 14.48.190(B)(4). (Ord. 7632-NS § 1 (part), 2018: Ord. 7449-NS § 2, 2015: Ord. 6471-NS § 3, 1999: Ord. 4709-NS § 1, 1974: Ord. 3262-NS § 12.1, 1952)

**Section 14.48.030 Objects in transit.**

Goods, wares, merchandise, containers, furniture, suitcases and other similar objects in the immediate custody and control of individuals readily able to move or remove such objects may be allowed on the outer one-third of the sidewalk for up to one hour while in the actual course of receipt, delivery, transport, transit or removal. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-a, 1952)

**Section 14.48.040 Construction materials and barricades.**

Materials used in the construction or repair of any building or structure, together with the necessary pedestrian walkways, barricades and warning signs, when required permits have been obtained from the City. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-b, 1952)

**Section 14.48.050 Trees and shrubs.**

Trees, shrubs and flowers with the necessary barricades when planted or maintained by the City, or by private parties when expressly allowed by Council action or by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-c, 1952)

**Section 14.48.060 Poles, hydrants, signs, etc.**

Poles, fire and police boxes, lamp posts, parking, street directional or warning signs, parking meters, drinking fountains, poster kiosks, hydrants, flag poles or standards, decorations for public events, sidewalk clocks, refuse cans, book return receptacles, barriers and any other similar installation; provided, however, that any such installation belongs to the City or is authorized by Council action. (Ord. 7632-NS § 1 (part), 2018: Ord. 4519-NS § 1, 1971: Ord. 3262-NS § 12.1-d, 1952)

**Section 14.48.070 Bicycle racks.**

Bicycle racks of a type and at locations approved by and under such conditions as may be imposed by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-e, 1952)

**Section 14.48.080 Bus benches and bus shelters.**

Bus benches and bus shelters at such locations and in accordance with such rules and regulations as may be prescribed by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 4677-NS § 1, 1973: Ord. 3382-NS § 1, 1954: Ord. 3262-NS § 12.1-g, 1952. Formerly 14.48.090)

**Section 14.48.090 Mail boxes and armed forces recruiting signs.**

Mail boxes and armed forces recruiting signs that are placed in such locations that they do not interfere with the normal use of the sidewalk by pedestrians. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-h, 1952. Formerly 14.48.100)

**Section 14.48.100 Newspaper racks and newspapers.**

Newspaper racks which are installed and maintained in accordance with Chapter 16.40 or Chapter 16.44 of the Berkeley Municipal Code. (Ord. 7632-NS § 1 (part), 2018: Ord. 6471-NS § 4, 1999: Ord. 6326-NS § 3 (part), 1996: Ord. 3262-NS § 12.1-j, 1952. Formerly 14.48.120)

**Section 14.48.110 Authorized retail displays.**

Objects such as, but not limited to, tables, chairs, umbrellas and canopies that are permitted pursuant to Chapter 9.48. (Ord. 7632-NS § 1 (part), 2018: Ord. 7300-NS § 1, 2013. Formerly 14.48.160)

**Section 14.48.120 Temporary Noncommercial Objects.**

A. Temporary Noncommercial Objects ("TNC Objects") are personal belongings:

1. In the immediate custody and control of a person or persons at substantially all times;
2. Not offered for sale or exchange or involved in the solicitation of money for immediate payment;
3. Not otherwise prohibited and of a size, weight and quantity that can be easily moved by the owner.
4. Not furniture. Furniture is only allowed pursuant to BMC Chapter 9.48 or pursuant to BMC § 14.48.030

Objects in Transit.

The City Manager may adopt regulations specifying what TNC Objects may be permitted under this Section and where such TNC Objects may be permitted, as well as procedures and limitations to implement this Section. Any such regulation shall contain provisions and shall be applied in such a manner as to ensure that it does not deprive any person of rights protected by the state or federal constitutions, including freedom of expression, and any size limitation contained therein shall not apply to dogs, or to limited cushioning material being used to sit on such as, but not limited to, blankets, cushions or mats. Regulations adopted by the City Manager under this Section shall not take effect until they have been presented to the City Council for approval at a regularly scheduled meeting.

B. After approval by the City Council, the City Manager shall ensure that regulations adopted pursuant to this Section are publicized in a manner substantially equivalent to the manner in which ordinances are published, and that materials summarizing such regulations are available for dissemination in Commercial and

Manufacturing zones. The City may also post fixed signage in Commercial and Manufacturing zones informing the public of such regulations.

C. No person may be cited for a violation of this Section or the regulations adopted pursuant to it unless that person has first been warned that their conduct is in violation hereof, is allowed a reasonable opportunity to comply but refuses to do so.

D. Violations of this Section or City Manager regulations adopted pursuant to this Section shall be charged as infractions, and not as misdemeanors. (Ord. 7632-NS § 1 (part), 2018: Ord. 7527-NS § 1, 2017: Ord. 7449-NS § 3, 2015: Ord. 4686-NS § 1, 1974: Ord. 4594-NS § 1, 1972: Ord. 3389-NS § 1, 1954: Ord. 3262-NS § 12.1-o, 1952. Formerly 14.48.170)

**Section 14.48.130 Decorative noncommercial installations.**

Decorative noncommercial installations subject to the following regulations and requirements:

A. At least six feet of improved sidewalk area measured at right angles to the curb shall be kept open and unobstructed.

B. Such decorative noncommercial installations shall be placed and maintained in the portion of the sidewalk area farthest from the curb; provided, however, that subject to all other conditions herein specified, such installations may be placed and maintained in the portion of the sidewalk area adjacent to the curb if such installations will not interfere with access to or from any parked vehicle and are:

1. Not closer than twenty-five feet to any curb return or fire hydrant;
2. Not located adjacent to any commercial or passenger loading zone;
3. Not closer to the curb than eighteen inches;
4. Not affixed to any City or utility company-owned poles or appurtenances;
5. Not mounted in or affixed to the sidewalk;
6. Not inconsistent with safety, development in the area, or other decorative noncommercial installations.

C. No decorative noncommercial installation shall be placed or maintained in the sidewalk area without a permit therefor. Application for such permit shall be made to the office of the City Manager, who may require as part of the application such information as may be deemed necessary to determine compliance with this Section and other applicable laws and regulations, including but not limited to a scaled site plan, signature of the fronting property owner and permittee, and agreement to indemnify the City as specified in Subsection D. The application shall be referred to the Public Works Department and the Civic Art Commission for review to determine that it is in the public interest to grant the permit, and that the granting thereof will not be detrimental to the public health, safety or general welfare. The permit shall not be granted without the approval of both the Public Works Department and the Civic Art Commission. If such approval is given and the City Manager concurs, the permit shall be granted subject to the conditions hereinabove set forth, and such additional conditions as may reasonably be imposed. Such permit shall be subject to revocation by the City Manager without cause; the decorative noncommercial installation for which the permit has been given shall be removed within ten days after notice.

D. Anyone granted a permit for a decorative noncommercial installation shall agree to indemnify and hold harmless the City, its officers and employees of and from any and all claims, damages or suits that may arise or in any way be occasioned by the granting of the permit or the maintenance of the decorative noncommercial installation permitted thereby.

1. The permittee shall carry liability insurance in the amount of \$500,000.

E. For purposes of this Chapter, "Decorative Noncommercial Installations" shall include but are not limited to artwork, planters, and other objects that are placed within the public right-of-way by a private party for the purpose of decoration in a residential, commercial, or industrial district, not for the purpose of advertising, commerce or other economic benefit.

F. Decorative Noncommercial Installations that are not permitted under this Section are prohibited encroachments under 16.18 and shall constitute a public nuisance subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish fees for the implementation and administration of this Section. (Ord. 7632-NS § 1 (part), 2018: Ord. 7203-NS § 1, 2011: Ord. 4026-NS § 1, 1964: Ord. 3262-NS § 12.1-p, 1964. Formerly 14.48.180)

**Section 14.48.140 Public telephones.**

Telephones for public use of a type and at locations approved by and under such conditions as may be imposed by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 4476-NS § 1, 1970: Ord. 3262 § 12.1-q. Formerly 14.48.190)

**Section 14.48.150 Sidewalk seating, benches and planters.**

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Sidewalk Seating, Benches and/or Planters on sidewalks, parking lanes, street areas, and other public right of way locations as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any sidewalk area in front of a single parcel if there are any current violations of this Chapter in that sidewalk area.

2. A permit for Sidewalk Seating, Benches and/or Planters may not be issued unless the business for which the Sidewalk Seating, Benches and/or Planters is/are proposed is in full compliance with Title 23 and any Permit issued thereunder.

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bus Bench" means a bench installed and maintained under an agreement between the City, A.C. Transit and Lamar Transit Advertising or another public or semi-public transit provider.

3. "Commercial Establishment" means, but is not limited to, a place where Business Activity is established. Business activity is defined as any activity subject to BMC Chapter 9.04 and any economic activity which generates receipts but is exempt from BMC Chapter 9.04 by state or federal law.

4. "District-wide Sidewalk Bench/Planter Area Plan" means a City-approved plan for a specific commercial district as defined in said plan, that establishes area-specific regulations for benches, planters and/or plant material, and establishes general regulations for the placement of benches and planters in the public right-of-way, for the designated district.

5. "District-wide Sidewalk Seating Area Plan" means a City-approved plan for a specific commercial district as defined in said plan, that establishes area-specific regulations for sidewalk cafe seating, and establishes general regulations for the placement of sidewalk cafe seating in the public right-of-way, for the designated district.

6. "Food Service Establishment" has the same meaning as set forth in BMC Chapter 23F.04.

7. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of sidewalk, parking lanes, street area, and other public right of way spaces.

8. "Planter" means a container that is designed or used for growing plants.

9. "Parking Lane" and "Street Area" are considered to be part of the Public right-of-way (PROW), known as, "any public street, public way, public place or rights-of-way, now laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, owned, operated and/or controlled by the City or subject to an easement owned by City and any privately-owned area within City's jurisdiction which is not yet, but is designated as a proposed public place on a tentative subdivision map approved by City." as defined in BMC 23F.04.010.

10. "Sidewalk" has the same meaning as set forth in BMC 1.04.010(18).

11. "Sidewalk Seating" means tables and/or chairs (including benches) and umbrellas and other associated furniture with lawfully operating Food Service Establishments or other commercial establishments, in or on the sidewalk. During cases of a declared City emergency in response to a disease outbreak, "Sidewalk Seating" includes seating and associated furniture in the public right-of-way or resting on, or projecting into, the sidewalk, parking lane, or street area, or any combination thereof which are not physically or structurally attached to a building, retaining wall or fence. Such Sidewalk Seating shall be permitted in any area of the public right-of-way for the duration of the declared City emergency if Traffic Engineer makes a finding that the use of the right-of-way for Sidewalk Seating purposes does not create a dangerous condition for customers, pedestrians, or bicycle or motor vehicle traffic. Upon termination of the declared City emergency, any Sidewalk Seating present in the public right-of-way and not on the sidewalk shall within 90 days of date of termination either obtain a valid encroachment permit or be removed from the public right-of-way.

12. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

13. "Window Box Planter" means a box, designed to hold soil for growing plants, attached at or on a windowsill.

C. Sidewalk Seating, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum horizontal clear space of six feet for ADA-compliant path of travel, (or reduce to 5 feet at a single point of contact) or such greater (or smaller) amount of clear space as the Engineering Division finds necessary to protect and enhance pedestrian and vehicle traffic for public use in the sidewalk area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Objects permitted under this Section shall not:

a. Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

b. Block or obstruct the view of necessary authorized traffic devices;

c. Unduly interfere with pedestrian traffic in the public ROW/sidewalk, pedestrian safety, access to public or private parking, traffic circulation, and/or vehicular safety;

d. Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, Sidewalk Seating, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate;

e. Be affixed to any City or utility company-owned poles or appurtenances;

3. All sidewalk seating shall be subject to the following additional standards and requirements:

a. All Sidewalk Seating configurations shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

b. All Sidewalk Seating components shall be stored in a secure location on private property when not in use.

c. The permittee shall regularly inspect and clean the Sidewalk Seating and that portion of the public sidewalk adjacent to the establishment. A waste receptacle shall be provided.

4. All benches and planters shall be subject to the following additional standards and requirements:

a. All proposals shall comply to the greatest extent possible with any design requirements adopted by the City for benches, planters and/or plant material.

D. All permits issued under this Section shall be subject to the following conditions:

1. The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the curb, parking lane, or street area.

2. The permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, and ensure compliance with all applicable laws, and the number of tables and chairs shall not be increased without prior approval of the Public Works or Public Health Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or their designee, be removed or relocated in such a way as to eliminate the conflict. Should the permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under this Section shall be posted in plain view within the commercial establishment for which the permit has been issued along with any other relevant permits that support health and safety of patrons and the general public.

5. By accepting a permit under this Section, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance or removal of Sidewalk Seating, Furniture, Benches and/or Planters.

6. Prior to permit approval, the permittee shall demonstrate possession of liability insurance in the amount of \$1,000,000 for Benches and Planters, and related Sidewalk Seating furniture. Said insurance shall name the City of Berkeley as additionally insured and shall be in a form acceptable to the City Attorney.

7. The permittee shall monitor and control the use of the Sidewalk Seating so as to prevent disturbance of the surrounding neighborhood.

8. A food service establishment that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State of California Department of Alcoholic Beverage Control. The dining area shall be:

a. Physically defined and clearly part of the restaurant it serves; and



b. Supervised by a restaurant employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.

E. Permits under this Section are not transferable, and must be renewed annually.

F. Sidewalk Seating, Benches, Furniture, and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish or waive fees for the implementation and administration of this Section. (Ord. 7707-NS § 1, 2020; Ord. 7632-NS § 1 (part), 2018; Ord. 7468-NS § 1, 2016; Ord. 7401-NS § 1, 2015; Ord. 7203-NS § 2, 2011; Ord. 6281-NS § 5, 1995. Formerly 14.48.200)

**Section 14.48.160 Removal of obstructions on streets and sidewalks.**

Anything placed or permitted to remain upon any sidewalk or roadway in violation of this Chapter, is declared to constitute a nuisance and the City is authorized and empowered to abate such nuisance by removing the same to the custodian of lost property in the Police Department or the Corporation Yard of the City, or other location designated by the City. (Ord. 7632-NS § 1 (part), 2018; Ord. 3262-NS § 12.2, 1952. Formerly 14.48.210)

**Section 14.48.170 Use of streets and sidewalks by vendors.**

Any properly licensed vendor may use the public streets of the City in commercial or industrial zones for the sale of goods, wares, merchandise, or food when conducted under the conditions stated in this section.

A. Sidewalk vending is permitted as regulated by Chapter 9.48 of the Berkeley Municipal Code.

B. Other street vending is permitted from vehicles which are lawfully parked upon streets which are not regulated by parking meters or other posted parking time limits.

C. It is unlawful for any person to vend in violation of this section. (Ord. 7632-NS § 1 (part), 2018; Ord. 5483-NS § 1 (part), 1982; Ord. 4587-NS § 1, 1972; Ord. 4569-NS § 1, 1972; Ord. 3262-NS § 12.3, 1952. Formerly 14.48.220)

**Section 14.48.180 Trap doors in sidewalks.**

A. Trap doors in sidewalks used to cover an opening for an elevator, stairway or chute must be kept in such a condition that they will not endanger persons or property, and it is unlawful for any person owning or being in charge or control of any such doors in sidewalks used for covering entrances to elevators, stairways or chutes, or other openings in the sidewalk leading to the basement, to allow said doors to remain open, except when such elevator, stairway or chute is being used and monitored for pedestrian safety while loading or unloading or transferring of merchandise or material.

B. The requirements of this section shall be in addition to and not in lieu of any other ordinance of the City having to do with doors or other openings in sidewalks. (Ord. 7632-NS § 1 (part), 2018; Ord. 3262-NS § 12.6, 1952. Formerly 14.48.250)

**Section 14.48.190 Parklets.**

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Parklets, Benches and/or Planters in the public right-of-way (excluding Sidewalks alone, which are subject to and governed by Section 14.48.150) as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any right-of-way area in front of a single parcel if there are any current violations of this Chapter in that right-of-way area.

2. A permit for a Parklet may not be issued unless the parklet Host is in full compliance with all applicable requirements of Title 23 and any Permit issued thereunder.

3. A permit for a Parklet may only be issued adjacent to parcels in the following zoning districts: all Commercial (C-prefixed districts), Mixed-Use Light Industrial (MU-LI), Mixed-Use Residential (MU-R), and Mixed Manufacturing (MM).

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bike Parking" means a location with bike racks intended for the secure parking of bicycles.

3. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of public space.

4. "Parklet" means a platform or similar level surface extending into the public right-of-way with amenities such as but not limited to tables and/or chairs (including Benches), Bike Parking, and umbrellas, designated as public space, located in or on the public right-of-way or resting on, or projecting into, the sidewalk and parking area, which are not physically or structurally attached to a building, retaining wall or fence.

