APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMAN

Hilton J. Kelly
CITY ATTORNEY

ORDINANCE No. 278 C. M. S.

AN ORDINANCE REVISING, CONSOLIDATING AND CODIFYING, PURSUANT TO SECTION 48 OF THE CHARTER OF THE CITY OF OAKLAND, THE REGULATORY ORDINANCES OF THE CITY OF OAKLAND INTO A MUNICIPAL CODE REGULATING AND PERTAINING TO FIRE PREVENTION, EXPLOSIVES, FIREWORKS, FIREARMS, TRAFFIC REGULATION, DANGEROUS STRUCTURES, ACCIDENT PREVENTION AND OTHER MATTERS OF PUBLIC SAFETY; PUBLIC NUISANCES, CHARITIES AND RELIEF, LABOR AND LABORING CLASSES, DISORDERLY CONDUCT, GAMES OF CHANCE, GATHERINGS AND MEETINGS, HABIT FORMING DRUGS, INTOXICATING LIQUORS, FRAUD AND DECEIT, ANIMALS AND BIRDS, MINORS AND OTHER MATTERS PERTAINING TO PUBLIC WELFARE, MORALS AND POLICY; COMMUNICABLE DISEASES, MILK AND DAIRIES, MEATS, FOODS GENERALLY, SANITATION, CAMPS AND OTHER MATTERS PERTAINING TO SANITATION AND HEALTH; THE LICENSING OF ALL BUSINESSES NOT PROHIBITED BY LAW; THE CARRYING ON OF THE BUSINESS OF ADVERTISING, AMUSEMENTS, BAIL BONDS, BATH HOUSES, BARBER SHOPS, COSMETOLOGY, HOSPITALS DRUG STORES, PHYSICIANS, LAUNDRIES, LINEN SUPPLY AND WASTE RAG SUPPLY ESTABLISHMENTS, PAWN BROKERS, SECOND-HAND DEALERS, AUCTIONEERS, PEDDLERS, SOLICITORS ITINERANT VENDORS, PRIVATE PATROL SERVICE, SERVICE STATIONS AND GARAGES, TRADES AND MANUFACTURIES, VEHICLES FOR HIRE AND OTHER BUSINESSES, PROFESSIONS AND TRADES; SIDEWALKS, CURBS, STREETS, PARKS, BOULEVARDS, GARBAGE DISPOSAL AND OTHER PUBLIC WORKS; ZONES AND ZONING, BUILDING NUMBERS, SET-BACK LINES, AND OTHER MATTERS PERTAINING TO CITY PLANNING; THE BUSINESS OF PLUMBING AND SIDE-SEWER CONTRACTORS, GAS PIPING AND SEWAGE, PLUMBING INSTALLATION, MATERIALS AND FIXTURES, HOUSE SEWERS, GAS FITTINGS, METERS, APPLIANCES, FURNACES, AND OTHER MATTERS PERTAINING TO PLUMBING AND GAS APPLIANCES; PRACTICES PERTAINING TO ELECTRICAL WORK AND THE INSTALLATION, ALTERATION, REPAIR, OPERATION AND MAINTENANCE OF ELECTRICAL EQUIPMENT; THE STANDARDS, PROVISIONS AND REQUIREMENTS FOR BUILDINGS AND BUILDING DESIGN, MATERIALS, ALTERATION AND CONSTRUCTION; PROVIDING PENALTIES FOR VIOLATIONS HEREOF; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, it is necessary that the regulatory ordinances of the City of Oakland should be revised, consolidated, codified and arranged in appropriate chapters, articles and sections; that omissions should be supplied and defects corrected, and that the whole should be rendered plain, concise and intelligible; therefore, pursuant to Section 48 of the Charter of the City of Oakland.

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

CHAPTER 1.
GENERAL PROVISIONS

ARTICLE 1. PRELIMINARY PROVISIONS.
ARTICLE 2. DEFINITIONS.
ARTICLE 3. PENALTIES.

ARTICLE 1.
PRELIMINARY PROVISIONS.

SEC. 1-1.01 TITLE. This Code shall be known as the "OAKLAND MUNICIPAL CODE".

SEC. 1-1.02 CODIFICATION PURSUANT TO CHARTER. CONTENTS. This Code consists of criminal or regulatory ordinances of the City of Oakland, codified pursuant to Section 48 of the Charter of the City of Oakland.

SEC. 1-1.03 DIVISIONS OF CODE. SECTION NUMBERS. This Code is divided into ten chapters. Each chapter is divided into articles which are composed of sections. In each section number, the digits on the left of the hyphen designate the chapter number; the digits on the right of the hyphen and on the left of the decimal point designate the article number; the digits on the right of the decimal point designate the section within the article and chapter.

SEC. 1-1.04 WHEN CODE TAKES EFFECT. This Code takes effect at 12 o'clock noon of the day following its adoption.

SEC. 1-1.05 CONSTRUCTION OF CODE. The provisions of this Code and all proceedings under it are to be liberally construed, with a view to effect its objects and to promote justice.

SEC. 1-1.06 PROVISIONS SIMILAR TO EXISTING LAWS. HOW CONSTRUED. The provisions of this Code, so far as they are substantially the same as ordinances heretofore adopted by the City of Oakland, must be construed as continuations thereof and not as new enactments.

SEC. 1-1.07 EFFECT OF CODE UPON PAST ACTIONS AND UPON OBLIGATIONS PREVIOUSLY ACCRUED. Neither the adoption of this Code nor the repeal hereby of any ordinance of the City of Oakland shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, or be construed as a waiver of any license or penalty at said effective date due and unpaid under such ordinance, or be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof.

SEC. 1-1.08 REFERENCES TO SPECIFIC ORDINANCES. The provisions of this Code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specially designated by number or otherwise and which are included within this Code, but such references shall be construed to apply to the corresponding provisions contained within this Code.

SEC. 1-1.09 SAVING CLAUSE. If any section, sub-section, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code, and the Council of the City of Oakland hereby declares that it would have adopted this Code and each section, sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more of other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SEC. 1-1.10 ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict with the provisions of this Code are hereby repealed.

ARTICLE 2.
DEFINITIONS

SEC. 1-2.01 WORDS AND PHRASES. Words and phrases used in this Code, and not specifically defined shall be construed according to the context and approved usage of the language.

SEC. 1-2.02 CERTAIN TERMS USED IN THIS CODE DEFINED. For the purpose of this Code, certain words and phrases are defined and certain provisions shall be construed as in this article set out, unless it shall be apparent from their context that a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

SEC. 1-2.03 "Council" means the Council of the City of Oakland.

SEC. 1-2.04 "City Manager" means the City Manager of the City of Oakland; further provided, that the use of the title of any officer or to any office shall refer to such officer or office of the City of Oakland.

SEC. 1-2.05 Words of the present tense shall include the future.

SEC. 1-2.06 Words in the plural number include the singular and vice versa.

SEC. 1-2.07 Any gender includes the other genders.

SEC. 1-2.08 "Person" shall mean and include natural persons of either sex, firms, associations, co-partnerships and corporations.

SEC. 1-2.09 "Association" includes individuals and groups of individuals.

SEC. 1-2.10 "Street" includes all streets, avenues, lanes, alleys, courts, places or other public ways in the City of Oakland which have been or may hereafter be designated and open to public use.

SEC. 1-2.11 NOTICE. HOW GIVEN. Any written notice required by the provisions of this Code, unless it is herein otherwise specifically provided, may be given either by personal service or by mail. In case of service by mail, the notice must be deposited in the United States Post Office in a sealed envelope with postage prepaid and addressed to the person on whom it is to be served at his last known address, as the same appears in the records pertaining to the matter to which such notice is directed. Such service shall be deemed completed at the time of the deposit in the post office.

ARTICLE 3.
PENALTIES

SEC. 1-3.01 VIOLATIONS, A MISDEMEANOR. Any person violating any of the provisions or failing to comply with any of the regulatory requirements of this Code, shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than $500.00 or by imprisonment in the City Prison for a period of not more than six months or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punishable accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by the City of Oakland, summarily abated as such.

SEC. 1-3.02 PENALTY FOR VIOLATION OF ADMINISTRATIVE PROVISIONS. The violation of any administrative provision of this Code by any municipal officer or employee of the City of Oakland may be deemed a failure to perform the duties under, or observe the rules and regulations of the department, office or board within the meaning of Section 81 of the Charter of the City of Oakland and such person may be punished as in said section provided.

CHAPTER 2.
PUBLIC SAFETY

ARTICLE 1. FIRE PREVENTION.
ARTICLE 2. EXPLOSIVES, FIREWORKS. FIREARMS.
ARTICLE 3. TRAFFIC REGULATION.
ARTICLE 4. DANGEROUS STRUCTURES.
ARTICLE 5. ACCIDENT PREVENTION.

ARTICLE 1.
FIRE PREVENTION

SEC. 2-1.01 DEFINITIONS. For the purpose of this article certain words and phrases are defined and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that they have a different meaning.

SEC. 2-1.02 "INFLAMMABLE LIQUIDS, CLASS I" include all liquids with flash point below 110 degrees Fahrenheit, as determined in a "Saybolt Electric Open Cup Tester."

SEC. 2-1.03 "INFLAMMABLE LIQUIDS, CLASS II" include all liquids which emit a flammable vapor and with flash point at or above 110 degrees Fahrenheit, as determined in a "Saybolt Electric Open Cup Tester".

SEC. 2-1.04 "MANUFACTURED LIQUIDS" include all manufactured liquids and fluid commodities, such as paint, varnish, dryer, cleaning solution, and polishing liquid which contain inflammable liquid, and shall be classed as I or II according to the flash point of the mixture.

SEC. 2-1.05 "GASOLINE" is any product of petroleum or any hydrocarbon liquid with flash point below 100 degrees Fahrenheit, as determined in a "Saybolt Electric Open Cup Tester".

SEC. 2-1.06 "MOTOR VEHICLE ESTABLISHMENT" includes any private, public or commercial garage or any automobile service station, parking station or other business or place where service of any kind is rendered for hire to motor vehicles, or where motor vehicles are rented or hired by the public, or where there are kept for any purpose whatsoever, more than four motor vehicles in which inflammable liquids, Class I, are placed or maintained.

SEC. 2-1.07. "PRIVATE GARAGE" is a building or portion thereof or other premises in which no more than four motor vehicles are kept or stored, and in which no motor vehicle is kept, stored or in any manner serviced for the public.

SEC. 2-1.08 "APPROVED" means approved by the Fire Marshal of the City of Oakland.

SEC. 2-1.09 "MOTION PICTURE FILM" includes any film composed of the nitro-cellulose or pyroxylinplastic material or of other inflammable composition.

SEC. 2-1.10 "EXCHANGE" means an establishment or place in a building used for handling, packing, shipping, storing, inspecting, rewinding or repairing film in connection with the distribution of motion picture film.

SEC. 2-1.11 "LABORATORY" means an establishment or place in a building used for the performation, printing, development, washing, fixing, drying, assembling, polishing, finishing, or other operations connected with the production of motion picture film, either negative or positive.

SEC. 2-1.12 "MOTION PICTURE ESTABLISHMENT" shall include any building or portion thereof or other premises where motion picture film is manufactured, printed, developed, kept, stored or used.

SEC. 2-1.13 INFLAMMABLE LIQUIDS. PERMITS REQUIRED. A permit shall be obtained from the Fire Marshal; (a) For the storage or handling of a total quantity of inflammable liquids, Class I, in excess of one gallon in any dwelling, apartment house or tenement, and in excess of five gallons in any other building or outside of any building; (b) For the storage or handling of a total quantity of inflammable liquids, Class II, in excess of five gallons in any dwelling, apartment house or tenement, and in excess of ten gallons in any other building, and in excess of twenty-five gallons outside of any building; provided, however, that a permit shall not be required for the use of paints, oils, varnishes and similar inflammable mixtures unless a storage of quantities in excess of those hereinabove set forth is to be maintained for at least thirty days.

SEC. 2-1.14 INFLAMMABLE LIQUIDS. PERMITS. APPLICATIONS AND INSPECTIONS. All applications for permits required by Section 2-1.13 of this Article shall be made in writing to the Fire Marshal, who shall forthwith make an inspection of the premises proposed to be used for such sale or storage of inflammable liquids, and the means of distribution, and if the conditions, surroundings and arrangements are in his opinion such that the provisions of this Code are complied with and can be observed, then he shall issue a permit.

SEC. 2-1.15 PERMITS. EXPIRATION. Any permit issued as in this Article provided, but under which no business has been carried on or maintained or any building erected or storage tanks installed or alterations commenced pursuant to the application made or the permit obtained within six (6) months from the time of its issuance, shall expire by limitation and cease to be valid for any purpose; provided, however, that the Fire Marshal may renew such permit for an additional six (6) months upon written application having been made prior to its expiration.

SEC. 2-1.16 PERMITS. REVOCATION. APPEALS. Any permit issued as in this Article provided may be, by the Chief of the Fire Department, revoked upon proof satisfactory to him that any provision of this Article has been violated.

Within ten (10) days after written notice of such revocation, or written notice to correct or remedy any hazardous condition, or upon refusal to issue a permit applied for as herein provided, an appeal, stating specifically the questions which the appellant desires to have passed upon, may be taken to the City Council. The findings of the Council on such appeal shall be final and conclusive in the matter.

SEC. 2-1.17 STORAGE AND HANDLING OF INFLAMMABLE LIQUIDS. It shall be unlawful for any person to keep, store or handle, or cause or permit to be kept, stored or handled any inflammable liquid, Class I or II, in any manner contrary to the provisions of this Article.

Amended By Ord #455 CMS.

SEC. 2-1.18 STORAGE OF GASOLINE. One approved five (5) gallon can of gasoline, or gasoline kept in approved portable filling tanks, commonly called buggies, may be stored inside of any motor vehicle establishment, except apartment house garages as defined in Section 5-12.04 of this Code. No one approved portable filling tank or buggy shall contain more than fifty (50) gallons of gasoline; all said approved portable filling tanks or buggies shall be mounted on all metal wheels, with rubber tires, each to be equipped with an approved pump fitted at the end with a ground shut-off nozzle, the gasoline to be pumped into the reservoir of the automobile.

Sec. 2-1.18) Apparatus for dispensing gasoline - Add. by #455 CMS.

SEC. 2-1.19 STORAGE OF INFLAMMABLE LIQUIDS, CLASS I. All storage of inflammable liquids, Class I, other than as specifically provided in Section 2-1.18 of this Article, or otherwise provided by law, shall be in compliance with the following: All inflammable liquids Class I shall be stored in tanks outside the walls of all buildings, in tanks constructed of not less than No. 12 gauge galvanized steel, welded or riveted steel to steel joints, soldered and coated with tar or other rust-resisting material, or in iron tanks of not less than three-sixteenths (3-16) of an inch in thickness, riveted and caulked or welded, coated with tar or other rust-resisting material.

No one tank shall be of more than five hundred fifty (550) gallons capacity, except as hereinafter provided.

Not more than four (4) tanks of inflammable liquid Class I, aggregating twenty-two hundred (2200) gallons, shall be stored for any one motor vehicle establishment or other business establishment or place.

Not more than one storage tank of two hundred eighty (280) gallons capacity shall be allowed as storage for any one private garage and such tank shall be of at least sixteen (16) gauge galvanized steel; save and except that when any private garage is used by any person engaged in a commercial enterprise where the use of gasoline is necessary in such enterprise, storage tanks not exceeding five hundred and fifty (550) gallons capacity shall be allowed when of twelve (12) gauge galvanized steel.

SEC. 2-1.20 STORAGE OF INFLAMMABLE LIQUIDS, CLASS I, EXCESSIVE AMOUNTS. Storage of inflammable liquid Class I, in excess of the amount specified in Section 2-1.19 of this Article may be permitted on approval of the Fire Marshal and a permit obtained therefor from the City Council. Such storage installations shall conform to the provisions of this Article so far as they are applicable and to current practice as approved by the National Board of Fire Underwriters. The application to the City Council for said permit, and every application for any permit pertaining to the storage of inflammable liquid Class I or II, shall be accompanied by a written statement of the applicant, duly acknowledged before some person lawfully authorized to administer oaths, setting forth the number and capacity of all storage tanks of every kind and description then situate upon the premises to which the permit applied for appertains.

SEC. 2-1.21 CONSTRUCTION OF STORAGE TANKS. No tank for the storage of inflammable liquid Class I shall be installed in any location except upon approval thereof by the Fire Marshal. All such storage tanks must be placed outside the building, and, unless otherwise specified by the Fire Marshal, shall be under the sidewalk. Where the sidewalk is not

Sec 2-1.211 Amd by O #1124 Amds
" 2-1.214 " " " " " "

excavated for basement use, the top of all storage tanks must be at least four (4) feet below the sidewalk and the space between the top of the tank and the sidewalk shall be filled with earth. Where the sidewalk is excavated and used as part of a basement, tanks may be placed under the sidewalk and may rest on or under the basement floor; a brick or concrete wall not less than twelve (12) inches thick shall surround said storage tanks extending from the bottom to four (4) feet above the top of such tank; the space between the top of the tank and the top of the walls shall be filled with earth covered with at least three (3) inches of concrete. Where two or more tanks are installed, they shall be separated by a brick or concrete wall not less than twelve (12) inches in thickness. No tank shall be connected to another except with written permission of the Fire Marshal. One storage tank only may, with the approval of the Fire Marshal, be installed for a private garage on private property if such tank be at least twenty (20) feet from any building or structure, or part thereof, and be covered with at least two (2) feet of earth. Upon the installation of any storage tank, it shall not be covered with earth or otherwise or put to use until the Fire Marshal has approved such installation. Every tank shall be thoroughly tested for leaks and coated with tar or other rust-resisting material before being installed.

Amended by Ord #2419 cms 3/27/47 Sec. 2-1.211 (2-1.212) - 2-1.213 - 2-1.214 Amd By Ord #335 cms.

SEC. 2-1.22 STORAGE OF INFLAMMABLE LIQUID, CLASS II. All storage of inflammable liquids Class II in quantities in excess of five hundred (500) gallons, unless otherwise in this code or by law provided, shall be in tanks constructed in compliance with Sections 2-1.19, 2-1.20 and 2-1.21 of this Article, or in approved containers in a one-story brick, stone, or concrete building with a concrete or hollow tile roof, with no interior woodwork whatever, with all exterior openings protected with wired glass not less than one-quarter (1/4) inch thick in metal frames and sashes, or with wooden tin clad doors or shutters constructed in accordance with the specifications of The National Board of Fire Underwriters. All door openings to have masonry sills rising not less than one foot above the floor, Such buildings to be occupied exclusively for storage of oils and liquids.

SEC. 2-1.23 STORAGE OF FUEL OIL. Storage tanks for any plant, device or apparatus for burning crude or fuel oil of inflammable liquid Class II, or for generating a gas therefrom for fuel purposes, must be installed and maintained as herein provided. Such storage tanks must be constructed of not lighter than No. 14 gauge riveted or welded steel to steel joints, or of iron of not less than three-sixteenths (3-16) of an inch in thickness, with joints welded or riveted and caulked, and must be coated with rust-resisting material, and when buried shall be coated with tar. All piping must be done in accordance with safe engineering practice and subject to the approval of the Fire Marshal. No tank shall be covered with earth or otherwise or be put into service until an inspection has been made by the Fire Marshal. When such tanks are placed under a sidewalk the provisions of Section 2-1.21 of this Article pertaining to such locations shall apply. The tops of all storage tanks must be below the lowest point at which oil is burned.

SEC. 2-1.24 FUEL OIL STORAGE TANKS ABOVE GROUND. Storage tanks referred to in Section 2-1.23 of this Article may be installed above ground if not over two hundred and fifty (250) gallons capacity. Amended by #2419 cms 3/27/47

Any above ground storage of inflammable liquids of either Class I or II in excess of the amounts specifically provided in this Article, stored upon the approval of the Fire Marshal and upon permission of the City Council granted upon application as in Section 2-1.20 of this Article provided, shall be located as elsewhere required by this Code or by law and shall be in tanks of type approved by the National Board of Fire Underwriters and surrounded

by masonry walls at least twelve (12) inches in thickness or approved reinforced concrete dike. The enclosure shall have a capacity at least twenty per cent (20%) greater than the capacity of the tank surrounded. Fire protective equipment of a type approved by the Fire Marshall shall be provided and maintained.

SEC. 2-1.25 GRAVITY OIL BURNING SYSTEMS. When located outside of the Fire Limits and in a district purely residential, gravity oil burning systems may be installed in the following manner: A steel or iron tank of not exceeding two hundred and fifty (250) gallons capacity may be placed not nearer than five (5) feet to any building or structure or part thereof. The pipe through said tank to the said burner shall not exceed one-fourth (1/4) of an inch in diameter and must be fitted with shut-off valves, independent of the burner, at the tank and on both sides of the building wall through which it penetrates. Such tank may be installed either above or below ground, with or without a concrete casing, provided, however, that when possible to obtain a gravity flow, the tank shall be buried at least two (2) feet underground. The bottom of any such tank shall in no case be at a height to exceed five (5) feet above the plane of the burning point.

When located outside of the Fire Limits, and in a district not purely residential, gravity oil burning systems may be used if installed as above provided except that the said tank shall be placed not nearer than ten (10) feet to any building or structure or part thereof.

Provided, however, that any installation in this section provided for shall be subject to the approval of the Fire Marshal, and shall conform to current practices as approved by The National Board of Fire Underwriters.

SEC. 2-1.26 STORAGE TANK MANHOLES. Any tank used for the storage of any inflammable liquids Class I or II, as in this Article provided for, may be provided with a manhole for purposes of cleaning such tank. Such manhole, however, must be closed above by a hinged and locked or bolted cover and below (at the top of the tank) by a boiler plate cover flanged and screwed. The space thus formed must be filled while not used, with sacks of sand to prevent the accumulation of gas. The space between the retaining walls and the tank must be filled solidly with earth or sand so that no vapor can accumulate.

SEC. 2-1.27 INFLAMMABLE LIQUIDS, CLASS I, FOR FUEL, PROHIBITED. It shall be unlawful for any person to use, or to cause to be used, for burning, heating or illuminating purposes, any inflammable liquid Class I. Provided, however, that the provisions of this section shall not be construed to apply to gasoline torches and fire pots used by artisans and mechanics only in the prosecution of their regular business or occupations, nor to the use of gasoline for fuel purposes in motor vehicles.

2-1.271 to 2-1.278 – Added By #635 Ord. 6-18-36

Amd by Ord #2419 cmc 3/27/47

(2-1-27) SEC. 2-1.28 INFLAMMABLE LIQUIDS, CLASS I, IN TRANSIT. No inflammable liquids Class I shall be allowed while in transit to remain in any building in greater quantities than five (5) gallons at night between the hours of sunset and sunrise, but shall be so placed outside of any building as to be readily accessible to the Fire Department in case of fire, at a spot to be determined upon by the Fire Marshal; and every ship or vessel having as a part of its cargo any inflammable liquids Class I in greater quantities than five hundred (500) gallons shall at night between the hours of sunset and sunrise be more than two hundred (200) feet removed from any dock, warehouse or other inflammable property except when discharging cargo.

2-1.281 to 2-1.289 – Added By #635 Ord. 6-18-36

Amd. By # 635 cms. 6-18-36

SEC. 2-1.29 FILLING STORAGE TANKS. It shall be unlawful for any person to fill, or to cause or permit to be filled, in whole or in part, any storage tank with inflammable liquid, Class I, except from a tank wagon, tank truck or tank trailer, and through pipe or hose connected to the tank wagon, tank truck or tank trailer leading through continuous metal fittings or connection properly grounded to and into the filling pipe of such storage tank; provided, however, that nothing in this section contained shall be construed as applying to the filling of portable gasoline buggies or to storage tanks the capacity of which is not greater than fifty (50) gallons, in the event that any such gasoline buggy or storage tank is properly grounded.

All such tank wagons, tank trucks and tank trailers shall be of substantial construction and be equipped with adequate bumpers, drag chains and fire extinguishers of a type approved by the Fire Marshal.

Sec. 2-1.291 to 2-1.298 - Added By #635 cms. 6-18-36

SEC. 2-1.30 INFLAMMABLE LIQUID PUMPS. All storage tanks in which inflammable liquids Class I are stored shall be connected with an automatic closing valve pump which may be inside the building not below the first floor. All pumps shall be placed above the top of the tanks. No gravity, siphon or pressure system shall be used for taking inflammable liquid Class I from a storage tank; and provided, further, that no type of clear vision or visible gasoline pump or dispenser shall be located inside any building.

SEC. 2-1.31 INFLAMMABLE LIQUID CLASS I. PIPING SYSTEM. All inflammable liquid Class I pipes must lead out of the top of the tank and shall be galvanized and put together with litharge and glycerine or approved substitute. Gasoline storage installation for any motor vehicle establishment, excepting private garages shall include a vent pipe not less than one inch in diameter extending up outside the building not less than ten (10) feet above the ground, capped with a return bend covered with a fine mesh brass netting properly connected with the storage tank. Such installation shall also include a filling pipe extending up to the sidewalk at curb line, capped with an air-tight screw cap. No filling pipe shall be connected with more than one such storage tank. Gasoline storage tank installation for private garages may be of the regulation self-venting type of vent pipe, such tank being so installed that such vent pipes extend four (4) inches above the top of the ground, provided, however, that if private garage tanks are installed under the sidewalks, the vent pipe first hereinabove provided for shall be required.

SEC. 2-1.32 INFLAMMABLE LIQUID DRUMS. It shall be unlawful for any person to permit any inflammable liquid Class I tank or drum, whether the same is filled in whole or in part, or empty, to be in, upon or about any motor vehicle establishment; provided, however, that nothing in this section contained shall be deemed or construed as applying to any tank or drum which is being repaired.

SEC. 2-1.33 INFLAMMABLE LIQUIDS IN OPEN CANS. It shall be unlawful for any person to keep, carry or convey, or to cause or permit to be kept, carried or conveyed, any inflammable liquid Class I in or about any motor vehicle establishment in an open can, or in any can of any description unless such can shall be of a non-explosive type approved by the Fire Marshal; the tank or reservoir of a motor vehicle may be filled from a portable filling tank or buggy constructed and approved as provided in this Article. Said filling tanks or buggies, however, shall be kept at all times near an entrance of the motor vehicle establishment.

SEC. 2-1.34 INFLAMMABLE LIQUID CONTAINERS. All inflammable liquids Class I in any quantity permitted by the provisions of this Article and unless otherwise specifically provided in this Article, shall at all times be kept in approved metallic cans or tanks.

SEC. 2-1.35 LIGHTS, FLAMES, ETC. IN MOTOR VEHICLE ESTABLISHMENTS. It shall be unlawful for any person to put into or take out of, or cause or permit to be put into or taken out of, any motor vehicle any gasoline in any motor vehicle establishment in which there is an open light, gas jet, arc light, or flame of any description, or to use or cause or permit to be used, any artificial light of any kind, other than electricity, in any such motor vehicle establishment, or to use or cause or permit to be used any stove, torch, gas jet, arc light, flame, forge or other furnace flame or fire except in the repair shop of a public garage where such repair shop is separated from the rest of the building by a proper fire wall.

SEC. 2-1.36 MOTORS AND LOCKERS IN MOTOR VEHICLE ESTABLISHMENTS. It shall be unlawful for any person to permit any electric motor not actually a part of a motor vehicle, except an induction or alternating current motor without brushes or commutator, to be located or to remain within four (4) feet of the floor of any motor vehicle establishment, or to permit any inflammable liquid Class I or II, or inflammable material of any kind whatsoever, to be stored or kept in any locker in or about any such motor vehicle establishment. Every such locker shall be subject to the inspection of the Fire Marshal.

SEC. 2-1.37 MOTORS TO BE STOPPED. Motors of all motor vehicles must be stopped before the gasoline tank of such motor vehicle is filled at any motor vehicle establishment, and a notice containing the words "Stop Your Motor" in plain letters not less than four (4) inches high shall be displayed in a conspicuous place in and about every such motor vehicle establishment and at all gasoline pumps.

SEC. 2-1.38 FIRE EXTINGUISHERS. There shall be maintained at all times in every building used for a motor vehicle establishment, other than a private garage, two (2) approved fire extinguishers, properly filled, where the floor space is less than one thousand (1000) square feet, and one additional such fire extinguisher for every additional one thousand (1000) square feet of floor space used for such purpose.

SEC. 2-1.39 SAND CONTAINERS. Sand shall be kept in iron buckets in all motor vehicle establishments, other than private garages, and there shall be maintained at all times in every public garage having a floor space of less than five hundred (500) square feet at least two (2) half-barrels of clean dry sand, and in every public garage or automobile parking station at least one additional such half-barrel of sand for every additional one thousand (1000) square feet of floor space. Each half-barrel shall contain an iron scoop and shall be placed at different locations on each floor of such garage and of the repair shop, if any, in connection therewith as designated by the Fire Marshal. Such sand, in addition for use in case of fire, shall also be used for absorbing waste oils upon the floor and when saturated shall be removed from the building. The use of sawdust for absorbing oils in any motor vehicle establishment is strictly prohibited.

SEC. 2-1.40 AUTOMOBILE COVERINGS. It shall be unlawful to place or keep, or permit to be placed or kept, any covering of cloth, paper or other combustible material over any motor vehicle in any motor vehicle establishment, provided, however, that nothing in this section contained shall be deemed or construed as applying to motor vehicles in which no inflammable liquid Class I is placed or maintained.

SEC. 2-1.41 SMOKING. No smoking shall be allowed inside of any building used as a motor vehicle establishment, excepting, however, those portions used for office or salesroom purposes. A notice in large letters "No Smoking" shall be displayed in a conspicuous place and manner in every such motor vehicle establishment, other than private garages.

SEC. 2-1.42 WASTE AND RUBBISH. All motor vehicle establishment premises shall be kept clean and free from oily waste or rags. All such rags, waste and rubbish shall be kept in metal cans or receptacles, covered with a tight-fitting self-closing cover.

SEC. 2-1.43 GASOLINE FOR CLEANING PURPOSES. It shall be unlawful for any person to use, or to cause or permit to be used, in any motor vehicle establishment any inflammable liquid, Class I, under pressure or siphonic action, for the purpose of spraying or cleaning any motor vehicle or any part or parts of any motor vehicle.

SEC. 2-1.44 MOTION PICTURE FILM PERMIT, REVOCATION. APPEAL. It shall be unlawful for any person to manufacture, print, develop, keep or store, or use motion picture film whether in the form of negatives, raw stock, finished product, or discarded scrap, or to use films in any building or place within the corporate limits of the City of Oakland without first obtaining and having a permit in writing so to do, and without complying with all the provisions of this Code appertaining thereto. Application for such permit shall be made in writing to the Fire Marshal and shall set forth the name, residence, and place of business of the applicant and the location at which it is desired or intended to have such permit apply. The Fire Marshal shall forthwith make an inspection of the premises and such investigations as may be necessary to determine whether or not the same is so situated, arranged, constructed and equipped as to comply with the provisions of this Code, and if so complied with, he shall issue such permit. Such permit shall not be transferable and shall be kept posted in a conspicuous place on the premises to which it applies.

Such permit may be revoked or suspended by the Chief of the Fire Department for violations of any of the provisions of this Code appertaining thereto, and any person excepting to such revocation or suspension may appeal such action as in Section 2-1.16 of this Article provided.

SEC. 2-1.45 NON-INFLAMMABLE FILMS. When films of a non-inflammable variety are stored, kept, used or worked upon, the requirements of this Code pertaining to motion picture film may be waived in whole or in part by the written consent of the Fire Marshal. All of the provisions of this Code shall, however, be held applicable when both the inflammable and flammable films are stored, kept, used or worked upon.

SEC. 2-1.46 MOTION PICTURE FILMS. STORAGE, ETC. The storage or use of motion picture films in the projecting room shall be limited to one (1) picture or feature, and film not being actually shown shall be kept in closed approved containers in the projecting room or booth.

All films not in use or not being worked upon shall be kept in approved shipping cases or individual, closed metal containers with tight covers, and shall be stored in fireproof vaults. Films shall not be stored or kept on the floor unless in shipping containers approved by the Interstate Commerce Commission, and films delivered to exchange after working hours shall be immediately placed in the vault.

SEC. 2-1.47 LIGHT AND HEAT. All lights in film vaults shall be at the ceiling and of the fixed marine type with vapor proof globes and conduit wiring subject to the approval of the Electrical Department. All switches shall be outside of the vault and shall be arranged with a small pilot light to indicate on outside of vault whether vault lights are on or off. No artificial heat shall be permitted in the vault.

The examination or inspection room shall be heated only by hot water or steam, and metal shields shall be provided to prevent films from coming into contact with radiators or heated pipes.

The examination room, ante-room and shipping room shall be lighted with incandescent electric lamps in vapor-proof globes properly guarded.

SEC. 2-1.48 MOTION PICTURE FILM EXAMINATION ROOM. Examining and repairing of films shall be done only in an examination room or inspection room.

The examination room shall be used neither for storage nor handling of combustible materials other than films, and all furniture and fittings shall, as far as practicable, be of non-combustible material. The number of reels in the examination or inspection room shall not exceed one (1) picture for each operator and all films except one (1) film for each operator, while under examination in this room, shall be inclosed in approved metal containers.

SEC. 2-1.49 MOTION PICTURE FILM WASTE. All scrap or waste from motion picture film shall be kept under water in self-closing standard metal waste cans or their equivalent, and removed from the building at least once each day to a safe location; such waste to be kept separate from paper waste or other rubbish. Clippings, chips and waste film shall not be burned within two hundred (200) feet of any building.

SEC. 2-1.50 MOTION PICTURE FILM CEMENT. Each examiner handling motion picture film may be provided with not to exceed two (2) ounces of any compound of colloidion and amyl acetate or similarly inflammable cement, and all such cement in excess of the foregoing amount shall be kept in the vault or as otherwise directed by the Fire Marshal; in no case shall more than one (1) gallon be kept on the premises.

SEC. 2-1.51 MOTORS AND WIRING IN MOTION PICTURE ESTABLISHMENTS. Motors for the operation of rewind or for other purposes shall be of the fully inclosed non-sparking type and shall have no exposed live metal parts. All electric wiring shall be installed in metal conduit in conformity with the requirements of the Electrical Department of the City of Oakland.

SEC. 2-1.52 MOTION PICTURE FILM. PACKING AND SHIPPING ROOM. The packing of motion picture films for shipping, or the unpacking of same, shall be done in a shipping room having outside ventilation and separated from the rest of the building by tight partitions, floor and ceiling of non-combustible material with self-closing standard fire doors; partitions and doors to contain no glass other than wire glass in metal sash.

The shipping room shall be used neither for the storage nor handling of combustible material other than films, and all furniture used therein shall, as far as practicable, be of non-combustible material. The number of exposed reels of films in the shipping room at any one time shall not exceed twenty (20). In all other respects the equipment of the shipping room shall comply with the requirements set forth in this Article for the examination room.

SEC. 2-1.53 MOTION PICTURE FILM BOOTH. MOTION PICTURE MACHINES. When a motion picture machine is used for the projection of films for exhibition or reviewing purposes, the same shall be inclosed in a standard booth constructed in accordance with the requirements of the Building Code of the City of Oakland, and a so-called "portable booth" shall not be considered as fulfilling this requirement.

All motion picture machines and equipment hereafter installed in any operating room shall be of a type accepted as standard by the Underwriter's Laboratory Inc., and such installation whether permanent or temporary shall be approved in writing by the Electrical Department of the City of Oakland before such machine and equipment may be used for motion picture purposes.

SEC. 2-1.54 CLEANING MOTION PICTURE FILMS. The cleaning or washing of motion picture films in, or by means of, either alcohol or other inflammable or combustible volatile liquids shall be done only in a cleaning room or laboratory having outside ventilation and separated from the rest of the building by tight partitions, floor and ceiling of non-combustible material with self-closing standard fire doors at the openings. The receptacle containing the cleaning liquid shall be kept tightly closed, except at apertures through which film passes during the process of cleaning, and the whole apparatus, including receptacle, drying reels, etc., shall be completely covered by a ventilating hood equipped with a duct leading to outside air and provided with a mechanically induced draft sufficient to keep the room free from objectionable vapors.

Such cleaning room shall not be used for the storage or handling of combustible material other than films, and there shall be no more than three (3) reels at any one time in this room. In all other respects the equipment of this room shall comply with the requirements of the examination room as in this Article provided.

SEC. 2-1.55 MOTION PICTURE FILM PERFORATING AND PRINTING MACHINES. Motion picture film perforating machines shall be equipped with an effective receptacle for catching chips, and also a reeling device of inclosed type. The printing machine shall be equipped with reeling devices of closed type.

SEC. 2-1.56 MOTION PICTURE FILM WORK TABLES. Motion picture film joining, assembling and inspecting tables shall be of non-combustible material. Tables shall be set four (4) inches from the wall or radiator. If lights under tables are used for examining by transmitted light, the light box shall be properly ventilated and so constructed that it does not become a receptacle for film scraps and dust.

SEC. 2-1.57 MOTION PICTURE FILM. INTERCHANGEABLE USE OF ROOMS. None of the provisions of this Article relative to motion picture film shall be construed as prohibiting the use interchangeably of either examination, shipping, projecting or repair rooms for any of the processes necessary to the operation of a film exchange; provided, that no two different processes are carried on simultaneously in one room and that the provisions of this Article applying to each process be complied with.

SEC. 2-1.58 MOTION PICTURE FILM. TRANSPORTATION. It shall be unlawful for any person to take or carry into any building within the City of Oakland or to carry or transport anywhere within the City of Oakland any motion picture film unless the same be contained in a metal box, can, or other approved receptacle with a cover securely tied or otherwise fastened. Each such receptacle shall be conspicuously labeled as containing inflammable film.

