


Office of the City Manager

CONSENT CALENDAR

October 14, 2003

To: Honorable Mayor and  
Members of the City Council

From: Weldon Rucker  City Manager

Subject: Amending BMC Section 14.08.090 to Extend the Notification Period on No-Parking Signs for Construction Only from 24 Hours to 72 Hours

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 14.08.090 to extend the notification period on no-parking signs from 24 hours to 72 hours.

FISCAL IMPACTS OF RECOMMENDATION

The amendment is not expected to have any fiscal impacts on the City, since merely extending the notification time for posting signs will not impact actual revenue.

CURRENT SITUATION AND ITS EFFECTS

The notification period on no-parking signs is currently 24 hours. Some residents who have had their cars towed complained that the 24-hour time is too short. The Public Works Commission was asked to review this situation and make a recommendation. Their recommendation is to extend the advance notice for construction tow-away from the current 24 hours to 72 hours. Extending the advance notice time will allow individuals additional time to move their vehicles.

BACKGROUND

On September 24, 2002, there was a report from Councilmember Worthington referring to the Transportation Commission and the City Manager, a request to change the 24-hour advance notice for construction tow away zones to 72 hours. As a result of this report the Public Works Commission returned to Council on October 22, 2002, with an information report recommending changes to the notification time.

RATIONALE FOR RECOMMENDATION

Some residents see the current notification period as too short. While it is legal to leave a vehicle parked on City streets up to 72 hours, current policy allows posting of no-parking signs

with an effective date no less than 24 hours after the time of posting. This has been problematic for some residents who have left their cars parked for up to three days and have had their cars towed due to posting of no parking signs after they had parked. It is, therefore, recommended that the City Council of the City of Berkeley amend BMC Section 14.08.090 to extend the notification time on no-parking signs to 72 hours.

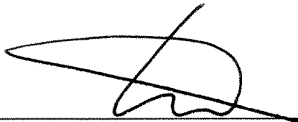
ALTERNATIVE ACTIONS CONSIDERED

Other alternative periods of advance notice were considered including 48 hours advance notice. It was decided that 72 hours would be more appropriate since individuals may leave vehicles on the streets legally for a period of 72 hours.

CONTACT PERSON

René Cardinaux, Director of Public Works ..... 981-6300  
Jeffrey L. Egeberg, Manager of Engineering ..... 981-6406

Approved:



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René Cardinaux, Director of Public Works

Attachments

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 14.08.090 TO CHANGE THE MINIMUM NOTICING TIME ON CONSTRUCTION SIGNS FROM 24 HOURS TO 72 HOURS PRIOR TO REMOVING VEHICLES FROM THE STREET

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 14.08.090 is amended to read as follows:

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

Any regularly employed and salaried employee of the City of Berkeley Police Department of the City 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 ~~seventy-two~~72 or more consecutive hours;

B. Any vehicle ~~which~~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 ~~twenty-four~~24 hours prior to the removal limit for the above purposes other than construction, and at least 72 hours for construction.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the glass case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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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.

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