5. "Planter" means a container that is designed or used for growing plants.

6. "Sidewalk" has the same meaning as set forth in Section 1.04.010(18).

7. "Sponsoring Business," "Host," "Permit Holder" or "Permittee" means, and is limited to, any establishment engaged in insuring and caring for the Parklet as set forth in the Parklet maintenance agreement.

8. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

C. Parklets, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum of clear space as the Engineering Division finds necessary to protect and enhance pedestrian or vehicle traffic for public use in and around the Parklet area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Parklets shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

3. Objects permitted under this Section shall not:

a. Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

b. Block or obstruct the view of necessary authorized traffic devices;

c. Unduly interfere with pedestrian traffic in the right-of-way, including the Sidewalk, pedestrian safety, traffic circulation, and/or vehicular safety;

d. Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate;

e. Be affixed to any City or utility company-owned poles or appurtenances;

f. The width of the Parklet must not extend beyond six feet from the curb line, except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a Parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate.

4. All Parklets shall be subject to the following additional standards and requirements:

a. Parklets must remain publicly accessible and must include signage posted on site to this effect;

b. Parklet construction materials must be of high quality, durable, and suitable for public use;

c. A visible edge to the Parklet is required, which may consist of Planters, railing, or cabling. The edges should be visually permeable;

d. The Permittee shall regularly inspect and clean the Parklet and that portion of the public sidewalk adjacent to the Parklet;

e. Access panels must be included in order to maintain the gutter and area underneath the Parklet and the design must allow for drainage along the gutter to pass underneath the Parklet;

f. Safe hit posts and wheel stops, or approved equivalents, may be required. If Bike Parking is provided, the bike racks can be at street grade.

5. All Benches, Furniture, and Planters within the Parklet shall be subject to the following additional standards and requirements:

a. All proposals shall comply with any design requirements adopted by the City for Benches, Planters and/or plant material;

b. All non-secured Parklet components shall be stored in a secure location on private property when not in use;

c. Any unsecured Furniture must be clearly different from the Furniture used by a Parklet Host in order to emphasize that the Parklet is public space, as determined by City staff.

D. All permits issued under this Section shall be subject to the following conditions:

1. The Permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the right-of-way, including the Parklet area.

2. The Permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, ensure compliance with all applicable laws, and the number and configuration of Benches, Furniture and Planters and overall square footage of the Parklet shall not be modified without prior approval of the Public Works Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or their designee, be removed or relocated in such a way as to eliminate the conflict, at the sole expense of the Permittee. Should the Permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the Permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under this Section, when under review prior to issuance, shall be posted in plain view within the sponsoring establishment(s) for which the permit has been issued. Public notice, permitting, and appeal for Parklets are set forth in BMC Section 16.18.060 (Permit procedure for minor encroachment) of the Berkeley Municipal Code. Section D(4) is not applicable in cases of declared local emergency due to disease outbreak.

5. By accepting a permit under this Section, the Permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the Permittee's installation, operation, maintenance or removal of the Parklet, Benches and/or Planters.

6. Prior to permit approval, the Permittee shall demonstrate possession of liability insurance, in the amount not less than \$1,000,000, for the Parklet including any associated Benches, Planters and Furniture. Said insurance shall name the City of Berkeley as an additional insured and shall be in a form acceptable to the City Attorney.

7. The City Manager or their designee may require a performance bond to ensure Parklet removal in the event of a permit cancellation.

8. The Permittee shall monitor and control the use of the Parklet to prevent disturbance of the surrounding neighborhood.

9. A Sponsoring Business or other business is not permitted to perform table service at a Parklet or otherwise incorporate a Parklet into its business operations. Section D(9) is not applicable in cases of declared local emergency due to disease outbreak.

10. Commercial signage, smoking, and advertising are prohibited at Parklets.

E. Parklets, Benches and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

F. The City Council may by resolution establish or waive fees and guidelines for the implementation and administration of this Section. (Ord. 7706-NS § 1, 2020: Ord. 7632-NS § 1 (part), 2018: Ord. 7598-NS § 1, 2018. Formerly 14.48.300)

Chapter 14.52

PARKING METERS

Sections:

- 14.52.010 Parking meter zones.
- 14.52.020 Manner of installation.
- 14.52.030 Time of operation of parking meters and pay-and-display stations.
- 14.52.040 Operational procedure to be followed.
- 14.52.050 Unlawful to park after meter and/or pay-and-display station time has expired.
- 14.52.060 Unlawful to extend time beyond limit.
- 14.52.063 No pay-and-display dispensing machine ticket displayed.
- 14.52.066 Improperly displayed pay-and-display dispensing machine ticket.
- 14.52.070 Improper use of meter and pay-and-display station.
- 14.52.080 Deposit of coins in meter or coins, credit card, debit card, or epark card in pay-and-display station by unauthorized person.
- 14.52.090 Parking meters, pay-and-display stations and parking meter/pay-and-display station standards not to be used for certain purposes.
- 14.52.100 Rule of evidence.
- 14.52.110 Use of money deposited in parking meters and pay-and-display stations.
- 14.52.120 Parking meter and Pay-and-Display Station fees.
- 14.52.130 Time limits enforced at inoperable parking meters and pay-and-display stations.

**Section 14.52.010 Parking meter zones.**

A. Parking meter zones are those streets or portions of streets in the City hereinafter described as zones within which the parking of motor vehicles shall be controlled, regulated and inspected with the aid of parking meters, pay-and-display stations and/or a City-approved software application that processes pay-by-phone payments from a mobile phone, consisting of:

- Acton Street, both sides, from 150 feet north of University Avenue to University Avenue.
- Adeline Street, east side, from Ward to Stuart Street.
- Adeline Street, both sides, from Stuart Street to Oregon Street.
- Adeline Street, east side, from Oregon Street to Russell Street.
- Adeline Street, both sides, from Russell Street to Ashby Avenue.
- Alcatraz Avenue, south side, from 75 feet east of College Avenue to College Avenue.
- Ashby Avenue, both sides, from Domingo Avenue to Claremont Avenue.
- Blake Street, both sides, from Telegraph Avenue to 125 feet west of Telegraph Avenue.
- Bonar Street, east side, from University Avenue to 150 feet south of University Avenue.
- Bonar Street, west side, from University Avenue to Addison Street.
- California Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.
- Camelia Street, north side, from Ninth Street to Tenth Street.
- Camelia Street, north side, from San Pablo Avenue to 100 feet west of San Pablo Avenue.
- Claremont Avenue, east side, from Russell Street to Ashby Avenue.
- Claremont Avenue, west side, from Russell Street to Claremont Boulevard.
- Colby Street, west side, from Webster Street to South Hospital Drive.
- College Avenue, east side, from 150 feet north of Alcatraz Avenue to Berkeley-Oakland city limits south of Alcatraz Avenue.
- College Avenue, west side, from Alcatraz Avenue to Berkeley-Oakland city limit, south of Alcatraz Avenue.
- Colusa Avenue, east side, from 225 feet south of Solano Avenue to Catalina Avenue.
- Colusa Avenue, west side, from 180 feet south of Solano Avenue to Catalina Avenue.
- Curtis Street, both sides, from 100 feet north of University Avenue to University Avenue.
- Derby Street, north side, from 150 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.
- Derby Street, south side, from 150 feet east of Telegraph Avenue to Telegraph Avenue.
- Derby Street, south side from Milvia Street to 300 feet east of Milvia Street.
- Domingo Avenue, both sides, from Berkeley-Oakland city limit to Ashby Avenue.
- Dwight Way, north side, from San Pablo Avenue extending 40 feet east of San Pablo Avenue.

Ensenada Avenue, east side, from 90 feet south of Solano Avenue, to 66 feet north of Solano Avenue.  
Fresno Avenue, east side, from 69 feet south of Solano Avenue to Solano Avenue.  
Grayson Street, south side, from San Pablo Avenue extending 60 feet west of San Pablo Avenue.  
Grove Street, both sides, from Allston Way to Berkeley Way.  
Hearst Avenue, north side, from Third Street to Fifth Street.  
Hearst Avenue, south side, from Third Street to Sixth Street.  
McKinley Avenue, east side, from approximately 110 feet from Allston Way to 155 feet, Monday through Friday, nine a.m. to six p.m.  
Milvia Street, east side from Derby Street to Ward Street.  
Modoc Street, east side, from 90 feet south of Solano Avenue to Solano Avenue.  
Modoc Street, west side, from 66 feet south of Solano Avenue to Solano Avenue.  
Oregon Street, north side, from 75 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.  
Oregon Street, south side, from 175 feet east of Telegraph Avenue to Telegraph Avenue.  
Oregon Street, both sides, from Adeline Street to Shattuck Avenue.  
Page Street, north side, from San Pablo Avenue to Tenth Street.  
Pardee Street, south side, from San Pablo Avenue extending 60 feet west of San Pablo Avenue.  
Parker Street, both sides, from 200 feet west of Regent Street to 100 feet west of Telegraph Avenue.  
Peralta Avenue, both sides, from Solano Avenue to Capistrano Avenue.  
Regent Street, west side, from Ashby Avenue to South Hospital Drive.  
Regent Street, east side, from Ashby Avenue to 125 feet south of Webster Street.  
Russell Street, south side, from 75 feet east of Telegraph Avenue to 100 feet west of Telegraph Avenue.  
San Pablo Avenue, both sides, from Hearst Avenue to Allston Way.  
San Pablo Avenue, both sides, from Harrison Street to Gilman Street.  
San Pablo Avenue, east side, from Gilman Street to Camelia Street.  
San Pablo Avenue, both sides, from Camelia Street to Virginia Street.  
San Pablo Avenue, both sides, from Virginia Street to Delaware Street.  
San Pablo Avenue, both sides, from Delaware Street to Hearst Avenue.  
San Pablo Avenue, both sides, from Allston Way to Channing Way.  
San Pablo Avenue, east side, from Channing Way to Parker Street.  
San Pablo Avenue, both sides, from Parker Street to Heinz Street.  
San Pablo Avenue, east side, from Russell Street to Burnett Street.  
San Pablo Avenue, west side, from Bancroft Way to Ashby Avenue.  
Shattuck Avenue, both sides, from Carleton Street to Ashby Avenue.  
Solano Avenue, both sides, from Tulare Avenue to The Alameda.  
Solano Avenue, north side, from 140 feet to 184 feet east of The Alameda.  
South Hospital Drive, south side, from Colby Street to 75 feet west of Colby Street.  
Stuart Street, south side, from 50 feet east of Telegraph Avenue to Telegraph Avenue.  
Stuart Street, north side, from Adeline Street to 70 feet east of Shattuck Avenue.  
Tacoma Avenue, both sides, from Solano Avenue to 66 feet north of Solano Avenue.  
Telegraph Avenue, west side, from Dwight Way to Prince Street.  
Telegraph Avenue, east side, from Dwight Way to Woolsey Street.  
The Alameda, east side, from Los Angeles Avenue to Solano Avenue.  
Tenth Street, both sides, from Gilman Street to Camelia Street.  
The Alameda, west side, from 220 feet north of Los Angeles Avenue to 90 feet north of Solano Avenue.  
Tulare Avenue, east side, from 90 feet south of Solano Avenue to Solano Avenue.  
University Avenue, both sides, from McGee Avenue to Third Street.  
Ward Street, north side from Milvia Street to 300 feet east of Milvia Street.  
Webster Street, north side, from Bateman Street to Regent Street.  
Webster Street, north side, from Colby Street to 150 feet west of Telegraph Avenue.  
Webster Street, south side, from Colby Street to 100 feet west of Telegraph Avenue.  
Fifth Street, both sides, from Addison Street to Hearst Avenue.  
Fifth Street, west side, from Hearst Street to Virginia Street.  
Fourth Street, east side, from Addison Street to Virginia Street.  
Fourth Street, west side, from Addison Street to Cedar Street.  
Sixth Street, east side, Addison Street to University Avenue.  
Seventh Street, east side, from University Avenue to 150 feet south of University Avenue.

Eighth Street, west side, from 100 feet north of University Avenue to 200 feet south of University Avenue.

Ninth Street, west side, from 75 feet north of University Avenue to 150 feet south of University Avenue.

Ninth Street, east side from Gilman Street to 300 feet north of Gilman Street.

Tenth Street, east side, from 100 feet north of University Avenue to 100 feet south of University Avenue.

Tenth Street, west side from Gilman Street to 300 feet north of Gilman Street.

B. goBerkeley Program parking meter zones are those streets or portions of streets in the City located within the goBerkeley Areas hereinafter described as zones within which the parking of motor vehicles shall be controlled, regulated and inspected with the aid of parking meters, pay-and-display stations, and/or a City-approved software application that processes pay-by-phone payments from a mobile phone at fees set in 14.52.120(B):

Addison Street, north side, from Martin Luther King Jr. Way to 170 feet west of Martin Luther King Jr. Way.

Allston Way, both sides, from Harold Way to Shattuck Avenue.

Allston way, south side, from Oxford Street to Martin Luther King Jr. Way.

Ashby Avenue, north side, from College Avenue to Benvenue Avenue.

Ashby Avenue, south side, from Benvenue Avenue to Elmwood Avenue.

Ashby Place, east side, from Ashby Avenue to a point 80 feet north of Ashby Avenue.

Bancroft Way, both sides, from Piedmont Avenue to Fulton Street.

Bancroft Way, both sides, from Fulton Street to Milvia Street.

Benvenue Avenue, west side, from Ashby Avenue to 100 feet south of Ashby Avenue.

Berkeley Way, south side, from Oxford Street to 385 feet west of Shattuck Avenue.

Berkeley Way, north side, from Oxford Street to Henry Street.

Blake Street, south side, from 80 feet west of Shattuck Avenue to Shattuck Avenue.

Bonita Avenue, east side, from University Avenue to Berkeley Way.

Bowditch Street, east side, from Bancroft Way to Dwight Way.

Center Street, north side, from Oxford Street to Martin Luther King Jr. Way.

Center Street, south side, from Oxford Street to Martin Luther King Jr. Way.

Channing Way, north side, from 200 feet west of Dana Street to College Avenue.

Channing Way, north side, beginning 250 feet west of Shattuck Avenue to Shattuck Avenue.

College Avenue, east side, from 75 feet south of Webster Street to 175 feet north of Russell Street.

College Avenue, west side, from 140 feet north of Russell Street to Webster Street.

College Avenue, east side, from Bancroft Way to 200 feet south of Dwight Way.

College Avenue, west side, from Bancroft Way to Dwight Way.

Dana Street, west side, between Bancroft Way and Channing Way.

Dana Street, west side, from Haste Street to 150 feet south of Haste Street.

Delaware Street, south side, from Shattuck Avenue to 60 feet east of Shattuck Avenue.

Durant Avenue, north side, from Ellsworth Street to College Avenue.

Durant Avenue, south side, from Ellsworth Street to College Avenue.

Durant Avenue, both sides, from Milvia Street to Fulton Street.

Dwight Way, both sides, from Milvia Street to Fulton Street.

Dwight Way, south side, from Hillegass Avenue to Benvenue Street.

Dwight Way, north side, from 300 feet east of Dana Street to 300 feet east of Telegraph Avenue.

Dwight Way, south side, beginning 325 feet west of Telegraph Avenue and extending 125 feet east of Regent Street.

Dwight Way, north side, from Bowditch Street to College Avenue.

Grant Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.

Euclid Avenue, west side, beginning at Hearst Avenue and extending 130 feet north of Ridge Road.

Euclid Avenue, east side, beginning at Hearst Avenue and extending 135 feet north of Ridge Road.

Francisco Street, both sides, from Shattuck Avenue to 100 feet west of Shattuck Avenue.

Fulton Street, both sides, from Bancroft Way to Kittredge Street.

Fulton Street, west side, beginning at Durant Avenue and extending south for 80 feet.

Fulton Street, east side, from Bancroft Way to Durant Avenue.

Harold Way, both sides, from Allston Way to Kittredge Street.

Haste Street, both sides, from Milvia Street to 250 feet east of Shattuck Avenue.

Haste Street, north side, from College Avenue to Dana Street.

Haste Street, south side, beginning 350 feet west of Telegraph Avenue to 300 feet east of Telegraph Avenue.

Haste Street, south side, from Bowditch Street to College Avenue.