SEC. 2-1.59 MOTION PICTURE ESTABLISHMENT. FIRE EXTINGUISHERS. Every room in which motion picture films are manufactured, printed, developed, kept, stored or used, exclusive of the vault, shall be equipped with approved two and one-half ($2\frac{1}{2}$) gallon chemical extinguishers, pails of water, and pails of dry sand, the number and type of which shall be subject to the orders and approval of the Fire Marshal.

SEC. 2-1.60 MOTION PICTURE ESTABLISHMENT. HEATING DEVICES. No heating or cooking devices or appliances using gas, oil, or electricity shall be installed or maintained in any building used as a motion picture exchange or laboratory. No heating device of any kind shall be permitted to be installed in such a building unless such device is approved by the Fire Marshal.

SEC. 2-1.61 MOTION PICTURE ESTABLISHMENT. SMOKING. It shall be unlawful to smoke or carry a lighted cigarette, cigar, pipe or match in any moving picture film exchange, laboratory or operating room, and conspicuous "NO SMOKING" signs shall be posted in prominent places. Matches shall not be carried by any employees and each exit shall be marked "EXIT" in letters not less than six (6) inches high, or by an illuminated sign with letters of the same height.

SEC. 2-1.62 MOTION PICTURE OPERATING ROOM. The door to the motion picture operating room shall not be locked while the room is in use.

Every picture, shelf, seat, box, tank or other thing placed within a motion picture operating room shall be made of fire-proof material.

Every window in a motion picture operating room opening into the building shall be made of metal sash and wire rolled glass.

A metal container having at least two (2) inches of sand in the bottom thereof shall be provided and maintained in every motion picture operating room to receive the waste carbon. Waste carbon shall not be deposited in any water bucket reserved for fire protection purposes.

No alterations or repairs of any nature shall be made to any part of the operating room or to anything contained therein, without first having obtained the consent of the Fire Marshal or the Electrical Department to such alteration or change.

The storage or keeping of gasoline or other inflammable liquid within a motion picture operating room during a performance or at any time while a machine is in operation is hereby prohibited.

SEC. 2-1.63 MINIATURE MOVING PICTURE EQUIPMENT. All miniature moving picture equipment must be expressly approved by the Electrical Department of the City of Oakland and such approval must cover the entire machine including all attachments, current controlling devices and other parts employed, including also the film. Films must be of a slow burning type having a permanent distinctive marker. Machines must be so constructed that they cannot be used with films employed on the full-sized commercial

moving picture machine. This may be accomplished by using a film of special width or with special perforations or by any other approved means. The regular film which is not allowed on miniature machines is one and three-eighths (1-3/8) inches wide and has on each edge 5.4 perforations per inch. Machines must be marked with the name or trade mark of the maker and with the voltage and current rating for which they are designed and be plainly marked, "For Use With Slow-burning Films Only".

SEC. 2-1.64 MOTION PICTURE ESTABLISHMENT. MANAGEMENT. Every motion picture establishment shall be in charge of a responsible executive who is familiar with the provisions of this Article appertaining thereto and with the importance of Fire Prevention and with any laws pertaining to Fire Prevention and the proper handling of motion picture film.

SEC. 2-1.65 THEATERS. FIRE EXTINGUISHERS. In all theaters and opera houses within the City of Oakland there shall be a proper and sufficient quantity of one and one-half (1½) inch hose in not less than fifty (50) foot lengths, fitted with nozzles attached thereto and with hose spanners at each outlet, each hose to be attached to hose attachments, and all subject to the approval of the Fire Marshal. There shall also be kept in readiness for immediate use on the stage, at least four (4) casks of water and two (2) buckets to each cask, and also one (1) bucket of water in each dressing room. The casks and buckets shall be painted red. There shall be approved fire extinguishers in the following places, to-wit: One on each side of the auditorium in each tier, one on each side of the stage, one near the dressing rooms, and one under the stage. No smoking shall be allowed on the stage in any part not in full view of the audience.

SEC. 2-1.66 THEATER LIGHTS. Every portion of any theater or opera house devoted to the uses or the accommodation of the public and all outlets leading to the streets and including the open courts and corridors shall be well and properly lighted with electricity during every performance and shall remain lighted until the entire audience has left the premises. All of said lights in the halls, corridors, lobbies and any other part of said building used by the audience except the auditorium must be controlled by a separate shut-off located in the lobby and controlled only in that particular place. Gas mains supplying the building shall have independent connections for work shops, flie galleries and stage, and provisions shall be made for shutting off the gas from the outside of the building.

All lights in passageways and corridors in said building, whenever deemed necessary by the Building Inspector or the City Electrician, shall be protected with proper wire net work. All border lights shall be constructed according to the best known method and subject to the approval of the City Electrician and shall be suspended for ten (10) feet by wire rope.

SEC. 2-1.67 THEATERS. USE OF CHINESE LANTERNS AND FIRE EXPLOSIVES. It shall be unlawful to use Chinese lanterns or similar contrivances in or about theaters or in or about buildings in which moving pictures are exhibited for public entertainment, if said Chinese lanterns or similar contrivances are used in combination with means of lighting or illumination other than incandescant electric lights. It shall be unlawful to use in or about theaters or in or about buildings in which moving pictures are exhibited for public entertainment, any firecrackers, bombs or similar explosives, any Greek-fire, gun-powder or chemicals, either singly or in combination, in liquid, powder or solid form, or to ignite either or all of them (firearms excepted) without special permission in writing from the

Fire Marshal, who shall in such written permission limit and prescribe the conditions under which they shall be used, and, in cases of unlawful use of any or all of the said several contrivances or in cases of impending danger due to their use, it shall be the duty of the Chief of the Oakland Fire Department or his detailed deputies to immediately and without notice stop the performance and refuse permission for the same to proceed until all conditions are complied with or the danger of their use has been eliminated.

SEC. 2-1.68 ASHES. DEPOSIT OF. It shall be unlawful for any person or persons to deposit any ashes, smouldering coal or embers, greasy or oily substances or other matters liable to create spontaneous ignition, or cause the same to be deposited or placed, or to permit or suffer the same to be or remain in any wooden vessel or receptacle, or any vessel or receptacle composed or made of combustible material; but the same shall be placed and kept in some safe depository or receptacle of galvanized iron or other non-combustible material, and not less than two (2) inches from any woodwork or structure, or deposited on the ground not less than ten (10) feet from any wood building or structure or from any wooden fence, lumber, wood, hay, straw or combustible material whatever. Portable receptacles shall have a clear air space of not less than two (2) inches below the bottom thereof. No combustible material shall be placed in receptacles for ashes.

SEC. 2-1.69 SHAVINGS, STRAW AND LITTER. Any person in the City of Oakland making, using or having charge and control of shavings, hay, straw, sacks, bags, litter, or any other combustible waste material or fragments, shall at the close of each day cause the same to be securely disposed of or removed, so as to be safe from fire.

SEC. 2-1.70 WASTE RECEPTACLES. All receptacles for waste, rags, paper and other substances liable by spontaneous combustion or otherwise to cause fire, must be made from incombustible material, and if portable, must have clear air space of not less than two (2) inches below the bottom.

SEC. 2-1.71 SIDEWALK GRATING AND CATCH PAN. There shall at all times be maintained under every sidewalk grating a metal catch pan, said catch pan to extend not less than four (4) inches past and beyond all sides of the grating or gratings, and shall be kept clean and free from all accumulations of dirt and refuse.

SEC. 2-1.72 ACCUMULATION OF INFLAMMABLE MATTERS. It shall be unlawful for any person to allow or permit to remain upon any roof, or in any yard, or on any vacant lot, or in any building, any accumulation of paper, hay, moss, or any other inflammable or combustible rubbish or waste material of any description.

SEC. 2-1.73 GRASS AND BRUSH. Amended by Ord. #1054 C.M.S. Whenever in the opinion of the Fire Marshal, any grass, weeds, brush or other plant growth upon any property in the City of Oakland constitutes a fire menace he shall notify the owner, agent, occupant or person having control of such property to remove within forty-eight (48) hours such grass, weeds, brush or other plant growth.

SEC. 2-1.74 STORAGE OF HAY, ETC. It is hereby declared unlawful for any person to have or keep for sale or to maintain for storage or otherwise, more than ten (10) tons of hay, straw, excelsior, or any combustible material in any house or building or upon any lot, piece or parcel of land within the limits of the City of Oakland, without first obtaining a permit therefor from the Fire Marshal of the City of Oakland.

SEC. 2-1.75 INFLAMMABLES OBSTRUCTING DOORWAYS. It shall be unlawful to keep, store, place or use any explosive or inflammable compound or combustible material of any kind, near any doorway, stairway, elevator or other shaft of any building in such place or manner as to obstruct or render egress hazardous in case of fire.

SEC. 2-1.76 BONFIRES. It shall be unlawful for any person to start or cause to be started any fire outside of any building for the purpose of burning any refuse matter or any brush, logs or stumps, except by permission from and under the direction of the Fire Marshal.

SEC. 2-1.77 STORAGE OF BOXES. The storage of empty packing cases, boxes, barrels or other similar combustible containers is forbidden without a permit from the Fire Marshal, except in the open. Provided, however, that no permit shall be required for the storage within a manufacturing or other establishment of sufficient packing cases, boxes, barrels, or other similar containers to properly carry on its operations, but such storage shall be orderly and not so located as to endanger exit from the building. Storage in the open of packing cases, boxes, barrels or other similar combustible containers shall not be more than twenty (20) feet in height, and shall be at least fifty (50) feet from the nearest building, except by written permission of the Fire Marshal. All such storage shall be in a compact and orderly manner.

SEC. 2-1.78 LEAKAGE OF OILS ON STREETS. It shall be unlawful for any person to drain or deposit upon any street, sidewalk, park or public land or into any dump, gutter, catch basin, manhole, conduit, sewer, lake or waterway within the City of Oakland, any tar, asphaltum, gasoline, lubricating oil, greases, waste oil from motor vehicle crank cases or any by-product of petroleum.

Every motor vehicle, machine or apparatus using electricity, gasoline or any product of petroleum for its motive power shall have attached thereto suitable devices for the purpose of preventing deposits from leaks or drippings being made upon the pavements or public streets, and every person engaged in transporting through the streets of the City of Oakland coal oil, petroleum, distillate or gasoline, when the same is contained in tanks, must provide drip pans to be placed under the faucets of said tanks to prevent the leakage of said product upon the streets.

SEC. 2-1.79 FIRE EXTINGUISHERS GENERALLY. There shall at all times be maintained in every building or structure used for any of the businesses, establishments or other purposes hereinafter enumerated, not less than one approved fire extinguisher for every one thousand (1000) square feet of floor space or fraction thereof; Factory; Power-driven wood working mill; Power-driven machine shop; Charcoal manufacturing plant; Laundry; Dye works and clothes cleaning establishments; Apartment house; Hotel; and there shall be at all times maintained not less than one (1) approved fire extinguisher in every boiler room, furnace room, or heater room, at a place designated by the Fire Marshal.

SEC. 2-1.80 INTERFERENCE WITH FIRE PREVENTION APPARATUS. No goods or merchandise of any description shall be stored in any basement in such manner as to interfere with the proper working of any water circulation apparatus used by the Fire Department and no goods or merchandise or any other obstructions shall be placed over the cover of any pipe casing holes.

SEC. 2-1.81 INTERFERING WITH USE OF HYDRANTS. It shall be unlawful for any person to obstruct any fire hydrant, fire alarm box or cistern in such manner as to hide it from view at any point, or hinder free access thereto by an engine or hose carriage, or construct any area or other wall or thing so as to interfere in any manner with a hydrant below the level of the curb.

SEC. 2-1.82 FIRE LINES. It shall be the duty of the police at the time of fire to place ropes or guards across all streets, lanes and alleys on which shall be situated any building on fire, and at such other points as they shall deem expedient and necessary; and they shall prevent any and all persons, excepting owners, and occupants of buildings endangered by the existing fire, and their employes, and excepting also officers of the Fire Department and firemen (who shall be known by their badge), officers of the City of Oakland and of the County of Alameda, the Fire Marshal and such other persons as may have permission from an officer of the Fire Department, the Fire Marshal or a police officer, from entering within the lines so designated by ropes or guards.

Any person or persons, other than those hereinbefore excepted, entering within the lines designated by said ropes or guards, and refusing to go outside of said lines when directed to do so by any police officer or officer of the Fire Department or the Fire Marshal, shall be deemed guilty of a misdemeanor.

It shall be unlawful for any person or persons to break through or attempt to break through such rope or guard or barrier, or to run over with any vehicle any fire hose used by the Fire Department at any fire.

Sec. 2-1.821 - Regulating issuance of Burn cards (Ord. #1258 Cms. 12-17-40)

SEC. 2-1.83 INJURING FIRE APPARATUS. Any person or persons wilfully injuring any engine house, hose, engine, hose carriage or other apparatus of the Fire Department of the City of Oakland shall be deemed guilty of a misdemeanor.

SEC. 2-1.84 OPENING HYDRANTS. It shall be unlawful for any person to open any of the fire hydrants of the City of Oakland, except in case of fire or by permission of the Chief Engineer of the Fire Department or by the Water Company when necessary to repair their mains or said hydrants.

SEC. 2-1.85 FALSE ALARMS. No person shall wilfully make or cause to be made by means of the Fire Alarm and/or Police Telegraph, or otherwise, any false alarm of fire in the City of Oakland.

SEC. 2-1.86 INJURING FIRE ALARM. No person shall wilfully break, remove or injure any of the wires or other parts of appurtenances of the Fire Alarm and Police Telegraph in the City of Oakland without authority or permission from the Electrical Department of the City of Oakland.

SEC. 2-1.87 UNLOCKING FIRE ALARM. No person shall make or fit any key to, or pick or force the lock of, any signal box of the Fire Alarm and Police Telegraph in the City of Oakland without authority from the Electrical Department of the City of Oakland.

No person shall have or retain in his possession or under his control any key, belonging to or fitted to open the lock of any signal box of the Fire Alarm and Police Telegraph in the City of Oakland without lawful authority so to do.

SEC. 2-1.88 INSPECTIONS AND ENFORCEMENTS. The Fire Marshal and any other person under the direction of the Chief of the Fire Department shall at all reasonable hours have access to any premises for purposes of making inspections relative to compliance with the provisions of this Article, and the Chief of the Fire Department shall be charged with the enforcement of said provisions.

Sec. 2-1.89 Add by #1153 Cms.

ARTICLE 2.
EXPLOSIVES, FIREWORKS, AND FIREARMS.

SEC. 2-2.01 EXPLOSIVES. MANUFACTURE AND STORAGE. It shall be unlawful for any person to manufacture or cause to be manufactured or to bring or cause to be brought into or to receive or keep or store or suffer to remain within the limits of the City of Oakland, any blasting powder, hercules or giant powder, nitro-glycerine, daulin, dynamite or other explosive, liquid or material, or compound, having an explosive power greater than that of ordinary gun powder, without first obtaining a permit so to do from the City Manager, upon the approval of the Fire Marshal.

SEC. 2-2.02 EXPLOSIVES. STORAGE LOCATION. It shall be unlawful for any person to keep or store within five hundred (500) feet of any dwelling house or place of business within the limits of the City of Oakland, any blasting powder, hercules or giant powder, nitro-glycerine, daulin, dynamite or any other explosive liquid or material or compound having explosive power greater than that of ordinary gun powder.

Provided, that this section shall not apply to the freight terminals and yards in said City of steam railroad corporations subject to the jurisdiction of the Railroad Commission of the State of California, who receive or deliver freight within such terminals or yards, when the explosives received for shipment or held for delivery in such terminals or yards are in less than carload lots.

SEC. 2-2.03 EXPLOSIVES. NITRO-GLYCERINE. It shall be unlawful for any person to convey or cause to be conveyed from one place to another, or to manufacture or cause to be manufactured, or to keep or store, in or about or on any premises or street within the limits of the City of Oakland any liquid nitro-glycerine.

SEC. 2-2.04 EXPLOSIVES. GUN POWDER. QUANTITY. It shall be unlawful for any person to receive, keep or store or cause to be received, kept or stored, or to aid or assist any person in receiving, keeping or storing gun powder in a larger quantity than ten (10) pounds into or in any building or upon any premises within the City of Oakland, except while within the custody of a steam railroad carrier subject to the jurisdiction of the Railroad Commission of the State of California, and in its freight terminals or yards awaiting shipment by it or pending delivery to a consignee, and except as hereinafter in this Article provided.

SEC. 2-2.05 EXPLOSIVES. GUNPOWDER CONTAINERS. Any person or persons keeping or storing more than ten (10) pounds of gunpowder, shall keep the same in an air-tight metallic vessel; said vessel shall be marked with the words "GUNPOWDER--DANGEROUS" in plain letters, painted in white on a dark ground not less than three (3) inches in height; said vessel shall be kept at all times in view near the entrance of the premises where kept, so as to be easily removed; said vessel shall contain not more than fifty (50) pounds of gunpowder.

SEC. 2-2.06 EXPLOSIVES. GUNPOWDER. QUANTITY. It shall be unlawful for any person to keep or store or cause to be kept or stored, or aid or assist any person in receiving, keeping or storing more than fifty (50) pounds of gunpowder in the City of Oakland except within the freight terminals and yards in said City of steam railroad corporations subject to the jurisdiction of the Railroad Commission of the State of California, and receiving or delivering freight within such terminals or yards, when the explosives received for shipment or held for delivery in such terminals or yards are in less than carload lots.

SEC. 2-2.07 EXPLOSIVES. CONVEYANCE. It shall be unlawful for any person to convey, or cause to be conveyed, or assist in conveying, in any vehicle, or otherwise within the City of Oakland, any gunpowder or other explosive, including any and all chemical compounds or mechanical mixtures that are commonly used or intended for the purpose of producing an explosion, unless the following requirements are complied with:

If a vehicle is employed in the conveyance, the floor of same shall be thoroughly swept before the explosives are loaded thereinto, and the chassis, engine, pan and bottom of body of any motor vehicle shall be clean and free from surplus oil and grease. The vehicle must be in first-class repair and equipped with good and sufficient brakes and fire extinguishers. All electric wiring on such motor vehicles shall be completely insulated and firmly secured. Any such explosives being conveyed, whether in a vehicle or otherwise, shall be securely packed, and if conveyed in a vehicle, such packages shall be so arranged and stayed in the body of the vehicle that they cannot shift during transportation. Such containers shall be protected from exposure to the sun's rays, rain and other elements, and unless the vehicle is covered the containers shall be covered by canvas or tarpaulin.

No person shall place, or carry in or upon a vehicle containing explosives any exploders, detonators, blasting caps, or other explosive material, or carry in or upon such vehicle any matches or any mechanical device for producing a spark or flame, or carry in or upon that part of such vehicle in which the explosives are contained any metal tool or piece of metal.

SEC. 2-2.08 EXPLOSIVES. CONVEYANCE. ROUTES. Every vehicle conveying any explosives shall, so far as possible, avoid the use of any street upon which is located any steam or street railroad track or upon which there is heavy traffic. All unnecessary stops must be avoided, and vehicles containing explosives shall never be taken into a garage or repair shop for repairs or storage. The routes traveled in the conveyance of any such explosives shall be at all times subject to the direction of the Chief of Police.

SEC. 2-2.09 EXPLOSIVES. GUNPOWDER TO BE IMMEDIATELY FORWARDED. All gunpowder landed or placed on any sidewalk, street or public way for forwarding or shipment shall be forwarded or shipped immediately after it shall have been so landed or placed.

SEC. 2-2.10 EXPLOSIVES. GUNPOWDER. MANUFACTURE AND STORAGE OF FIREWORKS. It shall be unlawful for any person to receive, keep or store or to have in any one place more than fifty (50) pounds of gunpowder or to erect or maintain any building for the storage or keeping of gunpowder or for the manufacture of or storage of fire works within the limits of the City of Oakland, except at a place and in a building approved by the Fire Marshal.

SEC. 2-2.11 EXPLOSIVES. CALCIUM CARBIDE. It shall be unlawful for any person to keep or store within the City of Oakland any calcium carbide without first obtaining a permit so to do from the Fire Marshal.

All calcium carbide shall be kept in hermetically sealed metal receptacles.

All buildings to be used for the storage of calcium carbide within the limits of the City of Oakland shall be constructed of corrugated iron brick or stone, not to exceed one story in height and the walls of said brick or stone building shall not be less than sixteen (16) inches in thickness, and must in all respects be fire and water proof, and devoted exclusively to the storage of calcium carbide, and in all such buildings no artificial light or heat shall be permitted.

SEC. 2-2.12 EXPLOSIVES. CALCIUM CARBIDE IN TRANSIT. All calcium carbide in transit through the City of Oakland must be inclosed in hermetically sealed metal receptacles and plainly marked "CALCIUM CARBIDE--DANGEROUS IF NOT KEPT DRY", and no such receptacle shall contain more than one hundred and twenty (120) pounds of said carbide.

The provisions of Section 2-2.07 of this Article shall apply to the conveyance of calcium carbide so far as they are applicable.

SEC. 2-2.13 EXPLOSIVES. OBSTRUCTING DOORWAYS. It shall be unlawful to keep, store or place or use any explosive liquid or material or compound near any doorway or stairway of any building in such place or manner as to obstruct or render egress hazardous in case of fire.

SEC. 2-2.14 FIRE ARMS AND FIRE WORKS. It shall be unlawful for any person to at any time fire or discharge, or cause to be fired or discharged, any gun, anvil, cannon, rifle, pistol, toy pistol, or fire-arm of any kind, or fire or explode, or cause to be fired or exploded, any blank cartridge, bomb, rocket, firecracker, roman candle, squib, colored fire, torpedo, mine, torch, or any combustible or explosive device, or preparation, or fireworks, or firecrackers, of any kind whatsoever, or by whatever name known, within the limits of the City of Oakland; provided, that the use of fireworks at such public displays of fireworks inside the limits of the City of Oakland as may be given with the joint written consent first had and obtained, of the Chief of the Fire Department and the Chief of Police of said City, shall not be unlawful. Provided further, however, that if such public display of fireworks is to be held within any public park or other property under the jurisdiction of the Board of Park Directors, the consent of said Board of Park Directors must also be had and obtained in writing, and said board of Park Directors shall have the right to require the posting of any bond, or taking out of any insurance, that it may deem necessary.

SEC. 2-2.15 FIREARMS. EXCEPTIONS AS TO USE. The provisions of Section 2-2.14 of this Article relative to the use of firearms shall not apply to Peace Officers in the discharge of their official duties and using reasonable care, nor to persons using firearms in necessary self-defence, and in a careful manner, nor for the purpose of destroying noxious animals upon land owned or occupied by them, nor to bona fide gun clubs, nor to bona fide shooting galleries, nor to persons using firearms in a careful manner in bona fide shooting galleries.

SEC. 2-2.16 FIREWORKS AND FIREARMS. POSSESSION AND SALE. It shall be unlawful for any person to sell or offer for sale or have in his possession or custody any of the articles specified in Section 2-2.14 of this Article, or any other combustible or explosive device or preparation of fireworks or firecrackers of any kind whatsoever or by whatever name known or any article for the making of pyrotechnical display within the limits of the City of Oakland.

Provided, that a manufacturer of fireworks may store or sell fireworks for use outside the limits of the City of Oakland, at a place, or in a building, approved by the Fire Marshal of the City of Oakland, together with the joint written consent of the Chief of the Fire Department and the Chief of Police of the said City of Oakland.

Provided, further, that the custody or possession or transportation of fireworks within the limits of the City of Oakland for use at a public display of said fireworks inside the limits of said City, given with the joint written consent of the Chief of the Fire Department and the Chief of Police of said City, shall not be unlawful.

SEC. 2-2.17 BLASTING. It shall be unlawful for any person, without obtaining a permit from the Superintendent of Streets of the City of Oakland, as hereinafter in Section 2-2.18 of this Article provided, to do any blasting within the corporate limits of the City of Oakland, or to explode or cause to be exploded any gunpowder, dynamite, giant powder, gun cotton or other explosives for the purpose of blasting out rock, gravel, earth, trees, or other substance or material.

SEC. 2-2.18 BLASTING LICENSE. Any person desiring to use explosives within the City of Oakland for the purpose of blasting shall make written application to the Superintendent of Streets for a license. Said application shall set forth the name, age and address of the applicant and a statement of his previous experience with, and qualifications to safely handle and use, explosives. If said Superintendent is satisfied as to the experience and qualifications of the applicant, he may issue a license to said applicant after his deposit with the City Clerk of a good and sufficient bond in a sum not less than One Thousand Dollars ($1000), and in an amount to be designated by said Superintendent in said license and on a form to be supplied by the City Clerk. Said bond shall run in favor of the City of Oakland and shall inure to the benefit of said City and all persons who may suffer any damage in person or property from the blasting operations conducted by the licensee, and shall be conditioned to pay for all loss or damage to person or property caused or resulting from said blasting operations by the licensee. Said bond shall be approved by the City Attorney before filing with the City Clerk. After a recovery is had upon said bond the said licensee shall immediately file a new bond in the same form, and if he does not do so said license shall immediately ipso facto be terminated and revoked.

SEC. 2-2.19 BLASTING PERMITS. The license provided for in Section 2-2.18 of this Article shall remain in force for a period of one year. Upon each separate occasion that the licensee desires to do blasting, he shall notify said Superintendent of Streets in writing, stating the time and place of such proposed blasting operations and the necessity and purpose thereof, and if said Superintendent of Streets is satisfied as to the propriety and necessity of such blasting done in the specified location, he shall issue a permit under such conditions as he may deem necessary for the protection of persons and property in the vicinity. If the licensee desires to continuously conduct blasting operations as one continuous project and in one specific location, said Superintendent may grant a continuous permit for a period not longer than the life of said license.

SEC. 2-2.20 BLASTING LICENSE AND PERMIT NECESSARY. The holder of a license provided for in Section 2-2.18 of this Article shall pay to the Superintendent of Streets upon obtaining said license, and before the same becomes effective, a fee of one dollar ($1.00) and shall also pay to the Superintendent of Streets for each permit granted pursuant to the provisions of Section 2-2.19 of this Article, before the same becomes effective, a fee of fifty cents (50¢).

SEC. 2-2.21 BLASTING, ADDITIONAL BONDS. If in the judgment of the Superintendent of Streets any surety bond deposited as required in Section 2-2.18 of this Article, is insufficient in amount for a particular blasting operation specified in a particular permit issued pursuant to the provisions of Section 2-2.19 of this Article, such Superintendent of Streets may require a filing of the bonds with the City Clerk in an additional sum conditioned as in the instance of the original bond but limited to blasting operations in the locality specified in such permit.

SEC. 2-2.22 BLASTING OPERATIONS. It shall be unlawful for any person to explode, or cause to be exploded, any blast without first covering the same in such manner as to prevent fragments of rock, gravel, earth, trees or other substance and material from being thrown against or upon lots or buildings, or upon any public highway.

SEC. 2-2.23 EXPLOSIVES ON RAILROAD TRACKS. It shall be unlawful for any person to place or cause to be placed on any railroad track within the City of Oakland, any explosive of any character whatsoever; provided, however, that nothing herein contained shall be construed as prohibiting the use by railroad companies of torpedos commonly used in the conduct of their business.

SEC. 2-2.24 FIREARMS. SOLD AND DELIVERED TO AND RECEIVED BY HOLDER OF PERMIT. It shall be unlawful for any person in the business of selling, leasing or otherwise transferring, and for every person who sells, leases or otherwise transfers, either title to or possession of a pistol, revolver or other firearm of a size capable of being concealed upon the person, to sell, lease, or in any other way transfer title to or possession of such pistol, revolver or other firearms, or to deliver the same pursuant to such sale, lease or transfer, unless the person to whom the same is sold, leased, transferred or delivered shall at the time exhibit a permit duly issued by the Chief of Police of the City of Oakland, authorizing such person to acquire such pistol, revolver or firearm; or for any person not having such permit to receive or accept delivery or transfer of possession of such pistol, revolver or other firearm of a size capable of being concealed on the person.

SEC. 2-2.25 FIREARMS. ISSUANCE OF PERMIT TO ACQUIRE. It shall be lawful for the Chief of Police of the City of Oakland, upon satisfactory proof being made to him that the person applying therefor is of good moral character and that good cause exists for the issuance thereof, to issue to such person a numbered permit to purchase, lease or otherwise acquire a pistol, revolver or other firearm of a size capable of being concealed on the person; such application for such permit shall be made in the applicant's own handwriting, filed with the Chief of Police and shall set forth his true name and residence, his business and business address, the kind of firearm to be acquired for which permission is sought by the applicant, and the reason for his application. The permit, issued in duplicate, shall show the name, residence and business of the person to whom issued and his description, including height, weight, age, color of hair, skin and eyes, and must be countersigned by the permittee himself at the time of issuance, and the Chief of Police shall retain the duplicate copy. No sale, lease or other transfer of any pistol, revolver or other firearm shall be made by any person to any other person, unless the description of the person to whom such transfer is made shall identify him with the description in the permit which he presents, nor unless such permit be then and there surrendered to the person from whom the firearm is received, who shall endorse on it the make, number and caliber of such firearm and transmit such permit to the Chief of Police, attached to the duplicate register for that day as required by Section 2-2.26 of this Article.

SEC. 2-2.26 FIREARMS. RECORD OF TRANSFERS. Every person in the business of selling, leasing or otherwise transferring, and every person who sells, leases or otherwise transfers, a pistol, revolver or other firearm of a size capable of being concealed on the person, shall keep a register in which shall be entered in duplicate the time, the date, the place of, and the name of the person, making the sale, lease or other transfer of any pistol, revolver or other firearm, and the make, model manufacturer's number, caliber and any identification marks thereof, and in addition, the number of the permit issued by the Chief of Police, authorizing the person to whom such sale, lease or other transfer is made to acquire such pistol, revolver or other firearm.

No such sale, lease or transfer shall be made, unless the person to whom the same is to be made shall first sign his true name and address in said register in duplicate, and not until the person making the sale, lease or other transfer shall have signed his name in duplicate as witness to the name and address of the person to whom such sale, lease or other transfer is made.

The duplicate sheets of such register shall on the day on which the sale, lease or other transfer of such pistol, revolver or other firearm is made, be placed in the United States Mail with postage prepaid in an envelope properly addressed to the Chief of Police, Oakland, California. A violation of any provision of this section shall be a misdemeanor.

SEC. 2-2.27 FIREARMS. FALSIFICATION OF RECORDS. It shall be unlawful for any person to sign a fictitious name or a fictitious address or to falsify in any manner any information required by Sections 2-2.25 and 2-2.26 of this Article.

SEC. 2-2.28 FIREARMS. EXCEPTIONS TO APPLICATIONS. Nothing in Sections 2-2.24, 2-2.25, 2-2.26, and 2-2.27 of this Article shall apply to duly appointed peace officers of any political subdivision of the State of California, or apply to wholesale dealers in their regular business intercourse with retail dealers or wholesale or retail dealers in their regular course of business when transporting unloaded pistols, revolvers or other firearms by mail, express or other method of shipment to points outside of the City of Oakland.

SEC. 2-2.29 SLUNG SHOTS. It shall be unlawful for any person to make use of or to wear or carry about his person or to have in his possession any slingshot, rubber sling or other instrument or contrivance by means of which shots or other missiles of any kind or description are, or made to be, hurled or projected.

SEC. 2-2.30 FIREARMS IN POSSESSION OF CHILDREN. It shall be unlawful for any person in the City of Oakland to sell or give to any child under the age of twelve (12) years or to allow any such child to use, handle or discharge any gun or pistol or other similar instrument from or by means of which any bullet, shot or other missile of any kind is or may be projected by means of cartridges or powder or other explosive.

amended By Ord #333 C.M.S. — #696 CMS.

SEC. 2-2.31 MAXIM SILENCERS. It shall be unlawful for any person to have in his possession any Maxim silencer to be used or that may be used on any firearm or any similar apparatus or device to be used or that may be used on any firearm.

ARTICLE 3. TRAFFIC REGULATION.

Repealed by Ord #3083 CMS

Repealed by Ord #3083 CMS Ord 31, 1949 may Establishing New Oakland Traffic Code

SEC. 2-3.01 DEFINITIONS. For the purpose of this Article certain words and phrases are defined and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that they have a different meaning.

SEC. 2-3.01 (a) "STREET" is every way set apart for public travel except alleyways, bridlepaths and foot paths.

SEC. 2-3.01 (b) "ROADWAY" is that portion of the street between the physically established curb lines.

SEC. 2-3.01 (c) "SIDEWALK" is that portion of a street between the physically established curb lines and the adjacent property lines.

SEC. 2-3.01 (d) "INTERSECTION" is that area of the roadway embraced within the prolongation of the property lines of two (2) or more streets which join at an angle, whether or not one (1) such street crosses the other.

SEC. 2-3.01 (e) "SAFETY ZONE" is that marked portion of the roadway reserved for the exclusive use of pedestrians.

Sec. 2-3.01 (f) "CROSSWALK" is that portion of the roadway included within the prolongation of curb and property lines at street intersections.

Sec. 2-3.01 (g) "LOADING ZONE" is that portion of the roadway adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Sec. 2-3.01 (h) "VEHICLE" is every device, regardless of motive power, or animal, by which any person or property is or may be transported or drawn upon a street, including devices used exclusively upon rails.

Sec. 2-3.01 (i) "STREET CAR" is every device traveling exclusively upon rails when upon or crossing a street, other than devices propelled by steam.

Sec. 2-3.01 (j) "PEDESTRIAN" is any person afoot.

Sec. 2-3.01 (k) "OPERATOR" is any person who is in actual physical control of a vehicle.

Sec. 2-3.01 (l) "TRAFFIC" is pedestrians, vehicles, or street cars, either singly or together, while using any street for purpose of travel.

Sec. 2-3.01 (m) "RIGHT OF WAY" is the privilege of the immediate use of the street.

Sec. 2-3.01 (n) "PARK" is permitting a vehicle to stand for a period of time greater than is reasonably necessary for the unloading of persons or materials, unless required by traffic conditions.

Sec. 2-3.01 (o) "CENTRAL TRAFFIC DISTRICT" is the portion of the City of Oakland bounded by the east line of Franklin Street, the south line of Tenth Street, the west line of Jefferson Street and the north line of 19th Street.

Sec. 2-3.01 (p) "BUSINESS DISTRICT" is any portion of any street, between adjacent cross streets, fifty per cent (50%) of which is occupied by buildings in use for retail or wholesale business, and any intersection adjacent to such business street or any intersection, two (2) or more of the corners of which are so occupied.

Sec. 2-3.01 (q) "CURB" is the lateral physical boundary of the roadway of a street, whether marked by curbing construction or not so marked.

Sec. 2-3.01 (r) "LEAVE STANDING" is to stop a vehicle for any purpose unless required by traffic conditions, whether or not the engine is running and whether or not there is in the vehicle a person capable of operating the same.

Sec. 2-3.01 (s) "DRIVEWAY" is that portion of a street between a curb line and the adjacent property line designed to give vehicular access to the adjacent property and so constructed as to support the weight of any motor vehicle.

Sec. 2-3.01 (t) Pedestrian Lane (Add. By Ord. 4377 CMS)

AUTHORITY OF POLICE TRAFFIC SIGNS AND SIGNALS.

SEC. 2-3.02 OBEDIENCE TO POLICE. Officers of the Police Department are hereby authorized to direct all traffic by means of visible or audible signal. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a traffic or police officer, or, at any regularly established school crossing, to refuse or fail to comply with any order, signal or direction of any person appointed by the Chief of Police to control traffic at school crossings, providing that such person giving any order, signal or direction at such school crossing shall at the time be wearing some insignia indicating such appointment. It shall be unlawful for any minor to direct or attempt to direct traffic unless authorized to do so by order of the Chief of Police.

SEC. 2-3.03 PLACE OF TRAFFIC CONTROL. The Chief of Police is hereby granted the power to determine the streets and intersections on which, and the times at which, the movement of traffic shall be directed.

Amd. by #1042 eff.

SEC. 2-3.04 OBEDIENCE TO TRAFFIC SIGNALS. It shall be unlawful for any person to disobey the instructions of any mechanical or electrical traffic signal, traffic sign or mark upon the street placed in accordance with the provisions of this Chapter.

No person, public utility or any department in this City shall erect or place any barrier or sign on any street unless of a type first approved by the Superintendent of Streets. It shall be unlawful for any person to disobey the instructions of any barrier or sign placed in any street by any public utility or by any department of this City, provided the type of barrier or sign so erected has been first approved by the Superintendent of Streets.

SEC. 2-3.05 TRAFFIC SIGNALS CONTROLLED BY OFFICER. If controlled by an officer, the following signals shall be observed:

(1) One blast of the whistle indicates that east and west traffic shall proceed and north and south traffic shall stop.

(2) Two blasts of the whistle indicates that north and south traffic shall proceed and east and west traffic shall stop.

(3) Three or more blasts of the whistle is a signal of alarm and indicates the approach of a fire engine or other danger. At such signal all traffic shall stop until permitted by the police officer to proceed.

(4) Extending the arms indicates that traffic moving parallel to the extended arms shall proceed and traffic moving at right angles thereto shall stop.

Amd by #1042 eff.

SEC. 2-3.051 TRAFFIC SIGNALS CONTROLLED BY MECHANICAL DEVICE. If controlled by mechanical devices, the following signals for the direction of traffic are hereby authorized and shall be observed:

(1) RED LIGHT when shown in traffic signal requires that all traffic shall stop and remain standing.

(2) RED AND YELLOW LIGHTS signify that pedestrian traffic shall proceed, but vehicular traffic shall remain standing.

(3) GREEN LIGHT signifies that both pedestrian and vehicular traffic shall proceed.

(4) The ringing of a bell in connection with the above traffic legend shall indicate preparation for a change in the direction of traffic movement. When such bell is sounded, no vehicular traffic shall enter an intersection until the GREEN LIGHT is shown or the GO signal is given.

