ORDINANCE NO. 7,101–N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 6.24 MUNICIPAL OFF-STREET PARKING LOTS, TO INCLUDE PAY-AND-DISPLAY STATIONS AND THE AUTHORITY TO DESIGNATE LOCATIONS FOR VEHICLE-SHARING PODS

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

Section 1. That Berkeley Municipal Code Section 6.24.013 is added to read as follows:

6.24.013 Definitions of words and phrases.

The following words and phrases when used in this Chapter shall for the purpose of this Chapter have the meanings respectively ascribed to them in this article.

A. Parking meter. A mechanical devise installed within or upon the curb, sidewalk, or surface 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.

B. Pay-and-display station. An electronic pay station installed within or upon the curb, sidewalk or surface area of a municipal parking lot for the purpose of controlling the period of occupancy of such pay-and-display space by any vehicle.

C. Pay-and-display station – dispensing machine ticket. A parking ticket receipt dispensed from a pay-and-display station that when displayed properly on a vehicle dashboard authorizes the legal parking of said vehicle for the time period indicated on the dispensing machine ticket.

Section 2. That Berkeley Municipal Code Section 6.24.020 is amended to read as follows:


The method of regulation and control of parking or standing of vehicles in municipal off-street parking lots shall be determined by the City Council, and may be by parking meters, pay-and-display stations, attendants, or any other appropriate means.

On those municipal off-street parking lots that are to be controlled by parking meters or pay-and-display stations the City traffic engineer shall cause parking meters and/or pay-and-display stations to be installed and maintained.

Section 3. That Berkeley Municipal Code Section 6.24.025 is added to read as follows:


A. Single Space Meters

1. Parking meters shall be installed upon the curb, sidewalk, or parking surface areas immediately adjacent to each parking space. Each meter shall be placed in such a manner as to show or display by a sign or signal that the parking space adjacent
thereeto 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 lot upon which
the said meter is placed. Each said meter shall also be arranged that upon the
expiration of said legal parking time it will indicate by a 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, sidewalk, or surface
area within any designated off-street municipal lot. Each pay-and-display station shall
indicate the limit of parking time in that particular designated lot.

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

Section 4. That Berkeley Municipal Code Section 6.24.030 is amended to read as
follows:


A. Single space meters. Immediately after occupancy of a parking space, the
operator of a vehicle shall, if necessary, deposit a coin of the United States in said
parking meter in accordance with the instructions posted on the face of the meter.

B. Pay-and-display stations.

1. Immediately after occupancy of a pay-and-display station space, the operator
of the vehicle shall locate the nearest pay-and-display station in the lot and
deposit a coin of the United States, or use a credit or debit card acceptable to
the City, or a City Epark card in said pay-and-display station and if necessary
make selections in accordance with the instructions posted on the face of the
pay-and-display station.

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 vehicle
dashboard in such a manner that the expiration time and date are readily
visible from the exterior.

3. It is unlawful for the operator of the vehicle to use the pay-and-display
dispensing machine ticket in any other parking location except within the lot
where originally purchased.

Section 5. That Berkeley Municipal Code Section 6.24.040 is amended to read as
follows:
6.24.040 Meters and Pay-and-Display Stations--Hours and days of operation.

The provisions of this chapter relating to the operation of parking meters and pay-and-display stations on municipal off-street parking lots shall be effective during the hours and on the days established by resolution of the City Council and as so designated by appropriate markings or signs.

Section 6. That Berkeley Municipal Code Section 6.24.050 is amended to read as follows:


Except as permitted under subdivision G below, all moneys collected from parking meters and pay-and-display stations used on municipal off-street parking lots shall be placed in a special fund, which fund shall be devoted exclusively to the following purposes:

A. For the purchasing, leasing, installing, repairing, maintaining, operating, removing, regulating and policing of parking meters 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. Surplus money not utilized under subdivision A through F above may be transferred to the General Fund. The City Manager or his or her 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.

Section 7. That Berkeley Municipal Code Section 6.24.070 is amended to read as follows:

6.24.070 Improper use of meter and Pay-and-Display Station.

It is unlawful to deposit or cause to be deposited in any parking meter or pay-and-display station 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, for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.
Section 8. That Berkeley Municipal Code Section 6.24.080 is amended to read as follows:


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

B. Pay-and-display stations. It is unlawful for any person, other than the owner or operator of a vehicle, to deposit any coin, or use a credit or debit card acceptable to the City, or a City 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.

Section 9. That Berkeley Municipal Code Section 6.24.090 is amended to read as follows:

6.24.090 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 station. 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.

Section 10. That Berkeley Municipal Code Section 6.24.093 is added to read as follows:


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 to be parked in the municipal off-street parking lot 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 municipal off-street parking lot. 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 municipal off-street parking lot.

Section 11. That Berkeley Municipal Code Section 6.24.096 is added to read as follows:

A motor vehicle on which pay-and-display dispensing machine ticket is not properly displayed as provided herein shall be subjected to parking regulations and consequent penalties in effect for such municipal off-street parking lot.

Section 12. That Berkeley Municipal Code Section 6.24.100 is amended to read as follows:

6.24.100  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 station. It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that a 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 vehicle dashboard to show legal parking.

Section 13. That Berkeley Municipal Code Section 6.24.103 is added to read as follows:

6.24.103  Time limits enforced at inoperable meters and/or Pay-and-Display Stations.

A. Single space meters. Where parking meters are installed in the City off-street municipal lots, if the parking meter is inoperable for any reason, the time limits posted on the parking meter shall be enforced during the hours of operation of the parking meters.

B. Pay-and-display stations.

1. Where pay-and-display stations are installed in the municipal off-street parking lots, if the pay-and-display station is inoperable for any reason, the person seeking to purchase a dispensing machine ticket must locate a functional pay-and-display station within the lot in which they are parked.

2. If all pay-and-display stations within the municipal off-street parking lot in which they are parked are inoperable for any reason, the time limits posted on the pay-and-display station in the lot in which the vehicle is parked, or indicated by the signage shall be enforced during the hours of operation of the pay-and-display stations.
Section 14. That Berkeley Municipal Code Section 6.24.120 is amended to read as follows:

6.24.120 Meters and parking meter standards--Use for certain purposes prohibited.

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 station unit or a pay-and-display station standard.

Section 15. That Berkeley Municipal Code Section 6.24.135 is added to read as follows:

6.24.135 Designation of locations for vehicle-sharing pods in City parking lots.

The City Manager may designate locations for vehicle-sharing pods in municipal off-street parking lots. The Traffic Engineer is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to implement this section.

Section 16. Copies of this Ordinance shall be posted for two days prior to adoption in the display 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 or general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 23, 2009, this Ordinance was passed to print and ordered published by posting by the following vote:


Noes: None.

Absent: None.