Hearst Avenue, north side, from Oxford Street to Shattuck Avenue.  
Hearst Avenue, south side, from Shattuck Avenue to Oxford Street  
Hearst Avenue, south side, from Oxford Street to Arch Street  
Hearst Avenue, north side, from Scenic Avenue to LaLoma Avenue.  
Hearst Avenue, south side, from Euclid Avenue to Gayley Road.  
Kittredge Street, both sides, from Shattuck Avenue to Oxford Street.  
LaLoma Avenue, both sides, from Hearst Avenue to Ridge Road.  
LeRoy Avenue, both sides, from Hearst Avenue to Ridge Road.  
Lincoln Street, south side, from Shattuck Avenue to 150 feet west of Shattuck Avenue.  
Martin Luther King Jr. Way, both sides, from Center Street to Addison Street.  
Milvia Street, both sides, from Berkeley Way to Addison Street.  
Oxford Street, west side, from Hearst Avenue to University Avenue.  
Ridge Road, north side, beginning 250 feet west of Euclid Avenue and extending 100 feet east of Euclid Avenue.  
Ridge Road, south side, from 250 feet west of Euclid Avenue to LeRoy Avenue.  
Rose Street, north side, from 100 feet east of Shattuck Avenue to 100 feet west of Henry Street.  
Rose Street, south side, from Walnut Street to Shattuck Place.  
Russell Street, north side, from 85 feet east of College Avenue to 175 feet west of College Avenue.  
Russell Street, south side, from 200 feet west of College Avenue to 120 feet east of College Avenue.  
Scenic Avenue, east side, from Hearst Avenue to Ridge Road.  
Shattuck Avenue, east side, from Rose Street to Vine Street.  
Shattuck Avenue, both sides, from 100 feet north of Rose Street to University Avenue.  
Shattuck Avenue, both sides, of the west roadway, from University Avenue to Addison Street (Shattuck Square).  
Shattuck Avenue, both sides, of the east roadway, from University Avenue to Addison Street (Shattuck Square).  
Shattuck Avenue, both sides, of the west roadway, from Addison Street to Center Street (Berkeley Square).  
Shattuck Avenue, both sides, of the east roadway, from Addison Street to Center Street (Berkeley Square).  
Shattuck Place, west side, from Rose Street to Shattuck Avenue.  
University Avenue, both sides, from Oxford Street to McGee Avenue.  
Webster Street, north side, from 125 feet east of College Avenue to 100 feet west of College Avenue.  
Webster Street, south side, from 100 feet west of College Avenue to 125 feet east of College Avenue.  
Addison Street, both sides, from Milvia Street to Oxford Street.  
Allston Way, both sides, from MLK Jr. Way to Oxford Street.  
Berkeley Square, both sides, from Addison Street to Center Street.  
Center Street, both sides, from MLK Jr. Way to Oxford Street.  
Harold Way, both sides, from Allston Way to Kittredge Street.  
Kittredge Street, both sides, from Milvia Street to Shattuck Avenue.  
Milvia Street, east side, from Kittredge Street to Center Street.  
Milvia Street, both sides, from Center Street to Addison Street.  
MLK Jr. Way, both sides, from Center Street to Allston Way.  
Oxford Street, both sides, from University Avenue to Kittredge Street.  
Oxford Street, east side, from Hearst Street to University Avenue.  
Parker Street, both sides, from 100 feet west of Shattuck Avenue to Shattuck Avenue.  
Parker Street, north side, from 100 feet east of Shattuck Avenue to Shattuck Avenue.  
Shattuck Avenue, both sides, from Center Street to Carleton Street.  
Telegraph Avenue, both sides, from Dwight Way to Bancroft Way.  
Vine Street, north side, from 75 feet east of Walnut Street to 100 feet east of Henry Street.  
Vine Street, south side, from 100 feet east of Henry Street to 150 feet east of Walnut Street.  
Virginia Street, north side, from 150 feet east of Shattuck Avenue to 150 feet west of Shattuck Avenue.  
Virginia Street, south side, from Shattuck Avenue to 125 feet west of Shattuck Avenue.  
Walnut Street, both sides, from University Avenue to Berkeley Way.  
Walnut Street, west side, from Rose Street to 200 feet south of Vine Street.  
Walnut Street, east side, from 75 feet north of Vine Street to 125 feet south of Vine Street.  
C. The City Traffic Engineer shall cause parking meters and pay-and-display stations to be installed and maintained in all parking meter zones and goBerkeley Program parking meter zones. (Ord. 7679-NS § 1, 2019:

Ord. 7628-NS § 3, 2018: Ord. 7589-NS § 1, 2018: Ord. 7586-NS § 3, 2017: Ord. 7533-NS § 1, 2017: Ord. 7498-NS § 1, 2016: Ord. 7390-NS § 1, 2015: Ord. 7305-NS (part), 2013)

**Section 14.52.020 Manner of installation.**

A. Single space meters.

1. Parking meters shall be installed upon the curb or sidewalk area immediately adjacent to each parking space. Each meter shall be placed in such manner as to show or display by a sign or signal that the parking space adjacent thereto is or is not legally in use. Each parking meter shall indicate the limit of parking time in the parking space adjacent to the parking meter.

2. Each parking meter shall be set to display, after the operational procedure has been completed, a sign or signal indicating legal parking for that period of time conforming to the limit of parking time as indicated on the meter, and shall continue to operate from the time of the completion of the operational procedure until the expiration of the time fixed as the parking limit or a portion thereof for the part of the street upon which said meter is placed. Each said meter shall also be so arranged that upon the expiration of said legal parking time it will indicate by a mechanical operation and by proper signal that the lawful parking period has expired.

B. Pay-and-display stations.

1. Pay-and-display stations shall be installed upon the curb or sidewalk area within any designated meter zone. Each pay-and-display station shall indicate the limit of parking time in that particular designated meter zone.

2. Each pay-and-display station shall be set to dispense, after the operational procedure has been completed, a two-part windshield dispensing machine ticket indicating legal parking for that period of time conforming to the limit of parking time as indicated on the pay-and-display station or indicated by signage or curb markings. (Ord. 7305-NS (part), 2013)

**Section 14.52.030 Time of operation of parking meters and pay-and-display stations.**

The provision of this chapter relating to the operation of parking meters and pay-and-display stations shall be effective between the hours of nine a.m. and six p.m. every day except Sundays, and as may be otherwise provided for specific locations in the sections of establishing parking meter zones. (Ord. 7305-NS (part), 2013)

**Section 14.52.040 Operational procedure to be followed.**

A. Single space meters. Immediately after occupancy of a parking meter space, the operator of a vehicle shall, if necessary, deposit a coin of the United States, or use a credit or debit card acceptable to the City, or use a City-approved software application that processes pay-by-phone payments from a mobile phone, at said parking meter in accordance with the instructions posted on the face of the parking meter or the pay-by-phone software application that processes payments from a mobile device.

B. Pay-and-Display stations.

1. Immediately after occupancy of a pay-and-display station space, the operator of a vehicle shall, if necessary, locate the nearest pay-and-display station on the block and deposit a coin of the United States, or use a credit or debit card acceptable to the City, or use a City-approved software application that processes pay-by-phone payments from a mobile phone at said pay-and-display station and make selections in accordance with the instructions posted on the face of the pay-and-display station, or the pay-by-phone software application that processes payments from a mobile phone.

2. Upon obtaining the printed dispensing machine ticket from the pay-and-display station, the operator of the vehicle shall return immediately to their vehicle and place the dispensing machine ticket face up on the street-side of the vehicle's dashboard in such a manner that the expiration time and date are readily visible from the exterior. (Ord. 7628-NS § 4, 2018: Ord. 7586-NS § 4, 2017: Ord. 7305-NS (part), 2013)

**Section 14.52.050 Unlawful to park after meter and/or pay-and-display station time has expired.**

A. Single space meter. It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that an operable meter is showing a signal indicating that such space is illegally in use, such as where the time has expired, other than such time immediately after the original occupancy as is necessary to operate the meter to show legal parking.

B. Pay-and-Display stations. It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that pay-and-display station dispensing machine ticket is indicating that such space is illegally in use, such as where the time has expired, other than such time immediately after the



original occupancy as is necessary to obtain a receipt from the pay-and-display station and to place said dispensing machine ticket face up on the street-side of the vehicle's dashboard to show legal parking. (Ord. 7305-NS (part), 2013)

**Section 14.52.060 Unlawful to extend time beyond limit.**

A. Single space meter. It is unlawful and a violation of the provisions of this chapter for any person to follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space adjacent to which said parking meter is placed.

B. Pay-and-Display stations. It is unlawful and a violation of the provisions of this chapter for any person to follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space which is indicated on the pay-and-display station dispensing machine ticket. (Ord. 7305-NS (part), 2013)

**Section 14.52.063 No pay-and-display dispensing machine ticket displayed.**

A motor vehicle on which is properly displayed a valid pay-and-display dispensing machine ticket as provided for herein shall be permitted to stand or be parked in a pay-and-display zone for which the dispensing machine ticket has been issued for the period of time indicated on the dispensing machine ticket without being subject to parking penalties in effect for such area. However, any motor vehicle on which there is not displayed a valid dispensing machine ticket as provided herein shall be subject to parking regulations and consequent penalties in effect for such area. (Ord. 7305-NS (part), 2013)

**Section 14.52.066 Improperly displayed pay-and-display dispensing machine ticket.**

A motor vehicle on which the pay-and-display dispensing machine ticket is not properly displayed as provided herein shall be subject to parking regulations and consequent penalties in effect for such area. (Ord. 7305-NS (part), 2013)

**Section 14.52.070 Improper use of meter and pay-and-display station.**

It is unlawful to deposit or cause to be deposited in any parking meter any defaced or bent coin, or any slug, device or metallic substitute for a coin of the United States, or to otherwise use any card or other device in a parking meter or pay-and-display station having alternative payment capability in lieu of a card or device lawful and appropriate to an alternative payment process at such parking meter or pay-and-display station, or for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter or pay-and-display station. (Ord. 7305-NS (part), 2013)

**Section 14.52.080 Deposit of coins in meter or coins, credit card, debit card, or epark card in pay-and-display station by unauthorized person.**

A. Single space meter. It is unlawful for any person, other than the owner or operator of a vehicle, to deposit any coin, debit card or credit card in any parking meter without the knowledge or consent of said owner or operator of the vehicle using the parking space immediately adjacent to said meter.

B. Pay-and-display stations. It is unlawful for any person, other than the owner or operator of a vehicle, to deposit any coin, credit card, debit card, or epark card in any pay-and-display station without the knowledge or consent of said owner or operator of the vehicle using the parking space. (Ord. 7305-NS (part), 2013)

**Section 14.52.090 Parking meters, pay-and-display stations and parking meter/pay-and-display station standards not to be used for certain purposes.**

A. Single space meters. It is unlawful for any person to attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a parking meter or a parking meter standard.

B. Pay-and-display stations. It is unlawful for any person to attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a pay-and-display unit or a pay-and-display standard. (Ord. 7305-NS (part), 2013)

**Section 14.52.100 Rule of evidence.**

A. Single space meters. The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.

B. Pay-and-display stations. The parking or standing of any motor vehicle in a parking space, at which space the pay-and-display station dispensing machine ticket indicates illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter. (Ord. 7305-NS (part), 2013)

**Section 14.52.110 Use of money deposited in parking meters and pay-and-display stations.**

Except as permitted under subdivision G below, all moneys collected from parking meters and pay-and-display stations in the City shall be placed in a special fund, which fund shall be used for the following purposes:

A. For the purchasing, leasing, installing, repairing, maintaining, operating, removing, regulating and policing of parking meters and pay-and-display stations in the City and for the payment of any and all expenses relating or incidental thereto.

B. For the purchasing, leasing, acquiring, improving, operating and maintaining of off-street parking facilities in the City.

C. For the installation and maintenance of traffic control devices and signals.

D. For the painting and marking of streets and curbs required for the direction of traffic and the parking of motor vehicles.

E. For the proper regulation, control and inspection of parking and traffic upon the public streets.

F. To be pledged as security for the payment of principal of and interest on off-street parking revenue bonds issued by the City.

G. Additional Revenue deemed to be generated by the goBerkeley Pilot Program will be used to fund goBerkeley efforts, pursuant to Section 1012(b) of Intermodal Surface Transportation Efficiency Act of 1991, as amended, as agreed in the 2012 Cooperative Agreement between the City of Berkeley, the California Department of Transportation and the Federal Highway Administration.

H. Surplus money not utilized under subdivision A through F above may be transferred to the general fund. The City Manager or their designee may make an annual determination as to what is surplus based on the needs and obligations of the special fund and transfer such surplus to the general fund. (Ord. 7498-NS § 2, 2016: Ord. 7305-NS (part), 2013)

**Section 14.52.120 Parking meter and Pay-and-Display Station fees.**

Parking meter and Pay-and-Display Station fees for the parking meter zones hereinabove set forth shall be as follows:

A. For parking meter zones set forth in 14.52.010(A) and 14.52.010(B):

1. Pay-and-Display Stations and credit card enabled single-space meters shall accept nickels, dimes, quarters, one dollar coins and credit/debit cards.

2. Single-space parking meters that accept coins only shall accept nickels, dimes and quarters.

3. The minimum transaction amount for cash payment shall be five cents (\$0.05) and shall purchase a segment of time proportional to the prevailing hourly rate, rounded up to the nearest whole minute. The prevailing hourly rate for meter zones specified in 14.52.010(A) shall be \$1.50 per hour. The prevailing hourly rate for meter zones specified in 14.52.010(B) shall be set by section 14.52.120(B).

4. The 12-minute minimum transaction amount for credit/debit card payment shall purchase a segment of time proportional to the prevailing hourly rate, rounded up to the nearest whole minute. The prevailing hourly rate for meter zones specified in 14.52.010(A) shall be \$1.50 per hour. The prevailing hourly rate for meter zones specified in 14.52.010(B) shall be set by section 14.52.120(B).

B. For parking meter zones set forth in Section 14.52.010(B) (goBerkeley Program Areas):

At single-space meters and Pay-and-Display Stations within the goBerkeley Program parking meter zones:

1. The hourly rate may vary between \$0.50 and \$5.00 per hour effective FY 2017, between \$0.50 and \$6.00 per hour effective FY 2018, between \$0.50 and \$7.00 effective FY 2019, and between \$0.50 and \$8.00 effective FY 2020, as set by the City Manager.

2. The parking fee may be either flat rates (same rate for a specified time period e.g. 1 hour, 4 hours, all day), or may be variable rates based on time of day, length of stay, or a combination of those pricing structures, as set by the City Manager.
3. The City Manager may adjust the parking fee by increments no larger than 50 cents (\$0.50) per hour.
4. The City Manager may implement special event pricing at designated times and at designated pay-and-display stations and parking meters,
5. Adjustments to the parking fee must be supported by published data on parking usage statistics with the goal of achieving 65-85% parking occupancy of spaces as calculated in the goBerkeley Program Guidelines.
6. Adjustments to the parking fee at pay-and-display stations and parking meters must be posted to the City's website no later than 30 calendar days prior to the adjustment.
7. Parking rates may be adjusted no more frequently than once per 60 calendar days. (Ord. 7498-NS § 3, 2016; Ord. 7308-NS § 1, 2013; Ord. 7305-NS (part), 2013)

**Section 14.52.130 Time limits enforced at inoperable parking meters and pay-and-display stations.**

- A. Single space meters. Where parking meters are installed in the City, if the parking meter is inoperable, the time limits posted on the parking meter shall be enforced during the hours of operation of parking meters.
- B. Pay-and-display stations. Where pay-and-display stations are installed in the City, if the pay-and-display station is inoperable, the time limits posted on the pay-and-display station within the block that the vehicle is parked or indicated by signage or curb markings shall be enforced during the hours of operation of the pay-and-display station. (Ord. 7600-NS § 1, 2018; Ord. 7305-NS (part), 2013)

Chapter 14.56

MOVEMENT OF HEAVY VEHICLES AND EQUIPMENT

Sections:

- 14.56.010 Permit required.
- 14.56.020 Flange wheel machinery.
- 14.56.030 Prohibiting commercial vehicles on Bolivar Drive.
- 14.56.040 Prohibiting the operation of commercial vehicles on Marin Avenue between Grizzly Peak Boulevard and The Circle.
- 14.56.050 Prohibiting the use of certain streets by vehicles exceeding five tons gross vehicle weight.
- 14.56.060 Designated truck route system.
- 14.56.070 Prohibiting the use of certain streets by commercial trucks exceeding three tons gross vehicle weight.
- 14.56.080 Definitions and truck classification.

**Section 14.56.010 Permit required.**

A. It is unlawful for any person to move or operate upon any street in the City any vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum specified in the Vehicle Code without a written permit from the Director of Public Works.