(5) If red light is flashing, vehicular traffic must stop before entering intersection. If amber light is flashing, vehicular traffic must approach intersection with caution.

SEC. 2-3.06 ESTABLISHMENT OF CROSS WALKS. The Chief of Police is hereby authorized to establish and the Department of Streets to maintain and designate upon the surface of the roadway, by appropriate devices, marks, or white line, crosswalks approximately equal in width to the adjacent sidewalk at all intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway.

When crosswalks are established and maintained outside the Central Traffic District, the Department of Streets shall, by appropriate devices, marks, or white lines, mark and maintain along the surface of the roadway, an arrow not less than twelve (12) inches wide in the shaft and not less than thirty (30) feet long, pointing in the direction of such crosswalks, together with the word SLOW, in block letters not less than twenty-four (24) inches high and not less than four (4) inches wide, one hundred (100) feet distant from each crosswalk so established.

SEC. 2-3.07 DISPLAY OF UNAUTHORIZED SIGNS PROHIBITED. It shall be unlawful for any person to place or maintain, or to display, any device, other than an official warning or direction sign or signal erected under competent authority, upon or in view of a street, which purports to be, or is an imitation of, or resembles, an official warning or direction sign or signal, or which attempts to direct the movement of traffic or the actions of operators, and any such prohibited device is hereby declared to be a public nuisance.

It shall be unlawful for any person to wilfully deface, injure, move or interfere with, any official warning or direction sign or signal.

SEC. 2-3.08 SAFETY ZONES. The Chief of Police is hereby granted the power to designate and the Department of Streets shall suitably mark and maintain safety zones upon the streets of the City of Oakland.

PEDESTRIANS.

Amd. By O. #563 CMS.

SEC. 2-3.09 PEDESTRIANS LIMITED RIGHT TO USE ROADWAY. When within the Central Traffic District, or any business district, no pedestrian shall cross a roadway other than by a crosswalk.

Sec. 2-3.091 Pedestrians rights on Cross walks. New Laws. (Add by #437 CMS)
" 2-3.092 Hitch hiking. " " #563 "

Outside of the Central Traffic District, or any business district, no pedestrian shall cross a roadway other than by a route at right angles to the curb, and when crossing at any place other than a crosswalk, shall yield the right of way to all vehicles upon the roadway.

It shall be unlawful for any person to stand in a roadway for the purpose of or while soliciting a ride from the operator of any private vehicle.

SEC. 2-3.10 PEDESTRIANS TO OBEY SIGNALS. At intersections where traffic is directed by a traffic or police officer, or by a traffic stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic.

Sec. 2-3.101 } Blind Pedestrians, Req. Traffic for. (Add by #329 CMS)
" 2-3.102 }
" 2-3.103 Stop Cane, requirement by blind. (" #760 ")

SEC. 2-3.11 METHOD OF APPROACH FOR A LEFT TURN. The operator of a vehicle intending to turn to the left at an intersection or into an alley or driveway shall approach the point of turning in the line of traffic next to the center of the roadway.

SEC. 2-3.12 METHOD OF TURNING TO LEFT AT INTERSECTIONS. The operator of a vehicle in turning left at an intersection shall pass to the right of the center of the intersection before turning except that where markers have been placed upon the intersection boundary lines to be crossed by the vehicle, the operator shall pass to the right of such markers.

Amd. By # 1005 Ords 7-20-39

SEC. 2-3.13 LOCATION OF TURNING MARKERS. The Chief of Police is hereby authorized, whenever in his opinion traffic is sufficiently heavy at any particular intersection, to warrant the placement of markers, to place or cause to be placed turning markers in intersections as follows:

(1) Within the intersections where either intersecting roadway is less than sixty (60) feet in width and in intersections where streets meet at other than right angles and in intersections where one (1) street terminates in another, a marker shall be placed at every intersection of the medial line of each street with the prolongation of the curb lines of the intersecting street, or as near the intersecting point of said lines as may be practical.

(2) Intersections other than those mentioned in paragraph 1 may be marked as provided in paragraph 1, or a single marker may be placed within such intersection at the intersection of the medial lines of the intersecting streets.

Sec. 2-3.1301 to 2-3.1308 - added By #1233 Ords 12.5-40 Amended By #409 Ords.

SEC. 2-3.14 LEFT TURNS RESTRICTED. It shall be unlawful for the operator of any vehicle, except as hereinafter provided, to turn such vehicle to the left between the hours of 7 A.M. and 7 P.M., Sundays and holidays excepted, at the following intersections: Twelfth Street and Broadway; Thirteenth Street and Broadway; Fourteenth Street and Broadway; Fifteenth Street and Broadway; provided, that at Fourteenth Street and Broadway vehicles going north on Broadway may turn to the left at Fifteenth Street and Broadway into Telegraph Avenue; and provided, further, that a left hand turn may be made at any of the above streets at any time whenever the operator is directed by a police officer to do so.

Amd. By # 1209 Ords 9-26-40 No right or left turn on Harrison

SEC. 2-3.141 LEFT OR RIGHT TURNS PROHIBITED. It shall be unlawful for the operator of any vehicle to turn such vehicle at the intersection of Harrison Street and Sixth Street in violation of the following regulations:

Vehicles going north on Harrison Street, out of the Tube, shall not turn to the left; Vehicles going south on Harrison Street shall not turn to the left; Vehicles going east or west on 6th Street shall not turn to the left or cross Harrison Street; Vehicles going north on Harrison Street, at the east side of the Tube, shall not turn to the left into the Tube or cross Harrison Street; Vehicles going north on Harrison Street, at the west side of the Tube, shall not turn to the right.

Repealed - Sec 2-3.142 Add #894 Ords (Left Turns Excelsior) Repealed #931 Ords.

SEC. 2-3.15 METHOD OF APPROACH FOR RIGHT TURN. The operator of a vehicle intending to turn to the right at an intersection or into any alley or driveway shall approach the point of turning in the line of traffic nearest the right hand edge of curb of the street.

Sec 2.3-143 Add by #931 Ords 12/13/38 (Left turns - (Res. req.

Sec. 2-3.163 Added by #10 42 CMS. - 10-5-39

Amd. by #928 cms 12/1/38

SEC. 2-3.16 WHEN RIGHT TURNS MAY BE MADE. A right turn shall not be made at an intersection by the operator of any vehicle against a traffic signal, unless permission to do so is indicated by the officer then directing traffic at such intersection.

Sec 2.3.161-2 Add by #928 cms Right turn Contrary to light

by Amd #1042 CMS

SEC. 2-3.17 SLOW MOVING VEHICLES TO KEEP TO RIGHT. The operator of a slow moving vehicle, including the operator of any truck, shall drive such vehicle at all times as near as practicable to the right hand curb.

Amended by O. #834 cms.

SEC. 2-3.18 TURNING AROUND SO AS TO PROCEED IN OPPOSITE DIRECTION. The operator of a vehicle shall not within the Central Traffic District or upon College Avenue from the Northern line of Keith Avenue to the Southern line of Lawton Avenue, at an intersection or elsewhere, turn a vehicle in a half-circle so as to proceed in the opposite direction.

Sec. 2-3.181 - Added By #996 CMS. 6-27-39

SEC. 2-3.19 STOPPING BEFORE CROSSING SIDEWALK. The operator of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk area extended across any alleyway.

SEC. 2-3.20 LEFT TURNS EXCEPT AT INTERSECTION. Within the Central Traffic District it shall be unlawful for the operator of any vehicle to turn such vehicle to the left except at an intersection, whether for the purpose of entering or leaving a driveway or otherwise.

SEC. 2-3.21 DRIVING VEHICLES ON SIDEWALK. The operator of a vehicle shall not drive within any sidewalk area except at a regularly established and constructed driveway.

SEC. 2-3.22 CROSSING FIRE HOSE. No street car or vehicle shall be driven over any unprotected hose of the Fire Department when laid down on a street, private driveway or street car track, to be used at any fire or alarm of fire, without the consent of the Fire Marshal or the assistant in command.

SEC. 2-3.23 BICYCLE RIDING RESTRICTED. It shall be unlawful to ride a bicycle upon any sidewalk. The rider of a bicycle upon a roadway shall ride as nearly as practicable within five (5) feet of the right hand curb or edge of the roadway, except when passing a standing or other vehicle, or making a left hand turn at an intersection.

SEC. 2-3.24 RIDING ON HANDLE BARS PROHIBITED. It shall be unlawful for the operator of any bicycle or motorcycle, when upon a street, to carry any other person upon the bar, handle or tank of any such vehicle, or for any person to so ride upon any such vehicle.

SEC. 2-3.25 UNLAWFUL TO DRIVE THROUGH FUNERAL PROCESSION. It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral procession, provided that such vehicles are conspicuously so designated, or authorized parade, and the disposition and directing of all vehicles and traffic on any street over which such procession or parade wishes to pass shall be entirely subject to the orders of the Police Department.

Sec. 2-3.251 - Added By # 1113 CMS. 4-11-40

SEC. 2-3.26 CLINGING TO MOVING VEHICLES. It shall be unlawful for any person traveling upon any bicycle, motorcycle, roller skates or any toy vehicle, to cling to, or attach himself or his vehicle to, any other moving vehicle or street car upon any roadway.

SEC. 2-3.27 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES, RESTRICTED. It shall be unlawful for any person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, to go upon any roadway in the Central Traffic District or any business district.

inord # 278 C.M.S. (original - amd by 466 C.M.S.

SEC. 2-3.28 MAIN HIGHWAY STOPS. Every operator of a vehicle, street car or interurban car shall stop such vehicle, street car or interurban car before entering or crossing any main (through) highway or boulevard as may be defined or established as such by the City of Oakland or otherwise by law, when there shall be in place upon the highway intersecting said main (through) highway or boulevard, stop signs located and constructed in the manner provided by the California Vehicle Act; provided that the provisions of this section shall be non-operative at any such intersection when the traffic thereat is directed and controlled by an officer, flagman, semaphore or other traffic signal device.

SEC. 2-3.281 INTERSECTION STOPS. Every operator of a vehicle, street car or interurban car, driving or operating on any street hereinafter in Sections 2-3.282, 2-3.283 and 2-3.284, designated, shall, before entering any intersection in said Sections 2-3.282, 2-3.283 and 2-3.284, designated, stop such vehicle, street car or interurban car at the entrance of such street upon which he is so driving or operating to such intersection.

The provisions of this section shall apply when there shall be in place upon the street on which such operator is driving or operating at such intersection, stop signs located and constructed in the manner provided by the California Vehicle Act; provided, that the provisions of this section shall be non-operative when the traffic at any such intersection is directed and controlled by an officer, flagman, semaphore or other traffic signal or device. (As amended by Ordinance No. 466 C.M.S., passed December 26, 1934)

SEC. 2-3.282 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Coolidge Avenue shall stop at the entrance of said Coolidge Avenue to the intersection formed by School Street.

Operators driving or operating West on Hopkins Street shall stop at the entrance of said Hopkins Street to the intersection formed by Canon Avenue.

Operators driving or operating Northeast on Hopkins Street shall stop at the entrance of said Hopkins Street to the intersection formed by Adell Court.

Operators driving or operating East on East 18th Street, shall stop at the entrance of said East 18th Street to the intersection formed by Park Boulevard. (As amended by Ordinance No. 466 C.M.S., passed December 26, 1934)

SEC. 2-3.283 DESIGNATED INTERSECTION STOPS. Operators driving southwest on Park Boulevard shall stop at the entrance of said Park Boulevard to the intersection formed by East 18th Street. (added by # 466 C.M.S. - amd by # 582 - C.M.S.

Operators driving or operating on East 14th Street shall stop at the entrance of said East 14th Street to the intersection formed by 94th Avenue.

Operators driving or operating on Pleasant Valley Avenue and Mather Street shall stop at the entrance of said Pleasant Valley Avenue and said Mather Street to the intersection formed by Piedmont Avenue.

Operators driving or operating on Thornhill Drive shall stop at the entrance of said Thornhill Drive to the intersection formed by Mountain Boulevard. (As amended by Ordinance No. 582 C.M.S., passed February 6, 1936)

SEC. 2-3.284 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Foothill Boulevard shall stop at the entrance of said Foothill Boulevard to the intersection formed by 55th Avenue. (added by # 466 C.M.S.

Operators driving or operating on San Leandro Street shall stop at the entrance of said San Leandro Street to the intersection formed by High Street.

Operators driving or operating on East 14th Street shall stop at the entrance of said East 14th Street to the intersection formed by 90th Avenue.

Operators driving or operating on 38th Avenue shall stop at the entrance of said 38th Avenue to the intersection formed by Brookdale Avenue and Penniman Avenue.

Operators driving or operating on Brookdale Avenue shall stop at the entrance of said Brookdale Avenue to the intersection formed by 38th Avenue.

Operators driving or operating on Penniman Avenue shall stop at the entrance of said Penniman Avenue to the intersection formed by 38th Avenue. (As amended by Ordinance No. 516 C.M.S., passed July 11, 1935).

SEC. 2-3.285 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Trestle Glen Road shall stop at the entrance of said Trestle Glen Road to the intersection formed by Grosvenor Place.

Operators driving or operating on Brooklyn Avenue shall stop at the entrance of said Brooklyn Avenue to the intersection formed by Athol Avenue.

Operators driving or operating on Athol Avenue shall stop at the entrance of said Athol Avenue to the intersection formed by Brooklyn Avenue.

The provisions set forth in Section 2-3.281 of this Code shall apply to this section. (As amended by Ordinance No. 685 C.M.S., passed Dec.22, 1936)

SEC. 2-3.2851 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Sunnyhills Road shall stop at the entrance thereof to the intersection formed by Grosvenor Place, Hubert Road and said Sunnyhills Road.

Operators driving or operating on Grosvenor Place shall stop at the entrance thereof to the intersection formed by Sunnyhills Road, Hubert Road and said Grosvenor Place.

The provisions set forth in Section 2-3.281 of this Code shall apply to this section. (As added by Ordinance No. 725 C.M.S., passed May 4, 1937)

SEC. 2-3.2852 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Oakmore Road shall stop at the entrance thereof to the intersection formed by Leimert Place.

Operators driving or operating on Arden Place shall stop at the entrance thereof to the intersection formed by Leimert Boulevard.

Operators driving or operating on Leimert Place shall stop at the entrance thereof to the intersection formed by Oakmore Road.

The provisions set forth in Section 2-3.281 of this Code shall apply to this section. (As added by Ordinance No. 743 C.M.S., passed June 10, 1937)

SEC. 2-3.2853 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Foothill Boulevard shall stop at the entrance thereof to the intersection formed by 2nd Avenue.

The provisions set forth in Section 2-3.281 of this Code shall apply to this Section. (As added by Ordinance No. 781 C.M.S., passed Oct. 13, 1937)

SEC. 2-3.2854 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Leimert Boulevard shall stop at the entrance thereof to the intersection formed by Arden Place.

Sec 2-3.2855 (add'l 863 cms) Broadway - Pattyn St
Sec 2-3.2856 " 874 " Lakeside Dr to Harrison
(Sec 2-3.2857 - 893 cms (Perry to Excelsior)

The provisions set forth in Section 2-3.281 of this Code shall apply to this section. (As added by Ordinance No. 808 C.M.S. - passed December 28, 1937)

SEC. 2-3.286 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Fruitvale Avenue shall stop at the entrance of said Fruitvale Avenue to the intersection formed by East 27th Street. The provisions set forth in Section 2-3.281 of this Code shall apply to this section. (As added by Ordinance No. 611 C.M.S., passed April 14, 1936.)

SEC. 2-3.2861 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Duncan Way shall stop at the entrance of said Duncan Way to the intersection formed by said Way and Florence Avenue.

Operators driving or operating northerly on Florence Avenue shall stop at the entrance of said Florence Avenue to the intersection formed by said Avenue and Duncan Way.

Operators driving or operating in a southwesterly direction on Florence Avenue shall stop at the entrance of said Florence Avenue to the intersection formed by said Avenue and Mountain Boulevard.

Operators driving or operating on Mountain Boulevard shall stop at the entrance of said Mountain Boulevard to the intersection formed by said Boulevard and Florence Avenue.

The provisions set forth in Sec. 2-3.281 of this Code shall apply to this Section. (As added by Ordinance No. 836 C.M.S., passed March 8, 1938)

SEC. 2-3.2862 DESIGNATED INTERSECTION STOPS. Operators driving or operating in a southerly direction on Leimert Boulevard shall stop at the entrance of said Leimert Boulevard to the intersection formed by said Boulevard and Hoover Avenue.

Operators driving or operating in a westerly direction on Hoover Avenue shall stop at the entrance of said Hoover Avenue to the intersection formed by said Avenue and Leimert Boulevard.

The provisions set forth in Section 2-3.281 of this Code shall apply to this section. (As added by Ordinance No. 851 C.M.S., passed April 5, 1938.

SEC 2-3.287 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Market Street shall stop at the entrance of said Market Street to the intersection formed by 14th Street. The provisions set forth in Section 2-3.281 of this Code shall apply to this Section. (As added by Ordinance No. 611 C.M.S., passed April 14, 1936)

SEC. 2-3.288 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Margarido Drive shall stop at the entrance of said Margarido Drive to the intersection formed by said drive and Broadway Terrace.

Operators driving or operating on Rosemount Road shall stop at the entrance of said RosemountRoad to the intersection formed by said road and Longridge Road.

The provisions set forth in Section 2-3.281 of this Code shall apply to this section. (As amended by Ordinance No. 666 C.M.S., passed September 15, 1936)

SEC. 2-3.289 DESIGNATED INTERSECTION STOPS. Operators driving or operating on Country Club Drive shall stop at the entrance of said Country Club Drive to the intersection formed by said drive and Broadway Terrace.

Operators driving or operating on Seminary Avenue shall stop at the entrance of said Seminary Avenue to the intersection formed by said Seminary Avenue and Walnut Street.

Operators driving west on Pleasant Valley Avenue shall stop at the entrance of said Pleasant Valley Avenue to the intersection formed by Moraga Avenue, and operators driving south on Moraga Avenue shall stop at the entrance of said Moraga Avenue to the intersection formed by Pleasant Valley Avenue.

The provisions set forth in Sec. 2-3.281 of this Code shall apply to this section. (As amended by Ordinance No. 653 C.M.S., passed July 30, 1936)

1-way St.

amend by ord 1052. adds (William St bet Telegraph & San Pablo

SEC. 2-3.29 ONE WAY STREETS. No person shall drive any vehicle, between the hours of 7 A.M. and 7 P.M. on any street or streets or parts of street or streets named in this section, except in the direction therein respectively indicated, and shall leave no vehicle parked on any such streets or parts of streets unless it is facing in the direction therein indicated. The Chief of Police is hereby authorized and directed to suitably indicate these regulations by marks or signs:

Sec 2-3.291 - Add. by #679 C.M.S.
2.92 -
2.93 -
2.94

Sec 2-3.281 # Intersection Stops - Creating Same (Add by O. 391 CMS) Amd by O #466 CMS. 11/26/34

SEC. 2-3.28 MAIN HIGHWAY STOPS. Every operator of a vehicle, street car or interurban car shall stop such vehicle, street car or interurban car before entering or crossing any main (through) highway or boulevard as may be defined or established as such by the City of Oakland or otherwise by law, when there shall be in place upon the highway intersecting said main (through) highway or boulevard, stop signs located and constructed in the manner provided by the California Vehicle Act; provided that the provisions of this section shall be non-operative at any such intersection when the traffic thereat is directed and controlled by an officer, flagman, semaphor, or other traffic signal device. Sec. 2-3.281 add By O. #391 CMS. (Intersection Stops) " " 282 " " " " " Coolidge & School Sts

SEC. 2-3.29 ONE WAY STREETS. No person shall drive any vehicle, between the hours of 7 A.M. and 7 P.M. on any street or streets or parts of street or streets named in this section, except in the direction therein respectively indicated, and shall leave no vehicle parked on any such streets or parts of streets unless it is facing in the direction therein indicated. The Chief of Police is hereby authorized and directed to suitably indicate these regulations by marks or signs:

Sec 2-3.291 Add by O. #679 CMS - 38th and Bross " 2-3.292 " 2-3.293 " 2-3.294 } O. 679 CMS

15th Street between Washington and Clay Streets in a westerly direction only.

16th Street between San Pablo Avenue and Telegraph Avenue in a westerly direction only.

SEC. 2-3.30 NEW PAVEMENTS. No person shall ride or drive any vehicle over or across any pavement or sidewalk newly laid or repaired across or around which there has been placed a barrier, or at or near which there is a person or a sign warning persons against riding or driving over such pavement, or a sign stating that the street is closed. The provisions of this section shall not apply to the employees actually engaged in the paving or repair of such pavements.

SEC. 2-3.31 DRIVING VEHICLES FOR ADVERTISING. It shall be unlawful for any person to leave standing, drive or operate exclusively or primarily for advertising purposes, any vehicle on or upon any street in the Central Traffic District, as now or hereafter established.

Amend by O. #341 CMS. - Authorized Emergency Vehicle. Right of Way.

SEC. 2-3.32 (FIRE APPARATUS. RIGHT OF WAY.) All fire engines, hose wagons, and other movable apparatus of the Fire Department and Fire Patrol shall have the paramount right of way through all the streets, lanes, alleys, places and courts of the City of Oakland when running to a fire, and all such apparatus shall take and keep the right side of the street unless the same be obstructed. All other vehicles, excepting street or railroad cars upon the approach of any engine, hose wagon, or other apparatus of the Fire Department, shall forthwith give the right of way and remove to the side of the street opposite to the side of the street taken by such engine, hose wagon or other apparatus of the Fire Department.

All street cars within one hundred (100) feet of such engine, hose wagon or movable apparatus going to a fire shall immediately stop, in order to give the apparatus of the Fire Department and the Fire Patrol the unobstructed use of the street for the time being.

Any person or persons having the control of any vehicle, wilfully or carelessly permitting the same to obstruct the progress of the apparatus of the Fire Department or Fire Patrol going to a fire, shall be deemed guilty of a misdemeanor.

Sec. 2-3.291 - added By #679 - Repealed By # 1042
" 2-3.292 " " " " " " "
" 2-3.293 " " " " " " "
" 2-3.294 " " " " " " "
" 2-3.295 " " #1027

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* Sec. 2-3.281-2- Add by " " 466 " " 3-4 Amd by " " 283 " " 284 Amd " " 285 Amd " " 286-79 " " 287 " " 288 " " 289 " " 290 " " 291 " " 292 " " 293 " " 294 " " 295 " " 296 " " 297 " " 298 " " 299 " "

amd By #1185 CMS. 8/28/40

SEC. 2-3.33 NO-PARKING AREA. It shall be unlawful for the operator of a vehicle to stop 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, traffic officer or traffic sign or signal:

(1) In an intersection; (2) In a crosswalk; (3) Between a safety zone and adjacent curb or within fifteen (15) feet of a point on the curb immediately opposite the end of a safety zone; (4) In front of the main entrance to any police station, hospital, or in front of the entrance to any hotel, rooming house or apartment house of five (5) stories or more in height; (5) In such No-Parking areas as may be defined or established by the City of Oakland.

Sec. 2-3.332 added by #1219 CMS.

The areas referred to in subdivisions three, four, and five of this section shall be designated by placing and maintaining red paint or other red material upon the entire curb surface of such area; provided, however, that if there is no such curb surface, appropriate signs shall be placed on the areas of the streets or highways to be so designated, with letters of a size to be clearly legible from a distance of fifty (50) feet along said street or highway. The provisions of subdivision three (3) of this section, however, shall be operative whether or not they are so designated.

Sec 2-3.331 add by #837 CMS. No Parking while schools are in session

Amd by #1065 CMS

SEC. 2-3.34 LOADING ZONES. During the times specified herein it shall be unlawful for an operator to stand any passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, providing such loading or unloading shall not consume more than three (3) minutes; or for an operator to stand any commercial vehicle for a period of time longer than is necessary to load, unload and deliver materials, provided that the loading, unloading and delivery of such materials shall not consume more than thirty (30) minutes in any of the following places:

Sec 2-3.341 add #977 CMS (Paint Curbs unlawful without Auth City Engr.

(1) In any loading zone, defined or established by the City of Oakland, between the hours of 7 A.M. and 6 P.M. of any day, Sundays and holidays excepted.

(2) At any place along the curb before the entrance to any public building between the hours of 7 A.M. and 6 P.M. of any day except Sundays and holidays.

(3) At any place along the curb before the entrance to any theater during the hours such theater is open for business.

The provisions of paragraphs 1 and 2 of this section shall be indicated by placing and maintaining yellow paint or other yellow material upon the entire curb surface within the areas designated and the provisions of this section shall be operative as to each area designated only when the same shall be so indicated, said painting to be done by the Department of Streets.

amd by #1185 CMS. 8/28/40 Sec. 2-3.342 (Add by #1065 CMS. 1-11-40) Passenger Load. Zone - White Paint (3 Minute)

The provisions of paragraph 3 of this section shall be indicated by placing and maintaining appropriate signs of a type approved by the Chief of Police at each end of the curb surface included in the area designated, and the provisions of said paragraph shall be operative as to each area so designated only when the same is so indicated.

Amd by #1042 CMS.

SEC. 2-3.35 PARALLEL PARKING. It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle in a street other than parallel with the curb and with the two (2) right hand wheels of the vehicle within one (1) foot of the regularly established curb line except upon those streets or portions thereof upon which angle parking may be permitted by action of the City Council and where such angle parking is designated as hereinafter in Section 2-3.36 provided.

SEC. 2-3.36 ANGLE PARKING. Streets or portions thereof upon which angle parking is permitted shall be designated by painting or otherwise marking upon the surface of the roadway, lines at an angle with the curb of not less than twenty-five (25) degrees and not to exceed thirty-five (35) degrees, the distance between said lines to be not less than six and a half (6½) feet and not to exceed seven and a half (7½) feet. It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle in a street or portion thereof marked for angle parking other than at the angle to the curb thereof indicated by said lines, and other than in the space between said lines. Any provisions permitting angle parking shall be operative only when the same shall be indicated by such lines, such painting or marking of lines to be done by the Department of Streets, excepting therefrom any portion of such street or streets upon which no parking is permitted and/or which are loading zones.

SEC. 2-3.37 PARALLEL PARKING FOR LOADING OR UNLOADING. The operator of a vehicle shall not stand or park such vehicle in any roadway while loading or unloading the same other than at an angle not to exceed forty-five (45) degrees with the physically established curb line, and facing the direction in which the traffic is moving.

SEC. 2-3.38 FORTY-MINUTE PARKING. It shall be unlawful for the operator of any vehicle to leave such vehicle standing for a period of time greater than forty (40) minutes between the hours of 8 A.M. and 6 P.M. of any day except Sunday and holidays on any street or any part of any street which may be defined or designated by the City of Oakland as forty (40) minute parking areas; which areas shall be indicated by the erection and maintenance of appropriate signs on each block to which such area applies.

(Repealed by O.#921 C.M.S.) SEC. 2-3.39 PARKING ON MOSS AVENUE. Parking on the south side of Moss Avenue, between Piedmont Avenue and Broadway shall be lawful between the hours of 9 o'clock A.M. and 4 o'clock P.M. The provisions for this section and the time period of parking thereof shall be indicated by the maintenance of appropriate signs in this area.

SEC. 2-3.40 PARKING FOR DEMONSTRATION. It shall be unlawful for the operator of any vehicle to park the same upon any street in the City of Oakland for the purpose of demonstrating it or displaying it for sale.

SEC. 2-3.41 EARLY MORNING PARKING. No persons shall leave any vehicle standing on any street between the hours of 2 A.M. and 5 A.M. unless such vehicle is in service during the time.

SEC. 2-3.42 TWO-HOUR PARKING. It shall be unlawful for the operator of any vehicle to leave such vehicle standing for a period of time greater than two (2) hours between the hours of 9 A.M. and 8 P.M. of any day except Sunday and holidays on any street or any part of any street which may be defined or designated by the City of Oakland as two-hour parking areas; which areas shall be indicated by the erection and maintenance of appropriate signs on each block to which such area applies.

SEC. 2-3.43 PARKING AREAS FOR CITY OFFICIALS' CARS. The West side of Washington Street from 14th Street to 15th Street is hereby set aside and reserved for parking official cars between the hours of 8 A.M. and 8 P.M. daily, Sundays and holidays excepted; provided, that no parking shall be permitted on the Westerly side of Washington Street immediately in front of the entrance to the City Hall.

For the purpose of this section only, official cars shall be (1) vehicles belonging to the City; (2) vehicles used by officers or employees of the City while on official city business; provided, such last mentioned vehicles shall have in plain view in the driver's compartment a permit signed by the Chief of Police and approved by the City Manager.

It shall be unlawful for any person to park any vehicle, other than those above designated, in said reserved space during the periods above mentioned.

SEC. 2-3.44 PARKING AREAS FOR POLICE CARS. It shall be unlawful for the operator of any vehicle to leave such vehicle, excepting vehicles owned and used for police work by the State of California, any County, City and County, City, Town or Municipality, standing on any of the following streets, and parts of streets in the City of Oakland:

The north side of Fourth Street from the eastern line of Washington Street to a point eighty-seven (87) feet easterly thereof.

The east side of Washington Street from the northern line of Fourth Street to the southern line of Fifth Street.

The south side of Fifth Street from the eastern line of Washington Street to a point eighty-seven (87) feet easterly thereof.

SEC. 2-3.444 PARKING AREA FOR OAKLAND POLICE CARS. It shall be unlawful for the operator of any vehicle to leave such vehicle, excepting vehicles owned by the City of Oakland and used by the Police Department of said City, standing on the North side of Thirteenth Street between the western line of Jefferson Street and the eastern line of Grove Street in the City of Oakland.

Added by Ord #2395 cms 3/6/47

The provisions of this Section shall be indicated by the erection of appropriate signs by the Traffic Engineer.

And. By #1081 cms. → Sec 2-3.441 Parking area Police Cars. Add by #371 cms (Bway Police Cars 15 sts)
" 2-3.442 " " " Doctors " 491 " (31st & Grove Sts)
" 2-3.441 " " " Police Cars Amd " 687 "

(Add Sec 2-3.444 - Ord 2395 cms - 3/6/47) "MISCELLANEOUS PROVISIONS." Parking Areas-Police Cars.

SEC. 2-3.45 USE OF GARBAGE WAGONS RESTRICTED. It shall be unlawful for any person to drive or leave standing any vehicle used for the collection or transportation of garbage, swill or other objectionable matter in the Central Traffic District between the hours of 10:00 A.M. and 6:00 P.M. of any day; or to cause or permit such vehicle while loaded to remain standing upon any public street or other public place in the City of Oakland, for a period longer than ten (10) minutes, excepting at the place designated by the City Council as the dumping place for such garbage or refuse matter.

SEC. 2-3.46 LENGTH OF VEHICLES. Between the hours of 8 A.M. and 6 P.M. it shall be unlawful to drive in the Central Traffic District two or more freight vehicles hitched together tandem, or any freight vehicles drawn by more than four horses, or any hay wagon or oil wagon, or any freight vehicle, the total length of which, together with its load, shall exceed forty (40) feet, or the total width of which shall exceed ten (10) feet, or any vehicle filled with earth, unless such earth shall have been taken from or to some excavation within one of said districts, in which case such vehicle must, at the first opportunity, leave said district and proceed to its destination by some route other than through said district. The provisions of this section shall not apply to vehicles transporting materials to be used in the construction or repair of streets or buildings within said district, or to vehicles transporting theatrical scenery, telephone or telegraph poles, to be used within said district.

SEC. 2-3.47 OFFICERS MAY MOVE VEHICLES. All police officers are hereby authorized, when necessary, to clear any street or other public place open to vehicular travel, of any and all vehicles left standing thereon, whether occupied or unoccupied, and to that end such officers are authorized to move such vehicles to some convenient nearby place. This section is not to be construed to authorize any police officer to tamper with any lock or other lawful device upon any vehicle or to break the glass or other parts thereof.

SEC. 2-3.48 REPAIRING VEHICLES ON HIGHWAY. It shall be unlawful for any person to construct, or cause to be constructed, or repair, or cause to be repaired, any vehicle or any part thereof, upon any public street, excepting temporary repairs in case of accident.

SEC. 2-3.49 STOPPING AT TRAIN CROSSINGS. Any person operating a vehicle on a public street across which are laid steam or interurban or street car tracks, shall bring said vehicle to a full stop within not less than ten (10) feet nor more than fifty (50) feet from the nearest rail of the track nearest to the front of said vehicle whenever the approach of a steam or electric locomotive, interurban or street car, including passenger or freight cars, is indicated or signalled by sound of a bell attached to a post erected on the public street in the vicinity of said tracks, the motion of a wig-wag, or by the lowering of gate or gates, or by the motion or noise of any other signal or automatic device, or by the motion, posture or gesticulation of a human flagman, and shall keep said vehicle stationary until such steam or electric locomotive, interurban or street car train, including passenger or freight cars, shall have entirely passed over, across and beyond the curb lines extended of the street upon which such vehicle is operated; provided, however, that such person need not keep said vehicle stationary after he has ascertained, by looking and listening, that the sound of the said bell, the motion of the wig-wag or the motion or noise of any other signal or automatic device is caused by defect, disarrangement or lack of order therein, or by steam or electric locomotive, commercial, steam interurban or street car train, car or cars of any description, including street cars, interurban cars or commercial, passenger or freight cars which are stationary, or which have passed over the crossing.

SEC. 2-3.50 HEAVY LOADS ON STREETS IN RESTRICTED DISTRICT. No vehicle of any kind or nature whatsoever shall be operated or moved upon or over any of the streets hereinafter in Section 2-3.51 designated without a permit as provided in this section, when the total weight of vehicle and load exceeds four and one half (4½) tons.

The Superintendent of Streets may, by written permit, authorize the operation of a vehicle or vehicles upon any of the streets hereinafter in Section 2-3.51 set forth, when the total weight of such vehicle or vehicles exceeds the maximum weight prescribed in this section, if, in the judgment of the Superintendent of Streets, streets upon which such vehicle is to be operated can safely withstand the additional weight. Such permit shall be granted upon such conditions and upon depositing such bond as the Superintendent of Streets may, in his discretion, require.

SEC. 2-3.51 RESTRICTED DISTRICTS. The streets referred to in Section 2-3.50 are described as follows: Lakeshore Avenue from Twelfth Street to Embarcadero; Harrison Boulevard from Twentieth Street to Twenty-fourth Street and Bay Place; Snake Road from Mountain Boulevard to Skyline Boulevard; Skyline Boulevard from Tunnel Road to Redwood Road; Skyline Extension from Skyline Boulevard to Joaquin Miller Road; Shepherd Canyon Road from Snake Road to Skyline Boulevard; Mountain Boulevard from Redwood Road to Calaveras Avenue; Mountain Boulevard from Redwood Road to the intersection of Snake Road and Moraga Road; Joaquin Miller Road from Mountain Boulevard to Skyline Boulevard; Moraga Road from Piedmont City Limits

to Mountain Boulevard; Lincoln Avenue from Hopkins Street to Joaquin Miller Road; Mountain Boulevard from Seminary Avenue to Sequoia Road; Golf Course Road from Eighty-second Avenue and Foothill Boulevard to Municipal Golf Course; Mountain Boulevard from Florence Street to Willard Avenue; Lake Drive from Oak Street to Harrison Boulevard; Tunnel Road from Berkeley City Limits to Skyline Boulevard; Fish Ranch Road from Stonewall Road to Contra Costa County Limits; Maitland Drive from the eastern City Limits of the City of Oakland to the eastern City Limits of the City of Alameda.

Sec 2-3.511 add By O. #396 C.M.S. (Prohibit 4½ ton Veh. certain Dist.)

SEC. 2-3.52 RAILWAY TRAINS AND STREET CARS NOT TO BLOCK STREET. It shall be unlawful for the operator of any steam, interurban or street railway train or car to operate the same in such manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes.

SEC. 2-3.53 STREET RAILWAY ALARMS AT CROSSINGS. It shall be unlawful for any person operating or in charge of any interurban or street car to cause or permit the same to be propelled across any street in the City of Oakland without having sounded an alarm, gong or bell while within a distance of from fifty (50) to twenty-five (25) feet of the street about to be crossed.

SEC. 2-3.54 STREET CARS STOPPING AT RAILROAD CROSSINGS. It shall be unlawful for any person having charge, care or control of any street railway car operated within the City of Oakland, to cause or permit such car to cross any railroad track over which trains or railroad engines are operated, without bringing the said street railway car to a full stop immediately before crossing such railroad track.

SEC. 2-3.55 SPEED OF RAILROAD AND STREET CARS. It shall be unlawful for any person owning, operating or controlling any electric street railway car, railway engine, or cars propelled by steam, to cause or permit the same to attain a greater maximum rate of speed than fifteen (15) miles per hour in any of that portion of the City of Oakland bounded on the north by the northerly line of Twenty-second Street, on the east by the easterly line of Oak Street, on the south by the southerly charter line of the City of Oakland and on the west by the westerly line of Market Street.

SEC. 2-3.56 RAILROAD TRAINS PASSING IN FIRE LIMITS. It shall be unlawful for trains drawn or propelled by steam engines to meet or pass each other within the Fire Limits of the City of Oakland.

