

ORDINANCE NO. XX-14

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING
SECTION 204 OF CHAPTER 1 OF TITLE 6 OF THE OAKLEY MUNICIPAL CODE
DEALING WITH THE PARKING OF COMMERCIAL VEHICLES**

The City Council of the City of Oakley does ordain as follows:

SECTION 1. Findings.

The City Council hereby finds and determines as follows:

- A. The proposed amendments to Section 204 Chapter 1 of Title 6 of the Oakley Municipal Code will not only clean up internal inconsistencies, but provide further clarification and more enforceable regulations dealing with the parking of commercial vehicles in residential zoned except as otherwise allowed by the code.

SECTION 2. Code Amendments.

Section 6.1.204 of the Oakley Municipal Code is hereby amended to read as follows:

"a. Prohibition. No person shall stand or park a Commercial Vehicle on public or private property in any residential district as defined by subsection (b) herein unless such vehicle is permitted through a Home Based Business Permit or exempted per subsection (c) below. For the purpose of this subsection a Commercial Vehicle means any vehicle defined by California Motor Vehicle Code Section 15210.

b. Residential District. For the purposes of this section, "residential district" shall be defined as any residential zoning district listed in the City of Oakley Zoning Ordinance, including any area zoned P-1 that has residential uses, or any area designated for residential uses in the City of Oakley General Plan. This definition includes any highway or street that abuts a residential district.

c. Exemptions. This section does not apply to any commercial vehicle actively making any delivery or pick-up of goods, wares, building materials and merchandise to any dwelling or structure located in a residential district. The term "commercial vehicle" does not include recreational vehicles, such as camping trailers, motor homes, and recreational boats on trailers. The term "commercial vehicle" also does not include any pickup truck, whether having commercial license plates or not. The term "commercial vehicle" also does not include a moving truck being used for the purposes of moving.

d. Punishment. Any person violating this section shall be punished as provided in Vehicle Code Section 42001."

SECTION 3. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

SECTION 4. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be held unconstitutional, invalid or unenforceable.

SECTION 5. Effective Date and Posting.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2014 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Randy Pope, Mayor

Date

ATTEST:

Libby Vreonis, City Clerk

Date