B. The Director of Public Works may, by written permit, authorize a vehicle, combination of vehicles or special mobile equipment of a size or weight in excess of the maximum specified in the Vehicle Code if, in their judgment, the streets upon which such vehicle, combination of vehicles or special mobile equipment is to be operated can safely withstand the additional weight or size and if the applicant will guarantee to the City that all costs of repair to the streets or to the public property of the City damaged by the movement of such load or of such overweight or oversized vehicle, combination of vehicles or special mobile equipment will be paid in full, and will provide indemnity for any injury resulting from the operation of such vehicle, combination of vehicles or special mobile equipment. Such permit shall be granted upon such conditions as the Director of Public Works in their discretion may require and upon filing such indemnity bond or certificate of insurance as the Director of Public Works may require. (Ord. 3786-NS § 1 (part), 1961; Ord. 3262-NS § 14, 1952)

**Section 14.56.020 Flange wheel machinery.**

It is unlawful for any person to operate over the City streets any vehicle, piece of equipment or machinery which has lugs, cleats, flanges or other projections on the wheels or tracks. If the tread of the track has projections or corrugations, a filler block may be placed on each section so that a flat bearing surface will be in contact with the pavement at all times. (Ord. 3262-NS § 14.1, 1952)

**Section 14.56.030 Prohibiting commercial vehicles on Bolivar Drive.**

It is unlawful for any person to operate any commercial vehicle upon Bolivar Drive in the Aquatic Park. (Ord. 3304-NS § 1, 1953)

**Section 14.56.040 Prohibiting the operation of commercial vehicles on Marin Avenue between Grizzly Peak Boulevard and The Circle.**

A. It is unlawful for any person to operate any commercial vehicle over four tons gross weight on Marin Avenue between Grizzly Peak Boulevard and The Circle. Provided, however, that this section shall not apply to any commercial vehicle using said street when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on said portion of Marin Avenue or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such portion of Marin Avenue for which a building permit has previously been obtained therefore, providing the operator of said commercial vehicle enters and leaves said portion of Marin Avenue by the cross street either above or below the point of pickup or delivery. Provided, further,

that this section shall not apply to any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility. (Ord. 6799-NS § 1 (part), 2004: Ord. 3600-NS § 1, 1957)

**Section 14.56.050 Prohibiting the use of certain streets by vehicles exceeding five tons gross vehicle weight.**

A. It is unlawful for any person to operate any vehicle exceeding five tons gross vehicle weight on the following portions of streets, hereafter referred to as "restricted streets":

1. Gilman Street east of San Pablo Avenue;
2. Martin Luther King Jr. Way between Hearst Avenue and Hopkins Street;
3. Hopkins Street between Gilman Street and Sacramento Street;
4. Martin Luther King Jr. Way between Hearst Avenue and University Avenue;
5. The Alameda between Martin Luther King Jr. Way and Solano Avenue.

B. The provisions of this section shall not apply to:

1. Any vehicle subject to Sections 1031 through 1036 of the California Public Utilities Code (governing certain common carriers engaged in the transportation of passengers for compensation);

2. Any vehicle owned by a public utility company or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility;

3. Any commercial vehicle using any restricted street for the purpose of (a) making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on such restricted street; or (b) delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon any restricted street for which a building permit has previously been obtained;

4. Any vehicle owned, leased, operated or controlled by any licensed contractor while necessarily in use in the construction, maintenance, or repair of a public works project, or by any highway carrier regulated by the Public Utilities Commission while transporting any materials to or from a public works project, when the bids for such project were opened prior to the adoption of the ordinance establishing this section, unless an alternate direct route is provided substantially within and by the City.

C. The prohibitions established herein shall not be effective until appropriate signs are erected indicating the streets affected by this section. (Ord. 6799-NS § 1 (part), 2004: Ord. 6751-NS § 1, 2003: Ord. 6526-NS § 1, 2000: Ord. 6508-NS § 1, 1999: Ord. 6426-NS § 1, 1998: Ord. 6351-NS § 1, 1996: Ord. 6265-NS § 1, 1994: Ord. 6102-NS § 1, 1992)

**Section 14.56.060 Designated truck route system.**

The City establishes a designated commercial truck route system requiring such vehicles exceeding seven tons gross vehicle weight to use the following streets or portions of streets within the City of Berkeley except when taking the shortest possible route between the truck route system and the point of origin or destination in the City of Berkeley:

1. Adeline Avenue between Martin Luther King Jr. Way (62nd Street) and Shattuck Avenue;
2. Ashby Avenue/Tunnel Road (SR13) between I-80 and east city limit;
3. Gilman Street between West Frontage Road and San Pablo Avenue (SR123);
4. Henry Street between Rose Street and Eunice Street;
5. Martin Luther King Jr. Way between Adeline Avenue (62nd Street) and south city limits;
6. San Pablo Avenue (SR123) between south city limits and north city limits;
7. Shattuck Avenue between Adeline Avenue and Shattuck Place;
8. Shattuck Place between Shattuck Avenue and Rose Street;
9. Solano Avenue between Del Norte Street and west city limits;
10. Sutter Street between Eunice Street and Del Norte Street;
11. University Avenue between I-80 and Oxford Street. (Ord. 6799-NS § 1 (part), 2004: Ord. 6535-NS § 1, 2000)

**Section 14.56.070 Prohibiting the use of certain streets by commercial trucks exceeding three tons gross vehicle weight.**

A. It is unlawful for any person to operate any commercial vehicle exceeding three tons gross vehicle weight on the following portions of streets, hereafter referred to as "restricted streets":

1. Hearst Avenue between 6th Street and San Pablo Avenue;
2. Hearst Avenue between San Pablo Avenue and Sacramento Street;

3. 7th Street between University Avenue and Cedar Street;
4. 8th Street between University Avenue and Cedar Street;
5. 9th Street between University Avenue and Cedar Street;
6. 10th Street between University Avenue and Cedar Street;
7. Delaware Street between San Pablo Avenue and 6th Street;
8. Delaware Street between San Pablo Avenue and Sacramento Street;
9. Virginia Street between San Pablo Avenue and 6th Street;
10. Virginia Street between San Pablo Avenue and Sacramento Street;
11. Francisco Street between San Pablo Avenue and Sacramento Street;
12. Hopkins Street west of Gilman Street;
13. Blake Street between Shattuck Avenue and Telegraph Avenue;
14. Blake Street between San Pablo Avenue and Sacramento Street;
15. Parker Street between Shattuck Avenue and Telegraph Avenue;
16. Carleton Street between Shattuck Avenue and Telegraph Avenue;
17. Carleton Street between San Pablo Avenue and Sacramento Street;
18. Channing Way between San Pablo Avenue and Sacramento Street;
19. Derby Street between Shattuck Avenue and Telegraph Avenue;
20. Ward Street between Shattuck Avenue and Telegraph Avenue;
21. Stuart Street between Shattuck Avenue and Telegraph Avenue;
22. Oregon Street between Shattuck Avenue and Telegraph Avenue;
23. Parker Street between San Pablo Avenue and Sacramento Street;
24. Russell Street between Shattuck Avenue and Telegraph Avenue;
25. Howe Street between Ellsworth Street and Telegraph Avenue;
26. Fulton Street between Ashby Avenue and Dwight Way;
27. Ellsworth Street between Ashby Avenue and Dwight Way;
28. Dana Street between Ward Street and Dwight Way;
29. Spaulding Avenue between Dwight Way and Addison Street;
30. California Street between Dwight Way and University Avenue;
31. Jefferson Avenue between Dwight Way and University Avenue;
32. McGee Avenue between Dwight Way and University Avenue;
33. Roosevelt Avenue between Dwight Way and Addison Street;
34. McKinley Avenue between Dwight Way and Addison Street;
35. Addison Street between Sacramento Street and Martin Luther King Jr. Way;
36. Allston Way between Sacramento Street and Martin Luther King Jr. Way;
37. Bancroft Way between Sacramento Street and Martin Luther King Jr. Way;
38. Channing Way between Sacramento Street and Martin Luther King Jr. Way;
39. Grant Street between Dwight Way and University Avenue;
40. Cedar Street east of 6th Street;
41. Dwight Way between San Pablo Avenue and Martin Luther King Jr. Way;
42. Claremont Avenue between Ashby Avenue and Belrose Avenue;
43. Belrose Avenue between Claremont Avenue and Derby Street;
44. Derby Street between Belrose Avenue and Warring Street;
45. Warring Street between Derby Street and Dwight Way;
46. Piedmont Avenue between Dwight Way and Bancroft Way;
47. Milvia Street between Dwight Way and Hopkins Street;
48. The Uplands between Claremont Avenue and Tunnel Road;
49. Panoramic Way between Canyon Road and Berkeley/Oakland city limits;
50. Kains Avenue between Virginia Street and Harrison Street;
51. Virginia Street between Shattuck Avenue and Martin Luther King Jr. Way,
52. Francisco Street between Shattuck Avenue and Martin Luther King Jr. Way,
53. Delaware Street between Shattuck Avenue and Martin Luther King Jr. Way,
54. Hearst Avenue between Shattuck Avenue and Martin Luther King Jr. Way,
55. Berkeley Way between Shattuck Avenue and Martin Luther King Jr. Way.

B. All inter-city buses and tourist buses will be prohibited on these streets. School buses, emergency vehicles, and buses converted for use by disabled people will be allowed to use three-ton commercial truck weight limit routes.

C. The provisions of this section shall not apply to subsections 14.56.050 B and C. (Ord. 7428-NS § 1, 2015: Ord. 6799-NS § 1 (part), 2004)

**Section 14.56.080 Definitions and truck classification.**

For purposes of this chapter:

- A. Commercial vehicle shall mean a vehicle having a commercial license plate.
- B. 1 ton = 2000 LBS.
- C. Truck classifications shall be defined as follows:

Descriptive Size	Class	Gross Vehicle Weight (lbs)	# Of Axles	# Of Tires	Representative Vehicles
<b>Light</b>	1	<6,000	2	4	Pick-Up, Van
	2	6,000-10,000	2	4	Step Van, Small Courier Van
<b>Medium</b>	3	10,000-14,000	2	6	Metro Van, Small Tow Truck
	4	14,000-16,000	2	6	Flat Bed
	5	16,000-19,500	2	6	Large Tow Truck, Stake Truck, Package Delivery Van
<b>Light-Heavy</b>	6	19,500-26,000	3	6	Single Unit Truck (30'), Moving Van, Beverage Truck, Home Heating Oil Truck, Armored Car, Mini Bus
<b>Heavy</b>	7	26,000-33,000	3	10	Tractor/Trailer (40'), Moving Truck, Dump Truck, Transit Bus
	8	>33,000	3 3 +	10 10 +	Tractor/Trailer (50'), Moving Truck, Freight Truck, Concrete Truck, Gravel Truck, Articulated Bus, Greyhound Bus

(Ord. 6799-NS § 1 (part), 2004)

**Chapter 14.60**

**TRAINS**

**Sections:**

**14.60.010 Trains not to block crossing for more than five minutes.**

**14.60.020 Railway gates.**

**14.60.030 Speed limit of trains in residential districts.**

**Section 14.60.010 Trains not to block crossing for more than five minutes.**

It is unlawful for any person, firm or corporation either as owner, employee or otherwise, controlling, operating or in charge of any car or train of cars, or any portion of such train, to cause or permit such car or train of cars, or any portion of such train, to stand or to be moved along or across any public street in such a manner as to prevent for a period of more than five minutes, any person or vehicle from crossing the track or tracks on which such car or train of cars is standing or being moved. (Ord. 3262-NS § 15, 1952)

**Section 14.60.020 Railway gates.**

No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (Ord. 3786-NS § 2 (part), 1961)

**Section 14.60.030 Speed limit of trains in residential districts.**

The maximum speed limit of trains in any district of the City designated as a residential district by the Zoning Ordinance shall be fifteen miles per hour. (Ord. 4494-NS § 1, 1970)



Chapter 14.62

VEHICLE SHARING

Sections:

14.62.010	Findings and purpose.
14.62.020	Definitions.
14.62.030	Term.
14.62.040	Permit parking exemption.
14.62.050	Free-floating parking permit.
14.62.060	Master residential parking permit.
14.62.070	One-way vehicle share parking zone.
14.62.080	Modification after initial designation of one-way vehicle share parking zone.
14.62.090	Issuance of parking permits.
14.62.100	Parking permit fees.
14.62.110	Suspension or revocation.
14.62.120	Penalties, liability and enforcement.

**Section 14.62.010 Findings and purpose.**

The Council finds that the use of vehicle sharing within Berkeley has numerous benefits, including improved mobility for residents, reduced personal vehicle ownership and vehicle miles traveled and overall reduction in greenhouse gas emissions. The purpose of this Chapter is to facilitate vehicle sharing within Berkeley by establishing a program under which permitted one-way vehicle share vehicles may park in metered and unmetered spaces in which parking is allowed for up to two hours or longer. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.020 Definitions.**

A. "Vehicle sharing" means a membership-based service, available to all licensed drivers, who meet the vehicle sharing organization's eligibility requirements, which offers members access to a network of vehicles, 24 hours per day, 7 days a week, at self-service locations and allows members to reserve and use a one-way vehicle share vehicle without a separate written agreement, at rates that are proportional to usage.

B. "One-way vehicle sharing" means a vehicle sharing model that allows members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the qualified vehicle share organization that operates that vehicle.

C. "Vehicle share organization" means an entity that provides shared-use vehicles for its members at geographically distributed locations at hourly, daily and weekly rates (or fractions thereof) with insurance coverage provided by the vehicle share organization. The Public Works Department will maintain the criteria necessary to become a qualified vehicle share organization. The Public Works Department will compile a list of qualified vehicle share organizations entitled to apply for one-way vehicle share permits. The Public Works Director or their designee may make changes to these criteria at any time.

D. "One-way vehicle share vehicle" means a vehicle requiring a driver's license to operate it, (including, but not limited to, passenger cars, motorized sit scooters, and motorcycles) owned and operated by a qualified vehicle share organization that is clearly and distinctly branded, is constantly tracked through Global Positioning System ("GPS"), and is technologically-enabled to allow members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the vehicle share organization.

E. "Qualified vehicle share organization" is a vehicle share organization that has a fleet of at least twenty one-way vehicles for member use.

F. "One-way vehicle share parking zone" is the area agreed upon by the qualified vehicle share organization permit holder and the Public Works Department, which bounds the geographic area where one-way vehicle share members may legally park one-way vehicle share vehicles within Berkeley. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.030 Term.**

Reserved. (Ord. 7722-NS § 1 (part), 2020: Ord. 7653-NS § 1 (part), 2019: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.040 Permit parking exemption.**

A. A one-way vehicle share vehicle with a free-floating parking permit, parked at metered parking spaces in which parking is allowed for up to two hours or longer, that is located within the company's defined one-way vehicle share parking zone, shall be exempt from the provisions stated in Chapter 14.52, which regulate the parking or standing of vehicles, which includes time limits enforced at inoperable parking meters and pay-and-display stations except that it may not remain parked at the same location for more than 72 hours.

B. A one-way vehicle share vehicle with a master residential parking permit shall be permitted to stand or be parked in any of the residential permit parking areas established pursuant to Chapter 14.72 Preferential Parking Program with the same rights and restrictions as RPP holders. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.050 Free-floating parking permit.**

A. A free-floating parking permit entitles qualified vehicle share organization members to park one-way vehicle share vehicles in metered and unmetered spaces in which parking is allowed for up to two hours or longer, for up to 72 hours within the designated free-floating zone.

B. This Chapter shall not exempt a member of a vehicle share organization or qualified vehicle share organization from any other traffic controls and regulations. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.060 Master residential parking permit.**

A. A master residential parking permit entitles qualified vehicle share organization members to park one-way vehicle share vehicles in a residential parking permit area as if the member had a residential parking permit for that zone as designated by chapter 14.72.050, even if the member is not a resident or employee within that zone.

B. The master residential parking permit does not guarantee or reserve a parking space for the member of the vehicle share organization.

C. This Chapter shall not exempt a member of a vehicle share organization or qualified vehicle share organization from any other traffic controls and regulations. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.070 One-way vehicle share parking zone.**

The one-way vehicle share parking zone boundaries will be established by a qualified vehicle share organization in consultation with the Public Works Department. Current and updated maps of one-way vehicle share parking zones will be publicly available on the City of Berkeley's website. The GPS coordinates of one-way vehicle share parking zones shall be programmed into the navigation equipment of those vehicles in order to alert members using those vehicles where parking is permitted. Qualified vehicle share organizations shall notify their members of any modifications to the one-way vehicle share parking zones applicable to their vehicles at least three days prior to such modification. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.080 Modification after initial designation of one-way vehicle share parking zone.**

A qualified vehicle share organization may request up to four modifications to the one-way vehicle share parking boundary zone during the term of the parking permit. Application for such modifications shall be made to the Public Works Department. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.090 Issuance of parking permits.**

A. Free-floating parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.

B. Master residential parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.

C. A vehicle share organization applying for parking permits shall provide the license plate numbers for the one-way vehicle share vehicles for which permits are sought to the Public Works Department.

D. The Public Works Department shall issue the permits with a maximum term of one year. Permits can be granted quarterly each year through the end of the City's fiscal year.

E. A vehicle share organization can apply for up to 700 parking permits to be used on vehicle share vehicles based within fifty miles of the Berkeley city limits. A vehicle share organization may alternatively apply for up to 500 parking permits to be used on vehicles based within fifty miles of the Berkeley city limits plus up to 300 parking permits for vehicles based more than fifty miles from the Berkeley city limits. The Public Works Department will review the quantity of parking permits requested by the vehicle share organization to balance the parking needs of the vehicle share organization with the on-street parking needs of private residents and employees.

F. Any free-floating and master residential parking permits which are renewed shall be subject to the same conditions applicable to the permits when originally issued. The Public Works Department may attach additional conditions to a renewed permit.