SEC. 2-3.57 RAILROAD CROSSINGS, FLAGMEN. All persons owning or controlling or operating any railroad or railroads upon Seventh, First or Webster Streets, or upon Railroad Avenue or upon Stanford Avenue, in the City of Oakland, are hereby required to station flagmen and keep said flagmen so stationed at the following points during the hours of the day or night, hereinafter mentioned, to-wit:

At the intersection of Seventh and Market Streets; at the intersection of Seventh and Jefferson Streets; at the intersection of Seventh and Washington Streets; at the intersection of Seventh Street and Broadway; at the intersection of Seventh and Franklin Streets; at the intersection of Seventh and Webster Streets; at the intersection of Park Avenue and Railroad right-of-way, during the hours that local trains for San Francisco, Alameda, Oakland and Berkeley are in operation; also at the intersection of First and Market Streets; at the intersection of First and Grove Streets; at the intersection of First and Clay Streets; at the intersection of First and Washington Streets, between the hours of six (6) o'clock A.M. and seven (7) o'clock P.M.; also at the intersection of San Pablo Avenue and Stanford Avenue, during the hours of the day or night that railroad trains are in operation upon said Stanford Avenue.

SEC. 2-3.58 RAILROAD CROSSINGS. GATES AND SEMAPHORES. No person owning, operating or controlling any railroad train upon First, Seventh or Webster Streets, or upon Railroad Avenue, or Stanford Avenue in the City of Oakland, shall cause or permit the said railroad train or any part thereof to pass any of the points specified in Section 2-3.57 during the respective hours therein specified, until the flagman there stationed shall signal him, or them, to do so. It is further provided that should any person operating or controlling railroad trains along Seventh, First or Webster Streets, or along Railroad Avenue, or Stanford Avenue, in the City of Oakland, erect, maintain and operate good and substantial crossing gates, at any of the crossings at which flagmen are in said Section 2-3.57 required, and signal trains over and across by semaphores operated in conjunction with such crossing gates by men stationed in towers nearby during the hours in said section specified, it shall be considered as full compliance with the terms of said Section.

SEC. 2-3.59 RAILROAD CROSSINGS. WIG-WAG SIGNALS. Any person owning, controlling or operating any railroad or railroads upon Seventh Street, in the City of Oakland may install and maintain a wig-wag signal at the intersection of said Seventh Street and Webster Street and/or the intersection of said Seventh Street and Franklin Street, in lieu of keeping flagmen stationed at said respective intersections as provided in Section 2-3.57; provided, however, that such wig-wag signals shall be maintained in operation during the hours specified in said section as the hours during which flagmen must be stationed at said intersections; and provided further, that no person owning, controlling or operating any railroad train upon Seventh Street shall cause or permit the said railroad train, or any part thereof, to pass over either of said intersections at Webster Street and Franklin Street until the signal placed there in lieu of said flagmen shall have been placed in operation.

SEC. 2-3.60 SEMAPHORES AT RAILROAD CROSSINGS OF STREET RAILROADS. All persons owning or operating a railroad or railroads by steam in the City of Oakland shall erect, maintain and operate a semaphore at each street where the said railroad crosses the tracks of any street railroad, and each of said semaphores shall be constantly operated at all times when steam cars or locomotives approach the same, and no conductor, engineer or other person having charge or control of any such steam railroad, or any part thereof, shall cause or permit the same to cross any track of any street railway in the City of Oakland unless the semaphore is maintained and operated at such crossing.

SEC. 2-3.61 WIG-WAG SIGNALS AT RAILROAD CROSSINGS. All persons owning or controlling or operating any railroad or railroads upon First and Webster Streets, First and Franklin Streets and First Street and Broadway in the City of Oakland shall install and maintain a manually operated wig-wag signal tower and keep said manually operated wig-wag signal in operation at the aforesaid intersections during twenty-four hours of the day and night, and no person owning, operating or controlling any railroad train upon any of said streets shall cause or permit the said railroad train, or any part thereof, to pass at the said points of intersection until the said signal shall have been placed in operation.

SEC. 2-3.62 RAILROAD TUNNELS AND RIGHTS OF WAY. It shall be unlawful for any person to trespass in any railroad tunnel situated wholly or partly within the City of Oakland or upon the railroad tracks or right of way within such tunnel.

SEC. 2-3.63 SPEED ON BRIDGES. It shall be unlawful for any person to drive or operate or cause to be driven or operated any vehicle along, upon or across the draw of what is known and denominated as the Park Street Bridge or the High Street Bridge in the City of Oakland, at a rate of speed faster than five (5) miles per hour.

Sec. 2-3.631 - Add by O-7464 C.M.S. (Intoxicated persons in Autos)
" " " - Amended by O-7211 "

TRAFFIC IN POSEY TUBE.

Amd. By # 636 eff. 6-18-36

SEC. 2-3.64 POSEY TUBE. COMPLIANCE WITH REGULATIONS. It shall be unlawful for any person to drive or operate or cause to be driven or operated, any vehicle in or through that portion of the Tube under the San Antonio Estuary which lies within the corporate limits of the City of Oakland, except in strict compliance with the rules and regulations hereinafter in Sections 2-3.65, 2-3.66, 2-3.67, 2-3.68 and 2-3.69 of this Article set forth.

Amd. by # 1242 eff. 12-24-40

SEC. 2-3.65 POSEY TUBE. LIGHTS, NOISE, SPEED, SMOKING. All vehicle headlights or spotlights shall be extinguished on entering the Tube referred to in Section 2-3.64.

The use of cut-outs, horns, sirens, whistles or any other noise-making device in the said Tube is prohibited.

No vehicle shall proceed faster than twenty (20) miles per hour in said Tube, unless directed by an officer.

Smoking in the Tube is prohibited.

No shouting or boisterous conduct shall be permitted in the Tube or in or around Portal Buildings. #1242 eff. 12-24-40

Sec. 2-3.65 - Amd. by #1242 eff. 12-24-40

SEC. 2-3.66 POSEY TUBE. VEHICLES. No rider of a bicycle shall ride on the roadway or on a sidewalk of the Tube referred to in Section 2-3.64 of this Article.

Horse drawn vehicles are prohibited from using the Tube.

No hand or push carts, cars or wheel barrows or similar vehicles shall be allowed in the Tube. Vehicles which by design or defect are not capable of a speed of five (5) miles per hour on an adverse grade of four and five tenths per cent (4.5%) shall not be driven or operated on roadway of the Tube.

No vehicle shall enter the Tube, if any part of such vehicle or if its load is more than thirteen (13) feet six (6) inches above the crown of the roadway. No vehicle shall be driven in the Tube if the total outside width of said vehicle or the load therein shall exceed ninety-six (96) inches nor shall any part of the load project ahead or behind more than two (2) feet, unless such projecting part has displayed on the extreme end a red flag or cloth not less than sixteen (16) inches square.

No vehicle designed for the carrying of passengers shall be operated in the Tube having any luggage, baggage, trunks, crates, boxes or any other load carried thereon extending beyond the line of the hubcap more than six (6) inches.

Any vehicle, machine or equipment not an ordinary motor vehicle is prohibited from using the Tube unless a special permit is obtained from the County Surveyor of Alameda County, limiting and directing said use of the Tube.

SEC. 2-3.67 POSEY TUBE. TRAFFIC LANES, SIGNALS. The roadway of the Tube referred to in Section 2-3.64 of this Article shall constitute two traffic lanes. The Eastern one-half of said roadway shall be a lane for north bound traffic and the Western one-half of roadway for South bound traffic. A center line will indicate the different lanes.

No driver shall, except at exits of Tube, leave the traffic lane in which he is facing, and shall not turn into or enter any part of any other traffic lane unless directed by an officer, and shall not, unless directed by an officer, pass any other vehicle traveling in the same direction.

Traffic signals provided throughout the Tube in the center of the ceiling and at the entrances shall be obeyed as follows: Green signal light shall indicate that a lane is clear and that traffic shall proceed; red signal light shall indicate that a lane is closed and that traffic shall halt.

Yellow or "STOP ENGINE" signals shall indicate that engines of all motor vehicles shall be stopped at once and remain stopped until green light again appears for traffic to move ahead. Engines shall not be started until so indicated by signal or directed by an officer.

SEC. 2-3.68 POSEY TUBE. PROCEEDING. DISTANCE. STOPPING. No driver shall obstruct a traffic lane in the Tube referred to in Section 2-3.64 of this Article by slow driving, parking or stopping except as directed by a traffic officer, nor shall any repairs be made on any motor vehicle, or any tires be taken off or changed within the Tube, nor shall any gasoline be handled therein in an open container.

No driver shall proceed unless the lane is clear, or as directed by an officer, and shall not approach nearer than fifty (50) feet to any other vehicle in the same traffic lane, whether moving or standing, unless directed by an officer.

No driver shall endanger traffic to his rear by stopping or slowing down suddenly, without making the hand signals prescribed by the State motor vehicle act, or otherwise giving warning to the driver of the vehicle in the rear of his intention to slow down or stop.

All drivers of vehicles or passengers thereof, where such vehicles are stopped in the Tube, shall remain in such vehicle unless otherwise directed by an officer.

SEC. 2-3.69 POSEY TUBE. PEDESTRIANS, FIRE EXTINGUISHERS, EQUIPMENT. No pedestrian shall enter upon or cross the roadway of the Tube referred to in Section 2-3.64 of this Article, except as directed by an officer.

No person shall remove any fire extinguisher from niches provided except for fire purposes, and in no case shall remove such extinguishers from the Tube or subject extinguishers to hard and unwarranted usage.

No unauthorized person shall tamper or interefere with or disturb any telephone, signal, lighting or other equipment of the Tube.

Sec. 2-3.691 - added by # 636 C.M.S. 6-18-36

" 2-3.692 " " " " "

AIRCRAFT.

SEC. 2-3.70 AIRCRAFT. FLYING IN AND OVER CITY. It shall be unlawful for any airman, as defined by the Air Commerce Act of 1926 adopted by the Congress of the United States of America, or other person, to navigate or fly any aircraft over the area of the City of Oakland, or land any aircraft upon, or fly the same from any part of the City otherwise than in conformity with the air traffic rules and other provisions of the "Air Commerce Regulations", as established by the United States Department of Commerce (Aeronautics Branch) under the authority of the said Air Commerce Act.

SEC. 2-3.71 AIRCRAFT. PILOT'S LICENSE. It shall be unlawful for any airman, or other person, to navigate any aircraft over, land upon, or take off from any part of the city, or serve as an airman in connection with any aircraft therein, unless such airman, or other person, possesses a proper certificate or license issued under authority of the Secretary of Commerce of the United States upon examination of such person as to his fitness, experience and other qualifications, or otherwise, as provided in the said Air Commerce Regulations.

SEC. 2-3.72 AIRCRAFT. REGISTERED AND LICENSED. It shall be unlawful for any airman or other person, to navigate any aircraft from, to, over or upon any part of the city, except aircraft which has been registered or licensed under authority of the Secretary of Commerce of the United States and rated as to air worthiness, in accordance with the provisions of the said Air Commerce Regulations. No registered but unlicensed aircraft shall be flown over or operated in any part of the city except on or within two miles of the Oakland Municipal Airport.

SEC. 2-3.73 AIRCRAFT. NON-RESIDENT, UNLICENSED PILOTS. Any non-resident unlicensed airman, or other non-resident person without lawful authority as herein provided, landing any aircraft in the city from any place beyond its boundaries, or any person flying any unlicensed aircraft into the city shall depart therefrom within twenty-four (24) hours, provided, however, the Chief of Police may grant such person written permit to keep such aircraft grounded in said city for a longer period, provided such aircraft is not navigated in the meanwhile. Having once taken off from the ground, the return of any such aircraft to any part of the city (except on or within two (2) miles of the municipal airport in case of registered planes) shall be deemed a violation of this Article.

SEC. 2-3.74 AIRCRAFT. CARRYING PASSENGERS. It shall be unlawful for any person to carry any passengers in any aircraft for hire or reward unless such person possess a license as a "transport pilot" or as a "limited commercial pilot" in accord with the said air commerce regulations in Section 2-3.70 of this Article referred to.

SEC. 2-3.75 AIR COMMERCE. REGULATIONS ADOPTED. For the purposes of this Article, the said Air Commerce Regulations of the United States Department of Commerce, effective June 1st, 1928 and August 1st, 1928, as published in Information Bulletin No. 7 of the Aeronautics Branch of said Department, a copy of which bulletin has been heretofore filed with the City Clerk, are hereby adopted by reference and made a part hereof as fully as if the same and each and all of them and every part thereof were completely set forth herein.

SEC. 2-3.76 AIRCRAFT. GOVERNMENT SERVICE. Officers and members of the United States Army and Navy, or the Marine Corps, and officials of the United States, while actively engaged in the operation of aircraft in the service of the government shall not be subject to the provisions of this Article relative to aircraft.

SEC. 2-3.77 AIRCRAFT. APPLICATION AND CONSTRUCTION. Nothing in this Article relative to Aircraft shall be construed to apply to, or interfere with the conduct or management of the Oakland Municipal Airport, or the flying, operation or supervision of aircraft in connection therewith. So far as applicable, the provisions of this Article relative to Aircraft shall be deemed to be in addition to any rules and regulations provided for the use of such airport by the Board of Port Commissioners of the City of Oakland. Where a flying field is proposed to be located in the Port Area of the City, application therefor must be made exclusively to said Board, and its approval secured.

ORDINANCE NO. 278 C.M.S.

OAKLAND MUNICIPAL CODE.

PASSED DECEMBER 22, 1932
EFFECTIVE DECEMBER 23, 1932.

Note: For all amendments and additions to Ord. 278 C.M.S., (O.M.C.), see binders containing complete record of each section, with amendments thereto, and any additions to the O.M.C., showing Ordinances amending,etc.

Art 3 & Repealed by Ord #3083 cmc 5/26/49 Sects. 2

SEC. 2-3.78 ADDITIONAL PENALTIES AND DISPOSITION OF FINES. In addition to other penalties provided for the violation of any provisions of this Article, the Court may for a definite period suspend or revoke an operator's or chauffeur's license upon conviction of the licensee for violation of any of the provisions of this Article.

All fines and forfeitures under the provisions of this Article shall be paid into the City Treasury of the City of Oakland.

ARTICLE 4.
DANGEROUS STRUCTURES

SEC. 2-4.01 BUILDINGS CONSTITUTING A MENACE TO PUBLIC SAFETY. Any building or other structure (a) situated within the fire limits of the City of Oakland, (b) of wood frame construction, and (c) so constructed as to more than ordinarily endanger the safety of persons therein in case of fire, or so situated as to more than ordinarily endanger other buildings or property in the vicinity in case of fire, or so constructed or situated as to render the same peculiarly susceptible to fire, from withwor without; or

Any building or other structure in the City of Oakland which by reason of rot, weakened joints, walls, floors, underpinning, roof, ceilings, or insecure foundation, or other cause, has become so dilapidated or deteriorated as to endanger the safety of persons therein or nearby.

Is hereby declared to be a "building constituting a menace to public safety".

SEC. 2-4.02 BOARD OF CONDEMNATION, HEARINGS. NOTICE. The Board of Condemnation is hereby created and shall consist of the City Manager, the Building Inspector and the Chief of the Fire Department.

Said Board is hereby granted the power, after hearing, to conclusively find and determine whether any building constitutes a menace to public safety as defined in Section 2-4.01 of this Article. Said Board may, as part of said hearing, inspect such building, and the facts observed by said Board at such inspection shall constitute evidence upon which it may base its findings.

Notice of hearing shall be given by the Board by posting in a conspicuous place on the building, at least ten (10) days prior to the date of hearing, a notice directed to "all persons having or claiming any interest" in the building, designating the building sought to be condemned, the grounds therefor, and the time and place of hearing. A copy of said notice shall be sent by registered mail at least ten (10) days prior to such hearing to each owner at his last known address, or if such address cannot, after due diligence, be ascertained, then to said owner at "Oakland, California".

For the purposes of this Article, "owner" is defined to mean the holder or holders of the record title and all recorded interests therein on the day upon which the notice of hearing is issued.

SEC. 2-4.03 FINDINGS OF BOARD OF CONDEMNATION. Whenever said Board referred to in Section 2-4.02 of this Article shall have so determined that a building constitutes a menace to public safety, it shall thereupon conclusively find and determine what repairs or alterations are necessary or whether the total destruction of such building is necessary in order that such building shall not constitute a menace to public safety. Said Board shall also conclusively determine and find the length of time necessary to complete such repairs, alterations or destruction, such time to begin to run upon service of findings, and said Board may, for good cause, extend such time for not to exceed thirty (30) days.

The findings of the Board shall be in writing and shall be served upon the owner personally, and, if after due diligence he cannot be found, shall, in lieu thereof, be posted for ten (10) days in a conspicuous place on the building.

SEC. 2-4.04 COMPLIANCE WITH FINDINGS OF BOARD OF CONDEMNATION. It shall be unlawful for any owner of any building which has been found by the Board of Condemnation to constitute a menace to public safety as in this Article provided to fail, after service of findings as provided in Section 2-4.03 of this Article, to destroy, alter or repair such building in accordance with the findings of the Board and within the time allowed by the Board, provided such owner has the legal power to so destroy, alter or repair such building, and it shall be unlawful for any owner, after he has received the notice of hearing above provided, to disable himself from destroying, altering or repairing such building. Each day's failure to so alter, destroy or repair such building shall constitute a distinct and separate offense.

SEC. 2-4.05 BUILDINGS CONSTITUTING PUBLIC NUISANCES. Every building constituting a menace to public safety as the same is defined in Section 2-4.01 of this Article, and every building found by the Board of Condemnation as provided for in this Article to constitute a menace to public safety shall, if not destroyed, altered or repaired within the time allowed by, and in accordance with the findings of the Board, be deemed, and every such building is hereby declared to be, a public nuisance, and every such nuisance may be abated summarily or by civil action.

SEC. 2-4.06 STEAM BOILERS AND ENGINES. PERMIT. It shall be unlawful for any person to erect, or cause to be erected, or to maintain or use, any steam engine and boiler, or steam boiler, in the City of Oakland without having obtained a permit therefor from the City Manager, upon the approval of the Fire Marshal, which permit may be granted for a period not exceeding one year, and such permit shall not be granted unless the applicant therefor shall file and have annexed to his application therefor a certificate of the soundness of construction of such steam engine and boiler or steam boiler, signed by the manufacturer thereof, or by a competent engineer who must also be a competent boiler inspector; provided, however, that in the granting or refusal of such permit the City Manager shall exercise a reasonable and sound discretion, taking into consideration the character of the applicant and the intended location of such steam engine and boiler or steam boiler.

Application for such permit shall be made in writing, shall be filed with the Fire Marshal, and shall specify the name of the person seeking the permit and the proposed location of such steam engine and boiler, or steam boiler. Such permit shall not be transferable, and shall apply only to the location specified in the application, and shall be revocable at the will of the City Manager, upon the approval of the Fire Marshal. The right of appeal provided for in Section 5-2.08 of this Code shall apply to any action taken on any permit, or application for permit, as provided herein.

All steam engines and boilers and steam boilers shall be constructed, erected and maintained subject to the approval of the Fire Marshal.

SEC. 2-4.07 STEAM BOILERS AND ENGINES. INSPECTION FEES. TEMPORARY MAINTENANCE. No permit shall be issued as provided in Section 2-4.06 of this Article except upon payment to the Bureau of Permits and Licenses of a fee of $5.00, which fee is fixed to cover the cost of regulation, examination and inspection of steam engines and boilers or steam boilers, and shall not be in lieu of any other license fee required under the provisions of this Code.

The provisions of Section 2-4.06 of this Article shall not apply to the temporary erection, maintenance or use of any steam engine and boiler or steam boiler for building or construction purposes.

SEC. 2-4.08 DANGEROUS BUILDINGS. NOTICE TO REMOVE. Whenever, in the judgment of the Building Inspector or the Fire Marshal of the City of Oakland any building or structure in the City of Oakland, or any part of such building or structure, or any appurtenances or fixtures thereto, or any wall, chimney, smokestack, stove, oven, furnace, or thing connected with such building or structure, shall, from any cause whatever, be in a condition to be dangerous to persons or property, or shall be damaged by fire or decay, or by both fire and decay, to the extent of forty per cent of its actual value at the time of construction of such building or structure, said value to be estimated above the line of sidewalk in front of such building or structure, the Building Inspector or Fire Marshal shall immediately give notice in writing to the owner or owners of such premises, or to the agent of such owner or owners, or to the person having control of such building or structure if the owner cannot be found, to remove the same forthwith; and the person receiving such notice shall, within five days after receiving the same, comply with the requirements thereof. In the event of a dispute between the person receiving such notice and the Building Inspector or Fire Marshal as to the amount of damage caused by fire and decay or by fire or decay, said dispute shall be determined by arbitration of competent mechanics; the owner of such building or structure or other person in control of such building or structure to select one arbitrator, and the Building Inspector or Fire Marshal to select the other; and in case the arbitrators so chosen cannot agree, they shall select a third, and the decision of the majority of such arbitrators shall be final and conclusive. All expenses of such arbitration shall be paid by the owner or owners of such building or structure. Failure to comply with said notice shall be a misdemeanor.

SEC. 2-4.09 UNSECURED BUILDINGS. Whenever any unoccupied building or buildings in the City of Oakland are not properly secured or enclosed, the Building Inspector or Fire Marshal shall immediately visit such premises and notify the owner or owners, agent or agents, or the person having control of the same, of the condition of such unoccupied building or buildings and to have such building or buildings, within ten days after the receipt of such notice, properly secured and enclosed so as to prevent evilly disposed persons from gaining access thereto. Failure to comply with such notice shall be a misdemeanor.

SEC. 2-4.10 HIGH VOLTAGE WIRES RESTRICTED IN CERTAIN DISTRICTS. It is hereby declared unlawful for any person engaged in the business of transmitting electrical energy by means of overhead wires, where such wires cross any street, alley or public place, or where such wires are placed on poles or superstructures erected or maintained on such streets, alleys or public places, to permit such wires to be used to transmit such electrical energy at a greater voltage than fifteen thousand (15,000) volts, in that portion of the City of Oakland bounded and described as follows, to-wit:

Commencing at a point on the northerly Charter line of the City of Oakland and the southerly boundary line of the Town of Emeryville where the same is intersected by the Easterly line of the right of way of the Southern Pacific Company; thence running Easterly along said Northerly Charter line to the City of Oakland and the Southerly boundary line of the Town of Emeryville to the point where said line intersects the westerly boundary of the City of Oakland and the Easterly boundary line of the Town of Emeryville; thence running Northeasterl Westerly and Northerly, following the boundary line between the City of Oakland and the Town of Emeryville, to a point where said last named line intersects the Southerly boundary line of the City of Berkeley; thence running along the northerly Charter line of the City of Oakland, northeasterly, southerly and easterly to a point on said northerly boundary line of the City of Oakland where

said last mentioned line is intersected by Indian Gulch Creek; thence running southwesterly in a straight line to a point where said Indian Gulch Creek is intersected by the Westerly line of Matthews Avenue in the City of Oakland; thence running along said Westerly line of said Matthews Avenue to its intersection with the Northerly line of Cambridge Street; thence running Easterly along the Northerly line of Cambridge Street to its intersection with the Westerly line of Thirteenth Avenue; thence running Northeasterly along the Westerly line of Thirteenth Avenue to its intersection with the Northerly boundary line of the City of Oakland; thence running Easterly along said Northerly boundary line of the City of Oakland to the Easterly boundaryline of said City of Oakland; thence Southerly running along the Easterly boundary line of the City of Oakland to a point where said Easterly boundary line of the City of Oakland intersects the Northerly line of the right of way of the Southern Pacific Company near Twenty-fourth Avenue; thence running Westerly along the Northerly boundary line of the right of way of the Southern Pacific Company and crossing the North arm of Oakland Harbor to a point where the Northerly line of First Street intersects the Westerly line of Jackson Street; thence running Westerly along the Northerly line of First Street to a point where the said Northerly line of First Street intersects the Westerly line of Magnolia Street; thence running Westerly in a straight line to a point where the Easterly line of the right of way of the Southern Pacific Company intersects the Northerly line of Seventh Street; thence running Northerly along the eastern boundary line of the right of way of the Southern Pacific Company to a point where the same intersects the Northerly Charter line of the City of Oakland and the Southerly boundary line of the Town of Emeryville and point of beginning.

The Superintendent of Fire Alarm and Police Telegraph is hereby directed to report to the City Manager all violations of the provisions of this section.

ARTICLE 5.
ACCIDENT PREVENTION

SEC. 2-5.01 STREET CARS. OPERATION WITHOUT PROPER CONSTRUCTION. It shall be unlawful for any person to operate or control the operation of, or to in any manner work upon or be engaged in connection with the operation of, any street car propelled by any motive power upon any street railway in the City of Oakland, unless he shall, prior to so doing, have spent at least ten (10) days in learning the proper manner of so operating said car and in learning the route traveled by said car under the instruction and guidance of competent instructors; or for any person to act as such instructor until he has been instructed for a period of ten (10) days in the proper operation of such car or unless he has been actually engaged in the operation of a street car upon a street railway in the City of Oakland for a period of six (6) months prior to giving the instructions, and is familiar with the route traveled by said car.

SEC. 2-5.02 EMPLOYING STREET CAR OPERATORS WHO ARE NOT INSTRUCTED. It shall be unlawful for any person owning any street railway or engaged in the business of operating a street railway in the City of Oakland, or for any officer, manager or person in the employ of the aforesaid person owning or engaged in the business of operating a street railway, to employ or hire any person to operate, work upon or in anywise control the operation of any street car upon any street railway in the City of Oakland, until such person has been instructed as required by the provisions of Section 2-5.01 of this Article.

It shall be the duty of any person owning or engaged in the business of operating a street railway in the City of Oakland to furnish the instructions herein required.

SEC. 2-5.03 STREET CAR EMPLOYEES CARRYING WEAPONS. It shall be unlawful for any person owning or engaged in the business of operating a street railway in the City of Oakland to allow any employee to carry or exhibit any club, pistol, revolver, gun, firearm, blackjack or sling shot while upon a street car traversing the streets of the City of Oakland, unless such employee shall be a duly appointed and legally constituted officer authorized by law to carry such weapon.

SEC. 2-5.04 STREET CARS. TWO OPERATORS. Every person owning or engaged in the business of operating street cars within the City of Oakland by means of electricity shall provide and maintain upon each of such cars, while containing passengers, at least two (2) employees, to-wit: a motorman and a conductor, during all the time said car is in motion within said city, each of said employees to be an adult not less than eighteen (18) years of age, excepting as hereinafter provided.

The Council may grant, by ordinance, permission to operate one-man street cars over such lines and upon such conditions as it may prescribe, after application made therefor, filed with the Clerk of said Council setting forth specifically the routes and lines upon and over which it is desired to operate said one-man street cars. Any person violating any of the provisions of this section or permitting, ordering, authorizing or directing a violation thereof, shall be deemed guilty of a misdemeanor.

SEC. 2-5.05 STREET CAR OPERATORS LEAVING STATION. It shall be unlawful for any motorman, driver or other person operating or controlling any street car within the City of Oakland to leave the position occupied by such person in operating or controlling the machine, railway or other motive power of such car while said car is in motion.

SEC. 2-5.06 STREET CAR TROLLEY GUARDS. Any person owning or operating any street railroad using electricity as a motive power in the City of Oakland, and moving cars thereon, and the current being conducted for such motive power by what are generally termed trolley wires or overhead conductors, are hereby required to construct and maintain guard or safety wires over each trolley wire or overhead conductor so used. The said guard or safety wires shall be of galvanized iron, and not less than one hundred and sixty-five thousands (165/1000) of an inch in diameter, and shall be parallel to the said trolley wire, and not less than sixteen (16) inches above the said trolley wire, and not less than eight (8) inches nor more than twelve (12) inches on each side of a line drawn from said trolley wire perpendicular to the plane passing through the two said guard wires. The said guard or safety wires, shall be thoroughly insulated from all current-bearing conductors of the said railroad motor circuits, and shall be at such places as the Electrical Department of the City of Oakland may direct and designate. Any person refusing or neglecting for the period of three (3) months to construct and maintain such guard or safety wires as herein required, after receiving notice in writing so to do from the said Electrical Department, shall be deemed guilty of a misdemeanor.

SEC. 2-5.07 STREET CAR WHEEL GUARDS. It shall be unlawful for any person to run or operate or cause to be run or operated upon or along any street within the City of Oakland, any street railway car carrying passengers unless such car is equipped with wheel guards which shall be att to the truck beneath the outer or forward portion of wheels and the outer or forward end of car. Such wheel guards shall be constructed in a thorough workmanlike manner, of steel and wire mesh, or of steel and hardwood, assembled in the form of a flat or spring scoop which shall extend across the car body the full width of the truck measured from outside to outside of the car wheels, and it shall be of ample strength to support or sustai an adult human body, and shall be so attached to the truck that the forwa edge of the guard shall be not more than four (4) inches above the top of the rails while the guard is in normal position.

Said guard shall be inspected and kept in repair and maintained in a normal operative condition by the person operating the car to which said wheel guards are attached.

SEC. 2-5.08 STREET CAR FENDERS REQUIRED. It shall be unlawful for any person to run or operate or cause to be run or operated upon or along any street within the City of Oakland any street railway car unless such car is equipped with a projecting fender which shall be placed upon, and securely attached to, the front end of said car body or frame work, and not attached to the wheels or trucks thereof.

Said apron or cradle shall be so constructed and attached to said car that it will form an elastic or resilient cradle or scoop which will cushion or break the impact of a person falling into or struck by it.

Said apron or cradle shall be so attached to the car that its forward edge may be elevated or depressed by means of chains, rods or other devices, and when not in service may be folded back against the buffer or front of car.

Said apron or cradle shall be normally carried with the forward edge not more than five and one-half (5½) inches above the top of the rail when the car is upon the level.

Said fender shall conform substantially to the specifications set forth in Section 2-5.081.

SEC. 2-5.081 STREET CAR FENDER SPECIFICATIONS. A buffer or shield of elastic or resilient material shall extend across the entire front of the car and be so placed and attached to the car as to prevent persons being struck by the rigid projecting portions of the front end of the car, such as bumpers, bumper beams and draw heads. Outside and forward of said elastic buffer or shield there shall be attached to said car body or the platform thereof, an adjustable, hinged or pivoted apron, or cradle, not less than sixty-six (66) inches in width at its extreme forward edge, and not less than thirty-six (36) inches in depth, measured from its forward edge toward its points of attachment to the car body.

Said apron or cradle, as well as the elastic shield or buffer, shall be constructed of steel or iron strips, or springs, or of wire mesh, and all materials shall be of ample strength for the purposes for which they are intended, and, so far as the proper function of the various parts will permit, all materials shall be assembled so as to form a yielding or elastic structure.

Said apron or cradle shall be substantially rectangular in outline and be so constructed that, either by reason of the shape or form of the materials of which it is constructed, or by reason of the movement or change in position of some portion of its structure, it will form a shallow scoop or receptacle capable of receiving and retaining a person struck by or falling upon such scoop, apron or cradle.

The forward edge of said apron or cradle shall be protected by rubber or other elastic material, so arranged as to cushion or relieve the impact resulting from any person falling on or being struck by such portion of apron or cradle.

SEC. 2-5.09 STREET CARS. CHILDREN GETTING ON AND OFF, RIDING ON TOP, ETC. It shall be unlawful for any person under the age of sixteen (16) years to get on or attempt to get on or to get off or attempt to get off from any street railway car or railroad train propelled either by steam or electricity while such car or train is in motion, at any place in the City of Oakland; or for any person to ride on the top or roof of any street car or railroad train or to ride on the front or rear fenders of any such car or train while the same is being operated in the City of Oakland.

SEC. 2-5.10 CHILDREN IN BOATS. It shall be unlawful for any person under sixteen (16) years of age to hire a boat or other watercraft to be used upon the waters of Lake Merritt or that portion of the estuary of San Antonio or Oakland harbor which lies within the limits of the City of Oakland, unless such person be accompanied by his or her parent or guardian or an adult person; or for any person to rent any boat or other watercraft to any such person under sixteen (16) years of age to be so used unless such person is accompanied by his parent or guardian or an adult person.

SEC. 2-5.11 FIRE ESCAPE AND HALLWAY LIGHTS. Every person whether as owner, proprietor, manager, superintendent, lessee, agent or otherwise in charge of any building used as a hotel, public lodging house or apartment house within the City of Oakland, shall place or cause to be placed in a conspicuous position in every hallway thereof, signs which shall indicate by letters no less than three (3) inches in height, the location of every fire escape, and near every such sign there shall be placed a red light which must be kept burning from sunset to sunrise and shall also place or cause to be placed in every such hallway and passageway a bright white light capable of furnishing light enough to enable any person to see the stairway and/or exit from said hallway or passageway, which light shall burn from sunset to sunrise. The provisions of this section shall not apply to an apartment house built with not more than two (2) apartments above the first floor thereof.

It shall be the duty of the Chief of Police to instruct all police officers to inspect all hotels, public lodging houses and apartment houses on their respective beats in the City of Oakland at least once a month during the hours from sunset to sunrise for the purpose of seeing that the provisions of this section are strictly complied with.

SEC. 2-5.12 CELLAR DOORS. It shall be unlawful for any person to allow any cellar door over any sidewalk in the City of Oakland or any door leading from a sidewalk to a basement, to remain open at any time except during the reception or delivery of goods, wares or merchandise, or to fail to provide adequate safeguards on said doors for the safety of the public; provided, however, that in such places as the public convenience is in no way interferred with, a permit may be granted by the Chief of Police to keep any door leading from the sidewalk to the basement open at all times. Such doors and openings must be completely covered by a strong wire mesh and no sign shall be attached to or displayed thereon.

SEC. 2-5.13 PLAYING IN THE STREETS. It shall be unlawful for any person to fly a kite or play any game of ball on any street, lane or alley in the City of Oakland.

SEC. 2-5.14 STAIRWAY PROTECTIONS. Every person shall keep around every area between the building and the sidewalk and on both sides of every flights of stairs descending from the sidewalk to the basement on premises owned or occupied by him, a fence or railing at least three (3) feet high.

SEC. 2-5.15 PLANS ON THEATER PROGRAM. In all performances in theaters or opera houses a diagram or plan of each gallery or floor showing distinctly the exists therein, each occupying a space not less than five (5) square inches, shall be printed in black lines in a legible manner on the program of the performance.

SEC. 2-5.16 THEATER EXIT LIGHTS. Every exit in any theater or opera house shall have over the same on the inside at a height of not more than twelve (12) inches above the exit a metal box with the word "EXIT" cut therein in legible letters not less than eight (8) inches high. In each exit box there shall be a red light on an independent circuit from all other lights in the building and said lights must be lighted at all times during exhibitions.

Sec 2-5.17 Hallways and Exits - Prohib. Obstructions (Add'd by O #580 CMS)

CHAPTER 3.

PUBLIC WELFARE, MORALS AND POLICY.

ARTICLE 1. PUBLIC NUISANCES.
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ARTICLE 1.

PUBLIC NUISANCES.

SEC. 3-1.01 UNNECESSARY NOISES. Every person using any mechanical instrument or device for the intensification of any sound or noise into the public streets; or who attaches any cans, bells, pans, iron or other metal or noise producing attachment to any vehicle for the purpose of producing unnecessary noise; or who blows any bugle, horn, whistle, or beats any drum, or rings any bell, or makes any other loud, unusual or unnecessary noise for the purpose of advertising, announcing or otherwise calling attention to any goods, wares or merchandise, or for the purpose of advertising, announcing, or calling attention to any show, entertainment or event; or who makes any unnecessary noise which disturbs the peace, and the producing of such noise is alone the object to be attained, is guilty of a misdemeanor.

SEC. 3-1.02 PERSISTENT NOISES A NUISANCE. The persistent maintenance or emission of any noise or sound produced by human, animal or mechanical means, between the hours of 9 P.M. and 7 A.M. next ensuing, which, by reason of its raucous or nerve-racking nature, shall disturb the peace or comfort, or be injurious to the health, of any person shall constitute a nuisance.

Whenever the existence of any such nuisance shall come to the attention of the Health Officer, it shall be his duty to notify in writing the occupant of the premises upon which such nuisance exists, specifying the measures necessary to abate such nuisance, and unless the same is abated within forty-eight (48) hours thereafter, the occupant so notified shall be guilty of a misdemeanor, and the Health Officer shall summarily abate such nuisance.

SEC. 3-1.03 NOISES. EXCEPTIONS. Nothing in Sections 3-1.01 and 3-1.02 of this Article shall apply to the playing of music by a band or the blowing of a bugle, or the announcing of any show, entertainment, or event upon the public streets for which band music, bugle blowing or privilege of announcing, the Chief of Police of the City of Oakland has granted a special permit specifying the time and place when and where such music may be played or such bugle blown, or shall apply to the blowing of any whistle or horn or the ringing of any bell or other noise necessary as a vehicular traffic warning or signal; or to any regularly licensed peddler calling his wares in an ordinary tone of voice, or ringing a bell or blowing a horn of moderate size in front of the residence of any customer of such peddler for the purpose of announcing the presence of such peddler; or to any public celebration or public function on a public holiday or other public occasion generally celebrated.

SEC. 3-1.04 SMOKE AND SOOT. Every person who shall cause, suffer or allow dense smoke to be discharged from any building, place, premises, stationary or locomotive engine or motor vehicle within the City of Oakland, or shall cause, suffer or allow soot, ashes, or cinders to be discharged from any building, place, premises, stationary or locomotive engine or motor vehicle to such an extent that such soot, ashes, or cinders are blown upon or fall upon adjacent property, is guilty of a misdemeanor.

SEC. 3-1.05 CHIMNEYS. Every person who shall erect, construct or maintain, or cause to be constructed, erected or maintained, any flue, chimney or smokestack within fifty feet of any window of any adjacent building unless the top of such flue, chimney or smokestack shall be higher than the top of such window, shall be guilty of a misdemeanor; provided, however, that the provisions of this section shall not apply in any case where the owner of such adjacent building shall refuse to grant permission to brace such flue, chimney or smokestack by means of wires attached to such building.