G. The Public Works Department shall issue rules and regulations consistent with this Chapter governing issuance and display of proof that a one-way vehicle share vehicle is owned by a qualified vehicle share organization with a valid free-floating and/or master residential parking permit. (Ord. 7722-NS § 1 (part), 2020: Ord. 7653-NS § 2, 2019: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.100 Parking permit fees.**

A. Fees for master residential parking permits and free-floating parking permits, and for the implementation and administration of this Chapter may be adopted by resolution of the City Council. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.110 Suspension or revocation.**

A. The City may suspend or revoke the status of any qualified vehicle share organization for any violation of the provisions of this Chapter or regulations promulgated to implement this Chapter. During the time that the permit is suspended or revoked, it shall be unlawful for the vehicle share organization to exercise any of the rights granted under this Chapter.

B. The permit holder shall be entitled to appeal the City's decision to suspend or revoke its permit by filing a written notice of appeal with the City Manager within ten days from the date the notice of suspension or revocation is mailed.

a. The appeal shall clearly and concisely set forth the grounds upon which it is based.

b. If the permit holder files a timely request for appeal, a hearing shall be held before the City Manager or their designee. The decision of the City Manager or their designee shall be final.

C. Pending the appeal hearing it shall be unlawful for the permit holder to exercise its rights under this Chapter. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.120 Penalties, liability and enforcement.**

A. Every person who violates any provision of this chapter may be subject to administrative citations pursuant to Chapter 1.28.

B. Each violation of this chapter and each day of violation of this chapter shall be considered a separate and distinct violation thereof and the imposition of a penalty shall be as set forth in subsection A of this section for each and every separate violation and each and every day of violation. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Chapter 14.64**

**PENALTIES AND EFFECT OF ORDINANCE**

**Sections:**

**14.64.010 Penalties.**

**Section 14.64.010 Penalties.**

Any person violating any provisions of this title, or any other provisions regulating the parking and standing of vehicles in the City, or failing to comply with any orders pursuant to this section, thereof shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

After the issuance of the first citation, therefore, each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized vehicle parking in violation of the provisions of Titles 6 and 14, and may be cited accordingly.

Except that violations of the following sections of this division shall be deemed misdemeanors:

- A. Section 14.08.030 "Obedience to Police or Authorized Officers;"
- B. Section 14.08.040 "Obstruction or Interference with Police or Authorized Officers;"
- C. Section 14.08.080 "Authority of Police in Crowds."

Further, where required by state law, a person shall be deemed guilty of a misdemeanor. (Ord. 6686-NS § 14 (part), 2002: Ord. 5716-NS § 3 (17), 1986: Ord. 4395-NS § 1, 1968: Ord. 3262-NS § 17, 1952)

## **Chapter 14.66**

### **DOUBLE FINES**

Chapter 14.66 (Ordinance No. 6,828-N.S., adopted November 9, 2004) sunsets on January 1, 2007, and as of that date is repealed.

Chapter 14.68

BICYCLES AND BICYCLE ESTABLISHMENTS\*

Sections:

14.68.010 Definitions.

Article I. Bicycles and Motorized Bicycles

- 14.68.020 License and registration required.
- 14.68.030 Applicability of provisions.
- 14.68.040 License--Application required.
- 14.68.050 License--Proof of ownership.
- 14.68.060 License--Bicycle to be presented.
- 14.68.070 License--Examination of applicant required when.
- 14.68.080 License--Renewal procedures.
- 14.68.090 License--Fees.
- 14.68.100 License--Issuance.
- 14.68.110 Operation--Conformity with chapter provisions required.
- 14.68.120 Riding motorized bicycles on sidewalk prohibited.
- 14.68.130 Riding bicycles on sidewalk permitted when.
- 14.68.140 Operation restrictions--Playgrounds, parks, school grounds.
- 14.68.150 Operation restrictions--Public places.
- 14.68.160 Stunt riding.
- 14.68.170 Procedures on emerging from driveway or alley.
- 14.68.180 Parking restrictions.
- 14.68.190 Accidents--Procedures required.
- 14.68.200 Accidents--Report required when.

Article II. Bicycle Establishments

- 14.68.210 Business license and permit required.
- 14.68.220 Permit--Application.
- 14.68.230 Permit--Not transferable.
- 14.68.240 Weekly secondhand buy report required.
- 14.68.250 Dealer's report of sale required weekly.
- 14.68.260 Holding period for bicycles and parts.
- 14.68.270 Bicycle register--Required--Contents.
- 14.68.280 Bicycle register--Disposition of purchased items.
- 14.68.290 Bicycle register--Safekeeping--Inspection.
- 14.68.300 Permit--Revocation conditions.

Article III. General Regulations

- 14.68.310 Provisions supersede other regulations.
- 14.68.320 License transfer prohibited.
- 14.68.330 Dismantled or junked bicycles--Return of registration certificate.
- 14.68.340 Bicycle rental agency--Licensing requirements.
- 14.68.350 Abandoned or unidentified bicycles.
- 14.68.360 Violation of provisions by persons under eighteen--Penalty.
- 14.68.370 Violations Generally--Penalty.

\*Editor's Note: This chapter was editorially renumbered from 14.04 to 14.68 during 1999 recodification.

**Section 14.68.010 Definitions.**

A. "Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, and having either two or three wheels in a tandem or tricycle arrangement.

B. "Bicycle establishment" means and includes a business operated by any person, partnership, association or corporation, wherein new or used bicycles or bicycle parts are purchased, sold, dismantled or junked.

C. "Motorized bicycle" means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than two gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. (Ord. 4957-NS §§ 1-3, 1976)

## **Article I. Bicycles and Motorized Bicycles**

### **Section 14.68.020 License and registration required.**

It is unlawful for any person to operate or use a bicycle or motorized bicycle in the city which has not been registered and licensed in accordance with Section 39002(a) of the Vehicle Code of the state. (Ord. 4957-NS § 4, 1976)

### **Section 14.68.030 Applicability of provisions.**

Any bicycle or motorized bicycle not subject to the provisions of Division 16.7 of the Vehicle Code of the state of California shall be subject to this chapter, as provided by Section 39002(b) of the Vehicle Code of the state. (Ord. 4957-NS § 5, 1976)

### **Section 14.68.040 License--Application required.**

Every person making application for a bicycle license or registration in the City shall make application to the Chief of Police, either directly or through a bicycle establishment, upon forms provided by the Chief of Police. Said application form shall contain such information as may be required by the Chief of Police as to the applicant and the description of the bicycle licensed. (Ord. 6230-NS § 1, 1994; Ord. 4957-NS § 6, 1976)

### **Section 14.68.050 License--Proof of ownership.**

For each bicycle license issued, the applicant may be required to provide proof of ownership to the Chief of Police. Said proof shall be in any form designated by the Chief of Police to be satisfactory for such purpose. (Ord. 4957-NS § 7, 1976)

### **Section 14.68.060 License--Bicycle to be presented.**

Upon making application for a bicycle license or bicycle license renewal, the applicant shall present the bicycle at such place designated by the Chief of Police as a licensing facility. (Ord. 4957-NS § 8, 1976)

### **Section 14.68.070 License--Examination of applicant required when.**

Upon making an application for a first bicycle license, the applicant may be required to be examined by an examining officer designated by the Chief of Police. The Chief of Police may further designate the manner of examination. Upon completion of said examination, the examining officer may refuse to issue a license to the applicant if the said examination discloses to the examining officer that the applicant does not have a reasonable knowledge of the provisions of this chapter, the provisions of Division 11 (commencing with Section 21220) of the Vehicle Code of the state, or that the applicant is unable to exercise reasonable control in operating a bicycle. (Ord. 4957-NS § 9, 1976)

### **Section 14.68.080 License--Renewal procedures.**

Application for a bicycle license renewal shall be made by presentation of the licensed bicycle and the registration certificate last issued for the bicycle, and by payment of the full annual fee for said bicycle as provided by this chapter. (Ord. 4957-NS § 10, 1976)

### **Section 14.68.090 License--Fees.**

The fees required to be paid pursuant to the provisions of this chapter are:

A. For each new bicycle license and registration certificate, the sum shall be two dollars per year or any portion thereof;

- B. For each transfer of registration certificate, the sum shall be one dollar;
- C. For each replacement of a bicycle license and registration certificate, the sum shall be one dollar;
- D. For each replacement of a registration certificate only, there shall be no fee;
- E. For each bicycle license renewal, the sum shall be one dollar. (Ord. 5181-NS § 1, 1979: Ord. 4957-NS § 11, 1976)

**Section 14.68.100 License--Issuance.**

Upon approval of the application and payment of the license fee, the Chief of Police will issue a license and a copy of the registration certificate to the applicant pursuant to Section 39003 of the Vehicle Code of the state. (Ord. 4957-NS § 12, 1976)

**Section 14.68.110 Operation--Conformity with chapter provisions required.**

It is unlawful for any person to operate a bicycle or motorized bicycle in the City in violation of any of the provisions of this chapter. (Ord. 4957-NS § 13, 1976)

**Section 14.68.120 Riding motorized bicycles on sidewalk prohibited.**

No person shall ride or operate a motorized bicycle on any sidewalk in the City. (Ord. 4957-NS § 14, 1976)

**Section 14.68.130 Riding bicycles on sidewalk permitted when.**

No person shall ride or operate a bicycle on any sidewalk in the city except:

- A. Juveniles, exercising the due care and giving the pedestrian the right-of-way, may ride and operate their bicycles upon the sidewalk, except such sidewalks as are in front of schools, stores or buildings used for business purposes;
- B. Juveniles riding or operating a bicycle on the sidewalk shall do so in single file;
- C. Peace officers who determine in good faith that riding or operating a bicycle on the sidewalk is necessary to perform official duties. (Ord. 6113-NS § 1, 1992: Ord. 4957-NS § 15, 1976)

**Section 14.68.140 Operation restrictions--Playgrounds, parks, school grounds.**

No person shall ride or operate a bicycle or motorized bicycle upon any playground, park, or school ground where children are playing, without the permission of the person having supervision of said playground, park or school ground. (Ord. 4957-NS § 16, 1976)

**Section 14.68.150 Operation restrictions--Public places.**

No person shall ride or operate a bicycle or motorized bicycle upon any public place in the City other than a public street or highway, without due regard for the safety of the operator and other persons upon such public place. (Ord. 4957-NS § 17, 1976)

**Section 14.68.160 Stunt riding.**

No person riding or operating a bicycle or motorized bicycle shall perform or attempt to perform any acrobatic, fancy or stunt riding upon any public place, other than a street or highway, in the City. (Ord. 4957-NS § 18, 1976)

**Section 14.68.170 Procedures on emerging from driveway or alley.**

The operator of a bicycle or motorized bicycle, on leaving a driveway or alley when the operator's view of either the sidewalk or street area is obstructed, shall stop such bicycle or motorized bicycle immediately prior to riding upon or across such sidewalk or street area. (Ord. 4957-NS § 19, 1976)

**Section 14.68.180 Parking restrictions.**

No person shall park any bicycle or motorized bicycle against windows or parking meters or on the main-traveled portion of the sidewalk, nor in such manner as to constitute a hazard to pedestrians, traffic or property. (Ord. 4957-NS § 20, 1976)



**Section 14.68.190 Accidents--Procedures required.**

The operator of any bicycle or motorized bicycle involved in an accident shall take reasonable steps to ascertain whether or not anyone was injured, and shall give their name, address and the license number of their bicycle or motorized bicycle to the person with whom they had the accident, and shall obtain the same information from the other person. (Ord. 4957-NS § 21, 1976)

**Section 14.68.200 Accidents--Report required when.**

It shall be the duty of the operator of any bicycle or motorized bicycle to make a written report of any accident resulting in death or injury to the Police Department immediately after such accident. (Ord. 4957-NS § 22, 1976)

**Article II. Bicycle Establishments**

**Section 14.68.210 Business license and permit required.**

No person or persons in the city shall establish, carry on or operate a bicycle establishment, except as authorized by this chapter, and without first obtaining a business license as provided in Ordinance 2805-NS of the City, and a permit from the Chief of Police. (Ord. 4957-NS § 23, 1976)

**Section 14.68.220 Permit--Application.**

A. The application for such permit shall be in writing and signed by the applicant and shall set forth the following information: The name, age and residence address of the applicant if a natural person, or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers with their respective residence addresses, or if a partnership, association or unincorporated company, the names of the partners or persons comprising the partnership, association or company with their respective residence addresses. The application shall state whether the applicant had conducted a bicycle establishment prior to the current filing. If so, the applicant shall specify each and every such business, its location and dates of operation.

B. The application shall be made on forms provided by the Chief of Police and filed in duplicate with the Chief of Police. (Ord. 4957-NS § 24, 1976)

**Section 14.68.230 Permit--Not transferable.**

No person having a bicycle establishment permit under the provisions of this chapter shall transfer, sell, assign, loan or permit any person to have or use such permit. (Ord. 4957-NS § 25, 1976)

**Section 14.68.240 Weekly secondhand buy report required.**

A. All persons operating a bicycle establishment are required to make a weekly report to the Chief of Police upon forms provided for that purpose by the Chief of Police, giving the true name and address of the person from whom each bicycle or bicycle part is purchased, and a description of each bicycle, its frame number and the number of any license found thereon, if any. If the bicycle does not have a license, the buyer shall require the seller to obtain the approval of the Chief of Police to complete such sale or exchange. This report shall be known as the "secondhand buy report," and shall be made in triplicate. The original shall be mailed or delivered to the Chief of Police, the duplicate shall remain with the dealer, and the triplicate shall be given to the seller. It shall be the duty of the dealer to mail or deliver to the Chief of Police all reports at the close of each business week.

B. This section shall not apply to new bicycles or bicycle parts purchased at wholesale. (Ord. 4957-NS § 26, 1976)

**Section 14.68.250 Dealer's report of sale required weekly.**

All persons operating a bicycle establishment shall make a weekly report to the Chief of Police upon forms provided for that purpose by the Chief of Police, to report all sales made, including the name and address of each person to whom a bicycle is sold, together with the make, frame number and license number found thereon, if any. These reports shall be known as the "dealer's report of sale," and shall be made in triplicate. The original shall be mailed or delivered to the Chief of Police, the duplicate shall be retained by the dealer, and the triplicate shall be given to the seller. It shall be the duty of the dealer to make or deliver all reports to the Chief of Police at the close of each business week. (Ord. 4957-NS § 27, 1976)

**Section 14.68.260 Holding period for bicycles and parts.**

No person operating a bicycle establishment shall alter, repair or dispose of any bicycle or bicycle part purchased or taken in exchange as secondhand bicycle or bicycle part thereof until after the expiration of thirty days from the date of purchase or exchange, and during those thirty days the bicycle or bicycle part so obtained shall remain without alteration on the premises of such bicycle establishment, shall be kept separate from bicycles or bicycle parts previously purchased, and shall be subject to inspection at any time during business hours by the Chief of Police, or any police officer or other person designated by the Chief of Police. (Ord. 4957-NS § 28, 1976)

**Section 14.68.270 Bicycle register--Required--Contents.**

A. The Chief of Police shall furnish free of charge to every person operating a bicycle establishment a book known as the "bicycle register" in which shall be entered in plain and legible handwriting a record of all bicycles or bicycle parts purchased or taken in exchange. The entry must be made at the time of purchase or immediately thereafter and shall include, in addition to the date and hour of purchase, a full description of the bicycle or bicycle part, the price paid therefor, and the name, address, age, height, weight and complexion of the seller. In entering the description of the bicycle, the name of the manufacturer and the factory serial number thereof shall in every case be recorded if known or if it can be ascertained.

B. This section shall not apply to new bicycles or bicycle parts purchased at wholesale. (Ord. 4957-NS § 29, 1976)

**Section 14.68.280 Bicycle register--Disposition of purchased items.**

The operator of a bicycle establishment shall also enter in the bicycle register a record showing the disposition of each bicycle purchased, indicating whether such bicycle was resold or dismantled. (Ord. 4957-NS § 30, 1976)

**Section 14.68.290 Bicycle register--Safekeeping--Inspection.**

The operator of a bicycle establishment shall keep the bicycle register in a safe place and see that it is not mutilated or destroyed. The bicycle register shall remain the property of the City, and shall be opened to inspection by the Chief of Police or any police officer at any time the establishment is open for business, and it may be taken by such police officer from the possession of the operator of a bicycle establishment if deemed necessary. (Ord. 4957-NS § 31, 1976)

**Section 14.68.300 Permit--Revocation conditions.**

A. Bicycle establishment licenses issued pursuant to this chapter may be revoked by the Chief of Police after notice and hearing for any of the following reasons:

1. Fraud, misrepresentation, or any false statement contained in the application for a permit;
2. Any violation of any provision of this chapter or any provisions of any other chapter or law relating to and regulating the bicycle establishment;
3. Conviction of the permit holder of any felony or lesser crime reasonably related to the purposes of this chapter.