SEC. 3-1.06 SMOKE AND SOOT, ENFORCEMENT. The officers and inspectors of the Health Department of the City of Oakland shall have authority to enter, during reasonable hours, upon any premises upon which is located any flue, chimney, smokestack, or any other structure or appliance from which any smoke, soot, ashes or cinders shall be discharged, for the purpose of making an investigation as to the cause of the discharge of such smoke, soot, ashes or cinders, and for the purpose of ascertaining the kind or character of fuel used, and the manner of using the same, and any other fact or facts showing compliance with or violation of Sections 3-1.04 or 3-1.05 of this Article.

SEC. 3-1.07 NOXIOUS WEEDS. Every person who shall permit to mature on any land owned, possessed, managed or controlled by him, or who shall knowingly sow, or disseminate or cause or permit to be sown or disseminated, or shall sell or in any manner dispose of or cause or permit to be sold or disposed of, or shall transport or convey or cause or permit to be transported or conveyed into the City of Oakland, any seed of the Scotch or Canada Thistle, the Russian Thistle, the Mexican Cocklebur, or any noxious weed, whether such sowing, selling, transporting or conveying be alone or in hay, grass, grain or in any manner whatsoever, is guilty of a misdemeanor.

SEC. 3-1.08 FENCES. Every person who shall maliciously erect or maintain in the City of Oakland, for the purpose of annoying the owners or occupants of adjoining property, any fence, or other structure in the nature of a fence, unnecessarily exceeding six (6) feet in height, is guilty of a misdemeanor, and such fence or structure shall be deemed a private nuisance.

SEC. 3-1.09 DUMPING IN STREAMS, ETC. It shall be unlawful for any person to dump any junk, refuse, garbage, dirt or any other material in any stream, creek, watercourse or stream bed, or within the banks of the same, in the City of Oakland, without written permission so to do issued by the Superintendent of Streets.

ARTICLE 2.
CHARITIES AND RELIEF.

SEC. 3-2.01 DEFINITIONS. For the purposes of this Article certain words and phrases are defined and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

SEC. 3-2.02 CHARITABLE DEFINED. "Charitable" includes philanthropic, social service and/or purported charitable, purported social service or purported philanthropic.

SEC. 3-2.03 CONTRIBUTION DEFINED. "Contribution" includes donation, alms, food, clothing, money, property and/or donation under the guise of a loan of money and/or property, and also means a pledge or written and/or oral promise to pay.

SEC. 3-2.04 COMMISSION DEFINED. "Commission" means Commission of Public Charities of the City of Oakland.

SEC. 3-2.05 SOLICIT DEFINED. "Solicit" includes "solicitation" and means not only direct oral or written asking or request, but also the distribution, circulation, mailing to an address within the City of Oakland, posting or publication of letters, posters, hand bills, cards, folders, pamphlets, books or circulars, or the giving or making of an announcement to the public press or over the radio or telephone or telegraph, concerning and/or involving an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, or social gathering which the public or any portion thereof is requested to meet or patronize, or to which the public or any portion thereof is requested to make a contribution by reason of or because of any charitable purpose or benefit connected with or involved in any such appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering. "Solicit" also means the sale of, offer to sell, or attempt to sell, any advertisement, advertising space, book, card, chance, coupons, device, magazine, membership, merchandise, subscription, ticket or thing whatsoever in connection with which and/or when and/or where any appeal is made for any charitable purposes whatever and/or the name of any charity or charitable corporation or association, is used or referred to in any such appeal as an inducement or reason for the making of any such sale, or when or where in connection with any such sale, offer to sell or attempt to sell, any statement is made that the whole or any part of the proceeds from any such sale or selling will go to or be donated to or for any charitable purpose. "Solicit", as defined herein, shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale herein referred to.

SEC. 3-2.06 The Commission of Public Charities of the City of Oakland heretofore created and now existing is hereby continued in full force and effect, and hereafter said Commission shall consist of seven (7) members instead of five (5), all of whom shall be appointed by the Council on nomination by the Mayor, and not more than four (4) of whom shall be of the same sex. All of the said Commissioners shall serve without compensation. The term of office of the members of said Commission shall be three (3) years, provided, however, that the five (5) members heretofore appointed shall continue in office hereunder for the balance of the terms they are now serving and the two (2) additional members to be appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1934, and one on the first Monday in January, 1935. If any vacancy occurs, the Council, upon nomination by the Mayor, shall fill the same by appointment for the unexpired term. The Commission shall, in January of each year, elect one of its members president, who shall hold office for one (1) year and until his successor is elected, unless his term as member of said Commission shall have expired sooner. Said Commission shall appoint one of its members as secretary, and shall hold such meetings at such time and place as it may fix.

SEC. 3-2.07 INVESTIGATION AND ENDORSEMENT BY COMMISSION. In connection with any solicitation within the City of Oakland of any contribution for any charitable purpose, with respect to which the notice of intention hereinafter in Section 3-2.15 provided for shall have been filed with the Commission, said Commission shall have power to investigate the allegations of such notice of intention or any statement or reports filed with said Commission pertaining to any such solicitation, and to have access to, and to

inspect and make copies of all the books, records and papers of any person, corporation or association by or on whose behalf any such solicitation is made, pertaining to such solicitation or the use or expenditure of any contribution so solicited. Said Commission shall also have power to investigate at any time the methods of making or conducting any charitable solicitation. The Commission shall also have power to publish any of the results of any investigation herein provided for or authorized and to give such publicity to any such result by such means as the Commission may deem best calculated to reach the general public and the person interested. Said Commission shall have power to endorse such charitable corporations or associations as shall apply to said Commission for endorsement, and prove to the Commission that they have complied with the provisions hereinafter set forth in Section 3-2.08.

SEC. 3-2.08 REQUIREMENTS OF ASSOCIATION. Such charitable corporation or association as shall apply for endorsement as in Section 3-2.07 provided shall prove to the Commission:

(a) That the title to any real property in the City of Oakland owned by such charitable corporation or association is vested in the name of said charitable corporation, if it be a corporation, or else in the name or names of a trustee or trustees under a declaration of trust or other written instrument setting forth the rights of such charitable corporation or association therein.

(b) That the declared purposes for which such corporation or association is organized are charitable and not for the pecuniary profit of the members or associates thereof, or any of them.

(c) That for at least three (3) months immediately prior to its endorsement, said charitable corporation or association has not violated any law or ordinance applicable to it, and has faithfully complied with the provisions hereinafter set forth in this section.

(d) That all funds received by said charitable corporation or association and all disbursements made by it have been entered upon the books of its treasurer or other financial officer, receipt has been given or tendered for all moneys or other property donated to it whenever the same is required by law or ordinance, or expenditures, other than petty cash to a reasonable amount, have been made by checks signed by at least two (2) officers of such corporation or association, and that the bank books of such corporation or association have been balanced and reconciled with the books of accounts at reasonable intervals.

(e) That no moneys of said charitable corporation or association are on loan, directly or indirectly to any officer, director, trustee or employee thereof, and that said charitable corporation or association has not paid out, or agreed or contracted to pay out, more than ten (10) per cent of any moneys collected by solicitation within the City of Oakland for expenses of solicitation, and has not diverted funds donated to it from any source to purposes other than those for which they were donated.

(f) That the work for which such charitable corporation or association has been organized has at all times been faithfully performed.

(g) That the by-laws and other written rules and regulations of such charitable corporation or association define the power and duties of the officers of such corporation or association and that a copy of the articles of incorporation of such charitable corporation, if it be a corporation, and a copy of all by-laws and other written rules and regulations of such charitable corporation or association have been filed with the Commission.

(h) That the officers and employees of such charitable corporation or association are persons of good moral character and good reputation, and that the said corporation or association has exercised reasonable care in selecting persons of good moral character and reasonable experience as solicitors for its funds.

SEC. 3-2.09 ADDITIONAL POWERS OF COMMISSION. The Commission shall have the following powers:

(a) To encourage the formation of new private charities when needed and to foster all worthy enterprises of a charitable nature.

(b) To make recommendations to the Council upon all matters pertaining to charities upon which the Council may be called to act except as otherwise provided for by the Charter of the City of Oakland.

(c) To supervise and direct the disbursement of any public funds for charitable purposes, except as otherwise provided by the Charter of the City of Oakland, which may be set apart or acquired by the Council in the manner and for the purposes directed by said Council.

(d) To supervise and direct the disbursement of any funds donated, devised or bequeathed to the City of Oakland for charitable purposes, in the manner and for the purposes directed by the Council, which shall be in accordance with the purposes for which said funds were donated, devised or bequeathed, if no specific purpose be so declared, then in the manner and for the purposes directed by the Council; and in the name of the City of Oakland to administer any trust declared or created in accordance with the provisions of Section 49 (3) of the Charter of the City of Oakland, for charitable purposes, when and in the manner and for the purposes directed by the Council, which shall be in accordance with the purposes for which said trust was created, if no specific purpose be so declared, then in the manner and for the purpose directed by the Council; provided, that if the payment into the City Treasury of any moneys or property acquired by donation, devise, bequest or trust for charitable purposes will be inconsistent with the terms of such donation, devise, bequest or trust, the Council shall by resolution direct the Commission to provide for the safety and preservation of the same in such manner as to the Council appears advisable or necessary in order to carry out the purposes of, and the uses designated by, such donation, devise, bequest or trust.

(e) To encourage bequests and donations for charitable purposes in the City of Oakland, to investigate and devise means of removing or improving conditions producing the need of relief therein, and to collect and preserve helpful statistics relating to charities.

SEC. 3-2.10 REPORTS OF COMMISSION. The Commission shall make written reports of its activities to the Council annually as of July 1st, and at such other times as shall be requested by the Council.

SEC. 3-2.11 SOLICITING FOR PRIVATE NEEDS. It shall be unlawful for any person to solicit contributions for himself in or on any public street or in any public place in the City of Oakland.

SEC. 3-2.12 UNAUTHORIZED SOLICITATION. RECEIPT. It shall be unlawful for any person to solicit contributions within the City of Oakland, in the name of, or on behalf of, any charitable corporation or association unless such corporation or association has an unrevoked permit from the Commission to solicit contributions as hereinafter provided, and unless such person is authorized in writing by such corporation or association to make such solicitation, and unless a copy of such authorization has been previously filed with the Commission, and unless such person shall tender to each person who makes a contribution a written or printed receipt signed by the solicitor which shall contain, in addition to the amount or kind of the donation, substantially the matters hereinafter set forth in Section 3-2.14.

No receipt need be given or tendered, however, if the donation be of money and is made by placing the same in a locked receptacle, in such manner that it is impracticable to ascertain either the amount donated or the name of the donor and if a card or placard shall be conspicuously attached to such receptacle containing in legible writing or printing the statements required to be contained in the receipt by Section 3-2.14 of this Article. Provided further, that no receipt need be given for any donation in an amount less than one (1) dollar.

SEC. 3-2.13 SOLICITATION BY INDIVIDUAL. It shall be unlawful for any person to solicit contributions for charitable purposes in the City of Oakland unless he has an unrevoked permit from the Commission to solicit contributions as hereinafter provided and shall tender to each person who makes a contribution the receipt provided for in Section 3-2.12.

SEC. 3-2.14 CONTENTS OF RECEIPT. The receipt required by Section 3-2.12 herein to be given shall contain the following: the name of the charitable corporation or association upon whose behalf the solicitation is made; a statement as to whether the donation solicited is to be applied for the general purpose of the charitable corporation or association or for specific purposes, and if for specific purposes the nature thereof shall be clearly stated.

If the solicitation is by a person for charitable purposes other than in the name of or on behalf of any charitable corporation or association, said receipt shall contain the name of said person and the specific purposes for which such contributions are solicited.

In all cases said receipt shall contain a statement as to the amount, if any, of the money donated that is to be used for charitable purposes outside the City of Oakland. In the event that it is impracticable to state said amount or percentage, said receipt shall so declare. Said receipt shall also state the proportionate part, if any, of the amount donated which is payable in commission or expenses to the solicitor.

SEC. 3-2.15 NOTICE OF INTENTION TO SOLICIT. It shall be unlawful for any person or charitable corporation or association to solicit contributions within the City of Oakland for charitable purposes, unless within the fiscal year of the City of Oakland in which such solicitation is made there shall have been filed with the Commission by the corporation or association upon whose behalf the solicitation is made, or if such solicitation is to be made by an individual for charitable purposes, then by such individual, written notice of intention to solicit contributions within the City of Oakland for charitable purposes containing the statements required to be made in the written receipt in Section 3-2.14 hereof provided for. Said notice of intention shall be signed by two (2) officers of the charitable corporation or association upon whose behalf the solicitation is to be made, and shall be open to the inspection of the public; provided, however, that the written notice of intention to solicit by individual shall contain his name, the specific purpose for which solicitation is to be made, and, in addition, the matter required to be contained in receipts by Section 3-2.14.

SEC. 3-2.16 PERMIT REQUIRED, CONTENTS. It shall be unlawful for any person, charitable corporation or association to solicit contributions for charitable purposes within the City of Oakland unless such person, corporation or association has an unrevoked written permit from the Commission. Said permit shall be numbered and contain the name and address of the person, charitable corporation or association to whom issued, the date of issuance and expiration date, and such other matters as in the judgment of the Commission are deemed advisable. Said permit shall expire one year from the date of its issuance unless sooner revoked by the Commission, provided, the Commission may issue permits for a period of less than one year whenever in its judgment it is deemed advisable.

SEC. 3-2.17 GRANTING, DENYING AND REVOKING PERMITS. The Commission shall grant a permit required by Section 3-2.16 to any person, charitable corporation or association to solicit contributions within the City of Oakland upon full compliance by them with the requirements of this Article applicable thereto; provided, however, the Commission may deny a permit or revoke one previously granted if it appears after investigation by the Commission:

(a) That the applicant or permittee, or any agent, employee or member thereof has ever been convicted of a felony or a misdemeanor involving moral turpitude or does not have a good reputation for honesty, character, integrity and sobriety, or is not a responsible person;

(b) That the charitable purpose for which contributions are solicited, or are to be solicited, within the City of Oakland involves the handling or dispensing of food and/or clothing, and/or the providing of shelter and/or lodging, and that the place where such food and/or clothing is to be and/or is kept and/or dispensed, and/or the place where such shelter and/or lodging is to be and/or is provided is not clean and sanitary, or that any person who intends to or does handle or dispense such food and/or clothing is not clean, or that any person who is in charge of or employed in or in anywise occupied in the place where such shelter and/or lodging is provided is not clean;

(c) That the granting or continued existence of said permit would not comport with public welfare;

(d) That the applicant or permittee, or any agent, member or employee thereof has violated any of the provisions of this Article.

SEC. 3-2.18 PERMITS NON-TRANSFERABLE. APPEAL TO COUNCIL. Any permit granted as in Section 3-2.16 required shall not be transferable. Written notice of any denial or revocation of such permit shall be given to the person, charitable corporation or association interested, and a copy sent to the Chief of Police. The Chief of Police shall be notified of all permits granted and to whom issued.

Any person, charitable corporation or association to whom a permit is denied, or whose permit is revoked, may appeal to the Council within fifteen (15) days after notice of such denial or revocation. Said Council shall conduct a hearing thereon at a date to be set by said Council, and the City Clerk shall give at least five (5) days notice thereof to the appellant and the Commission. The Council's determination after said hearing shall be final and conclusive.

SEC. 3-2.19 SOLICITATION BY RECEPTACLES. It shall be unlawful for any person or charitable corporation or association to solicit funds by means of boxes or receiptacles, upon any street or public place in the City of Oakland, except by written permission of the Commission. Each box or receptacle must bear in plain sight, a number and also the card or placard referred to in Section 3-2.12 of this Article. Permission to solicit funds by means of boxes or receptacles shall not be granted by the Commission unless the person or charitable corporation or association shall file with the Commission a written notice of intention to so solicit, which shall contain, in addition to the matters required in the notice of intention to solicit by Section 3-2.15 of this Article, the location at which each box or receptacle is to be placed, its number and the name of the person in charge of the same. Said written permission when granted shall contain the location and number of each box and receptacle and the name of the person in charge of the same. No solicitation shall be made by means of any box or receptacle not listed in said written permission.

SEC. 3-2.20 ACCOUNTING SYSTEM REQUIRED. It shall be unlawful for any person to solicit contributions within the City of Oakland for charitable purposes on behalf of any corporation, association or individual, and it shall be unlawful for any charitable corporation, association or individual to so solicit, unless the same is maintaining a system of accounting whereby all funds donated to it and all disbursements made by it are entered upon the books of its treasurer or other financial officer or of such individual, as the case may be.

SEC. 3-2.21 EXCEPTIONS TO APPLICATION OF THIS ARTICLE. The provisions hereinabove in this Article set forth shall not be applicable to solicitation made upon premises owned or occupied by the corporation or association upon whose behalf such solicitation is made, nor to solicitation for the relief of a specific individual specified by name at the time of the solicitation, where the entire amount collected, without any deduction whatever, shall be turned over to the named individual, nor shall they be applicable to any corporation or association soliciting contributions solely from persons who are members thereof at the time of such solicitation nor shall they be applicable to solicitations made solely for evangelical, missionary or religious purposes, nor to the activities of the American Red Cross or the Alameda County Tuberculosis Association in connection with their annual enrollment campaign for membership.

SEC. 3-2.22 DECEPTION IN SOLICITATION. It shall be unlawful for any person, corporation or association to make or perpetrate any misstatement, deception or fraud, or to print, write or use the name of any person on literature, letters or otherwise, in connection with any charitable solicitation unless the consent thereto of such person whose name is so printed, written or used, has been first obtained, in connection with the solicitation within the City of Oakland of any contribution for any charitable purpose.

SEC. 3-2.23 HOME FOR CHILDREN, PERMIT. It shall be unlawful for any person to establish, maintain, conduct or manage, or aid in establishing, maintaining, conducting or managing, a home for children, including any institution, boarding house, private home, building or other place where any child under the age of sixteen years is boarded, lodged or cared for or received for any such purpose by any person who is not the parent or other close relative of such child, or the guardian of the person of such child, unless there shall have been issued by the Health Department of the City of Oakland, and there remains in effect a written permit so to do, specifying the name and address of the permittee, the location of the home for children, and the number of children permitted to be kept in such home. Application for such permit shall be made in writing to the Health Department. No such permit shall be issued unless the home for children conforms to the rules and regulations of the Health Department, and unless, in the opinion of the Health Department, such home is a fit and proper place and the applicant is a fit and proper person to care for children. All such permits shall expire six (6) months after the issuance thereof and shall be non-transferable. Any such permit may be revoked by the Health Department, after notice and opportunity for hearing, for any cause for which an application for such permit might be denied.

SEC. 3-2.24 HOME FOR CHILDREN, REGULATION OF. The Health Department of the City of Oakland is hereby empowered to make such rules and regulations for the homes for children hereinabove referred to in Section 3-2.23 as it may deem necessary to promote the health, comfort and welfare of the children therein. It shall be unlawful for any person to maintain, conduct or manage any home for children without proper regard for the health, comfort and welfare of each child in such home or without complying with the rules and regulations made by the Health Department pertaining thereto. Every permittee under Section 3-2.23 of this Article shall keep a register in the form prescribed by the Health Department and shall immediately report in writing to the Health Department the receiving or discharging of any children, together with such information as the said Department may require. Any officer or employee of the Health Department may enter and inspect homes for children and inspect the register thereof and the children therein.

ARTICLE 3.
LABOR AND LABORING CLASSES.

SEC. 3-3.01 PICKETING. The following Ordinance is an Initiative measure adopted May 15, 1917:

AN ORDINANCE PROHIBITING LOITERING, PICKETING, CARRYING OR DISPLAYING BANNERS, BADGES, SIGNS OR TRANSPARENCIES, OR SPEAKING IN PUBLIC STREETS, SIDEWALKS, ALLEYS OR OTHER PUBLIC PLACES IN A LOUD OR UNUSUAL TONE, FOR CERTAIN PURPOSES THEREIN NAMED AND PROVIDING A PENALTY FOR ANY VIOLATION THEREOF.

BE IT ORDAINED by the People of the City of Oakland as follows:

Section 1. It shall be unlawful for any person, in or upon any public street, sidewalk, alley or public place in the City of Oakland, to make any loud or unusual noise, or to speak in a loud or unusual tone, or to cry out or proclaim, for the purposes of inducing or influencing, or attempting to induce or influence, any person to refrain from entering any works or factory or any place of business or employment, or for the purpose of inducing or influencing or attempting to induce or influence any person to refrain from purchasing or using any goods, wares, merchandise, or other article or articles, or for the purpose of inducing or influencing or attempting to induce or influence any person, to refrain from doing or performing any service or labor in any works, factory, place of business or employment, or for the purpose of intimidating, threatening or coercing, or attempting to intimidate, threaten or coerce, any person who is performing, seeking or obtaining service or labor in any works, factory, place of business or employment.

Section 2. It shall be unlawful for any person, in or upon any public street, sidewalk, alley or other public place in the City of Oakland, to loiter in front of, or in the vicinity of, or to picket in front of or in the vicinity of, or to carry, show or display any banner, transparency, badge or sign in front of, or in the vicinity of, any works, or factory, or any place of business or employment, for the purpose of inducing or influencing or attempting to induce or influence, any person to refrain from entering any such works or factory or place of business, or employment, or for the purpose of inducing or influencing, or attempting to induce or influence, any person to refrain from purchasing or using any goods, wares, merchandise, or other articles, manufactured, made or kept for sale therein, or for the purpose of inducing or influencing or attempting to induce or influence, any person to refrain from doing or performing any service or labor in any works, factory, place of business or employment, or for the purpose of intimidating, threatening or coercing, or attempting to intimidate, threaten or coerce any person who is performing, seeking or obtaining service or labor in any such works, factory, place of business or employment.

Section 3. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Hundred ($100) Dollars nor less than Twenty-five ($25) Dollars or by imprisonment in the city jail for a period of not more than fifty (50) days nor less than twelve (12) days or by both such fine and imprisonment.

ARTICLE 4.
DISORDERLY CONDUCT

SEC. 3-4.01 PROFANE AND SEDITIOUS LANGUAGE. It shall be unlawful for any person within the City of Oakland to utter or use within the hearing of one or more persons any profane, vulgar or seditious language, words or epithets, or to address another, or to utter in the presence of another, any words, language or expression, or seditious remarks, having a tendency to incite or create a breach of the peace.

SEC. 3-4.02 OBSCENITY. It shall be unlawful for any person to exhibit publicly, or offer for public exhibition, or keep or place accessible to the public, within the City of Oakland, any lewd, vulgar, obscene or licentious picture or pictures, or to keep or maintain, or place accessible to the public any mechanical device rendering any lewd, vulgar, obscene or licentious song, speech, jest, monologue, dialogue, or any reproduction of the human voice uttering immoral, obscene, lewd, vulgar, licentious or profane words.

SEC. 3-4.03 IMMORAL EXHIBITIONS. It shall be unlawful for any person engaged in conducting or operating, either as owner, proprietor, operator, manager, lessee, agent or employee, any theater, arcade, entertainment or exhibition, or for any person whatsoever to give or cause or permit to be given, or to advertise or cause or permit to be advertised, or to participate in, any obscene, indecent, immoral, or crime depicting play, production, picture, show, entertainment or exhibition, or any delineation or illustration of any nude human figure, or any lewd, indecent or lascivious act, or any matter or thing of an obscene, indecent or immoral nature, or any boxing or prize fight exhibition when the same is in such manner or detail as tends to corrupt public morals.

SEC. 3-4.04 ABATEMENT OF IMMORAL EXHIBITIONS. At any time that it shall be brought to the attention of the Mayor or the Chief of Police that the provisions of Section 3-4.03 of this Article are being violated, it shall be the duty of either of said officers or both of them to visit the place where it is reported that such violation exists and there to examine into the same; and should either of said officers upon such examination be of the opinion that such violation does exist, it shall be his duty to notify some person in charge of the exhibition, production or representation in question, that the objectionable parts or features must be forthwith eliminated and no longer exhibited, produced or represented; and upon such notification it shall be the duty of the person so notified to immediately comply therewith and to then and there and at all times thereafter, except as hereinafter provided, expunge and eliminate from such exhibition, production or representation, such objectionable parts or features, or the whole thereof. In the event that said notification is not immediately complied with, it shall be the duty of said Mayor or Chief of Police to forbid and prevent the further continuance of the exhibition, production or representation in question until said notification shall be complied with, and said person so neglecting or refusing to comply with said notification and all persons participating in the production of such exhibition, production or representation, shall be deemed guilty of a misdemeanor and shall be immediately arrested by any police officer by direction of said Mayor or said Chief of Police as for an offense committed in the immediate presence of said police officer, with or without any warrant.

SEC. 3-4.05 APPEAL FROM ABATEMENT OF IMMORAL EXHIBITIONS. Any person aggrieved by the action of the Mayor or the Chief of Police under the provisions of Section 3-4.04 of this Article and who shall have complied with the notification in said section provided, or on whose behalf such compliance was made, may appeal the action of said Mayor or Chief of Police to the City Council for review and action. A hearing upon such appeal shall be set by the Council at the earliest convenient time, and at such hearing evidence shall be adduced, and the decision of the Council in such matter shall be final. The Council may from time to time prescribe rules of procedure to be observed in such hearings for the purpose of facilitating such reviews and the elimination of damage which may result to the appellant by the delay resulting from the action appealed from.

SEC. 3-4.06 MASKS AND DISGUISES. It shall be unlawful for any person in the City of Oakland to appear in public in any mask, cap, cowl, hood or other thing concealing the identity of the wearer; excepting, however, persons attending or taking part in carnivals conducted in accordance with law or under permission of the proper authorities of the City of Oakland and persons holding a written permit to so conceal their identity, which permit is issued by the Chief of Police.

SEC. 3-4.07 FALSELY REPRESENTING TO BE AN OFFICER. It shall be unlawful for any person in the City of Oakland to falsely represent himself to be, or to wear a badge of, any officer of either the Police or Fire Department of the City of Oakland, or the Sheriff's Office of the County of Alameda, or of any constable's office, with intent to deceive, or to use any sign, badge or device used by the Police Department or the Fire Department of the City of Oakland with such intent to deceive.

SEC. 3-4.08 IMMORAL DRESS. It shall be unlawful for any person in the City of Oakland to appear in any public place nude or in the attire of a person of the opposite sex, or in any indecent or lewd attire.

SEC. 3-4.09 BATHING. It shall be unlawful for any person to bathe or swim in the waters of Lake Merritt in the City of Oakland. It shall be unlawful for any person to bathe or swim in the waters of the Estuary of San Antonio or the Oakland Harbor, or any of the waters tributary thereto, within the limits of the City of Oakland, unless such person is clad in a bathing suit, or for any persons to disrobe at any place in the City of Oakland for the purpose of bathing or swimming except under some shelter reasonably protecting such person from public view.

SEC. 3-4.10 DRUNKENNESS. It shall be unlawful for any person to appear in any public place, or place open to public view in the City of Oakland in an intoxicated or drunken condition.

SEC. 3-4.11 PROSTITUTION. It shall be unlawful for any person to keep or carry on, or become an inmate of, or a visitor to, or to in any way contribute to the support of, any house of ill fame or prostitution in the City of Oakland, or to aid, or assist, or be engaged in carrying on or causing prostitution, or to induce, or attempt to induce, by any solicitation, prostitution to be carried on in any house, room or place in the City of Oakland, or to solicit by word, act, gesture, sign or otherwise, any person for the purpose of prostitution.

It shall be unlawful for any person in the City of Oakland engaged in conducting any lodging house, rooming house, apartment house, or hotel, to permit any person to lodge therein without first requiring him to register his true name and address in a register kept for that purpose, or to let any room therein for the purpose of prostitution or any other immoral or illegal purpose, or to allow any room to be so used, or for any person occupying any room in any lodging house, rooming house, apartment house or hotel to refuse to register as herein provided, or to enter such room for the purpose of prostitution or for any other immoral or illegal purpose.

ARTICLE 5.
GAME OF CHANCE.

SEC. 3-5.01 DEFINITIONS. For the purposes of this Article certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

SEC. 3-5.02 GAMBLING DEFINED. "To gamble" and "gambling" is the playing at a game, device or contrivance in which the element of chance is the controlling factor, for stakes, or the betting on the result of any game, device or contrivance, whether it be one of skill or chance.

SEC. 3-5.03 BETTING DEFINED. A "bet" and "betting" is an agreement, express or implied, between two or more persons that money or some valuable thing contributed by those so agreeing shall become the property of one or some of them upon the happening or not happening in the future of an event which at the time is an uncertainty, or upon the ascertainment of *the fact in dispute.*

SEC. 3-5.04 STAKE DEFINED. A "stake" is a fund or valuable thing or things contributed by two or more persons on an understanding, express or implied, that each one so contributing is to have a chance to gain a portion or all of such fund, thing or things, dependent upon the happening or not happening of some uncertain event.

SEC. 3-5.05 PUBLIC PLACE DEFINED. A "public place" is any place or premises except a bona fide private dwelling or an apartment, suite or room which is used in good faith as the residence of one or more persons.

SEC. 3-5.06 GAMBLING AND BETTING. It shall be unlawful for any person in any public place within the City of Oakland to gamble at cards, dice or any other game, device or contrivance, or to bet money upon the result of any game, or upon the occurring of a future contingency; or to knowingly visit any public place where gambling or betting is being carried on or conducted; or to knowingly keep, maintain or conduct, or contribute to the support of, any public place where gambling or betting is being habitually carried on or conducted; or to knowingly let, or sub-let, or transfer the possession of, any premises for use for said purposes; or to entice or persuade any person or persons to visit any public place known by the person so inviting or enticing or persuading to be a place where gambling or betting is being carried on or conducted; or to buy or sell anything of value won in any game, or as the result of any bet, or as the result of the determination of any uncertain event.

SEC. 3-5.07 SLOT MACHINES. It shall be unlawful for any person either as owner, lessee, agent, employee, mortgagee, or otherwise, to operate, keep, maintain, rent, use or conduct, within the City of Oakland, any clock, tape, slot or card machine, or any other machine, contrivance, appliance or mechanical device, upon the result of action of which money or other valuable thing is staked or hazarded and which is operated or played by placing or depositing therein any coins, checks, slugs, ball, or any other article or device, or in any other manner, and by means whereof, or as the result of the operation of which, any merchandise, money, representative, or articles of value, checks or tokens, redeemable in, or exchangeable for, money or any other thing of value, is won or lost, or taken from, or obtained from, such machine, when the result of action or operation of such machine, contrivance, appliance or mechanical device, is dependent upon hazard or chance.

SEC. 3-5.08 BETTING TIPS. It shall be unlawful for any person to print, publish, distribute, circulate, sell, or give away, in the City of Oakland, any chart, table, list, sheet, circular, or publication of any kind, giving, or purporting to give, or represented as giving, any list, or probable or possible list, of entries for any horse race thereafter anywhere to take place, if there be printed as part thereof, or in connection therewith, or in any other publication, printing or writing accompanying the same, or referring thereto, or connected therewith, any tip, information, prediction, or selection or advice, as to any key, cipher or cryptogram indicating, containing or giving a tip, information, publication or selection of, or advice as to the winner or probable winner, or loser or probable loser, or the result or probable result of any such race, or the standing or probable standing of any horse therein, or any statement as to, or comment upon, or reference to, the form, condition or standing of, or the actual, probable or possible standing, past, present or future of the betting, wagering or odds upon or against any horse named in such list, or probable or possible list of entries, or to print, publish, distribute, circulate, sell or give away in the City of Oakland any printed or written information, or pretended information, comment, tip, prediction, or reference, concerning any horse or horse race which will or may, or is designed to, aid, enable, encourage or assist any person to bet or wager, or to establish odds, or to lay a basis upon which to bet or wager, at any time thereafter, against any horse or upon any horse race.

SEC. 3-5.09 POOL SELLING, BOOKMAKING, BETS AND WAGERS. It shall be unlawful for any person within the City of Oakland, whether for gain, hire, reward, or gratuitously, or otherwise, to sell, or offer for sale, buy, or offer to buy, issue, or in any manner dispose of, purchase or acquire any interest in, any pool or purported pool, or in any pool ticket or purported pool ticket, certificate or purported certificate, writing or purported writing, or other evidence or purported evidence, of the payment, acceptance or deposit of money or other thing of value, staked upon the result or purported result of any trial or purported trial, or contest or purported contest, of skill, speed or power of endurance of man or beast, or between men and beasts, or mechanical apparatus, or upon the result or purported result of any lot, chance, casualty, unknown or contingent event whatsoever, or to lay, make, offer, record or register, or accept, any bet or bets, or wager or wagers, upon the result or purported result of any such trial or purported trial, or contest or purported contest, or to act as a stakeholder of any bet or wager laid thereon, or to receive or pay over any money, article or thing of value, the possession, right of possession, ownership or value of which has been, is, or is to be, determined by any such trial or purported trial, or contest or purported contest, or is, or is to be, in any way dependent upon the result thereof, or for any person being the owner, lessee or occupant of any room, shed, tenement, tent, booth, building, float, place or grounds, or any part thereof, whether for gain, hire, reward, or gratuitously or otherwise, to permit the same to be used or occupied for any purpose hereinbefore in this section declared to be unlawful.

SEC. 3-5.10 LOTTERIES. It shall be unlawful for any person in the City of Oakland to aid or assist, either by printing, writing, advertising, publishing or otherwise, in setting up, managing or drawing up any lottery, or selling or disposing of any ticket, chance or share therein, or to have in his possession any lottery ticket, certificate, paper or instrument purporting to represent or representing, or understood to be or to represent, any ticket, chance, share or interest in, or depending upon the event of, any lottery, or any instrument, stamp or device used, or intended to be used, in, or for, contriving, setting-up, preparing, making, writing, printing, stamping, or getting ready for sale or distribution, any lottery ticket or tickets, or to become an inmate of, or visitor to, or in any manner contribute to the support of any office, room, or place where any lottery is, or is about to be, contrived, prepared, set-up, drawn or sold, or any ticket of such lottery is registered, or to knowingly let, or permit to be used, any building or premises, or portion thereof, knowing that it is to be used for any one of the purposes in this section declared to be unlawful.

SEC. 3-5.11 CARD GAMES. It shall be unlawful for any person, or any social club or other club, in the City of Oakland, to conduct or participate in any card game in any public place, or to which an admission fee is charged, unless such person, social club or other club shall have first obtained a permit from the Chief of Police of the City of Oakland to conduct such card game. Such permit shall be granted by the Chief of Police only after an application therefor in writing has been made. Such permit shall be granted within seven (7) days after such application is made unless it shall appear to said Chief of Police that the applicant is not a fit and proper person to hold such a permit, or the moral conditions associated with such applicant are detrimental to public morals. Such permit shall continue in full force and effect for a period of one year from and after the date it is issued unless within such period it shall be revoked for good cause by the Chief of Police; provided, further, that nothing herein shall prevent the granting by the Chief of Police of a temporary permit to be effective for a period of seven (7) days after the granting thereof.

SEC. 3-5.12 BARRICADED ROOMS. It shall be unlawful for any person, whether as owner, agent, lessor, lessee or tenant, or otherwise, without first obtaining a permit so to do, to erect, construct or maintain any barred or barricaded house or room, or a room or hall with double doors, or other place so built, constructed or protected as likely to be difficult of access or ingress to police officers or members of the Fire Department in the performance of their official duties, or to erect, hang or maintain, in or upon any building, any door made wholly of metal, or metal and wood, or any door composed of wood,

or of wood, nails and glass, over two (2) inches in thickness. No door or room shall, without a permit, be fastened by any bar or bars, prop or props, behind or across the same, or be secured otherwise than by a lock or locks, bolt or bolts.

SEC. 3-5.13 PERMIT FOR BARRICADED ROOMS. Application for a permit provided for in Section 3-5.12 of this Article shall be in writing, specifying the purpose or reason for which it is sought, the location and character of, the premises involved, and the address of the applicant, and shall be filed with the City Clerk. Immediately upon filing, it shall be referred to the Chief of the Fire Department and the Chief of Police for investigation and report. Unless the Chief of the Fire Department or the Chief of Police shall within seven (7) days after receipt of said application file with the City Clerk a written report that it should be denied on the grounds that such house or room or door by reason of its nature, location or purpose, specifying the objections thereto, has become or is likely to become a serious and needless or unreasonable obstruction or obstacle to members of the Fire Department or of the Police Department in extinguishing fires, making arrests or raids, or otherwise discharging their public duties, the permit shall be granted. Such permit may also be granted before the expiration of the seven (7) day period whenever the Chief of Police and the Chief of the Fire Department shall file each a written approval thereof.

SEC. 3-5.14 REVOCATION OF PERMIT FOR BARRICADED ROOMS. APPEALS. HEARINGS. Whenever any barred or barricaded house, or room, or door referred to in Section 3-5.12 of this Article shall be erected, maintained, or kept, under the authority of or by a permit provided for in Section 3-5.13 of this Article, and the Chief of the Fire Department, or the Chief of Police shall file a written report with the Council setting forth reasons for revocation of such permit, the Council shall fix a time for the hearing of the same, and shall send notice to the holder of such permit to appear at such time and show cause why the said permit should not be revoked.

Within seven (7) days after the denial of any application in the manner set forth in Section 3-5.13, the applicant may renew the application by filing it with the City Council and the Council shall fix the time for the hearing of the same.

In revoking, confirming, denying or granting any permit, the Council shall consider the application, the reports of the Chief of the Fire Department and the Chief of Police, and other attending facts and circumstances, and shall exercise a reasonable and sound discretion in the premises.

SEC. 3-5.15 BUILDING PERMIT, BARRICADED ROOMS. The permit provided for in Section 3-5.13 of this Article shall be in addition to any building permit which may be required under the building laws of the City. The granting of a permit by the Council to erect or maintain a public garage shall be understood to include authority to install necessary automatic fire doors of metal or of metal and other material.