B. Any hearing on revocation or suspension conducted by the Chief of Police shall be conducted pursuant to written rules of procedure adopted by the City Council. (Ord. 4957-NS § 32, 1976)

**Article III. General Regulations**

**Section 14.68.310 Provisions supersede other regulations.**

The provisions of this chapter with reference to bicycles shall supersede and be in lieu of any other ordinance or section of any other ordinance which is in conflict with the provisions of this chapter. (Ord. 4957-NS § 40, 1976)

**Section 14.68.320 License transfer prohibited.**

It is unlawful to transfer a bicycle license from one bicycle or motorized bicycle to another. (Ord. 4957-NS § 34, 1976)

**Section 14.68.330 Dismantled or junked bicycles--Return of registration certificate.**

Upon dismantling or disposing of a bicycle or motorized bicycle as junk, the licensee shall turn in the registration certificate for such bicycle or motorized bicycle to the Chief of Police within ten days of the date of said disposal indicating that the bicycle or motorized bicycle was junked. (Ord. 4957-NS § 35, 1976)

**Section 14.68.340 Bicycle rental agency--Licensing requirements.**

All persons engaged in operating a bicycle rental agency for the purpose of renting or lending bicycles or motorized bicycles to patrons shall first obtain a bicycle license and registration certificate for each bicycle or motorized bicycle prior to renting or lending such bicycle or motorized bicycle. (Ord. 4957-NS § 36, 1976)

**Section 14.68.350 Abandoned or unidentified bicycles.**

All bicycles and motorized bicycles that are abandoned or unidentified remaining in the hands of the Chief of Police shall at the end of six months be sold at auction and the proceeds therefrom deposited in the general fund of the City. (Ord. 4957-NS § 37, 1976)

**Section 14.68.360 Violation of provisions by persons under eighteen--Penalty.**

Where this chapter has been violated by juveniles under the age of eighteen years, in lieu of such fine and imprisonment provided in Section 14.68.370, and in lieu of filing charges in the juvenile court, the Chief of Police may prohibit the operation upon the streets, alleys and public places in the City for a period not to exceed thirty days of a bicycle so used in such violation, in which event the bicycle so used in such violation shall be impounded by the Chief of Police and retained by them during the period of the operation which is prohibited, and the owner's registration card shall be held for a like period. (Ord. 4957-NS § 39, 1976)

**Section 14.68.370 Violations Generally--Penalty.**

Any person found to be in violation of any of the provisions of this chapter, except for Section 14.68.130, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in Chapter 1.20 of this code. Any person found to be in violation of Section 14.68.130 shall be deemed guilty of an infraction and upon conviction thereof shall be punished as set forth in Chapter 1.20 of this code. (Ord. 6921-NS § 1, 2006; Ord. 5716-NS § 3 (part), 1986; Ord. 4957-NS § 38, 1976)

Chapter 14.72

PREFERENTIAL PARKING PROGRAM\*

Sections:

14.72.010	Legislative purpose.
14.72.020	Legislative findings.
14.72.030	Definitions.
14.72.040	Permit parking exemption.
14.72.050	Designation of a residential permit parking area.
14.72.060	Modification after designation of a residential permit parking area.
14.72.070	Designation of campus zone--Special regulations.
14.72.080	Issuance of permits.
14.72.090	Residential parking permit.
14.72.100	Local business parking permits.
14.72.105	Neighborhood-serving community facility permits.
14.72.110	Senior event permits.
14.72.115	Visitor permits.
14.72.120	Posting of residential permit parking area.
14.72.130	Parking permit fees.
14.72.140	Penalties, liability and enforcement.
14.72.150	Administrative regulations.

\*Editor's Note: This chapter was editorially renumbered from 14.08 to 14.72 during 1999 recodification.

**Section 14.72.010 Legislative purpose.**

This chapter is enacted in response to the serious adverse effects caused in certain areas and neighborhoods of Berkeley by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents thereof. As set forth in more specific detail in Section 14.72.020, such long term parking by nonresidents threatens the health, safety and welfare of all of the residents of Berkeley. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact parking regulations restricting unlimited parking by nonresidents therein, while providing the opportunity for residents to park near their homes. Uniform parking regulations restricting residents and nonresidents alike would not serve the public interest, rather such regulations would contribute to neighborhood decline while ignoring the public transit alternatives to automobile travel available to nonresidents. For the reasons set forth in this chapter, a system of preferential resident parking is enacted hereby for the City of Berkeley (Ord. 5908-NS § I, 1989; Ord. 5803-NS § 2, (part), 1987)

**Section 14.72.020 Legislative findings.**

A. General Finding. The City Council finds as a result of public testimony, evidence generated by both professional urban planning studies and derived from other sources, that the continued vitality of Berkeley depends on the preservation of safe, healthy and attractive neighborhoods and other residential areas therein. The Council further finds that one factor that has detracted from the safety, health and attractiveness of neighborhoods and other residential areas of the City is the excessive and burdensome practice of nonresidents of certain areas and neighborhoods parking their motor vehicles for extended periods of time therein. Since there is in Berkeley at any one time a large surplus of motor vehicles over available on and off-street parking spaces, this condition detracts from a healthy and complete urban environment. A system of preferential resident parking will serve to reduce a number of strains on residents of the City and thus promote the general public welfare.

B. Specific Findings. The following specific legislative findings of the City Council in support of preferential resident parking are set forth as illustrations only and do not exhaust the subject of the factual basis supporting its adoption:

1. The safety, health and welfare of the residents of Berkeley can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas.

2. A large portion of Berkeley residents possess automobiles and as a result are daily faced with the need to store these automobiles in or near their residences.

3. Certain neighborhoods and areas of Berkeley do not have sufficient on or off-street space to accommodate the convenient parking of motor vehicles by residents thereof in the vicinity of their homes. To the extent that such facilities do exist, the program set forth herein is designed to encourage the maximum feasible utilization of off-street parking facilities.

4. Such areas as described in 3 above are often further burdened by influxes of motor vehicles owned by nonresidents which compete for the inadequate available on-street parking spaces.

5. There further exist certain parking "attractors" within Berkeley, such as hospital and university complexes, employment centers, BART stations and locations convenient for commute parking, which further exacerbate resident parking problems.

6. Unnecessary vehicle miles, noise, pollution, and strains on interpersonal relationships caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods and other residential areas by causing the deterioration of air quality, safety, tranquility and other values available in an urban residential environment.

7. If allowed to continue unchecked, these adverse effects on the residents of Berkeley will contribute to a further decline of the living conditions therein, a reduction in the attractiveness of residing within Berkeley, and consequent injury to the general public welfare.

8. The system of residential permit parking as enacted by this chapter will serve to promote the safety, health and welfare of all the residents of Berkeley by (a) reducing unnecessary personal motor vehicle travel, noise, and pollution, and (b) promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

#### **Section 14.72.030 Definitions.**

A. "Designated residential parking permit area" means any contiguous area upon which the Council imposes parking limitations pursuant to the authority granted by this chapter.

B. "Block front" means all of the property on one side of a street between two consecutive intersecting streets.

C. "Mixed use" means the use of a lot or building with two or more different land uses including, but not limited to, residential, commercial, retail, office or manufacturing, in a single structure or a group of physically integrated structures; in a neighborhood context, it means blocks containing single-use residences interspersed with other land uses, such as commercial or industrial.

D. "Mixed Use-Residential" and "Mixed Use-Light Industrial" refer to the zoning designations so defined in Berkeley Municipal Code Chapters 23E.84 and 23E.80, respectively.

E. "Assessor's Use Code" means the code used by the Alameda County Assessor to assess property for property tax purposes. These codes cover a range of building descriptions and uses, including a variety of residential uses.

F. "Nonresidential vehicle" means a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this chapter, for the specific area in which it is parked. However, it could be eligible for a local business parking permit, or any other parking permit the council shall designate.

G. "Residential parking permit" means a permit issued under this chapter which, when displayed upon a vehicle, as described herein, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

H. "Local business parking permit" means a permit issued under this chapter which, when displayed upon a motor vehicle, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

I. "Trapped resident" means: 1) any resident whose dwelling is on a block that may not legally opt-in because less than 80% of the block fronts are residentially zoned and either: a) whose address is on a block front adjacent to and/or surrounded by block fronts that are already included in the RPP program; or b) whose address is within the general boundary of a designated RPP area; or 2) any resident whose dwelling abuts controlled curb parking and either: a) whose address is on a block front adjacent to and/or surrounded by RPP areas; or b) whose address is within the general boundary of a designated RPP area.

J. "Neighborhood-service community facility" means churches, schools and senior centers located wholly within the general boundary of an RPP designated area.

K. "Neighborhood-serving business and establishment" means any business or establishment located in a neighborhood commercial district as defined in the Zoning Ordinance Section Cl a, Cl b, Cl c, Cl b(E).

L. "One-day visitor permit" means a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions pursuant to this chapter, for the date indicated upon the face of said permit.

M. "Two-week visitor permit" shall mean a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions established pursuant to this chapter for a period of 14 consecutive calendar days, beginning upon the date indicated upon the face of said permit.

N. "Motor vehicle" shall be an automobile, truck, motorcycle or other self-propelled form of transportation not in excess of 8,000 pounds gross weight and not in excess of 20 feet in length. A trailer, trailer coach, utility trailer, motor home/(RV), or any other type of vehicle as defined in the California Vehicle Code that is not self-propelled, is not eligible for an RPP permit.

O. "Controlled curb parking" means any on-street parking with existing parking limitations, such as meters, time restrictions, red zone, etc.

P. "Schools" shall mean any school or other place of learning providing a pre-school, elementary or secondary level of study, and which regularly employs a staff of at least 15 certificated persons regularly employed as a classroom teacher.

Q. "Senior centers" means the three senior centers affiliated with the City: North Berkeley Senior Center, South Berkeley Senior Center and the West Berkeley Senior Center. (Ord. 7654-NS § 1, 2019; Ord. 7589-NS § 2, 2018; Ord. 7391-NS § 1, 2015; Ord. 6762-NS § 1 (part), 2003; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

#### **Section 14.72.040 Permit parking exemption.**

A. A motor vehicle on which is displayed a valid residential parking permit as provided for herein shall be permitted to stand or be parked in the residential permit parking areas for which the permit has been issued without being limited by time restrictions established pursuant to this chapter or any resolution thereunder. Additionally, a motor vehicle displaying a valid local business parking permit or a valid neighborhood-serving community facility permit as provided herein shall be permitted to stand or park in a designated residential permit parking area for which the permit has been issued without being limited by time restrictions established pursuant to this chapter. Any vehicle which does not display a valid parking permit shall be subject to the preferential parking regulation and consequent penalties in effect for such area.

B. A residential or local business parking permit or any other permit as designated by council shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

C. This chapter shall not be interpreted or applied in a manner which shall abridge or alter regulations established by authority other than this chapter. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2, (part), 1987)

#### **Section 14.72.050 Designation of a residential permit parking area.**

A. There shall be two alternative processes by which City Council could consider any area for designation as a residential permit parking area:

1. Residents petition. The City Council shall consider for designation as a residential permit parking area any proposed area for which a petition has been submitted which meets and satisfies the following requirements:

a. Prior to obtaining signatures, neighborhood organizers shall consult with City staff to assure that the proposed area meets guidelines set in the administrative regulations for the establishment of permit parking boundaries.

b. The petition shall contain a description or a map showing the proposed residential permit parking area.

c. Said description or map shall be followed in the petition by a statement describing the residential permit parking program and the current residential permit fees.

d. The statement shall be followed by a signature, printed name, address, and date of signing of the application by a number of adult residents including at least 51% of the housing units within the area.

e. For applicants in areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, a petition shall only be deemed valid if at least 51% of the housing units on each block front have an address that has a residential Assessor's Use Code.

f. All petitions shall be the same as the standard petition form developed by City staff. Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.

g. In the proposed residential permit parking area, at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

h. In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

2. City Council initiation. City Council shall consider for designation as a residential permit parking area any area for which the following requirements have been met:

a. City Council shall initiate the area as a residential permit parking area.

b. For areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, Council shall only initiate the area as a residential permit parking area if at least 51% of the housing units on each block front have an address that has a residential Assessor's Use Code.

c. In the proposed residential permit parking area at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m. or unlimited on-street parking is projected to be impacted by parking spillover from a more congested residential permit parking area.

d. In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

e. A notice of intent to establish permit parking shall be sent to all addresses within the proposed residential parking permit area.

B. Upon receipt by the City Council of a petition as described in subsection A.1 of this section, or after Council has initiated a residential permit parking area as described in subsection A.2 of this section, the Council shall:

1. Undertake or cause to be undertaken such surveys or studies which it deems necessary.

2. Cause to be drafted a resolution which would establish a residential permit parking area based upon the aforementioned proposal and studies, including all regulations and time restrictions determined by the Council to be reasonable and necessary in such area.

C. The Council shall thereafter conduct a public hearing on said draft resolution. Notice of the hearing shall be posted at least ten days prior to the hearing on all block fronts proposed to be included in the residential permit parking area. Following the hearing, the City Council may enact, amend or reject said draft resolution in any manner, including but not limited to, modification of boundaries of the proposed area and the restrictions imposed on such proposed area. In order to grant permit parking designation, Council shall find that the designation will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the area of designation. In reaching this decision, consideration shall be given to the residents' support for residential permit parking, the existing parking conditions, the expected effectiveness of residential permit parking in improving parking conditions, and the location and size of the residential permit parking area. (Ord. 7654-NS § 2, 2019; Ord. 7589-NS § 3, 2018; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

#### **Section 14.72.060 Modification after designation of a residential permit parking area.**

A. After holding a public hearing with notice as provided in the Berkeley Municipal Code Section 14.72.050 the City Council may, by appropriate ordinance or resolution amendment, modify a designated residential permit parking area in any manner not inconsistent with this chapter.

B. City Council may exclude blocks from a designated residential permit parking area for which a petition has been submitted which satisfies the following requirements:

1. All petitions submitted after adoption of this chapter shall be the current standard petition developed by City staff. Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.

2. The petition form shall include a signature, printed name, address and date of signing of the petition by a number of adult residents including at least 51% of the housing units within the area proposed for exclusion from residential permit parking designation. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.070 Designation of campus zone--Special regulations.**

In the area designated by Council resolution as the Campus Zone Area I, the following provisions shall be applicable notwithstanding any provisions of the chapter to the contrary:

A. Residents and trapped residents within the general boundary of the Campus Zone shall be eligible for a residential parking permit as set forth in Section 14.72.090 of this chapter.

B. Monitoring and related actions shall be required as follows:

1. 90 days after permits go on sale the City shall conduct a parking occupancy survey of the zone during either the fall or spring academic session of the University of California. Such a survey shall also subsequently be conducted if directed by Council or upon receipt by the staff of a request for such a survey submitted by resident petition of at least 33% of the residential units of Area I. For the purposes of this section, the term "residential unit" shall include, but shall not be limited to, all residential rooms contained in group living quarters. Such petition shall be on a form approved by the staff and shall state that the undersigned residents believe that the occupancy level in the zone exceeds 75%.

2. If the results of either the initial survey or a subsequent survey requested by resident petition indicate that parking occupancy within the zone exceeds 75%, the City Council shall implement programs to attempt to reduce such occupancy to below 75%. Such programs may include but are not limited to the following:

a. Expansion of the Sather Gate garage;

b. Incorporation of block fronts bordering the Oxford Tract into the Campus Zone Area I;

c. Conversion of unused bicycle lanes within the Campus Zone Area I to on-street, residential permit parking;

d. Implementation and enforcement of residential permit parking limits earlier in the day in the Campus Zone Area I;

e. Allowance of Campus Zone Area I residents to park without restrictions at meters;

f. Modification of the Zoning Ordinance to regulate the rental of off-street parking for residential projects; and

g. Reduction of the time allotted to non-permit holders to park in the Campus Zone Area I.

3. No sooner than 60 days after the completion of such programs, but not later than 90 days from completion of the survey under subsection B.1, the City shall conduct a follow-up parking survey in the zone. The survey will be conducted during the fall or spring academic session of the University of California and will be delayed if necessary.

4. If the follow-up survey indicates a parking occupancy in the zone of over 75% at the beginning of the next permit year and each year thereafter, the City Council shall authorize the issuance of up to 350 permits in other zones to residents of the Campus Zone according to a method as the Council shall prescribe and according to the following distribution schedule:

Expanded MAGNA, Area C:	2.2%
Elmwood, Area D:	48.4%
Golden Bear District, Area E:	4.3%
Panoramic Hill, Area K:	4.5%
LeConte District, Area J:	40.6%

5. The Department of Finance and the traffic engineering division are authorized to establish rules and regulations consistent with the guidelines set forth in this section of the chapter on the Campus Zone Area I. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.080 Issuance of permits.**

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

C. 1. No permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a variance for parking requirement set forth in



the Zoning Ordinance was issued. In the C-T Zoning District, the R-SMU Zoning District, and portions of the R-S Zoning District where no parking is required for residential uses, no residential parking permits will be issued for occupants of residential units created after the effective date of the Southside Plan. The Current Planning division shall provide a listing of newly-constructed housing units to the Department of Finance.