ARTICLE 6.

GATHERINGS AND MEETINGS.

SEC. 3-6.01 CONGREGATING IN STREETS. Whenever the free passage of any street or sidewalk shall be obstructed by a crowd, except on the occasion of public meetings, the persons composing such crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed to do by a police officer as herein provided.

SEC. 3-6.02 RED FLAGS. It shall be unlawful for any person to bear, carry or display in any public assemblage or meeting in the City of Oakland, or in any parade or procession in or upon the streets of said city, any red flag, banner or pennant of cloth, paper or other material.

SEC. 3-6.03 MARATHONS. It shall be unlawful for any person within the City of Oakland, to promote, conduct, carry on or take part in, any public exhibition of endurance contests commonly known and designated as "walkathons" or "dance marathons" or "skate marathons".

SEC. 3-6.04 STREET MEETINGS. The following Ordinance is an Initiative measure adopted May 18, 1915:

† Sec 3-6.05-6-7 Add. by O* 567 CMS (Public Assembly)

AN ORDINANCE REGULATING THE HOLDING OF PUBLIC MEETINGS ~~ON ANY PUBLIC MEETINGS~~ ON ANY PUBLIC STREET, OR IN ANY PUBLIC SQUARE, PARK, LANE, ALLEY, COURT OR OTHER PUBLIC PLACE WITHIN THE FIRE LIMITS OF THE CITY OF OAKLAND, AND REPEALING ORDINANCE NO. 1836 OF THE CITY OF OAKLAND, AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED by the Council of the City of Oakland, as follows:

SECTION 1. It is hereby declared to be unlawful for any person or persons to conduct, take part in or address any public meeting held on any public street, or in any public square, park, lane, alley, court or other public place within the fire limits of the City of Oakland; provided, however, that between the hours of six o'clock P.M. and thirty minutes after ten o'clock P.M. of each day, it shall be lawful for any person or persons to conduct, take part in or address any public meeting on the following streets within the said fire limits, to-wit:

On Ninth, Tenth and Eleventh Streets, between the westerly line of Clay Street and the easterly line of Franklin Street; on Fifteenth Street between the easterly line of Washington Street and the westerly line of Jefferson Street; on Clay Street between the southerly line of Ninth Street and the northerly line of Eleventh Street; and on Franklin Street between the southerly line of Ninth Street and the northerly line of Eleventh Street; and provided further, that such public meetings shall be so conducted as not to violate the traffic ordinances of the City of Oakland now in force and effect.

SECTION 2. The words "address any public meeting" as used in this ordinance, is defined to include the right to speak freely and publish one's views on any subject matter and illustrate the same; provided, however, that no person or persons shall speak or publish anything of an immoral or treasonable character

SECTION 3. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed one hundred (100) dollars, and in case said fine be not paid, the person or persons so fined shall be imprisoned in the City Prison of the City of Oakland at the rate of one (1) day for every two (2) dollars of the fine so imposed and remaining unpaid.

SECTION 4. Ordinance No. 1836 entitled "An Ordinance regulating the holding of public meetings in any public street, square, park, lane, alley, court, or other public place, or at or in front of the entrance to any public building situated within the fire limits of the City of Oakland", approved October 20, 1897, and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. This ordinance shall take effect at the time and in the manner provided by law.

ARTICLE 7.

HABIT-FORMING DRUGS AND INTOXICATING LIQUORS

SEC. 3-7.01 DRUGS AND LIQUORS IN CITY PRISON. It shall be unlawful for any person without the written permission of the Health Officer of the City of Oakland to bring into, or cause to be brought into the City Prison of the City of Oakland, or to have in his possession while a prisoner in said City Prison, any opium, or any of the preparations of opium, or any intoxicating liquor.

SEC. 3-7.02 OPIUM SMOKING. It shall be unlawful for any person in the City of Oakland to own, keep, maintain, manage, or smoke opium in, or become an inmate of, or visit or resort to, or in any way contribute to the support of, any house or room or place where opium is smoked or where persons assemble for the purpose of smoking opium or inhaling the fumes of opium, or which is kept as a place of resort for the smoking or other use of opium.

SEC. 3-7.03 CACHOU. It shall be unlawful for any person in the City of Oakland to sell, give away or have in his possession, for any purpose whatsoever, any cachou, commonly known as "Japanese snuff".

SEC. 3-7.04 WRONGFUL USE OF OPIUM AND OTHER DRUGS. It shall be unlawful for any druggist, or any person whatever, to sell or give away or deliver to any person in the City of Oakland, excepting as hereinafter in this section and in Section 3-7.05 of this Article provided, opium or any preparation thereof, morphine, cocaine or any of their salts, or any solution or preparation in which one or more of these substances is known to be an ingredient.

This section shall not apply to the filling by druggists of the written orders or prescription of any licensed physician, or one who, upon due inquiry, is believed by the druggist to be such, for any of the substances hereinabove enumerated but every such order or prescription must be numbered and dated at the time it is filled, and the name and address of the druggist filling it must be written or stamped, in ink, across the face of such order or prescription, so that it cannot be erased without detection; and a label with similar date and number, name and address, shall be affixed to the bottle, box or package of the medicine before its delivery, and upon such label shall also be written the name of the physician who prescribed or ordered it. Every such order or prescription, or a copy thereof, shall be kept by the druggist filling it, for two years, and be subject to the inspection of any legally constituted court or officer demanding it. No copy of any such order or prescription shall ever be filled, but the original order or prescription may be refilled once only (excepting as hereinafter provided), and the druggist refilling it must make a note upon it that it has been refilled, and also the date upon which it was refilled. If it shall be refilled by any other druggist than the one who first filled it, such druggist must also number it and stamp or write his name and address in ink across the face of it and keep it, or a copy of it, for two years, subject to inspection as before ordered; and such order or prescription must not again be refilled excepting upon the order or request, written upon a separate paper, of the physician who wrote the order or prescription, and then only for as long a time not exceeding two weeks as the physician may designate in such order; and such written order or request must be kept by the druggist for two years and be subject to inspection as in the case of the original prescription or order.

SEC. 3-7.05 DRUGS USED AS INGREDIENTS IN MIXTURES. Section 3-7.04 of this Article shall not apply to the sale of liniments or mixtures for external use that are of such nature that they cannot be taken internally without danger to life or health; nor to the sale of morphine or cocaine, or their salts, or of opium, in mixtures, pills, powders, or solutions when in combination with other active ingredients; provided, that no more than eight (8) grains of opium, and no more than two (2) grains of morphine or cocaine or their salts, or both combined, shall be sold to, or for, the same person in any one day; nor to the sale of paregoric, nor the sale or gift of any of the substances enumerated in said Section 3-7.04 to hospitals, asylums or other public or charitable institutions for use therein; or to physicians or dentists or other druggists who are engaged in the business.

SEC. 3-7.06 WRONGFUL USE OF AND FRAUDULENT PRESCRIPTIONS. It shall be unlawful for any person to endeavor to procure any of the substances enumerated in Section 3-7.04 of this Article by means of a fraudulent order or prescription, or one signed by a fictitious name, or by means of any other false statement or representation.

It shall be unlawful for any physician to give away, or to prescribe, or give an order for any of the substances named, to any person excepting for the purpose of curing or alleviating disease.

(Note: Re Licensing and regulating sale of intoxicating liquors: See Ordinances 624 N.S. as amended by 840 N.S. and Ordinance 1608 N.S.--all initiative measures adopted prior to the adoption of the Eighteenth Amendment to the Constitution of the United States.)

ARTICLE 8.

FRAUD AND DECEIT.

SEC. 3-8.01 GAS AND ELECTRIC METERS. It shall be unlawful for any person in the City of Oakland, with intent to injure or defraud, to have in his possession any machine, appliance, contrivance or device of any character used, designed or intended to be used to prevent a gas or electric meter from correctly registering gas or electricity passing through it, or to divert gas or electricity that should pass through it.

SEC. 3-8.02 ALTERING AND FALSIFYING PUBLIC RECORDS. It shall be unlawful for any person to wilfully alter, falsify, deface, mutilate, destroy, secrete, or, without the consent of the officer having custody of the same, to remove the whole or any part of any book, map, paper, instrument, document or record filed, deposited or recorded in any public office or with any public officer of the City of Oakland.

SEC. 3-8.03 DEFACING NOTICES. It shall be unlawful for any person to wilfully alter, falsify, deface, mutilate, remove or destroy, without the consent of the City of Oakland, any official public notice posted in any public place in the City of Oakland by the said City before the date of hearing as set forth in said notice.

#535 Ords-Sec. 3-8.04 Unlawful Entry into places of amusement (Added By O. #535 Ords)
#811 " " — 4 3-8.05 " " Give False reports to police in re felony

ARTICLE 9.

ANIMALS AND BIRDS.

SEC. 3-9.01 DEFINITIONS. The word "dog" as used in this Article is hereby declared and defined to include any dog more than four (4) months old, and shall be deemed to include female as well as male dogs, except when otherwise specially provided herein.

The term "unlicensed dog" as used in this Article is hereby defined and declared to mean a dog for which the license for the current year has not been paid, or to which the tag provided for in this Article is not attached.

Any person keeping or harboring a dog for fifteen (15) consecutive days shall be deemed to be the owner thereof, within the meaning of this Article.

SEC. 3-9.02 DOG LICENSE. A license tax of Three Dollars ($3.00) on each and every dog, for the privilege of having and keeping such dog in the City of Oakland, is hereby required to be paid by the owner or person having custody or control of such dog, for each year or fraction of a year, commencing on the first day of January, or the first day of July, of each year. The amount of such license shall be paid to the Chief License Inspector; and upon payment thereof the said Chief License Inspector shall issue a metal tag with the number and year of the issuance thereof and the words "Oakland Dog License" plainly inscribed thereon, and shall enter in a register kept by him for that purpose the name and address of the owner of the dog licensed or the person to whom such license is issued, a description of such dog, the number of the tag, and the date of its issuance. Duplicate metal tags may be issued upon payment of fifty cents (.50) for each duplicate tag so issued.

SEC. 3-9.03 DOG KENNEL LICENSE. The license tax required by this Article to be paid by the owner or person having the custody or control of any dog, for the privilege of having and keeping any such dog in the City of Oakland, shall not apply to any person conducting or maintaining a dog kennel in said City, but every person conducting or maintaining a dog kennel shall pay to said City for the privilege of keeping any such dog or dogs in such dog kennel a license tax as follows: For one (1) to ten (10) dogs, inclusive, Ten Dollars ($10.00); for eleven (11) to fifteen (15) dogs, inclusive, Fifteen Dollars ($15.00); for sixteen (16) or more dogs, Twenty-five Dollars ($25.00), for each year, or fraction of a year, commencing on the first day of January, or the first day of July, of each year, payable in advance on the first day of January or the first day of July, of each year. The amount of such license shall be paid to the Chief License Inspector; and upon the payment thereof, the said Chief License Inspector shall issue as many metal tags as the person conducting or maintaining such dog kennel shall require, not to exceed the maximum number which the payments of such license shall entitle him to keep, which tags shall have the number and year of the issuance thereof and the words "Oakland Dog License" plainly inscribed thereon, and said Chief License Inspector shall enter in a register kept by him for that purpose the name and address of the person conducting or maintaining such dog kennel, the location of said dog kennel, the number of dogs therein for which licenses were issued, the numbers of the tags issued, and the date of their issuance. At any subsequent time within the period during which said license is effective any person conducting or maintaining such dog kennel who shall not have had issued to him the maximum number of tags to which the payment of such license entitled him may have additional tags issued to him upon request until the aggregate number of tags issued to him during such period shall have equalled such maximum number. Such tags shall be in the form hereinabove specified, and the Chief License Inspector shall as to such additional tags enter in his register all the facts hereinbefore required to be entered upon the original issuance of tags.

SEC. 3-9.04 DOG LICENSE A DEBT. The amount of any license imposed by this Article shall be deemed a debt to the City of Oakland, and any person owning, having or keeping a dog in the City of Oakland without having obtained a license so to do from said City, shall be liable to an action in the name of said City in any court of competent jurisdiction for the amount of license imposed by and required by this Article to be paid for the privilege of having and keeping such dog in said City.

SEC. 3-9.05 UNLICENSED DOGS. It shall be unlawful for any person to have, harbor or keep, or to cause or permit to be harbored or kept, any unlicensed dog in the City of Oakland.

SEC. 3-9.06 KEEPING DOGS NOT LICENSED, REGISTERED AND TAGGED. It shall be unlawful for any person to permit or allow any dog to be kept or to remain upon any premises under his immediate control, unless such dog shall be registered and licensed and shall have a collar or leather band attached thereon, on which there shall be a tag inscribed as in this Article prescribed; provided, however, that such collar or leather band need not be attached to such dog while such dog remains in the dwelling house of the owner or other person having custody thereof, or in an enclosed yard adjacent thereto.

SEC. 3-9.07 DOGS AT LARGE. It shall be unlawful for any person owning or having charge, care or control of any dog to permit or allow the same to run at large upon any street, lane, alley, court or other public place, or on any private property without the consent of the owner thereof, within the City of Oakland, unless such dog shall be registered and licensed as in this Article provided, and shall have a collar or leather band attached thereon on which there shall be a tag inscribed as in Sections 3-9.02 and 3-9.03 of this Article provided; or to permit or allow such dog, whether licensed and registered or not, or leashed or unleashed, to be in any public park in the City of Oakland; or to permit or allow such dog, whether licensed and registered or not, to run at large in any school yard or public playground, or other place controlled by the Board of Education or the Board of Playground Directors of the City of Oakland; or for any person owning or having charge, care or control of any female dog to permit or allow the same, whether licensed and registered or not, to run at large, when in heat during the oestrual period, upon any street, lane, alley, court, park, or other public place, or on any private property without the consent of the owner thereof, within the City of Oakland.

SEC. 3-9.08 DOGS EXCEPTED FROM LICENSE REQUIREMENTS. The provisions of this Article requiring dog license shall not apply to any dog owned by or in the charge or care of a non-resident of the City of Oakland, traveling through the City of Oakland, or temporarily sojourning therein for a period not exceeding thirty (30) days; nor to any dog brought to the City of Oakland exclusively for the purpose of entering the same in a dog show or dog exhibition, and entered for and kept at any dog show or dog exhibition, nor to any dog owned by a non-resident of the City of Oakland, when such dog has been regularly licensed in accordance with the laws of the place of residence of such owner and shall have a collar or leather band attached thereon on which there shall be a tag evidencing the existence of an unexpired license for such dog in the place of residence of such owner.

SEC. 3-9.09 TRANSFERRING, COUNTERFEITING AND REMOVING DOG TAGS. It shall be unlawful for any person to attach to or keep upon, or to cause or permit to be attached to or kept upon, any dog any tag provided for in Sections 3-9.02 or 3-9.03 of this Article except a tag issued to him for such dog under the provisions of this Article, or to attach to or keep upon, or to cause or permit to be attached to or kept upon, any dog, or to make or to have in possession, any counterfeit or imitation of any tag provided for in said Sections 3-9.02 or 3-9.03, or to take from any dog any collar or leather band or tag attached thereto, except as provided in Section 3-9.06 of this Article.

SEC. 3-9.10 IMPOUNDING DOGS. Any dog found running at large contrary to the provisions of this Article shall be taken into custody by the Poundmaster of the City of Oakland, or his deputies, and lodged in the City Pound; any such dog may be redeemed by the owner or possessor thereof within three (3) days of such impounding on the payment to the Poundmaster of the sum of Three Dollars ($3.00), but if not so redeemed said dog may be sold at private sale for the sum of not less than Three Dollars ($3.00), and if not redeemed or sold at private sale, such dog shall be killed or sold in accordance with the provisions of Section 3-9.17 of this Article relating to killing or sale of impounded animals.

SEC. 3-9.11 EXEMPTION FROM DOG LICENSES AND CHARGES. If any person shall furnish evidence satisfactory to the Associated Charities that such person, by reason of unavoidable poverty, merits exemption from the payment of any fees or charges provided for by this Article, upon the recommendation of the Associated Charities, the City Auditor and the City Treasurer, and upon the majority vote of the whole Council by Resolution, the Poundmaster shall waive the payment of any such fees or charges, provided that such application for exemption from payment shall be presented to the Poundmaster within three (3) days after such fees or charges, or any part thereof, have accrued; and, provided further, that upon such exemption from payment, the Poundmaster shall dispose of any such dogs in his custody, on account of which such fees or charges had accrued and had been waived, in the manner as though such fees or charges had been regularly paid by such person so exempted from the payment thereof.

SEC. 3-9.12 EXAMINATION AND MUZZLING OF DOGS THAT BITE. Whenever, within the limits of the City of Oakland, any dog shall have bitten any person, it shall be the duty of the Poundmaster, and he is hereby directed to take into custody and keep such dog at the City Pound for a period not to exceed two (2) weeks, during which period the City Veterinarian and Assistant to the Health Officer shall determine whether or not said dog is diseased or vicious. If the City Veterinarian and Assistant to the Health Officer shall determine that said dog is diseased or vicious and in his judgment should be killed, he shall notify the Poundmaster of such determination. It shall then be the duty of the Poundmaster, and he is hereby directed, to kill said diseased or vicious dog immediately. If the City Veterinarian and Assistant to the Health Officer shall determine that such dog is not diseased or vicious, said dog shall be released and delivered by the Poundmaster to the owner or person lawfully entitled thereto; but no such dog taken into custody and released in accordance with the foregoing provisions of this section shall be permitted to run at large in any of the public lanes, alleys, streets or other public places in the City of Oakland, unless such dog is properly muzzled. Any owner of, or person lawfully entitled to, any such dog who allows or permits such dog to run at large in the City of Oakland in violation of the foregoing provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 3-9.13 RABIES EPIDEMIC. Notwithstanding the provisions of Section 3-9.12 of this Article, whenever in the judgment of the City Council of the City of Oakland, upon the recommendation of the Health Officer and the City Manager of said City of Oakland, it shall determine and declare that any disease epidemic exists within the City of Oakland by reason of rabies, or for any other disease or cause, or reason, and that it is necessary to protect and preserve the public health and safety, the Council of the City shall by resolution declare and determine the existence of an epidemic of such disease, and thereupon it shall be the duty of the Chief of Police of the City of Oakland or Poundmaster when so directed by the City Manager, and until such time as it may be determined by said Council that such disease epidemic no longer exists, to immediately destroy or cause to be immediately destroyed, in the event such epidemic is one of rabies, any dog or dogs which may have bitten any person or persons, dog or dogs, or other animal or animals, or which in the judgment of the Health Officer is suffering from the disease of rabies, and to immediately destroy, or cause to be immediately destroyed, the dog or dogs, or any other animal or animals which may have been bitten by any such dog or dogs. Such dog or dogs, and such other animal or animals, during the existence of such epidemic, are hereby declared to be an imminent menace to the public health and safety. During the continuance of such epidemic any person or persons owning any dog or dogs within the City of Oakland shall keep such dog muzzled at all times while it is at large, and any dog or dogs unmuzzled and running at large upon any of the public streets, lanes, alleys or other public places of the City of Oakland during such epidemic shall be impounded and destroyed whether or not such dog or dogs be suffering from rabies or any other disease, and the Poundmaster, or any member of the Police Department is hereby authorized to enforce the provisions hereof.

SEC. 3-9.14 INTERFERING WITH POUNDMASTER. Any person or persons in any manner interfering with the Poundmaster or any officer of the city in the discharge of the duties prescribed in this Article shall be deemed guilty of a misdemeanor.

SEC. 3-9.15 DOG KENNELS RESTRICTED. It shall be unlawful for any person to establish or maintain any institution or place where more than five (5) dogs are kept for sale or boarded within one hundred (100) feet of any residence, dwelling, church, school, public building, or well or spring the water from which is used for human consumption.

SEC. 3-9.16 ANIMALS AT LARGE. It shall be unlawful for any person owning, or having charge, care of control of, any ox, bull, cow, horse, colt, jack, mule, calf, sheep, goat, hog or other domestic animal, or any duck, goose, chicken or other domestic fowl, to allow or permit the same to run at large in the City of Oakland, or to pasture or herd or stake or tie for the purpose of grazing the same, in any public street, lane, alley, court or other public place or grounds belonging to, or under the control of, the City of Oakland, or on any private property within the limits of the City of Oakland unless with the consent of the owner or occupant of such property.

SEC. 3-9.17 IMPOUNDING ANIMALS AT LARGE. Any animal or fowl enumerated in Section 3-9.16 of this Article, found running at large or otherwise, contrary to the provisions of said Section 3-9.16 of this Article, shall be taken up, impounded and safely kept by the Poundmaster of the City of Oakland.

When any animal or fowl is so impounded, the Poundmaster shall immediately notify the owner thereof if known to him; if not so known to him he shall post three (3) notices: One on the City Hall Bulletin Board, one at the City Post Office and one in a conspicuous place at the City Pound. Said notices shall contain a full description of the said animal or fowl impounded, and shall set forth the fact that unless it is reclaimed it will be sold at public auction to the highest bidder at a time and place to be specified in said notice, which time shall not be less than five (5) days nor more than ten (10) days from the posting thereof, and if said animals or fowl are not reclaimed before the expiration of the time specified in said notice, the Poundmaster shall proceed to sell the same at the time and place, and in the manner, specified in said notice; provided, that all animals and fowl so taken into the custody of the Poundmaster which, by reason of age or disease or other infirmity, are unfit for further use, or dangerous to be kept impounded, shall be destroyed by him (after examination by the Veterinary Surgeon of the Society for the Prevention of Cruelty to Animals) as soon thereafter as is conveniently possible, and in case of such destruction of such animal or fowl, the Poundmaster shall not be required to give the aforesaid notice.

Any animal or fowl impounded and not redeemed or sold within the time and in the manner specified in this Article, shall be killed by the Poundmaster and by him buried in the city burial place for dead animals.

SEC. 3-9.18 RECLAIMING IMPOUNDED ANIMALS. The owner of any animal or fowl impounded ~~as in Section 3-9.17 of this Article~~ as in Section 3-9.17 of this Article provided, shall have the right to reclaim the same at any time prior to the sale thereof upon payment to the Poundmaster of the costs and charges hereinafter provided in this Article for impounding and keeping such animal or fowl, or if sold the owner shall have the right to receive the proceeds of the sale of such animal or fowl less the costs and charges aforesaid, within thirty (30) days after such sale upon satisfactory proof of his ownership of such animal or fowl so impounded or sold.

SEC. 3-9.19 CARE OF ANIMALS BY POUNDMASTER. The Poundmaster shall cause all animals and fowl impounded by him to be provided with sufficient food and water suitable for such animals and fowl, and upon his neglecting so to do shall be liable to the owner for all damages arising therefrom.

SEC. 3-9.20 FEES FOR KEEPING ANIMALS. The Poundmaster shall receive and collect from the owner of any of the following animals or fowls, the following fees for impounding and keeping the same:

Horses, bulls, oxen and cows, per head, $4.00.
Jacks, mules, steers and colts, per head, $4.00.
Hogs, sheep, goats and calves, per head, $1.50.
Ducks, geese and domestic fowl, per head, 25 cents.

And the further sum for keeping the same per day:

Horses, bulls, oxen and cows, per head, 50 cents.
Jacks, mules, steers and colts, per head, 50 cents.
Hogs, sheep, goats and calves, per head, 25 cents.
Ducks, geese and domestic fowl, per head, 5 cents.

SEC. 3-9.21 BURYING DEAD ANIMALS. It shall be the duty of all persons having dead animals or fowl upon their premises, or who shall be the owners or possessors of any dead animals or fowl which died within the City of Oakland, to bury the same at least four (4) feet underground, except cats, dogs, or fowl, which shall be buried at least two (2) feet under ground, either upon the premises of such owner or upon the premises where such dead animal or fowl is found, or in the city burial place for dead animals, or to have such dead animals or fowl incinerated, either under private contract or by the City Pound, within forty-eight (48) hours after the same shall die; and upon the request of any owner or possessor of any dead animal or fowl, it shall be the duty of the Poundmaster to proceed forthwith to bury the same in the city burial place for dead animals, for which he shall collect and receive from the owner or possessor of such dead animal or fowl the following fees:

For burying horses, bulls, oxen and cows, each, $5.00.
For burying jacks, mules, steers and colts, each, $4.00.
For burying hogs, sheep, goats and calves, each, $3.00.
For burying ducks, geese and domestic fowl, each, 25¢.
For burying dogs or cats, each, $1.00.

If any person fails or neglects to bury any dead animal or fowl as provided for in this section, then in such case it will be the duty of the Poundmaster to proceed forthwith to bury the same, and it shall be lawful for the Poundmaster to charge, receive or collect from the owner or possessor of such dead animal or fowl buried by him, the fees hereinbefore provided; and any such person so refusing or neglecting to bury or cause to be buried any such dead animal or fowl as herein provided shall be deemed guilty of a misdemeanor.

SEC. 3-9.22 TAKING UP STRAY ANIMALS. Every person taking up any animal liable to be impounded under the provisions of this Article shall within twelve (12) hours after taking up such animal, or if the same be attached to a vehicle within four (4) hours, give notice thereof to the Poundmaster or his Deputies, or to the Chief of Police of the City of Oakland, or to any incorporated Society for Prevention of Cruelty to Animals in the City of Oakland, and the Poundmaster or such Society shall thereupon take such animal into custody, and every person to whom such animal may be delivered or who shall receive the same shall forthwith, upon demand, deliver such animal to the Poundmaster or to such incorporated Society for Prevention of Cruelty to Animals.

Every person taking up such animal and failing or neglecting to give such notice, or refusing or neglecting to deliver such animal to the Poundmaster or such incorporated Society for Prevention of Cruelty to Animals upon demand, shall be deemed guilty of a misdemeanor.

Any incorporated Society for Prevention of Cruelty to Animals upon receiving any animal liable to be impounded, shall thereupon notify the Poundmaster, and it shall be the duty of the Poundmaster to include such animal in his list when posting, and said incorporated Society for Prevention of Cruelty to Animals shall have the right after three (3) days to dispose of such animal if not reclaimed. No charges greater than those asked by the City Pound as herein provided shall be asked by any such incorporated Society for Prevention of Cruelty to Animals.

SEC. 3-9.23 REPORTS OF POUNDMASTER AND NOTICE TO POLICE OF KILLING. The Poundmaster shall make a true and correct report to the City Manager on the first Monday of each month of the animals and fowl of each kind impounded by him during the previous month; of the number redeemed and sold and the amount received therefor, and the number killed of each kind, with the number and kind buried and the amount received therefor.

The Poundmaster shall, before he proceeds to kill any animal subject to be killed under the provisions of this Article, notify the Captain of Police of his intention to kill such animal, and the Captain of Police shall detail an officer of police to be present at the killing of such animal.

SEC. 3-9.24 DRIVING CATTLE THROUGH STREETS. It shall be unlawful for any person to drive, or cause to be driven, any cattle through the streets of the City of Oakland at any time without the written permission of the City Manager so to do, which permit shall state the name of the applicant, the time of day and name of street or streets over which the applicant for same may drive, or cause to be driven, any cattle.

SEC. 3-9.25 KEEPING FOWL AND CERTAIN ANIMALS IN APARTMENT HOUSE, HOTEL AND BUSINESS DISTRICT. It shall be unlawful for any person to raise, or keep, live chickens, ducks, geese or other fowl, or pigeons, rabbits, guinea pigs or goats, in any enclosure or yard anywhere in the apartment house, hotel or business district of the City of Oakland except when such fowl or animals are kept within a bona fide produce market, commission house or store for purposes of trade and while so kept are confined in small coops, boxes or cages.

For the purposes of this section, the said apartment house, hotel and business district shall be and include the following defined district:

Beginning at the intersection of the center line of Fallon Street with the center line of Seventh Street; thence westerly along the center line of Seventh Street to the center line of Grove Street; thence northerly along the center line of Grove Street to the center line of San Pablo Avenue; thence northerly along the center line of San Pablo Avenue to the center line of Twenty-second Street; thence easterly along the center line of Twenty-second Street to the western line of Telegraph Avenue; thence easterly in a direct line to the intersection of the eastern line of Broadway with the center line of Grand Avenue; thence easterly along the center line of Grand Avenue to the center line of Harrison Street; thence southerly along the center line of Harrison Street to the center line of Twentieth Street; thence easterly along the center line, produced of Twentieth Street, to the western shore line of Lake Merritt; thence in a general southerly direction along the western shore line of Lake Merritt to the center line, produced northerly, of Fallon Street; and thence southerly along the center line, and its production, of Fallon Street to the point of beginning.

The provisions of this section shall not apply to the raising or keeping of any fowl or animals under the direction of the City of Oakland on any grounds or properties used by the City as a public park, zoo or museum.

SEC. 3-9.26 SANITARY KEEPING OF ANIMALS. It shall be unlawful for any person in the City of Oakland to keep any cow, horse, cattle, goat, swine or other animal, or any fowl, in such manner as may injuriously affect the health of any neighborhood or any person, or to keep the same in any yard, stable, pen or place which is not at all times kept clean and free from stagnant water and all filthy and unhealthful circumstances.

SEC. 3-9.27 ANIMALS AFFLICTED WITH GLANDERS. It shall be unlawful for any person to use, ride or drive any horse or other animal afflicted with the disease known as "glanders" within the public streets of the City of Oakland, or to water such diseased horse or other animal at any watering place in any of the public streets or places within the City of Oakland.

SEC. 3-9.28 KEEPING OF FOWL. It shall be unlawful for any person to keep any ducks, geese, chickens or other fowls in any enclosure in the City of Oakland unless the exterior boundaries of said enclosure are more than twenty feet from any dwelling, church or school.

SEC. 3-9.29 WATER FOWL ON LAKE MERRITT. It shall be unlawful for any person to throw missiles of any kind at, or disturb in any way, water fowl on Lake Merritt.

SEC. 3-9.30 WILD BIRDS. It shall be unlawful for any person to trap, snare or otherwise capture or kill, any wild bird in the City of Oakland except water fowl and birds of prey.

SEC. 3-9.31 SQUIRRELS. It shall be unlawful for any person to import into the City of Oakland, or to sell or expose for sale or exchange or deliver or distribute, within the City of Oakland, any ground squirrel or other squirrels.

SEC. 3-9.32 ANIMAL HOSPITALS. It shall be unlawful for any person to establish or maintain within the limits of the City of Oakland any hospital, home, asylum, or other institution where diseased or injured cats, dogs, horses or other animals are treated, cared for, destroyed or kept, except where they are kept temporarily for temporary treatment in case of emergency, within three hundred feet of any church, residence, school house, dwelling house, or any well or spring from which water is drawn for household or drinking purposes. (Amended by O. 361 CMS) 7/18/33.

Sec 3-9.33 - Re-numbered from 4-4141 - and 3033 cms - 3/3/49

4.14

ARTICLE 10.

MINORS.

SEC. 3-10.01 POOLROOMS. It shall be unlawful for any person conducting or maintaining any public pool or billiard room in the City of Oakland or any servant or employee of such person, to permit, suffer or allow any person under the age of twenty-one years to enter, visit or remain in such public pool or billiard room; or for any person under the age of twenty-one years to enter or remain in any public pool or billiard room in the City of Oakland, or for such person, for the purpose of gaining entrance to any such public pool or billiard room in violation of the provisions of this section, to falsely represent to the person conducting such pool or billiard room, or to any servant or employee of such person, that such person so representing is twenty-one years of age.

SEC. 3-10.02 ON PUBLIC STREETS AT NIGHT. It shall be unlawful for any minor under the age of sixteen years to be or appear in any street, square or public place in the City of Oakland after 9 o'clock at night, and between said hour and daylight of the following morning, unless such minor be accompanied by the parent, guardian or other person having the lawful control of such minor, or have the express written permission of such parent, guardian or other person to be on the street between said hours.

SEC. 3-10.03 SMOKING. It shall be unlawful for any minor under the age of sixteen years to smoke in any railway car, street car or other public conveyance, or upon any street, square, public building or public place in the City of Oakland.

ARTICLE 11.

MISCELLANEOUS.

SEC. 3-11.01 DEFEATING ORDER OF COUNCIL. It shall be unlawful for any person to resist, obstruct, defeat or attempt to defeat, the enforcement or execution of any lawful order of the Council of the City of Oakland, or of any person lawfully acting under the authority of the said Council.

CHAPTER 4.

SANITATION AND HEALTH

ARTICLE 1. COMMUNICABLE DISEASES.
ARTICLE 2. MILK AND DAIRIES.
ARTICLE 3. MEATS.
ARTICLE 4. FOODS GENERALLY.
ARTICLE 5. SANITATION.
ARTICLE 6. CAMPS.
ARTICLE 7. MISCELLANEOUS.

ARTICLE 1.

COMMUNICABLE DISEASES

SEC. 4-1.01 BRINGING BODIES OF DISEASED PERSONS INTO CITY. It shall be unlawful for any person, whether as master, captain, conductor or otherwise, in charge of any boat, vessel, railroad car or public or private conveyance of any kind, to bring into the City of Oakland within one year after the date of death, the body of any deceased person who died of a contagious disease.

SEC. 4-1.02 PHYSICIANS REQUIRED TO REPORT. It shall be unlawful for any attending or consulting physician, nurse or other person having charge of, or caring for, any person afflicted with typhus fever, ship fever, yellow fever, Asiatic cholera, smallpox, bubonic plague, diphtheria, scarlet fever, scarletina, chickenpox, typhoid fever, malaria fever, measles, pulmonary tuberculosis accompanied by expectoration, or any other contagious disease, to fail to immediately report in writing to the Health Officer of the City of Oakland the nature of the disease, the name of the person afflicted and the place of his confinement, or to fail to report in writing to the Health Officer every death from any of the said diseases immediately after such death shall have occurred.

SEC. 4-1.03 HOUSEHOLDERS REQUIRED TO REPORT. It shall be unlawful for any householder of the City of Oakland to fail to report to the Health Officer of said City the name of every inmate of his house whom he shall have reason to believe sick of any of the contagious diseases referred to in Section 4-1.02 of this Article, or to fail to report any death occurring at his house from any of said diseases.

SEC. 4-1.04 VETERINARIANS REQUIRED TO REPORT. It shall be unlawful for any veterinarian or any other person caring for, or attending, any animal sick of contagious pleuro-pneumonia, tuberculosis, foot and mouth disease, anthrax, Texas fever, actinomycosis, glanders, farcy or hydrophobia, in the City of Oakland, to fail to report immediately in writing to the Health Officer of said City the nature of the disease and the place of confinement of such animal.

SEC. 4-1.05 VACCINATIONS. In all vaccinations by or under the authority of the Health Officer, or the City Physician, of the City of Oakland, the vaccine matter used shall be bovine matter and no other. The use of any other matter in such vaccinations shall be unlawful.

SEC. 4-1.06 FUMIGATION. Whenever any case of smallpox, diphtheria, scarletina, Asiatic cholera, tuberculosis or other contagious disease has existed in any building or other place within the City of Oakland, it shall be the duty of the householder or proprietor of such place, or if such place has ceased to be occupied then of the owner thereof, to immediately fumigate and disinfect such premises in the manner and to such extent as the Health Officer of the City of Oakland may direct, such fumigation and disinfection, however, to be done at the expense of the City of Oakland. It shall be unlawful for any person to fail to perform the foregoing duty.

SEC. 4-1.07 QUARANTINE NOTICES. Whenever a case of diphtheria, scarlet fever, smallpox, Asiatic cholera, yellow or typhus fever, is reported to the Health Officer, he shall immediately cause to be displayed in a conspicuous place on the premises where such disease exists, and put upon the doorway or doorways of the house or houses affected with such disease, a placard setting forth the fact, which placard shall remain as so posted during the continuance of the disease on said premises.

No person except the duly authorized agent of the Health Department shall remove, tear down, cover up, obliterate or destroy any copy of any order of the Health Department fixed on any building as provided for herein.

SEC. 4-1.08 QUARANTINE REGULATIONS. The Health Department of the City of Oakland may proclaim such quarantine, and establish and declare such quarantine districts and grounds and the boundaries thereof, as may in its judgment be necessary for the preservation of public health, and may, when deemed necessary, require all vessels, railroad cars or other public conveyances before the same shall land or stop at any landing, depot or any other stopping place in the City of Oakland, to stop or touch at any of the said districts, grounds or boundaries so selected and established for quarantine purposes and leave all such persons with their stores and baggage as in the opinion of the Health Officer, or persons acting under his authority stationed at such quarantine site, places or boundaries, shall be deemed proper on account of the existence or general report of Asiatic cholera, smallpox, yellow or typhus fever, or other contagious disease.

The said Health Department shall make such rules and regulations for the government of the quarantine or the health of the city as from time to time said department shall deem necessary, and the physicians or health officers in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper management thereof, and it shall be the duty of all persons in quarantine, and all agents, officers, policemen or others employed by the City in and about said quarantine stations or places, to carry out and obey said rules and regulations.

SEC. 4-1.09 HOSPITALS FOR CONTAGIOUS DISEASES. The Health Department of the City of Oakland may locate, establish and maintain a hospital for contagious diseases, and discontinue and remove the same, when and where such location, establishment and maintenance, or discontinuance *and removal, may be* necessary to the preservation of public health. Said Department may appoint and remove at pleasure such physicians and nurses

(whose compensation shall be fixed by the Council) for said hospital as may be necessary to maintain the efficiency of the same and welfare and comfort of the inmates, and may cause to be removed thereto and kept therein any person within the limits of the City of Oakland affected with smallpox, Asiatic cholera, yellow or typhus fever, or other contagious disease; provided, that no person unless he is unable or refuses to maintain such quarantine as may be prescribed by the rules and regulations of the Health Department shall be so removed to any such hospital. The Health Department may make all rules and regulations regarding the conduct of said hospital as may be by said department deemed advisable. No person shall remove a patient affected with any contagious disease from or to any house or place within the limits of the City of Oakland without the permission of Health Officer.

Amd #981 cms Sec. 4-2.18 added #903 cms (Sani Mick Containers)

ARTICLE 2. MILK AND DAIRIES.

Amended by Ord #324 C.M.S.

SEC. 4-2.01 The provisions of this Code shall not be construed to in any manner affect the validity, force or construction of Ordinance 3971 N.S. of the City of Oakland, providing a milk inspecting division for the maintenance of a milk inspection service to inspect milk, milk products, dairies and dairy herds and of places where milk or milk products are produced, handled or sold, and regulating the sale, possession and handling of milk, cream, and milk products in the City of Oakland, and providing for inspection fees and penalty for violation of the provisions thereof.

(Sections 4.2.01 to 4.2.38) Sec 4-2.181 added By #410 cms. and by Ord # 324 cms.

ARTICLE 3. MEAT.

" 4-2.05 amd. by #447 cms

SEC. 4-3.01 SUPERVISION OF MEAT PREPARATION. It shall be unlawful for any person to sell, have in possession, keep or expose for sale for human food, the flesh of any cattle, hogs, sheep, swine, goats, rabbits, or any other animal, poultry, fish, or meat food products, unless the same shall have been slaughtered or passed upon under the supervision of the United States Government Inspector, in accordance with the regulations relating to the inspection thereof as prescribed by the Department of Agriculture of the United States, or under the supervision of the State of California, Department of Agriculture Inspector, in accordance with the regulations relating to the inspection thereof as prescribed by the Department of Agriculture of the State of California, or under the supervision of the Health Officer of the City of Oakland, in accordance with the provisions of this Article.

SEC. 4-3.02 BRAND OF APPROVAL REQUIRED ON MEATS. It shall be unlawful for any person to sell, have in possession, keep or expose for sale, the flesh of cattle, calves, hogs, sheep or goats, or any meat food products, unless there has been placed on each primal part thereof, or on such food products, a brand of approval of the Bureau of Animal Industry of the United States, California Department of Agriculture, of the City of Oakland, or of an authorized inspector whose brand or mark of identification is acceptable to the Health Department of the City of Oakland; or for any person to manufacture into sausage or other meat food products the flesh or meat of any animal designated in this Article except such flesh or meat shall bear the brand of approval as provided herein.

SEC. 4-3.03 MEAT PERMIT, APPLICATION FOR. No person shall manufacture, slaughter or sell any of the animals, fish or poultry, or parts thereof, or other meat products mentioned in Section 4-3.01 for use for food purposes in the City of Oakland, or engage in such business, without first making application in writing to the Health Department of the City of Oakland, and obtaining a permit so to do, which application shall be signed by the person making the same, and shall specify the location of the house or place where it is proposed to slaughter, handle, manufacture or sell such animals or parts thereof, fish or poultry, and state the nature of the business proposed to be carried on.

Upon the filing of such application with the said Health Department of the City of Oakland, a duly authorized Meat Inspector of the City of Oakland shall inspect said premises, and, if the same shall be found to comply with the provisions of this Article relative to the construction and equipment, etc., he shall make a written report thereof to the Health Officer, whereupon the Health Department shall issue the permit applied for in writing and cause a record thereof to be kept in said department.

SEC. 4-3.04 REQUIREMENTS FOR PERMIT. No permit as required in Section 4-3.03 of this Article shall be issued except the regulations in this Article set forth, so far as they are applicable, have been strictly complied with.

SEC. 4-3.05 FLOORS AND WALLS. The floor or floors and walls of the slaughter house, market or factory where meat, or meat food products, fish or poultry are handled, manufactured or offered for sale shall be constructed of impervious material with smooth surface and semi-circular corners, and maintained sufficiently tight to prevent the surroundings under or about the same becoming contaminated by filth or offensive matters, and all such floors shall be constructed on an incline and shall be sloped in such a manner as to provide adequate drainage therefrom.

SEC. 4-3.06 KILLING ROOM. COOLING ROOM. The slaughter house or killing room shall be separate from any room where stock or poultry are fed. A cooling room shall be provided apart from the killing room, and shall be separated from the killing room by a tight partition in the side or sides next or nearest to the killing room. The cooling room shall be thoroughly ventilated and well screened so as to exclude flies and other insects therefrom.

SEC. 4-3.07 CONSTRUCTION OF PREMISES. All premises where meat or meat food products, fish or dressed poultry are kept, stored, handled, manufactured or offered for sale shall be constructed of impervious material and painted with at least three (3) coats of flat white and one (1) coat of white gloss enamel. Said premises must be flyproof with adequate light and ventilation and be provided with a porcelain sink of adequate size with hot and cold running water.

SEC. 4-3.08 FIXED PLACE OF BUSINESS REQUIRED. It shall be unlawful to peddle by hand or from any vehicle, or sell from any other than a fixed place of business as herein provided, any meat, meat food products or dressed poultry.

SEC. 4-3.09 REFRIGERATION. All meat markets must be equipped with a fresh meat cooler of a size not less than six (6) by eight (8) by nine (9) feet high. Coolers, refrigerators and ice boxes must have a white gloss enamel finish and maintain a temperature below forty-five (45) degrees Fahrenheit with sufficient circulation, and be connected indirectly with the sewer to comply with the plumbing laws of the City of Oakland.

SEC. 4-3.10 GLASS DOORS. FAN. All markets shall be provided with glass front and double acting glass door or doors. A four-blade fast traveling fan or fans of sufficient size to prevent the entrance of flies or other insects, must be installed inside of door or doors when it is desired to keep said door or doors open; provided, however, that where a meat market is installed in a general open market, that all meat and meat products shall be enclosed in sanitary refrigerated glass cases approved by the Chief Meat Inspector.

SEC. 4-3.11 COUNTERS. All counters must be at least three (3) feet high, and be provided with marble top and glass front, at least fourteen (14) inches high and twelve (12) inches over the top so as to prevent all exposed food-stuffs from being handled by patrons of prospective buyers.

OR

SEC. 4-3.12 LARD ROOM. Any lard room must be finished with smooth surface Portland cement plaster and sufficient in size for the completion and manufacture of the lard, with vent pipe at least fifteen (15) inches in diameter extending above apex of roof to remove all odors.

SEC. 4-3.13 TRAYS. Corn beef trays shall be of marble, concaved and drained without joints or additional slabs of any kind.

SEC. 4-3.14 RACKS, REFUSE CANS. All meat racks, rails, hooks or brackets must be of metal. Metal cans for scraps and trimmings and other refuse and garbage must be provided with tight metal covers and sufficient in number and size to care for all refuse.

See Ord. #276

SEC. 4-3.15 MARKETS IN BASEMENTS. It shall be unlawful for any person to conduct or maintain a fish, poultry or meat market in the basement of any building or in any space below the level of the street.

SEC. 4-3.16 LAVORATORY EQUIPMENT. Sufficient lavoratories, toilets and clothes closets for all employees, and, where women are employed, separate lavoratories, toilets and clothes closets, with adequate light and ventilation, must be provided, together with an ample supply of soap, towels and toilet paper. No lavoratory, toilet room or living room shall open directly into any room where any article of food mentioned in this Article is kept, stored or handled.

SEC. 4-3.17 PERMIT POSTED. REVOCATION. The written permit in Section 4-3.03 of this Article required, when issued, shall be kept, at all times, posted in a conspicuous place on the premises. Said permit is not transferable. The holder thereof must strictly conform to all the regulations in this Article set forth, and in addition to the other penalties in this Article provided, such permit may be revoked by the Health Officer for any violation of such regulations. After such revocation, such place of business shall be closed until such time as all regulations have been complied with and a new permit granted.

SEC. 4-3.18 CLEANLINESS OF EMPLOYEES. All persons handling any of the foods mentioned in this Article shall at all times keep their person and wearing apparel in a cleanly condition. All aprons, gowns, smocks and other outer wearing apparel which is worn must be of a white material which can be easily washed and cleansed. No person shall use any portion of any such apparel as a handkerchief, or to wipe the hands or face.

SEC. 4-3.19 VEHICLES. No meats or meat food products intended for purpose of sale shall be hauled in any pleasure car. All vehicles used for delivery shall be lettered with name and address of business, with letters at least three (3) inches high on small vehicles, and six (6) inches high on large trucks and drays. No such sign shall be covered at any time and must at all times be plainly visible. Pleasure cars shall not be used for delivery.

SEC. 4-3.20 SLAUGHTERING ESTABLISHMENTS. All parts of slaughtering establishments, including the slaughter houses, storage rooms for meats, markets, factories, trucks, carts, wagons or other receptacles, stables or corrals used for live stock, shall be kept in a cleanly, wholesome condition. All trucks, wagons, carts, and other receptacles or conveyances, must be provided with at least one (1) freshly clean canvas cover, and at least two (2) freshly clean lots of burlap, each week, sufficient in size to cover the load in its entirety.

SEC. 4-3.21 SLAUGHTERING HOURS. All inspection and slaughtering shall take place between the hours of seven o'clock A.M. and four o'clock P.M. of any one day, unless in emergency cases a special permit in writing authorizing slaughtering at another time is granted by the Health Officer. No slaughtering shall be done or inspection made on any Sunday, unless a special permit in writing is granted therefor by the Health Officer.

SEC. 4-3.22 REMOVAL OF OFFENSIVE MATTERS. All blood and offal shall be handled and disposed of in such a manner as not to permit decay or offensive effluvia to emanate therefrom.

All poultry feeding stations must be provided with sanitary batteries with metal removable pans which must be thoroughly cleaned and refuse removed daily. Said batteries must be cleaned and disinfected at least once each week.

SEC. 4-3.23 ANIMALS TO STAND AT PLACE OF SLAUGHTER. Cattle must stand for a period of at least twenty-four (24) hours and calves, poultry and small animals twelve (12) hours at the place of slaughter before killing.

SEC. 4-3.24 KEEPING LIVE FOWL AND ANIMALS. It shall be unlawful for any person to keep live chickens, ducks, geese, turkeys or other live fowl or animals in any cellar or basement underneath any grocery store, market or other place where food stuffs are kept for sale.

It shall be unlawful for any person to keep any live chickens, turkeys, ducks, geese, or live fowl or animals where food stuffs are prepared for sale, or sold.

SEC. 4-3.25 APPLICATION FOR INSPECTION. In addition to the permits in this Article provided for, application in writing shall be made to the Health Officer for inspection of live stock, live poultry and slaughtering, as provided in this Article.

SEC. 4-3.26 TIME OF INSPECTION. NOTICE. The days and parts of days during which the work of slaughtering any animal or manufacturing any meat food products mentioned in this Article may be done shall be fixed by agreement between the holder of the permit and the Health Officer or Meat Inspector delegated by said Health Officer for such purpose. In case an agreement cannot be had, the Health Officer is hereby empowered to designate the time at which such slaughtering shall be done.

In case of daily inspection and where no time has been fixed by agreement or otherwise, the person in charge of the slaughtering or such manufacturing shall notify the Inspector at the close of each day the work of slaughtering or manufacturing will be commenced. If no slaughtering or manufacturing is to be done on the following day, then he shall notify the Inspector at what time and on what succeeding day such work will next be commenced.

Where such slaughtering or manufacturing does not take place daily, but at uncertain or infrequent times, at least twenty-four (24) hours' notice must be given the Health Department as to when the service of an Inspector will be required.

SEC. 4-3.27 INTERSTATE SHIPMENT INSPECTION. All interstate shipments of live poultry must be inspected by an authorized Meat Inspector of the City of Oakland at time of arrival of said shipment. The Health Department shall be notified by any person receiving the same before the same is unloaded, offered for sale, or sold. No poultry found to be diseased or unfit for human consumption shall be passed for sale.

SEC. 4-3.28 INSPECTION DESIGNATED BY NUMBER. If inspection is granted by the Health Department, as provided in this Article, the said Health Department shall designate by number each slaughter house or sausage factory to be inspected, which number shall be used on the mark, stamp or brand adopted by the City of Oakland for all meats inspected as in this Article provided.

SEC. 4-3.29 TIME OF BRANDING. The mark, stamp or brand of the City of Oakland in this Article provided for shall be placed upon primal parts of the animals only after ante-mortem and post-mortem inspection has been performed and the same found to be fit for human consumption, and at the time of slaughter and evisceration.

SEC. 4-3.30 TRADE NAMES ON HAMS AND BACONS. All smoked hams or bacon must bear a trade-name, trade-mark or the name of the person producing such product. The said trade-name, trade-mark, or name of the person producing such product must be stamped on each ham or bacon in letters not less than one (1) inch in height, and must be stamped in such manner as to be perfectly legible. Each side of bacon must bear not less than two (2) of said trade-names, trade-marks, or names of the person producing said product, each of which shall be placed not less than two (2) inches from each end of said side of bacon in such a manner that at least one (1) stamp will appear on each half of a side of bacon. The hams shall bear at least one (1) such trade-name, trade-mark, or the name of the person producing said product. All stamps for meat or meat products trade-names, trade-marks or names of producers, must be approved by the Health Department. No person shall substitute the trade-name or trade-mark of any other person on smoked or fresh meats.

SEC. 4-3.31 POSSESSION AND USE OF STAMPS OR BRANDS. It shall be unlawful for any person, except the Inspector in this Article provided for, or a person designated by the Health Officer for such duties, and while working under the immediate supervision of an Inspector, to have in possession, keep or use any mark, stamp or brand provided or used for making, stamping, or branding anything in this Article required to be marked, stamped or branded; or for any person to have in possession, keep, make, or use any mark, stamp, brand or other device having thereon insignia or words similar in character or import to the marks, stamps or brands provided or used for marking, stamping or branding such articles, or to in any manner counterfeit such marks, stamps or brands.

SEC. 4-3.32 PARTLY DRESSED MEATS. AGE AND WEIGHT OF CALVES. Partly dressed hogs, sheep, calves, and goats may be brought into the City of Oakland for food purposes, provided that the same shall be immediately brought to the attention of the Health Department for inspection, at a fee of twenty (20) cents a head. No such animal, however, shall be accepted unless at time of such inspection the heads, hearts, liver, lungs, glands and umbilicus remain attached by their natural attachments. Minimum age of calves shall be three (3) weeks, and maximum weight shall be two hundred (200) pounds dressed.

SEC. 4-3.33 CERTAIN MEATS INSPECTED BEFORE BROUGHT INTO CITY. BEEF DEFINED. No beef, or dressed hogs, sheep, calves or goats may be brought into the City of Oakland for human consumption, unless the same shall have been officially inspected and marked under the supervision of an authorized meat inspector of a public agency at the time of slaughter and evisceration. Bovine animals which dress over two hundred (200) pounds shall be considered beef.

SEC. 4-3.34 ADULTERATED FOOD. No person shall sell, keep, use for purpose of manufacture, have in their possession, or offer for sale for human food, any meats, fish or poultry that is deemed adulterated within the meaning of this Article.

The standard of purity of food shall be that proclaimed by the Secretary of the United States Department of Agriculture, or the California State Department of Agriculture, where standards are not fixed by this Code or other Ordinance of the City of Oakland.

Food shall be deemed adulterated within the meaning of this Article in any of the following cases:

(a) If any substance has been mixed or packed, or mixed and packed, with the food so as to produce or lower or injuriously affect its quality, purity, strength or food values.

(b) If any substance has been substituted wholly or in part for the article of food.

(c) If any essential or any valuable constituent or ingredient of the article of food has been wholly or in part abstracted.

(d) If the package containing it or its label shall bear in any manner any statement, design or device whereby damage or inferiority is concealed.

(e) If it contains any added poisonous or other added deleterious ingredient.

(f) If it is in any manner, mechanically or otherwise, blown up or inflated.

(g) If it consists in whole or in part of a spoiled, filthy, decomposed or putrid animal, poultry or fish or any portion thereof, unfit for food, whether manufactured or not, or if it is the product of a diseased animal, poultry or fish, or one that has died otherwise than by slaughter.

SEC. 4-3.35 AUTHORITY AND DUTY TO INSPECT. CONDEMNATION. It shall be the duty of the Health Officer or Meat Inspectors, and they are hereby empowered, to enter any place where meat or flesh of any animal (fish or poultry) or the products thereof may be stored, held, kept, exposed or offered for sale for human food, and every establishment where such meat or flesh is manufactured into articles of food, or preserved, cured, canned or otherwise prepared for food, and they shall inspect the same.

Whenever such meat or flesh shall, upon inspection and examination, be found not marked, stamped or branded as in this Article required, or if said meat or meat food products, fish or poultry are found to be otherwise, unfit for human consumption as in this Article provided, the said Health Officer or Meat Inspectors shall condemn the same as unfit for human food, and shall mark and mutilate the same, and make the fact of such condemnation apparent, and shall immediately order the same, by notice in writing, to be removed within four (4) hours and destroyed.

SEC. 4-3.36 USE OF SCRAPS. The use of scraps or trimmings from retail markets in the manufacture of sausage or other meat food products is unlawful.

SEC. 4-3.37 STANDARDS USED IN TESTS. It shall be the duty of the Health Officer or Meat Inspectors in determining what constitutes diseased meat, fish or poultry, or meat, fish or poultry unwholesome or otherwise unfit for human consumption to be guided by the rules and regulations of the City of Oakland, and by the specifications contained in the regulations of the Bureau of Animal Industry of the United States Department of Agriculture or the California State Department of Agriculture, governing the inspection of meats, meat food products, and the factories where same are handled or manufactured.

SEC. 4-3.38 MEAT HELD FOR TEST TO BE QUARANTINED. When meat or meat food products, fish or poultry shall be held for final inspection by any Meat Inspector of the City, a quarantine tag of such character as shall be approved by the Health Officer shall be placed upon the same and it shall be unlawful for any person to remove the same without the authority of said Health Officer.

SEC. 4-3.39 The fees for special inspection service rendered pursuant to the provisions of this Article shall be as follows:

(a) If inspection is furnished by a Veterinary Meat Inspector, said fee shall be upon the basis of Three Hundred Dollars ($300.00) for a full month's services.

SEC. 4-3.39. The fees for special inspection service rendered pursuant to the provisions of this Article shall be as follows:
(a) If inspection is furnished by a Veterinary Meat Inspector, said fee shall be upon the basis of Three Hundred Dollars ($300.00) for a full month's services.
(b) If inspection is furnished by a District Meat Inspector and the full time of such inspector is required for a full month, said fee shall be Three Hundred Dollars ($300.00) for said month.
(c) If both a Veterinary Meat Inspector and a District Meat Inspector are required for a full month in a single establishment, the said fee for such inspection for a month shall be Six Hundred Dollars ($600.00).
(d) If inspection is furnished by a District Meat Inspector for less than a full month, the said fee shall be upon the basis of Two Dollars Fifty Cents ($2.50) per hour, and the time occupied by such inspector in traveling to and from the place where such inspection services are rendered shall be computed as time for which such fee is charged.
(e) All inspection fees shall be payable on the first day of the month following the month during which the inspection services are rendered.

(b) If inspection is furnished by a District Meat Inspector and the full time of such inspector is required for a full month, said fee shall be Three Hundred Dollars ($300.00) for said month.

(c) If both a Veterinary Meat Inspector and a District Meat Inspector are required for a full month in a single establishment, the said fee for such inspection for a month shall be Six Hundred Dollars ($600.00).

(d) If inspection is furnished by a District Meat Inspector for less than a full month, the said fee shall be upon the basis of $1.00 per hour, and the time occupied by such inspector in traveling to and from the place where such inspection services are rendered shall be computed as time for which such fee is charged.

(e) All inspection fees shall be payable on the first day of the month following the month during which the inspection services are rendered.

Amd. by ord. #2419 C.M.S. 3/27/47

SEC. 4-3.40 LICENSES. Markets selling at retail, meat, fish or poultry, or meat products, shall pay such license as may be required by any other provisions of this Code or Ordinance of the City of Oakland.

SEC. 4-3.41 DEFAULT IN PAYING FEES. If the fees in this Article provided for are not paid promptly upon the day the same become due under the terms of this Article, no inspection of slaughtering, or manufacturing, or of live stock or live poultry as provided in this Article shall be furnished to the person, firm or corporation so in default until the whole amount due is paid to the City of Oakland.

SEC. 4-3.42 INSPECTION OUTSIDE OF CITY. Any person, firm or corporation located outside of the City of Oakland desiring to secure a permit or arrange for the inspection in this Article provided for, may do so by paying the fees and complying with all the other provisions of this Article.

SEC. 4-3.43 HOURS OF BUSINESS. It shall be unlawful for any person, firm or corporation to receive, deliver, sell or offer for sale, any uncured or uncooked meats, except between the hours of 7 o'clock A.M. and 6 o'clock P.M. No place of business, or stall or department in any place of business, in the City of Oakland where uncured or uncooked meats are received, delivered, sold or offered for sale, shall be kept open except between the hours of 7 o'clock A.M. and 6 o'clock P.M. It shall be unlawful for any person to receive, deliver, sell or offer for sale, or keep any place of business, or stall or department in any place of business in the City of Oakland where such uncured or uncooked meats are received, delivered, sold or offered for sale, open on Sunday, New Year's Day, Washington's Birthday, Decoration Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day or Christmas.

Sec. 4-3.44 - Meat requiring sale by weight (Added by O. #365 C.M.S. (12/26/33)

ARTICLE 4.

Close Food Stores Sun. 12/21/37

Sec 4-4.011 to 4-4.014 Added by O#804 C.M.S. (Sunday Closing) **FOODS GENERALLY.**

SEC. 4-4.01 INSPECTION OF FOOD STUFFS. It shall be the duty of the Market and Food Inspector to visit at frequent intervals each public and private market, stall, shop, store, warehouse, cannery, factory, restaurant and storehouse in the City of Oakland, and to inspect each and all wagons, carts and vehicles of vendors or street hawkers, in or about which dairy products, vegetables, fruit, bread or other provisions are kept, made, held, or carried for sale, or other disposition, for human food, and to examine and carefully inspect all such food stuffs and provisions.

SEC. 4-4.02 PERMIT REQUIRED. No person shall engage in the business of conducting or maintaining any food establishment, or prepare, sell or offer for sale any food for human consumption, without a permit first had and obtained, after an inspection of the proposed business and place of business, from the Market and Food Inspector of the City of Oakland, and having paid such licenses as may be required by this Code or other Ordinance of the City of Oakland. Such permit shall be revocable by the Market and Food Inspector at any time when in his judgment the food and sanitary laws of the city, state or national government are being violated.

SEC. 4-4.03 PLACE OF BUSINESS TO BE KEPT CLEAN. It shall be unlawful for any person keeping, maintaining or being in charge of any public or private market, stall, shop, store, bakery, ice cream or candy factory, storehouse, warehouse, cold storage, cart, wagon or other vehicle in, on or about which any meat, fish, oysters, birds, fowl, vegetables, fruit, milk, bread, candies, cakes or other provisions are kept, held or stored, or offered for sale or other disposition, as human food, to fail to keep such place in a clean, pure and wholesome condition.

SEC. 4-4.04 FOODS IN OPEN. SCREEN, ETC. It shall be unlawful for any person to keep vegetables, fruit, or any prepared food stuffs, in an open receptable less than two (2) feet above the floor. It shall also be unlawful to keep dairy products, cooked meats, figs, dates, dried fruit, olives, sauerkraut, mince meat, lard, butter, butterine, candy, crackers, cakes, bread, or any prepared food, exposed for sale in the open air, to the action of moisture, soot, dust and flies in the front of any shop, store or other place.

Every manager of a store, market or other place where food is prepared for sale, stored for sale, offered for sale, or sold, shall cause the same to be screened effectually so as to prevent flies and other insects from obtaining access to such food, and prevent the handling of same by patrons or prospective purchasers.

All fruits, vegetables, meats and other food kept, or sold, or offered for sale, shall be kept in receptacles free from decayed matter of all kinds.

SEC. 4-4.05 BOX LUNCHES. It shall be unlawful to sell at retail any prepared or box lunch consisting of sandwiches, cooked meats, cheese, pies or other perishable foods, arranged in wrapped packages or pasteboard boxes or other containers, except that such container shall have a seal, stamp or writing thereon with letters at least one-fourth inch in height plainly showing the date of the preparation of the lunch therein contained.

SEC. 4-4.06 VEHICLES TO BE COVERED. Every person who shall bring into, hold, keep, offer or expose for sale or sell or deliver for sale or consumption within the City of Oakland any milk or milk product, meat, fish or bread in any wagon, cart or other vehicle shall provide such wagon, cart or other vehicle with a suitable cover which shall be used at all times.

SEC. 4-4.07 ADJACENT TOILETS. It shall be unlawful to prepare, keep for sale, or sell any kind of meat, milk products, fish, game, vegetable, fruit, bread, cakes, candies or other foods in any room in which a toilet is located, or in any room opening directly into a toilet room unless there is outside ventilation to such toilet room.

SEC. 4-4.08 WATER FACILITIES. All dealers in meats, fowls, fish, vegetables, fruits, groceries or other human food, shall maintain in their respective places of business, and in the part of the building occupied by them for business purposes, at least one water faucet, connected by pipes with a suitable water supply. Sanitary lavatory conveniences must be provided for the use of employees.

SEC. 4-4.09 FLOORS. It shall be unlawful to sell, store, display, or keep for purposes of sale, any food in any stand, shed or other building without having a tight, rat-proof floor. Use of dirt, gravel, crushed rock or earthen floors in any such establishment is strictly forbidden.

SEC. 4-4.10 USE OF CELLARS. VENTILATION. The baking of bread, cakes, pies, the manufacture of candy, or the cooking of other food, is prohibited from being done in a cellar or basement or other room where there is no direct ventilation to the outer air.

SEC. 4-4.11 CANNING ESTABLISHMENTS. Any person owning or managing or in charge of any canning establishment, or other place where meats, fish, oysters, fowls, fruits, or vegetables are canned or preserved for human food, who shall keep or conduct said place in an unclean, unwholesome or unsanitary manner; and any person canning, curing or otherwise preserving any meats, fish, oysters, fowl, fruits or vegetables for human food who shall utilize in this way any diseased, tainted or unwholesome meat, fish, oysters, fowl, or any diseased or decayed or unwholesome fruit or vegetables, or any fruit or vegetables from filthy boxes, baskets, or other container, or use any chemical therein deleterious to health, shall be guilty of a misdemeanor.

SEC. 4-4.12 RESTAURANTS, SANITARY CONDITIONS. It shall be unlawful for any person in charge of any restaurant, hotel or boarding house or other place where food is sold or served in the cooked or raw state, to keep such place in an unclean or unsanitary condition, and all persons employed in or about such places shall keep themselves and their clothing in a clean and healthful condition.

SEC. 4-4.13 RESTAURANTS, PURE FOOD. It shall be unlawful for any person maintaining, or in charge of any restaurant, hotel, boarding house, or other place where meals or lunches are served in a cooked state or otherwise, to serve or cause to be served, any tainted or diseased meat, fish, oysters, fowl, or any diseased, decayed or partially decayed or unwholesome fruit, vegetables or any unwholesome food whatever, to any person or persons, either at said place or sent to any person or persons to be eaten at any other place.

SEC. 4-4.14 KEEPING LIVE ANIMALS. It shall be unlawful for any persons to keep live chickens, ducks, geese, turkeys, or other live fowl, in any cellar or basement underneath any grocery store, market or other place, where food stuffs are kept for sale. It shall also be unlawful for any person to keep any live chickens, turkeys, ducks, geese or live fowl of any kind in any room where any kind of food stuffs are kept, prepared for sale or sold. (Slaughter houses and other places where fowl are killed and prepared for sale or storage shall be constructed with watertight flooring with properly trapped sewer connections and these connected with the sewer, and immediately after such killing the floor shall be thoroughly washed and the place at all times kept in a clean and wholesome condition.)

Rec 4-4.14 - Sale & Keeping Small Fowl + Rabbits in Markets - Ord. 1944 Con. 3/27/45

SEC. 4-4.15 NOTICE TO CLEAN ESTABLISHMENT. If the Market and Food Inspector shall find any public or private market, stall, shop, store, bakery, storehouse, cold storage warehouse, stock yard, slaughter house, boat, cart, wagon or other vehicle, in an unclean or unwholesome condition, notice shall be given to the person in charge thereof, to clean and purify the same, so as to put the same in a clean, wholesome and proper sanitary condition, within twenty-four (24) hours from the time of such notice, and if any person so in charge shall not put the same in a clean, wholesome and proper sanitary condition within such time, then such person shall be guilty of a misdemeanor.

SEC. 4-4.16 ADULTERATED FOOD. No person shall sell any adulterated food except that the same be properly labeled or prepared in accordance with law.

ARTICLE 5.

SANITATION.

SEC. 4-5.01 DRAINAGE AND SEWERAGE. It shall be unlawful for any person owning or having control of any premises to suffer or permit any drainage or sewerage situated on such premises to empty into or upon any public street, public square or park in the City of Oakland, or for any person to throw into or deposit upon any public street or square or park any rubbage, garbage, filth or glass, or for any person to cause or permit any sewerage or drainage or garbage of any house or premises to be discharged into, or deposited in, Lake Merritt.

SEC. 4-5.02 CESSPOOLS. It shall be unlawful for any person to construct or use or have or maintain any cesspool upon any lot or land owned or occupied by him in the City of Oakland within one hundred and fifty (150) feet of either line of any street having a sewer therein unless such cesspool is properly connected with the street sewer, and at all such connections there shall be a trap or other device to prevent the escape of gas or other obnoxious odors therefrom into the open air so as to be offensive to the senses of any person in the immediate neighborhood thereof, and in all such connections there shall be maintained a constant supply of water sufficient to prevent accumulation in said cesspool or the pipes or drains thereof.

SEC. 4-5.03 STAGNANT WATER. It shall be unlawful for any person having possession or control of any real property in the City of Oakland to cause, permit or allow any stagnant water, or any obnoxious or offensive substance, to stand or remain thereon.

SEC. 4-5.04 EXPECTORATION. It shall be unlawful for any person to spit or expectorate within the City of Oakland upon the floor or steps of any public car or conveyance or any public building, or upon any sidewalk or crosswalk.

SEC. 4-5.05 VACATING DISEASE INFECTED BUILDINGS. Whenever it shall be certified to the City Manager by the Health Officer of the City of Oakland that any building or part thereof is unfit for human habitation by reason of its being so infected with disease or from other causes as to be likely to cause sickness or disease among its occupants, the City Manager may issue an order requiring all persons therein to vacate said building or the objectionable part thereof, and shall cause a copy of said order to be affixed conspicuously upon the front of the said building, and shall also cause a copy of said order to be served personally, or by mail if personal service cannot be made, upon the owner, agent or lessee of said building. Said order shall state the reasons for requiring the infected building or portions thereof to be vacated, and shall require that such premises be vacated within ten (10) days after affixing said order thereon; provided, however, that if in the opinion of the Health Officer, the public health and safety shall require the said premises to be vacated sooner than as hereinabove provided, the City Manager may require, and said order shall provide for, the vacating of such premises within a shorter time than ten (10) days, in no case, however, to be less than twenty-four (24) hours from the time of affixing a copy of the order on the premises.

SEC. 4-5.06 INSANITARY BUILDINGS DECLARED A NUISANCE. All buildings, structures or parts thereof which are insanitary are hereby declared to be and are public nuisances, and the Health Officer of the City of Oakland is authorized and empowered to abate the same in the manner provided in Sections 4-5.07 and 4-5.08 of this Article.

Amd. By #966 cmd. 3-23-39

amd. By: #966 Ord (3-23-39) SEC. 4-5.07 COMPLAINT AND HEARINGS ON INSANITARY PREMISES. Upon the filing by the Health Officer of the City of Oakland with the City Manager of a written complaint of the insanitary conditions of any premises in the City of Oakland, the City Manager shall forthwith present such complaint to the City Council, with a resolution directing a formal hearing upon said complaint. Upon the adoption of said resolution, a time shall be fixed for holding a hearing thereon and the Health Officer shall serve a copy of said complaint, together with a copy of the resolution and notice of time of hearing, upon the owner of said premises, or his agent or lessee, or the occupant thereof, and shall cause a copy of said resolution to be posted in a conspicuous place on such premises. The findings of the City Council upon conclusion of the said hearing shall be set forth in the resolution adopted by the Council and such findings shall be final.

SEC. 4-5.08 ABATEMENT OF INSANITARY PREMISES. The City Council shall, upon finding that any premises in the City of Oakland complained of are insanitary and a nuisance as provided for in Section 4-5.07 of this Article, order the same abated, and the Health Officer shall thereupon post in a conspicuous place on such premises a copy of said order, and serve a copy thereof upon the owner of said premises, or his agent or lessee, or the occupant thereof. Unless within forty-eight (48) hours after such service of a copy of said order the owner, or his agent or lessee, or the occupant of said premises shall in writing notify the Health Officer that he will make, or cause to be made, such alterations or repairs as in the judgment of the Health Officer shall be necessary to render said premises sanitary, the said Health Officer shall proceed to abate the same. If such notice be given to the Health Officer, however, he shall grant a reasonable time within which to make such alterations and repairs as are necessary, but if within said time such alterations or repairs are not completed, the Health Officer shall cause the abatement of the building, structure or part thereof, or the premises found to be a nuisance. The City Council shall order to be paid, and the Auditor shall audit, and the Treasurer shall pay, all sums which may be necessarily expended by the Health Officer in abating such nuisance, and such amount so expended shall become a lien upon the property upon which the said nuisance was abated.

4-5.08½ Added By #966 Ord - 3-23-39

SEC. 4-5.09 TRANSPORTATION OF OFFENSIVE MATTERS. It shall be unlawful for any person to convey or transport upon any public street, lane or alley within the limits of the City of Oakland, any swill, garbage, filth, offal of any kind, or any offensive or ill-smelling matter between the hours of 12 o'clock noon and 6 o'clock in the evening; or to use any cart or vehicle at any time for such transportation or conveyance of any such offensive or ill-smelling matter, unless such means of conveyance is so constructed and covered as to prevent any leakage thereof or any smell to emit therefrom.

SEC. 4-5.10 SEPARATION OF ASHES FROM GARBAGE. It shall be unlawful for any person, whether as owner, agent or occupant of any premises in the City of Oakland, to cause or permit any ashes or cinders that may accumulate on such premises to be or become mixed with any swill, garbage or filth of any kind, or any rubbage or any offensive or ill-smelling matter.

SEC. 4-5.11 PREMISES TO BE KEPT SANITARY. Every person owning, occupying or controlling any premises in the City of Oakland shall maintain the same in a clean and sanitary condition, and free from any accumulation of garbage, filth, decayed matter or any matter detrimental to health. All garbage and waste matter on such premises shall be placed in a metal can and shall be kept tightly covered. Amd. By #966 Ord 3/23/39

It shall be the duty of the Health Officer of the City of Oakland to cause any person who shall allow any accumulation of any offensive matters as in this section prohibited, to be notified to abolish and abate such nuisance and to remove said offensive matters, and in case such person shall fail to comply with said notice within twenty-four (24) hours after receiving the same, such nuisance may be abolished and abated and said matter removed under and by order of the Health Officer, and the person so failing to comply with the notice shall be guilty of a misdemeanor, and in addition thereto shall become

indebted to the City of Oakland for all damages, costs and charges incurred by the City of Oakland by reason of the existence and abatement of such nuisance.

SEC. 4-5.12 DUMPING GARBAGE. It shall be unlawful for any person to dump or place on any land or in any water or waterways within the City of Oakland, any dead animal, butcher offal, fish or parts of fish, or any waste vegetable or animal matter whatever.

SEC. 4-5.13 RATS. Every person owning, occupying or controlling any wharf, building or basement in the City of Oakland shall use for the protection thereof such funnels, screens, netting, cement or other materials as may be necessary to prevent the ingress of rats thereto, and shall, when so directed by the Health Officer of the City of Oakland, use on such premises such rat traps or other means or methods of rat eradication as may by said Health Officer be deemed necessary.

Sec. 4-5.14 add. By O. #388 CMS. (Prohibiting retn. of Mdse)

ARTICLE 6. Repealed and Re-Added Tourist—CAMPS. By Ord # 672 CMS

SEC. 4-6.01 PERMIT REQUIRED, FEE. No person shall establish or maintain a public camp without a permit in writing approved by the Council, said approval to be given in the exercise of a sound and reasonable discretion after investigation and report by the Health Officer. A fee of $15.00 per annum shall be charged for such permit. Such permit shall be kept posted in a conspicuous place in the public camp permitted to be established or maintained thereby. Such permit may be revoked by the Council after hearing and for good cause shown and after not less than five (5) days notice to the permittee, or his agent in charge, such notice to contain the date and place of hearing and the grounds of complaint.

SEC. 4-6.02 RECORD OF GUESTS. Every person maintaining a public camp ground shall keep open to public inspection and accurate record of the names of all persons using such public camp, the date of arrival, the date of leaving, and the license number of the motor vehicle, if any, of all such persons, and such other information as may be required by the City Manager.

SEC. 4-6.03 LIMITATION ON RESIDENCE. It shall be unlawful for any person, except the manager and his bona fide employees, to remain or live in any public camp for more than ninety (90) days in any six (6) months period, and it shall be unlawful for any public camp permittee, or his agent, to permit any personto remain in the public camp under the control of such permittee, or his agent, for longer than the period herein allowed.

SEC. 4-6.04 UNLAWFUL TO VIOLATE RULES. In addition to the regulations of the State Board of Health, every public camp shall be maintained in accordance with the rules set forth in this Article, and it shall be unlawful for any person maintaining a public camp to violate any such rules or cause or permit the same to be violated.

SEC. 4-6.05 BUILDING AND PLUMBING REQUIREMENTS. All buildings and plumbing shall be erected, installed and maintained in accordance with state law and the provisions of this Code and Ordinances of the City of Oakland applicable thereto.