2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specifies otherwise when it approves the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.

D. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

E. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation. (Ord. 7240-NS § 1, 2012; Ord. 7225-NS § 1, 2012; Ord. 7210-NS § 1, 2011; Ord. 6762-NS § 2 (part), 2003; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

#### **Section 14.72.090 Residential parking permit.**

A. The City Manager and/or their designee shall issue residential parking permits with a term not to exceed one year to motor vehicles which comply with the requirements set forth in this section.

1. No more than three (3) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

2. In areas zoned Mixed Use-Residential (MU-R) or Mixed Use-Light Industrial (MULI), no more than two (2) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

3. The City Traffic Engineer is authorized to issue such rules and regulations necessary to grant waivers to the annual permit limits.

B. A residential parking permit may be issued for a motor vehicle only upon application of the following person:

1. The applicant must demonstrate that they are currently a resident of the area for which the permit is to be issued; and

2. The applicant must demonstrate that they have ownership or continuing custody of the motor vehicle for which the permit is to be issued; and

3. Any motor vehicle to be issued a permit must have a vehicle registration indicating registration within the area for which the permit is to be issued.

C. A residential parking permit may in addition be issued for any vehicle in the area regularly utilized by a person who owns or leases commercial property and actively engages in business activity within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular residential permit parking involved area, may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.

D. A residential parking permit may be issued for any vehicle utilized in the area by a nonresidential nonbusiness enterprise, such as a church, school, or hospital, located wholly or partially within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular permit parking area involved, may be issued for each such enterprise within each permit area for a motor vehicle registered to or under the control of such an enterprise.

E. Any person to whom a residential parking permit has been issued pursuant to this section shall be deemed a permit holder. (Ord. 7654-NS § 3, 2019; Ord. 7589-NS § 4, 2018; Ord. 6762-NS § 3 (part), 2003; Ord. 5974-NS § 1, 1990; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.100 Local business parking permits.**

A. The Department of Finance shall issue business parking permits with a term not to exceed one year subject to the requirements set forth in this section and in administrative rules and regulations issued pursuant to this chapter.

B. A local business parking permit may be issued only to a person who owns or leases a commercial establishment located in a General Commercial Zoning District, in Zone C-1, and in a Neighborhood Commercial Zoning District, in Zones C-1A, C-1B, C-1C, C-1B(E) (not to exceed one such permit per commercial establishment). The permit is to be issued for a motor vehicle regularly used in the business activity of such commercial establishment for parking such motor vehicle in such designated local business parking subarea, provided that sale of local business parking permits has been authorized by the City Council pursuant to the provisions of this section the City Council finds that residents have reached a general consensus to allow for the sale of local business permits in the area. (Ord. 5974-NS § 1, 1990: Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.105 Neighborhood-serving community facility permits.**

A. The Department of Finance may issue neighborhood-serving community facility enterprise permits with a term not to exceed one year subject to the requirements set forth in this section and in administrative rules and regulations issued pursuant to this chapter.

B. A neighborhood-serving community facility parking permit may be issued to representatives of the following neighborhood-serving community facilities: churches, schools, and senior centers. The issuance of permit can occur no sooner than 30 days after implementation of a residential permit parking area and the following criteria shall be used in establishing eligibility of an enterprise and the number of permits to be issued any enterprise:

1. An enterprise for which there is inadequate off-street parking and no financially feasible way of creating adequate off-street parking on the site of the enterprise;

2. An enterprise for which there is no off-street parking available nearby for lease or rental;

3. The total number of permits issued does not exceed the number representing 60% of the enterprise's employees;

4. The total number of permits issued to a Berkeley Unified School District (BUSD) school that is not within 1/2 mile of a Bay Area Rapid Transit (BART) Station, and not within 1/4 mile from a rapid transit bus stop, and not within 1/4 mile from two bus routes that run at a frequency of 20 minutes or less does not exceed 70% of the enterprise's employees;

5. Distribution of permits shall be through a designated representative of the enterprise who will be responsible for allocation of the permits to employees, or in the case of the senior centers, to users of the enterprise; and

6. Degree of impact on parking conditions for residents and merchants in the area. (Ord. 7580-NS § 1, 2017: Ord. 6762-NS § 4 (part), 2003: Ord. 5972-NS § 1, 1990: Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.110 Senior event permits.**

A. The Department of Finance may issue senior event parking permits in accordance with this section and with administrative rules and regulations issued pursuant to this section.

B. In addition to any permits which may be issued to senior center representatives pursuant to Section 14.72.105, senior event parking permits may be issued to representatives of senior citizen groups not affiliated with City of Berkeley-operated senior centers, but which meet on a regularly-scheduled basis at community meeting facilities, such as churches, recreation centers, and community meeting halls, which are located within boundaries of residential permit parking areas. No such permit shall be issued except under the following circumstances:

1. 30 days have elapsed from the date of application; therefore

2. The group applying for the permit is a senior event group for which there is inadequate off-street parking and no financially feasible way to either create adequate off-street parking at the site of the senior event group's regularly-scheduled meeting, or to rent same;

3. The total number of permits issued does not under any circumstances exceed the number representing 60% of the group's membership; and

4. Distribution of permits shall be through a designated representative of the group who will be responsible for allocation of the permits to the group's membership. (Ord. 5974-NS § 2, 1990)

**Section 14.72.115 Visitor permits.**

A. The Department of Finance shall issue visitor permits in accordance with this section. A visitor permit shall be of limited duration, but shall otherwise grant to the holder all the rights and privileges of a regular residential parking permit. Visitor permits shall be of two types:

1. One-day visitor permits; and
2. Two-week visitor permits.

B. A visitor permit shall clearly display the date(s) upon which it becomes effective, the license number of the vehicle for which it applies, and shall designate the particular residential permit parking area.

C. A one-day visitor permit shall, during the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this chapter.

D. A two-week visitor permit shall, for the period of 14 consecutive days commencing upon the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this chapter.

E. The Department of Finance is authorized to establish rules and regulations, consistent with this chapter, concerning the issuance and display of visitor permits to permit holders.

F. An eligible applicant for a visitor permit shall be any person eligible to obtain a residential parking permit pursuant to criteria set forth in Section 14.72.090 of this chapter, except those persons or enterprises specified in subsections C and D of Section 14.72.090. (Ord. 6762-NS § 5 (part), 2003: Ord. 5974-NS § 3, 1990: Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.120 Posting of residential permit parking area.**

Upon the adoption by the City Council of a resolution designating a residential permit parking area, the Director of Public Works shall cause appropriate signs to be erected in the area, indicating prominently thereon the time limitation, period of the day for its application, and conditions under which permit parking shall be exempt therefrom. (Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.130 Parking permit fees.**

The annual fee and renewal fee for residential parking permits, for visitor permits, for local business parking permits for neighborhood-serving community facility parking permit or any other permit designated by Council shall be established by Council resolution. (Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.140 Penalties, liability and enforcement.**

A. Anyone violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

B. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

In addition, the following acts shall be punishable by a fine not exceeding \$500:

1. For any person to falsely represent themselves as eligible for a parking permit or to furnish false information in an application therefore.
2. For any person holding a valid parking permit issued pursuant hereto to permit the use or display of 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 or counterfeit parking permit or permits without written authorization from the Department of Finance.
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 permit parking area.
5. For any person to change dates on a visitor parking permit.
6. For any person to knowingly commit any act which is prohibited by the terms of this chapter or any ordinance enacted by authority granted by this chapter.

C. The remedies and penalties provided in this section are cumulative and not exclusive. (Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.150 Administrative regulations.**

The Finance Department and the Public Works Department are empowered to issue rules and regulations consistent with this chapter. (Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

Chapter 14.76

**AREA A--BATEMAN NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT\***

**Sections:**

- 14.76.010**      **Parking district boundaries.**
- 14.76.020**      **Legislative findings.**
- 14.76.030**      **Establishment of preferential parking district.**

\*Editor's Note: This chapter was editorially renumbered from 14.12 to 14.76 during 1999 recodification.

**Section 14.76.010 Parking district boundaries.**

This chapter establishes preferential parking district A in the area bounded by the Berkeley-Oakland border and College, Ashby and Telegraph Avenues (hereinafter referred to as the "Bateman area") as described more particularly in section 25-A of Traffic Resolution No. 36,574\*. (Ord. 5393-NS § 1, 1981)

\*Section 25 of Resolution No. 36,574-NS was rescinded and readopted by Resolution No. 56,508-NS on June 16, 1992.

**Section 14.76.020 Legislative findings.**

The City Council hereby makes the following findings based on the petition for establishment of the Bateman area residential parking district submitted by Bateman area residents, and the testimony and record of the public hearing held as to said petition on May 12, 1981 in accordance with the standards set forth in Section 5 of Ordinance No. 5247-N.S.:

A. The petition requesting designation of the Bateman area as a preferential parking district is signed by individuals representing at least sixty percent of the four hundred forty one housing units in the area and at least thirty percent of the housing units along each block in front in the area.

B. Over eighty percent of the fifty-eight block fronts in the Bateman area are zoned residential.

C. On-street parking in the Bateman area is presently allowed on an unlimited basis. A survey conducted on March 31, 1981 indicates for the period between nine a.m. and four p.m. occupation of eighty-three percent to ninety-one percent of all unlimited parking spaces in the area.

D. The most intensive demand for on-street parking occurs between the hours ten a.m. and seven p.m. on weekdays and Saturdays.

E. The Bateman area, while largely residential, also includes Alta Bates Hospital, medical offices and commercial uses located at the College/Ashby intersection. These uses generate demand for parking by nonresidents of the area. Data submitted by Alta Bates Hospital indicates that approximately eighty-three percent of Alta Bates employees utilize automobiles to get to work. Of this number, approximately forty percent park on city streets within the Bateman area. Additional demand for on-street parking is generated by visitors to Alta Bates Hospital.

F. The establishment of the Bateman area preferential parking district is categorically exempt as a Class I activity pursuant to the requirements of the California Environmental Quality Act and the guidelines set forth at 14 California Administrative Code 15101. (Ord. 5393-NS § 2, 1981)

**Section 14.76.030 Establishment of preferential parking district.**

The Council hereby provides for the establishment of a residential permit parking district in the Bateman area as follows:

Street parking in the area shall be limited to a maximum of two hours during the period between ten a.m. and seven p.m. except on Sundays and holidays or such shorter time period as may be specifically posted; provided, however, that unlimited parking shall be allowed by vehicles for which a residential, visitor's, or local business parking permit has been obtained and displayed in accordance with requirements of Berkeley Municipal Code Section 14.72. (Ord. 5804-NS § 1, 1987)

Chapter 14.80

**AREA B--WILLARD NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT\***

**Sections:**

- 14.80.010**      **Parking district boundaries.**
- 14.80.020**      **Legislative findings.**
- 14.80.030**      **Establishment of preferential parking district.**

\*Editor's Note: This chapter was editorially renumbered from 14.16 to 14.80 during 1999 recodification.

**Section 14.80.010 Parking district boundaries.**

This chapter establishes preferential parking district B in the area generally bounded by Dwight Way and College, Ashby, and Telegraph Avenues (hereinafter referred to as the "Willard area") as described more particularly in section 25-B of Resolution No. 36,574-N.S.\*, Traffic Resolution. (Ord. 5612-NS § 1, 1984)

\*Section 25 of Resolution No. 36,574-NS was rescinded and readopted by Resolution No. 56,508-NS on June 16, 1992.

**Section 14.80.020 Legislative findings.**

The City Council hereby makes the following findings based on the petition for establishment of the Willard area residential parking district submitted by Willard area residents, and the testimony and record of the public hearing held as to said petition on February 14 and April 5, 1984, in accordance with the standards set forth in section 5 of Ordinance No. 5247-N.S.:

A. The petition requesting designation of the Willard area as a preferential parking district is signed by individuals representing at least sixty percent of the one thousand seven hundred forty-two housing units in the area and at least thirty percent of the housing units along each block front in the area.

B. Over eighty percent of the seventy-two block fronts in the Willard area are zoned residential.

C. On-street parking in most of the Willard area is presently allowed in an unlimited basis. Surveys conducted on December 13 and 14, 1983, indicate that for any two one-hour periods between 10:00 a.m. and 4:00 p.m., seventy-eight percent to one hundred percent of all unlimited parking spaces in the area were occupied.

D. The most intensive demand for on-street parking occurs between the hours of 8:00 a.m. and 7:00 p.m. on weekdays.

E. The Willard area, while largely residential, also includes Willard School, medical offices and commercial uses located at the College/Ashby intersection and on Telegraph Avenue, Alta Bates Hospital on its south border and the university nearby. These uses generate demand for parking by nonresidents of the area.

F. In establishing the Willard area preferential parking district, an initial study was prepared and a negative declaration adopted pursuant to the requirements of the California Environmental Quality Act and the guidelines set forth in Title 14, California Administrative Code, Article 6. (Ord. 5612-NS § 2, 1984)

**Section 14.80.030 Establishment of preferential parking district.**

Wherefore, the Council hereby provides for the establishment of a residential permit parking district in the area as follows:

Street parking in the area shall be limited to a maximum of two hours during the period between 8:00 a.m. and 7:00 p.m. except on Sundays and holidays or such shorter time period as may be specifically posted; provided, however, that unlimited parking shall be allowed by vehicles for which a residential, visitor's, or local business parking permit has been obtained and displayed in accordance with requirements of Berkeley Municipal Code Chapter 14.72. (Ord. 5805-NS § 1, 1987; Ord. 5612-NS § 3, 1984)

Chapter 14.84

**AREA C--MAGNA NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT\***

**Sections:**

- 14.84.010**      **Parking district boundaries.**
- 14.84.020**      **Legislative findings.**
- 14.84.030**      **Establishment of preferential parking district.**

\*Editor's Note: This chapter was editorially renumbered from 14.18 to 14.84 during 1999 recodification.

**Section 14.84.010 Parking district boundaries.**

This chapter establishes preferential parking district C in the area generally bounded by Martin Luther King Jr. Way, Roosevelt, University and Channing (hereinafter referred to as the "MAGNA Area") as described more particularly in Section 25-C of Traffic Resolution No. 36,574-NS\*. (Ord. 5728-NS § 1, 1986)

\*Section 25 of Resolution No. 36,574-NS was rescinded and readopted by Resolution No. 56,508-NS on June 16, 1992.

**Section 14.84.020 Legislative findings.**

The City Council hereby makes the following findings based on the petition for establishment of the MAGNA area residential parking district submitted by MAGNA area residents, and the testimony and record of the public hearing held as to said petition on February 11, 1986 in accordance with the standards set forth in Section 5 of Ordinance No. 5247-NS:

A. The petition requesting designation of the MAGNA Area as a preferential parking district is signed by individuals representing sixty-four percent of the five hundred seventy-four housing units in the area and at least thirty percent of the housing units along each block front in the area.

B. Over eighty percent of the thirty-six block fronts in the MAGNA Area are zoned residential.

C. On-street parking in most of the MAGNA Area is presently allowed on an unlimited basis. Surveys conducted on July 31 and August 6, 1985, indicate that for any two one hour periods, between 10:00 a.m. and 4:00 p.m., ten percent to ninety-nine percent of all unlimited parking spaces in the area were occupied.

D. The most intensive demand for on-street parking occurs between the hours of 8:00 a.m. and 7:00 p.m., on weekdays.

E. The MAGNA area is a residential neighborhood located to the west of downtown Berkeley. Downtown businesses and institutions, including those around Martin Luther King Jr. Way, (e.g., Berkeley High School, Police Department, municipal court offices, Berkeley Unified School District Offices) commercial uses along University Avenue, and to some extent, the University, generate demand for parking by non-residents of the area.

F. In establishing the MAGNA area preferential parking district an initial study was prepared and a negative declaration adopted pursuant to the requirements of the California Environmental Quality Act and the guidelines set forth in Title 14, California Administrative Code Article 6. (Ord. 5728-NS § 2, 1986)

**Section 14.84.030 Establishment of preferential parking district.**

The Council hereby provides for the establishment of a residential permit parking district in the area as follows:

Street parking in the area shall be limited to a maximum of two hours during the period between 8:00 a.m., to 7:00 p.m., except on Saturdays, Sundays, and holidays or such shorter time period as may be specifically posted; provided, however, that unlimited parking shall be allowed by vehicles for which a residential or visitor's parking permit has been obtained and displayed in accordance with requirements of Ordinance No. 5247-NS. (Ord. 5728-NS § 3, 1986)

Chapter 14.88

**PEDESTRIAN MALLS IN THE BATEMAN NEIGHBORHOOD\***

**Sections:**

- 14.88.010 Authority to establish malls.**
- 14.88.020 Establishment of malls.**
- 14.88.030 Traffic rules and regulations.**
- 14.88.040 Construction and maintenance of the malls.**

\*Editor's Note: This chapter was editorially renumbered from 14.20 to 14.88 during 1999 recodification. "Attachment 1" pertaining to the Bateman Neighborhood pedestrian malls which accompanies Ord. 5623-NS can be found on file in the office of the City Clerk.

**Section 14.88.010 Authority to establish malls.**

The authority to establish pedestrian malls is vested in the City Council by Berkeley City Charter Section 38 and by the Pedestrian Mall Law of 1960, being Division 13, part 1 of the Streets and Highways Code. (Ord. 5623-NS § 1, 1984)

**Section 14.88.020 Establishment of malls.**

The City Council, having adopted Resolution of Intent No. 52,262-N.S. on June 19, 1984, which proposes the establishment of three pedestrian malls in the Bateman neighborhood as hereinafter more particularly described and having held a duly noticed public hearing on October 9, 1984 and having considered evidence, testimony, objections and other comments and documents submitted regarding the proposed pedestrian malls and having further adopted Resolution No. 52,428-N.S. determining that such pedestrian malls should be established, hereby finds and declares as follows: That three pedestrian malls should be established in the Bateman neighborhood, located in the City of Berkeley at the following intersections which mall areas are more particularly described in Exhibits A-1, A-2, B, and C-1, C-2 and C-3 to the proposed construction maintenance agreement attached hereto as Attachment 1 which area hereby incorporated as though fully set forth anew:

- A. South Hospital Drive at Colby Street, (Exhibits A-1 and A-2);
- B. Regent Street immediately south of its intersection with South Hospital Drive (Exhibit B); and,
- C. On Webster Street at two locations immediately east and west of its intersection with Bateman (Exhibits C-1, C-2 and C-3). (Ord. 5623-NS § 2, 1984)

**Section 14.88.030 Traffic rules and regulations.**

That vehicular traffic and parking near and on the streets on which the three pedestrian malls are to be located will be subject to the following restrictions:

- A. No through traffic by any vehicle except for emergency vehicles shall be permitted on any of the malls.
- B. Vehicular access and use of that portion of Colby Street immediately south of Ashby Avenue and north of the South Hospital Drive-Colby Street mall shall also be subject to the conditions, requirements and restrictions contained in Resolution No. 52, 429-N.S., granting a major revocable permit to Alta Bates Hospital.
- C. The creation of the two Webster Street malls will result in the creation of a cul-de-sac at the north end of Bateman Street where it intersects with Webster Street.
- D. Staff is hereby directed to prepare the following additional amendments necessary to implement other traffic control measures, devices and programs;
  - 1. Amendments to sections 13S-33.1 and 13W-9.2 of the Traffic Ordinance--Ordinance No. 3262-N.S. to delete certain parking meter zones located on South Hospital Drive and Webster Street and certain additional amendments to add parking meter zones onto Colby Street.
  - 2. Amendments to section 23 of the Traffic Resolution, Resolution No. 36,574-N.S. to add no stopping areas on portions of Bateman, Colby, Regent and Webster Streets and South Hospital Drive in accordance with the final design plans approved by this Council for the malls.
  - 3. Amendments to Resolution No. 52,352-N.S. to delete full diverters no. 16, located at Regent south leg, at South Hospital Drive, and no. 24, located at Webster Street, west leg at Bateman Street.

4. In addition to the City's Public Works Department shall promulgate and carry out such further administrative regulations which it deems necessary to implement or supplement the provisions of this chapter. (Ord. 5623-NS § 3, 1984)

**Section 14.88.040 Construction and maintenance of the malls.**

The Council hereby also declares that the cost of constructing and maintaining the malls authorized by this resolution shall be paid for by Alta Bates Hospital and the City Manager is hereby authorized to execute an agreement with Alta Bates Hospital to carry out the provisions of this section, such contract to be in substantially the same form as Attachment 1 hereto. (Ord. 5623-NS § 4, 1984)



Chapter 14.92

TRIP REDUCTION INFORMATION PROGRAM\*

Sections:

- 14.92.010 Purpose.
- 14.92.020 Findings.
- 14.92.030 Definitions.
- 14.92.040 Responsibilities of all employers.
- 14.92.050 Additional responsibilities of employers who employ fifty or more employees at a single worksite within the City and who are not regulated by BAAQMD Regulation 13, Rule 1.
- 14.92.060 Relationship to other City requirements.
- 14.92.070 City Manager's powers.
- 14.92.080 Liability and enforcement.
- 14.92.090 Governmental entities not subject to chapter.
- 14.92.100 Severability.

\*Editor's Note: The chapter was editorially renumbered from 14.24 to 14.92 during 1999 recodification.

**Section 14.92.010 Purpose.**

The purpose of this chapter is to educate people who commute into Berkeley about the transportation alternatives to driving alone and to decrease traffic and parking congestion and improve air quality by reducing the number of commute trips by automobile into Berkeley. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 1, 1992)

**Section 14.92.020 Findings.**

The Council finds that:

A. The use of alternatives to the single-occupant automobile is beneficial in reducing traffic congestion, excessive parking demand, and associated air pollution, noise, fuel use, vehicle wear and tear, and time losses and inconvenience, and thereby contributes to making the City of Berkeley a more attractive and healthful place to live, work, visit, and do business.

B. Informing commuters about their travel options and the impacts of their travel choices is a vital and necessary part of changing travel behavior. Such information provided through employers and their contractors is an effective and equitable way to encourage commuters to use alternatives to the single-occupant automobile.

C. Surveys of employees' commute modes are needed by the City from time to time in order to develop effective trip reduction programs and transit systems.

D. Government Code 65089 (Prop. 111) requires the cities in each urbanized county to adopt and implement a trip reduction and travel demand management ordinance which meets the county's Congestion Management Program requirements.

E. On December 16, 1992, the Bay Area Air Quality Management District (BAAQMD) adopted Regulation 13, Rule 1, Trip Reduction Requirements for Large Employers. The rule took effect in Alameda County on July 1, 1994. This rule applies to most Bay Area public and private employers of one hundred or more employees. In the City of Berkeley, the rule is being administered and enforced by the BAAQMD. It is in the interest of the City to exclude employers regulated by the BAAQMD from the trip-reduction-related responsibilities of this chapter so as to avoid duplicative regulation. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 2, 1992)

**Section 14.92.030 Definitions.**

A. "City" means the City of Berkeley.

B. "Employee" means any person hired by an employer, including any part-time employee, temporary employee hired through an agency; or any independent contractor, partner, or joint venture participant; and who normally works at least twelve consecutive weeks per year.

C. "Employer" means any public, private, or nonprofit employer, which has a permanent worksite in the City of Berkeley. Several subsidiaries or units that occupy the same work site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one employer. "Employer"

shall not include contractors with no permanent place of business in the City and other businesses with no permanent worksite location in the City.

D. "Transportation alternatives" means walking, bicycling, taking transit, carpooling, vanpooling, and telecommuting.

E. "Worksite" means the place of employment, base of operation, or any work location in the City of Berkeley of an employee. It includes all of the employer's buildings or facilities, including outdoor facilities. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 3, 1992)

**Section 14.92.040 Responsibilities of all employers.**

All employers shall, upon the City's request, provide the City with information about the number of employees who work at worksites located within the City. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 4, 1992)

**Section 14.92.050 Additional responsibilities of employers who employ fifty or more employees at a single worksite within the City and who are not regulated by BAAQMD Regulation 13, Rule 1.**

A. Applicability--Fifty employees. The additional responsibilities imposed by this section shall apply to all employers who employ fifty or more employees at a single worksite within the City on July 1, 1994 or thereafter and who are not regulated by BAAQMD Regulation 13, Rule 1; provided however that such responsibilities shall cease upon the employer's reduction of the workforce to below fifty employees, or upon the employer's becoming subject to BAAQMD regulations regarding trip reduction.

B. Deadlines. Deadlines for complying with the requirements of this chapter shall be as specified in regulations promulgated by the City Manager.

C. Appointment of person with specified responsibilities. All employers subject to this section shall appoint an employee transportation coordinator (ETC), who shall be charged by the employer with the day-to-day responsibility of carrying out the employer's duties under this chapter. The employee transportation coordinator shall be trained through a coordinator training course provided by or approved by the City, unless the appointed coordinator has served in such capacity for at least one year. The deadline by which the ETC shall be trained shall be specified in regulations promulgated by the City Manager. The City shall send a written notice of this deadline to the employer. The employer may contract out the ETC position to an individual or firm specifically for the purpose of fulfilling the employer's responsibilities under this ordinance.

D. Dissemination of informational materials and annual report.

1. The City shall provide the employer with marketing and informational materials about transportation alternatives and the impact of single-occupant vehicles on air quality and congestion. Materials shall be provided by the City at least once per year. All materials provided to the employer are to be posted or distributed to all employees by the employer at those worksites of fifty or more employees. The City shall notify the employer of the deadline for distribution and posting in a written notice. The deadline will be calculated from the date that the employer receives such materials.

2. The City shall provide the employer with packets of basic transportation alternatives information that the employer shall distribute once to all employees at worksites of fifty or more employees. Thereafter, the employer shall distribute this packet to all new hires at worksites of fifty or more employees. The City shall notify the employer of the deadline for packet distribution in a written notice.

3. On an annual basis the employer shall report on the status of the previous year's materials distribution on a form provided by the City. The City shall notify the employer of the deadline for submitting the form in a written notice.

E. Employee survey. Employers subject to this section shall administer surveys in the manner required by the City not more often than once per year. The survey form, instructions for administering the survey and survey processing and report generation shall be provided by the City. The City shall provide the employer written notice of the deadline for returning completed surveys.

F. Meetings. An employer's employee transportation coordinator shall attend all trip reduction meetings held by the City. Such meetings shall be held not more often than three times per year for the purpose of updating employers on transportation alternatives and to distribute informational materials. (Ord. 6255 § 1 (part), 1994; Ord. 6174-NS §§ 1, 2, 1993; Ord. 6152-NS § 5, 1992)

**Section 14.92.060 Relationship to other City requirements.**

Employers who are required to have a trip reduction program as a use permit condition or under a provision of a development agreement or other agreement with the City of Berkeley must continue to meet that requirement in addition to the provisions imposed on employers by this chapter. (Ord. 6152-NS § 6, 1992)

**Section 14.92.070 City Manager's powers.**

The City Manager is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter. (Ord. 6152-NS § 7, 1992)

**Section 14.92.080 Liability and enforcement.**

A. Any employer violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

B. Any employer who fails to comply with any of the requirements of Sections 14.92.040 or 14.92.050 of this chapter within ninety days of written notice of failure to comply shall be liable to the City for a civil penalty of one thousand dollars plus up to two hundred fifty dollars for each day or portion thereof that the employer is not in compliance, for a total amount up to ten thousand dollars, unless compelling circumstances including, but not limited to, the employer's good faith efforts to comply, require a lesser amount. Penalties shall accrue commencing with the ninety-first day following notice.

C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

D. The remedies and penalties provided in this section are cumulative and not exclusive. (Ord. 6152-NS § 8, 1992)

**Section 14.92.090 Governmental entities not subject to chapter.**

The City shall encourage any governmental entities that are exempt from the provisions of this chapter to provide their employees with information on commute alternatives. (Ord. 6152-NS § 9, 1992)

**Section 14.92.100 Severability.**

If any part or provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter, including the application of such part of provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this chapter are severable. (Ord. 6152-NS § 10, 1992)

## Traffic Ordinance Cross-Reference Table

**TRAFFIC ORDINANCE CROSS-REFERENCE TABLE**

This table provides users with the current disposition of the City of Berkeley Traffic Ordinance and all amending ordinances.

Thus, prior traffic ordinance Section 1.3 appears in this code as Section 14.04.040.

The prior traffic ordinance section information was derived from Ordinance 3262-NS, and all amending ordinances. Specific ordinance information can be found in the legislative history note following each section.

Prior Traffic Ordinance §	Herein
1	14.04.010
1.1	14.04.020
1.2	14.04.030
1.3	14.04.040
1.4	14.04.050
1.5	14.04.060
1.6	14.04.070
1.7	14.04.080
1.8	Repealed by 3701-NS
1.9	14.04.090
1.10	14.04.100
1.11	14.04.110
1.12	14.04.120
1.13	14.04.130
1.14	14.04.140
1.15	14.04.150
1.16	14.04.160
1.17	14.04.170
1.18	14.04.180
1.19	14.04.190
1.20	14.04.200
2	14.08.010
2.1	14.08.020
2.2	14.08.030
2.2-a	14.08.040
2.3	14.08.050
2.4	14.08.060
2.5	14.08.070
2.6	14.08.080
2.7	14.08.090
2.8	14.08.100
3	14.12.010
3.1	14.12.020
3.2	14.12.030
3.3	14.12.040
3.4	14.12.050
3.5	14.12.060

**Page 85 of 88**  
Traffic Ordinance Cross-Reference Table

<b>Prior Traffic Ordinance §</b>	<b>Herein</b>
3.6	14.12.070
3.7	14.12.080
3.8	14.12.090
3.9	14.12.100
4	14.16.010
4.1	14.16.020
4.2	14.16.030
4.3	14.16.040
5	14.20.010
5.1	14.20.020
6	14.24.010
6.1	14.24.020
6.2	14.24.030
6.3	14.24.040
6.4	14.24.050
6.5	14.24.060
6.6	14.24.070
6.6-a	14.24.080
6.6-b	14.24.090
6.6-c	14.24.100
6.6-d	14.24.110
6.6-e	14.24.120
6.7	14.24.130
6.8	14.24.140
6.9	14.24.150
6.10	14.24.160
6.11	14.24.170
6.12	14.24.180
6.13	14.24.190
6.14	14.24.200
6.15	14.24.210
7	14.28.010
7.1	14.28.020
7.2	14.28.030
7.3	14.28.040
7.4	14.28.050
7.5	14.28.060
7.6	14.28.070
8	14.32.010
8.1	14.32.020
8.2	14.32.030
8.3	14.32.040
8.4	14.32.050
8.5	14.32.060

## Traffic Ordinance Cross-Reference Table

Prior Traffic Ordinance §	Herein
9	14.36.010
9.1	14.36.020
9.2	14.36.030
9.3	14.36.040
9.3-1	14.36.050
9.4	Repealed by 5103-NS
9.5	14.36.060
9.6	14.36.070
9.7	14.36.080
9.8	14.36.090
9.9	14.36.100
9.10	14.36.110
9.11	14.36.120
9.12	14.36.130
10	14.40.010
10-a	14.40.020
10.1	14.40.030
10.2	14.40.040
10.3	14.40.050
10.4	14.40.060
10.5	14.40.070
10.5-1	14.40.080
10.6	14.40.090
10.7	14.40.100/110
10.8	14.40.120
10.9	14.40.130
10.10	Repealed by 3270-NS
10.11	14.40.140
10.12	14.40.150
11	14.44.010
11.1	14.44.020
11.2	14.44.030
11.3	14.44.040
11.4	14.44.050
11.5	14.44.060
11.6	14.44.070
11.7	14.44.080
12	14.48.010
12.1	14.48.020
12.1-a	14.48.030
12.1-b	14.48.040
12.1-c	14.48.050
12.1-d	14.48.060
12.1-e	14.48.070

**Page 87 of 88**  
Traffic Ordinance Cross-Reference Table

<b>Prior Traffic Ordinance §</b>	<b>Herein</b>
12.1-f	Repealed by 7632-NS
12.1-g	14.48.080
12.1-h	14.48.090
12.1-i	Repealed by 7632-NS
12.1-j	14.48.100
12.1-k	Repealed by 6471-NS
12.1-l	Repealed by 7632-NS
12.1-m	Repealed by 7632-NS
12.1-n	Repealed by 6471-NS
12.1-o	14.48.120
12.1-p	14.48.130
12.1-q	14.48.140
12.1-r	Repealed by 5438-NS
12.2	14.48.160
12.3	14.48.170
12.4	Repealed by 7632-NS
12.5	Repealed by 7632-NS
12.6	14.48.180
13	14.52.010
13.1	14.52.020
13.2	14.52.030
13.3	14.52.040
13.4	14.52.050
13.5	14.52.060
13.6	14.52.070
13.7	14.52.080
13.8	14.52.090
13.9	14.52.100
13.10	14.52.110
13.11	14.52.120
14	14.56.010
14.1	14.56.020
14.2	14.56.030
14.3	14.56.040
14.4	14.56.050
14.5	Repealed by 6351-NS
15	14.60.010
15.1	14.60.020
15.2	14.60.030
16	Repealed by 3369-NS
16.1	Repealed by 3369-NS
16.2	Repealed by 3369-NS
16.3	Repealed by 3369-NS
17	14.64.010

Traffic Ordinance Cross-Reference Table

<b>Prior Traffic Ordinance §</b>	<b>Herein</b>
17.1	Repealed by 4395-NS
17.2	(Not codified)
17.3	(Not codified)
17.4	(Not codified)
17.5	(Not codified)
17.6	(Not codified)