SEC. 4-6.06 TOILETS. In public camps maintaining permanent structures for living purposes, at least one toilet for each sex shall be provided for each ten (10) such living quarters not provided with private toilets.

SEC. 4-6.07 BATHING FACILITIES. Shower baths or other bathing facilities approved by the Health Officer shall be provided in separate compartments for each sex in public camps accommodating ten (10) or more persons.

SEC. 4-6.08 SINKS. There shall be provided one (1) or more slop sinks, properly connected with a sewer or cesspool, conveniently located for every twenty (20) camping spaces or living quarters not equipped with individual kitchen sinks.

SEC. 4-6.09 LIGHTS. Every camp shall be provided with adequate means of lighting the same at night, and all water closets and baths shall be provided with lights which shall be kept lighted from one-half hour after sunset until one-half hour before sunrise.

SEC. 4-6.10 KITCHENS. Every public camp not equipped with individual kitchens or kitchen facilities for each camping party shall be provided with an adequate community kitchen approved by the Health Officer.

SEC. 4-6.11 ~~SANITATION REGULATIONS.~~ Community Kitchens amd. By 8/2 C.M.S. Every public camp and all structures therein shall be constructed and maintained in a sanitary condition. The Health Officer shall have the power, subject to the approval of the City Manager, to prescribe uniform rules and regulations to provide for, and insure the maintenance of, public camps and structures therein in a sanitary condition.

added By 672 C.M.S Sec. 4-6.12 - General Plan for Tourist Camps
" 4-6.13 - Rules & Regulations

ARTICLE 7.

MISCELLANEOUS.

SEC. 4-7.01 MEDICINE SAMPLES. It shall be unlawful for any person to go from house to house, or place to place, distributing any free sample of any drug or medicine, or preparation intended for medicinal purposes.

SEC. 4-7.02 REGISTRY OF BIRTHS. Every physician, midwife, nurse or other person assisting at a birth, shall report in writing within five (5) days thereafter to the Health Officer, a certificate of registry of such birth, which shall contain, among other matters, the time and place of birth; name, sex, race and color of the child; the name, residence, age, birth place, and occupation of the parents; the maiden name of the mother; whether born in or out of wedlock; and such other information as may be required by the said Health Officer.

SEC. 4-7.03 REMOVAL AND INTERMENT OF DEAD BODIES. It shall be unlawful for any person to deposit in any cemetery in the City of Oakland the body of any human being who has died in said city, or to remove the same from within the limits of the city, without first having obtained and filed with the Health Officer a certificate signed by a regularly licensed physician or coroner, setting forth as nearly as possible the name, age, color, place of birth, occupation, location and cause of death of the deceased, and having also obtained from the Health Officer a permit in writing for such burial or other purpose; or for any person to transport in or through the streets of the City of Oakland the body of any human being who has died without the limits of the city, or any body or remains of a deceased person exhumed or taken from any grave, unless the person so transporting such body or remains shall first obtain from the Health Officer a permit in writing therefor, which shall accompany the body or remains.

The Health Officer shall collect the sum of one dollar ($1.00) for any permit issued pursuant to this section.

SEC. 4-7.04 RECORDS OF VITAL STATISTICS. The Health Officer of the City of Oakland shall, whenever requested so to do, issue certificates of the records of the births and deaths as shown in the office of the Health Department, which said certificates shall be signed by said Health Officer and duly certified by the Clerk of the Health Department. A charge of one dollar ($1.00) shall be made for the issuance of each certificate.

SEC. 4-7.05 CONFETTI. It shall be unlawful for any person to gather or pick up from any public street, sidewalk or place, except for the purpose of cleaning such street, sidewalk or place, the substance generally known and designated as "confetti" or to have in his possession, or to sell or offer for sale, confetti that has been gathered or picked up from any public street, sidewalk or place, or to throw or cause to be thrown confetti so gathered or picked up, or confetti in mixed colors, upon any person or the apparel of any individual.

SEC. 4-7.06 QUIET ZONES. There is hereby created and established a zone of quiet in all territory embraced within a distance of three hundred (300) feet of every hospital in the City of Oakland, and it shall be unlawful for any person to make, cause or permit to be made, any unnecessary noise in any such zone of quiet, or to cause any disturbance of the peace and quiet of any of the inmates of any such hospital.

It shall be the duty of the City Manager to place or cause to be placed, in conspicuous places on every street upon which any hospital may be situated and at a distance of not less than three hundred (300) feet in every direction from said hospital, a sign or placard displaying the words "Notice! Zone of Quiet. No loud or unnecessary noises permitted".

SEC. 4-7.07 OFFENSIVE PLACES AND OCCUPATIONS. It shall be unlawful for any person to establish or maintain any slaughter house, to keep any hog, to cure or keep hides, skins or peltry, to slaughter cattle, sheep or any other kind of animal, to pursue, maintain or carry on any other business or occupation offensive to the senses or prejudicial to the public health or comfort, within the limits of the City of Oakland; provided, however, that nothing in this section shall prohibit the establishment or maintaining of slaughter houses, or the curing or keeping of hides, skins or peltry, or the slaughtering of cattle, sheep or other animals, within the following described district in said city, to-wit:

Beginning at a point where the southeastern boundary line of lands conveyed by deed dated November 7th, 1868, and recorded in Liber 36 of Deeds, at page 355, Alameda County Records, intersects the southwestern line of the 100 foot right of way of the Central Pacific Railroad situated in Brooklyn Township, now a part of said City of Oakland, and running thence along said line of said Railroad Right of Way, south 42 degrees, 23 minutes East, 4.26 chains to the center of a ditch; thence along the center of said ditch south 64 degrees, 15 minutes West 6.50 chains more or less to the center of a slough leading to the Bay of San Leandro; thence in a southwesterly direction following the center of said slough with the survey of the shore line of the Bay of San Leandro at midway between Stations 201 and 202 of the survey of said shore line in Section 17, Township 2 South, Range 3 West as shown upon Sale Map No. 10, issued by the Board of Tide Land Commissioners under an Act of the Legislature approved April 1st, 1870; thence along said shore line in a northwesterly direction to its intersection with the said southeastern boundary line of the land conveyed by said deed, so recorded in Liber 36 of Deeds, at page 355 of Alameda County Records, as aforesaid; and thence along said boundary line north 47½ degrees East 14.50 chains; North 84½ degrees East 16.46 chains; North 58¾ degrees East 8.75 chains and North 61 degrees East 30 links to the point of beginning.

indebted to the City of Oakland for all damages, costs and charges incurred by the City of Oakland by reason of the existence and abatement of such nuisance.

SEC. 4-5.12 DUMPING GARBAGE. It shall be unlawful for any person to dump or place on any land or in any water or waterways within the City of Oakland, any dead animal, butcher offal, fish or parts of fish, or any waste vegetable or animal matter whatever.

SEC. 4-5.13 RATS. Every person owning, occupying or controlling any wharf, building or basement in the City of Oakland shall use for the protection thereof such funnels, screens, netting, cement or other materials as may be necessary to prevent the ingress of rats thereto, and shall, when so directed by the Health Officer of the City of Oakland, use on such premises such rat traps or other means or methods of rat eradication as may by said Health Officer be deemed necessary.

SEC. 4-5.14 RETURN OF CERTAIN MERCHANDISE PROHIBITED. It shall be unlawful for any person engaged in the sale at retail of the following articles of merchandise, to-wit: (a) Mattresses, blankets, sheets, comforters, pillows and other bedding; (b) Heating pads and metal hot water bottles, stockings made of rubber, reducing rollers, water bags and other rubber goods of a like or similar kind; (c) Combs, hair brushes, tooth brushes, barettes, bath brushes, powder puffs, lip-sticks, compacts, broken packages of powder, creams and rouges; (d) Corsets, brassieres, underwear, union suits, bloomers, bathing suits; (e) Articles made of hair to be worn by a person and veils; to accept from the purchaser of any of the above articles, once delivery is effected; provided, that this section shall not be construed to prohibit the return of articles misfitting or defective in their construction, which will be disinfected before being offered for resale, or articles which are sold in tightly sealed packages and returned with such original sealed package unbroken. (As added by Ord. No.588 C.M.S.-passed April 6,1934)

Repealed and Re-added By O. #672 C.M.S.

** Article 6 repealed by Ord. #672 C.M.S. and new article added by said Ord.-10/1/36)

ARTICLE 6.
TOURIST CAMPS

New reading as Amended

SEC. 4-6.01 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed, as herein set out, unless it shall be apparent from their context that a different meaning is intended. (Added by Ord.No. 672 C.M.S.-Oct.1, 1936)

SEC. 4-6.01 (a) TOURIST CAMP DEFINED. A "tourist camp" is any place where two or more camp cottages are located, or any premises designed or intended for the purpose of supplying to the public a location for a camp cottage. (As Added by Ord. No. 672 C.M.S.-Oct.1, 1936)

SEC. 4-6.01 (b) CAMP COTTAGE DEFINED. A "camp cottage" shall include, in addition to camp cottages as they are commonly known, tents, tent houses, house cars, camp cars, and trailers, used for, or adaptable to use for, living quarters. (As added by Ord. No. 672 C.M.S.-Oct. 1, 1936)

SEC. 4-6.01 (c) UNIT DEFINED. A "unit" is a section of ground in any tourist camp used, or designed for use, as a location for a single camp cottage. (As added by Ord. No. 672 C.M.S. - Oct. 1, 1936)

SEC. 4-6.02 TOURIST CAMP - PERMIT. It shall be unlawful for any person to establish or maintain, or to permit to be established or maintained upon any property owned or controlled by him, a tourist camp in the City of Oakland, unless there exists a valid permit therefor granted and existing in compliance with the provisions of Article 2 of Chapter 5 of this Code. The application for such permit, in addition to the requirements specified in Section 5-2.02 of this Code, shall be accompanied by plans of the proposed tourist camp, showing the location of all buildings, driveways, toilet facilities, showers, laundry facilities, slop sinks, hydrants and other improvements. Public notice shall be given as provided in Section 5-2.04 of this Code, and the investigating officials referred to in Section 5-2.03, to whom the application shall be referred, shall be the Health Officer, Fire Marshal, Building Inspector and City Planning Investigator.

A permit fee of $1.00 per unit shall be charged before any such permit shall be issued, and a renewal fee shall be paid each year during the existence of such permit and in the said amount of $1.00 per unit maintained within the tourist camp. (As added by Ord.No. 672 C.M.S.-passed Oct. 1, 1936)

SEC. 4-6.03 CAMP COTTAGES RESTRICTED TO TOURIST CAMPS. UNIT AREA. It shall be unlawful to locate or use as living or sleeping quarters any camp cottage on any premises other than those contained within a tourist camp duly permitted and maintained pursuant to the provisions of this Article, or to permit the same to be done on any premises.

No unit shall contain less than 600 square feet in area, and no unit shall be permitted to accommodate more than one (1) camp cottage. (As added by Ord. No. 672 C.M.S.-passed Oct. 1, 1936)

The provisions of this section shall not, however, be construed to prohibit the use of the premises adjacent to any residence for the accommodation of not to exceed one (1) camp cottage occupied by non-paying guests of the persons residing on the premises adjacent thereto. (As added by Ord.672 C.M.S.-Oct.1, 1936)

SEC. 4-6.04 RECORD OF GUESTS. Every tourist camp shall maintain a manager in charge thereof. Such manager shall require all tourists or other persons using such tourist camp to register in a book kept for that purpose. He shall also keep a record of the name, address and car license number of each occupant of such tourist camp, which record shall at all times be open to inspection by the Police Department. (As added by Ord.No. 672 C.M.S.-passed Oct. 1, 1936)

SEC. 4-6.05 LIMITATION ON RESIDENCE. It shall be unlawful for any person, except the manager and his bona fide employees, to remain or live in any tourist camp for more than ninety (90) days in any six-months period, and it shall be unlawful for any tourist camp permittee or his agent to permit any person to remain in the tourist camp under the control of such permittee or his agent longer than the period herein allowed. (As added by Ord.No.672 C.M.S.-Oct. 1, 1936)

SEC. 4-6.06 PLUMBING AND SANITARY REQUIREMENTS. Amended by O#812 C.M.S. 1-18-38 Every tourist camp maintaining permanent structures for living quarters shall provide each unit so improved with at least one (1) toilet, one (1) bath tub or shower, one (1) wash basin and one (1) kitchen sink. (As added by Ord. No. 672 C.M.S.-Oct.1, 1936)

All tourist camp units which are not improved with permanent structures for living quarters shall be provided with a minimum, for each sex, of one (1) toilet and one (1) bath tub or shower for every five (5) units or fraction thereof. In addition thereto, there shall be provided one (1) urinal for every five (5) units. Such toilets and urinals shall not be more than 200 feet from the unit served by them. A two-compartment laundry tub, a slop sink and a wash basin, with running water, shall be provided for every eight (8) units or fraction thereof. (As added by Ord. No. 672 C.M.S.-Oct. 1, 1936)

All plumbing work shall be in compliance with Chapter 8 of this Code. No dry or chemical closets shall be installed or used within the City of Oakland, and all such closets shall be sealed while inside the city limits. A sufficient number of tightly-covered metal garbage cans shall be provided in all tourist camps. (As added by Ord. No. 672 C.M.S.-Oct. 1, 1936)

SEC. 4-6.07 SANITATION GENERALLY. Every tourist camp and all structures t therein shall be constructed and maintained at all times in a thoroughly sanitary condition. (As added by Ord.No. 672 C.M.S.-Oct. 1, 1936)

SEC. 4-6.08 ELECTRICAL REQUIREMENTS. All electric wiring and distributing systems in tourist camps shall be in accordance with Chapter 9 of this Code, and the rules and regulations made pursuant thereto; and wherever, in the opinion of the Superintendent of the Electrical Department, it shall be deemed to be to the interests of public safety and welfare, all or any part of any electric distributing system may be by him required to be placed underground. (As added by Ord.No.672 C.M.S.passed Oct. 1, 1936)

SEC. 4-6.09 LIGHTS. Every tourist camp shall be provided with adequate means of lighting the same at night, and all toilets and baths shall be provided with lights which shall be kept lighted from one-half hour after sunset until one-half hour before sunrise. (As added by Ord.No. 672 C.M.S.-Oct. 1, 1936)

SEC. 4-6.10 STOVES, FUEL AND FIRE EXTINGUISHERS. All stoves and fuel used in any tourist camp for cooking or heating purposes shall be of a type approved by theFire Marshal. There shall at all times be maintained in every tourist camp at least one (1) approved fire extinguisher for every five (5) units. (As added by Ord. No. 672 C.M.S.-passed Oct. 1, 1936)

Amended by O. #812 C.M.S. - 1-18-38

SEC. 4-6.11 KITCHENS. Every tourist camp not equipped with individual kitchens or kitchen facilities for each unit shall be provided with an adequate community kitchen approved by the Health Office. (As added by Ord.#672-passed 10/1/36)

SEC. 4-6.12 GENERAL PLAN. Every tourist camp shall be bordered around the boundary lines by an ornamental tight fence, or closely-grown hedges, not under six feet (6') in height, as approved by the Building Inspector. No gate opening shall be constructed in the fence adjoining any property without the written permission of the owner of said property. All the units shall be grouped in blocks abutting driveways or courts of not less than twenty feet (20') in width, giving easy access to all units. No camp cottage shall be located within five feet (5') of the unit side-line, nor within twenty feet (20') of a city street. (As added by Ord. No. 672 C.M.S. passed Oct. 1, 1936)

SEC. 4-6.13 RULES AND REGULATIONS. The City Manager shall have the power to promulgate rules and regulations for the enforcement of the provisions of this Article, and for the purpose of insuring the maintenance of tourist camps and structures therein in a manner compatible with public health and safety. (As added by Ord. No. 672C.M.S. - passed Oct. 1, 1936)

ARTICLE 7.

MISCELLANEOUS.

SEC. 4-7.01 MEDICINE SAMPLES. It shall be unlawful for any person to go from house to house, or place to place, distributing any free sample of any drug or medicine, or preparation intended for medicinal purposes.

SEC. 4-7.02 REGISTRY OF BIRTHS. Every physician, midwife, nurse or other person assiting at a birth, shall report in writing within five (5) days thereafter to the Health Officer, a certificate of registry of such birth, which shall contain, among other matters, the time and place of birth; name, sex, race and color of the child; the name, residence, age, birth place, and occupation of the parents; the maiden name of the mother; whether born in or out of wedlock; and such other information as may be required by the said Health Officer.

SEC. 4-7.03 REMOVAL AND INTERMENT OF DEAD BODIES. It shall be unlawful for any person to deposit in any cemetery in the City of Oakland the body of any human being who has died in said city, or to remove the same from within the limits of the city, without first having obtained and filed with the Health Officer a certificate signed by a regularly licensed physician or coroner, setting forth as nearly as possible the name, age, color, place of birth, occupation, location and cause of death of the deceased, and having also obtained from the Health Officer a permit in writing for such burial or other purpose; or for any person to transport in or through the streets of the City of Oakland the body of any human being who has died without the limits of the city, or any body or remains of a deceased person exhumed or taken from any grave, unless the person so transporting such body or remains shall first obtain from the Health Officer a permit in writing therefor, which shall accompany the body or remains.

The Health Officer shall collect the sum of one dollar ($1.00) for any permit issued pursuant to this section.

SEC. 4-7.04 RECORDS OF VITAL STATISTICS. The Health Officer of the City of Oakland shall, whenever requested so to do, issue certificates of the records of the births and deaths as shown in the office of the Health Department, which said certificates shall be signed by said Health Officer and duly certified by the Clerk of the Health Department. A charge of one dollar ($1.00) shall be made for the issuance of each certificate.

SEC. 4-7.05 CONFETTI. It shall be unlawful for any person to gather or pick up from any public street, sidewalk or place, except for the purpose of cleaning such street, sidewalk or place, the substance generally known and designated as "confetti" or to have in his possession, or to sell or offer for sale, confetti that has been gathered or picked up from any public street, sidewalk or place, or to throw or cause to be thrown confetti so gathered or picked up, or confetti in mixed colors, upon any person or the apparel of any individual.

SEC. 4-7.06 QUIET ZONES. There is hereby created and established a zone of quiet in all territory embraced within a distance of three hundred (300) feet of every hospital in the City of Oakland, and it shall be unlawful for any person to make, cause or permit to be made, any unnecessary noise in any such zone of quiet, or to cause any disturbance of the peace and quiet of any of the inmates of any such hospital.

It shall be the duty of the City Manager to place or cause to be placed, in conspicuous places on every street upon which any hospital may be situated and at a distance of not less than three hundred (300) feet in every direction from said hospital, a sign or placard displaying the words "Notice! Zone of Quiet. No loud or unnecessary noises permitted".

SEC. 4-7.07 OFFENSIVE PLACES AND OCCUPATIONS. It shall be unlawful for any person to establish or maintain any slaughter house, to keep any hog, to cure or keep hides, skins or poltry, to slaughter cattle, sheep or any other kind of animal, to pursue, maintain or carry on any other business or occupation offensive to the senses or prejudicial to the public health or comfort, within the limits of the City of Oakland; provided, however, that nothing in this section shall prohibit the establishment or maintaining of slaughter houses, or the curing or keeping of hides, skins or poltry, or the slaughtering of cattle, sheep or other animals, within the following described district in said city, to-wit:

Beginning at a point where the southeastern boundary line of lands conveyed by deed dated November 7th, 1868, and recorded in Liber 36 of Deeds, at page 355, Alameda County Records, "intersects the southwestern line of the 100 feet right of way of the Central Pacific Railroad situated in Brooklyn Township, now a part of said City of Oakland, and running thence along said line of said Railroad Right of Way, south 42 degrees, 23 minutes East, 4.26 chains to the center of a ditch; thence along the center of said ditch south 64 degrees, 15 minutes West 5.50 chains more or less to the center of a slough leading to the Bay of San Leandro; thence in a southwesterly direction following the center of said slough with the survey of the shore line of the Bay of San Leandro at midway between Stations 201 and 202 of the survey of said shore line in Section 17, Township 2 South, Range 3 West as shown upon Sale Map No. 10, issued by the Board of Tide Land Commissioners under an Act of the Legislature approved April 1st, 1870; thence along said shore line in a northwesterly direction to its intersection with the said southeastern boundary line of the land conveyed by said deed, so recorded in Liber 36 of Deeds, at page 355 of Alameda County Records, as aforesaid; and thence along said boundary line north 47½ degrees East 14.50 chains; North 84½ degrees East 16.46 chains; North 58½ degrees East 8.75 chains and North 61 degrees East 50 links to the point of beginning.

Provided, further, that nothing established or maintained in said above described district shall be so established or maintained as to create a nuisance, and shall always be subject to the control of the Health Officer of the City of Oakland.

Nothing in this section provided shall be construed as preventing the keeping, dealing in, or storing of salted hides, skins or peltry in the City of Oakland, or the keeping or raising of hogs within the following described district within the City of Oakland:

That certain piece of land described as follows, to-wit: Bounded on the West by Sausal Creek; on the North by Palo Seco Creek and County Road No. 2848; on the East by Lincoln Avenue (Known as County Road No. 1854) and on the South by Wilbur Street extended in a Northwesterly direction to its intersection with Sausal Creek.

Provided further, however, that if any provision in this section shall be found in conflict with any provision of Article 1, Chapter 7 of this Code, the provisions set forth in in said Article 1 of Chapter 7 shall prevail.

SEC. 4-7.08 SMELTING ORES. It shall be unlawful for any person to engage in the occupation or business of reducing or smelting ores containing sulphurets of lead, arsenic, copper or antimony within the limits of the City of Oakland.

SEC. 4-7.09 REGULATING SALE OF CONTRACEPTIVES. It shall be unlawful for any person to vend, sell or distribute, at retail or to the public in any manner whatsoever, any article, drug or medicinal preparation primarily manufactured, produced or intended for use as, or which may be used as a contraceptive, within the City of Oakland, except regularly licensed practitioners of medicine or registered pharmacists.

It shall be unlawful to vend, sell or distribute any such articles, drugs or medicines on the streets, or elsewhere, within the City of Oakland, by means of machines, or by peddling, canvassing or soliciting from house to house, or otherwise, except as hereinbefore provided. In case of sale by machines, the owner of the machine, as well as the owner and occupant of the premises where the machine is located, shall be deemed a violator hereof. (As added by Ord. No. 420 C.M.S., passed June 21, 1934)

Article 8 - Added by 1139 CMS

Sec 4-8.73 Amd by O # 1157 CMS

CHAPTER 5.

BUSINESSES, PROFESSIONS AND TRADES.

Sec. 4-8.41 – 4-8.68
" 4-8.43 – 4-8.74
" 4-8.53 –
" 4-8.59 – Amd. by Ord. # 1235 CMS 11-14-49
" 4-8.63 – 4-8.65 –

ARTICLE 1. LICENSING AND CONTROL.
ARTICLE 2. PERMITS.
ARTICLE 3. ADVERTISING.
ARTICLE 4. AMUSEMENTS.
ARTICLE 5. BAIL BONDS.
ARTICLE 6. BATH HOUSES, BARBER SHOPS AND COSMETOLOGY.
ARTICLE 7. HOSPITALS, DRUG STORES AND PHYSICIANS.
ARTICLE 8. LAUNDRIES, LINEN SUPPLY AND WASTE RAG SUPPLY ESTABLISHMENTS.
ARTICLE 9. PAWN BROKERS, SECOND-HAND DEALERS AND AUCTIONEERS.
ARTICLE 10. PEDDLERS, SOLICITORS AND ITINERANT VENDORS.
ARTICLE 11. PRIVATE PATROL SERVICE.
ARTICLE 12. SERVICE STATIONS AND GARAGES.
ARTICLE 13. TRADES AND MANUFACTURIES.
ARTICLE 14. VEHICLES FOR HIRE.
ARTICLE 15. MISCELLANEOUS BUSINESSES.
ARTICLE 16. MISCELLANEOUS PROVISIONS.

Amd 3/27/47 sec. 4-8.64 by Ord # 2419 cmc.

Amd by Ord # 2419 cmc

Nursing Homes. Ord # 918 CMS

Amd Sec. 4-8.64
" 4-8.65
Sec. 4-8.70
" 4-8.71
" 4-8.72
" 4-8.73
Amd. by Ord. # 2419-cmc, 3/27/47

Amd by O # 835 CMS

ARTICLE 1.

LICENSING AND CONTROL

SEC. 5-1.01 DEFINITIONS. For the purpose of this Article certain words and phrases are defined and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

SEC. 5-1.01 (a) BUSINESS DEFINED. "Business" shall be held and construed to mean and include professions, trades, occupations, and all and every kind of calling carried on for profit or livelihood.

Provided, further, that nothing established or maintained in said above described district shall be so established or maintained as to create a nuisance, and shall always be subject to the control of the Health Officer of the City of Oakland.

Nothing in this section provided shall be construed as preventing the keeping, dealing in, or storing of salted hides, skins or peltry in the City of Oakland, or the keeping or raising of hogs within the following described district within the City of Oakland:

That certain piece of land described as follows, to-wit: Bounded on the West by Sausal Creek; on the North by Palo Seco Creek and County Road No. 2848; on the East by Lincoln Avenue (Known as County Road No. 1854) and on the South by Wilbur Street extended in a Northwesterly direction to its intersection with Sausal Creek.

Provided further, however, that if any provision in this section shall be found in conflict with any provision of Article 1, Chapter 7 of this Code, the provisions set forth in said Article 1 of Chapter 7 shall prevail.

SEC. 4-7.08 SMELTING ORES. It shall be unlawful for any person to engage in the occupation or business of reducing or smelting ores containing sulphurets of lead, arsenic, copper or antimony within the limits of the City of Oakland. ✱

(Add'd by #429 C.M.S.) — Sec. 4-7.09 Contraceptives - Regulating sale of

CHAPTER 5.

BUSINESSES, PROFESSIONS AND TRADES.

ARTICLE 1. LICENSING AND CONTROL.
ARTICLE 2. PERMITS.
ARTICLE 3. ADVERTISING.
ARTICLE 4. AMUSEMENTS.
ARTICLE 5. BAIL BONDS.
ARTICLE 6. BATH HOUSES, BARBER SHOPS AND COSMETOLOGY.
ARTICLE 7. HOSPITALS, DRUG STORES AND PHYSICIANS.
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ARTICLE 16. MISCELLANEOUS PROVISIONS.

ARTICLE 1.

LICENSING AND CONTROL

SEC. 5-1.01 DEFINITIONS. For the purpose of this Article certain words and phrases are defined and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

SEC. 5-1.01 (a) BUSINESS DEFINED. "Business" shall be held and construed to mean and include professions, trades, occupations, and all and every kind of calling carried on for profit or livelihood.

SEC. 5-1.01 (b) EMPLOYEE DEFINED. "Employee" shall mean all persons engaged in the operation or conduct of any business, whether as owner, any member of the owner's family, partner, agent, manager, solicitor and any and all other persons employed or working in said business.

SEC. 5-1.01 (c) VEHICLE DEFINED. "Vehicle" is every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

SEC. 5-1.01 (d) AVERAGE NUMBER OF PERSONS EMPLOYED DEFINED. "Average number of persons employed" shall mean the average number of persons employed daily in the applicant's business for the period of one year, and shall be determined by ascertaining the total number of hours of service performed by all employees during the previous year, and dividing the total number of hours of service thus obtained by the number of hours of service constituting a day's work, according to the custom or laws governing such employments, and by again dividing the sum thus obtained by the number of business days in each year. In computing the "average number of persons employed", fraction of numbers shall be excluded.

SEC. 5-1.02 LICENSE REQUIRED. It shall be unlawful for any person, either for himself or for any other person, to commence or carry on any business in this Article specified, in the City of Oakland, without first having procured a license from said city so to do, or without complying with any and all regulations of such business contained in this Article; and the carrying on of any business without first having procured a license from said city so to do, or without complying with any and all regulations of this Article, shall constitute a separate violation of this Code for each and every day that such business is so carried on.

SEC. 5-1.03 SEPARATE LICENSE FOR EACH PLACE OF BUSINESS. A separate license must be obtained for each and every branch establishment or separate place of business in which a business is carried on, except a branch establishment operated by a person licensed under Section 5-1.29 of this Article, in which case a duplicate license for each branch establishment shall be issued for a fee of $1.00 for each such place.

SEC. 5-1.04 LICENSE DOES NOT PERMIT BUSINESS OTHERWISE PROHIBITED. The payment of a license fee required by the provisions of this Article and its acceptance by the city and the issuance of a license to any person shall not entitle the holder thereof to carry on any business in or on any building or premises designated in such license in the event that such building or premises are situated in a locality in which the conduct of such business is in violation of any law.

SEC. 5-1.05 DUTIES AND POWERS OF TREASURER, LICENSE INSPECTOR AND POLICE OFFICERS. The Treasurer of the City of Oakland and all License Inspectors and employees of the Bureau of Permits and Licenses in the discharge and performance of their official duties, and all police officers shall have and exercise the power:

First: To make arrests for the violation of any of the provisions of this Article;

Second: To enter free of charge at any time any place of business for which a license is required, and to demand the exhibition of such license for the current term from any person engaged or employed in the transaction of such business; and

Third: To require the holder of any free license to write his signature for purposes of comparison with that appearing on the original license.

It is hereby made the duty of the Treasurer of the City of Oakland to cause the prosecution of all persons violating any provisions of this Article.

SEC. 5-1.06 INTERSTATE COMMERCE. Every peddler, solicitor or other person claiming to be entitled to exemption from the payment of any license provided for in this Article upon the ground that such license casts a burden upon his right to engage in commerce with foreign nations or among the several states, or conflicts with the regulations of the United States Congress respecting interstate commerce shall file a verified statement with the Bureau of Permits and Licenses, disclosing the interstate or other character of his business entitling such exemption. Such statement shall state the name and location of the company or firm for which the orders are to be solicited or secured, the name of the nearest local or state manager, if any, and his address, the kind of goods, wares or merchandise to be delivered, the place from which the same are to be shipped or forwarded, the method of solicitation or taking orders, the location of any warehouse, factory ~~of~~ or plant within the State of California, the method of delivery, the name and location of the residence of the applicant, and any other facts necessary to establish such claim of exemption. A copy of the order blank, contract form or other papers used by such person in taking orders shall be attached to the affidavit for the information of the Bureau of Permits and Licenses.

If it appears that the applicant is entitled to such exemption, the Bureau of Permits and Licenses shall forthwith issue a free license.

SEC. 5-1.07 CONTENTS OF LICENSE. Every person required to have a license under the provisions of this Article shall make application for the same to the Bureau of Permits and Licenses of the City of Oakland, and upon the payment of the prescribed fee to said Bureau, said Bureau shall issue to said person a license which shall contain (1) the name of the person to whom the license is issued, (2) the business licensed, (3) the place where such business is to be carried on, (4) the date of the expiration of such license, (5) a receipt for the amount of money paid for said license, and (6) such other information as the Bureau of Permits and Licenses shall determine.

SEC. 5-1.08 IDENTIFICATION CARD. The Bureau of Permits and Licenses shall issue to each person to whom a license is issued, an identification card for each employee that is engaged in peddling, soliciting or distributing for the licensee in the regular conduct of his business.

Such identification card shall be in such form as the Bureau of Permits and Licenses shall determine and shall be carried by each employee at all times while carrying on the business for which it was issued, who shall produce and exhibit the same on demand.

SEC. 5-1.09 ANNUAL LICENSE. All annual licenses issued under this Article shall be dated as of the first day of the month in which such license is issued, and shall expire one (1) year from that date, unless otherwise specifically provided herein.

SEC. 5-1.10 AFFIDAVIT FOR ISSUANCE OF FIRST LICENSE. Upon a person making application for the first license to be issued for a newly established business, he shall furnish to the Bureau of Permits and Licenses, for its guidance in ascertaining the amount of license to be paid by the applicant, a written statement, upon a form provided by the Bureau of Permits and Licenses, sworn to before a person authorized to administer oaths, setting forth such information as may be therein required and as may be necessary to properly determine the amount of the license to be paid by the applicant.

If the amount of the license to be paid by the applicant is based upon the average number of persons employed, or upon the gross receipts of his business, or upon the average daily, weekly or monthly circulation of any *publication he shall estimate* the average number of persons to be employed in

his business, or the gross receipts of his business, or the average daily, weekly or monthly circulation of any publication, as the case may be, for the period to be covered by the license to be issued. Such estimate, if accepted by the Bureau of Permits and Licenses as reasonable one, shall be used in determining the amount of license to be paid by the applicant; provided, however, the amount of the license so determined shall be tentative only, and such person shall, within thirty (30) days after the expiration of the period for which such license was issued, furnish the said Bureau with a sworn statement, upon a form furnished by it, showing the exact average number of persons employed in such business, or the exact gross receipts of such business, or the exact average daily, weekly or monthly circulation of such publication, as the case may be, during the period of such license, and the license for such period shall be finally ascertained and paid in the manner provided by this ordinance for the ascertaining and paying of renewal of licenses for other businesses, after deducting from the payment found to be due, the amount paid at the time such first license was issued.

Said Bureau shall not issue to any such person another license for the same or any other business, until such person shall have furnished to it the written statement and paid the license as hereinabove required.

SEC. 5-1.11 AFFIDAVIT FOR ISSUANCE OF RENEWAL OF LICENSE. In all cases, the applicant for the renewal of an expired license shall render to the Bureau of Permits and Licenses, for its guidance in ascertaining the amount of the license to be paid by the applicant, a written statement, upon a form to be provided by the Bureau of Permits and Licenses, sworn to before a person authorized to administer oaths, setting forth such information concerning the applicant's business during the preceeding year as may be required by the said Bureau to enable it to ascertain the amount of the license fee to be paid by said applicant pursuant to the provisions of this Article; provided tha t such written statement rendered for the purpose of determining the amount of license due under Section 5-1.29 of this Article need not state the exact gross receipts of the applicant, but shall state that the gross receipts of the applicant were between a certain maximum and minimum according to the schedule set forth in said section.

SEC. 5-1.12 AFFIDAVIT NOT CONCLUSIVE. No statement in this Article required shall be conclusive upon the City of Oakland, or any department, bureau, officer or agent thereof, and whenever it shall appear to the satisfaction of the Bureau of Permits and Licenses and it shall have reason to believe that such statement does not set forth the true facts of the business for which a license is required, the said Bureau may withhold the issuance of a license therefor until such time as the applicant shall furnish to the said Bureau satisfactory evidence of the truth of such statement. If such evidence is not furnished to the Bureau of Permits and Licenses within a reasonable time, or should it at any time appear to said Bureau that by reason of error, misrepresentation, fraud, or any other cause whatsoever, the license fee has not been properly fixed for any license issued, the said Bureau shall give not less than five (5) days' written notice to the licensee to show cause, at a time and place fixed in said notice, why a fee to be determined by the said Bureau and specified in said notice, should not be fixed for such license. At such hearing the licensee shall appear and offer evidence why such specified fee should not be fixed as the license fee. After such hearing, the Bureau of Permits and Licenses shall determine the proper fee to be charged and shall forthwith give written notice to the licensee of such determination and the amount of such fee.

The licensee may appeal in writing to the City Council within ten (10) days after notice of the determination of the amount of the fee. The Council shall forthwith set said matter for hearing and cause notice thereof to be given to the licensee not less than five (5) days prior to such hearing. At such hearing the licensee shall show cause why the fee fixed by the Bureau of Permits and Licenses should not be approved. The findings of the City Council, thereon shall be final and conclusive in the matter.

Any fee finally determined shall be due and payable as of the date the original license fee was due and payable, together with any penalties that may be due thereon; provided, however, if such fee shall be fixed in accordance with the original statement of the licensee, then no penalty shall attach to such fee by reason of any delinquency.

Any notice herein required shall be deemed to have been served when the same is posted in the United States mail enclosed in a sealed envelope, postage prepaid, addressed to such person at his place of business as the address of the same appears on the records of the Bureau of Permits and Licenses.

SEC. 5-1.13 AFFIDAVIT--CONFIDENTIAL DOCUMENTS. The statements filed pursuant to the provisions of this Article shall be deemed confidential in character and shall not be subject to public inspection, and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this Article.

Any officer or employee who shall wilfully violate any provision of this section shall be deemed guilty of a misdemeanor and shall be punished as in this Code provided, and such violation shall be cause for discharge from the City's service.

SEC. 5-1.14 VEHICLE PLATES. Upon the payment of a license, the Bureau of Permits and Licenses shall deliver to the licensee one (1) metal plate for each vehicle used by the licensee in the conduct of his business, which said plate shall be securely fastened at the front of such vehicle (except in case of a motorcycle or trailer, then in the rear of such vehicle) to the license plate issued for such vehicle by the Department of Motor Vehicles of the State of California. In case of an animal drawn vehicle, such plate shall be fastened securely to the rear of such vehicle in a conspicuous place.

SEC. 5-1.15 PLATES--FORM, ETC. Each plate shall have thereon the words "Oakland", or "Oakland, California", or any abbreviation thereof, the year for which the plate was issued, and shall be in such form and color, and contain such other information, as the Treasurer of the City of Oakland shall determine.

SEC. 5-1.16 UNLAWFUL TO OPERATE VEHICLE WITHOUT PLATES. It shall be unlawful for any person to drive or operate, or use, or cause to be driven, operated, or used, any vehicle in the conduct of his business without a plate being attached as in this Article required, or to remove, or deface or cover up said plate, or to place the same upon any vehicle other than a vehicle used by the applicant in his business, or drive or operate, or cause to be driven or operated, any vehicle more than thirty (30) days after the expiration of the period for which any plate was issued without payment of a new license fee.

SEC. 5-1.17 PLATES FOR SUBSEQUENTLY ACQUIRED VEHICLES. If subsequently to the issuance of any license and prior to its expiration date, any licensee shall use any vehicle in his business for which a license plate has not been issued, he shall procure a license plate for such vehicle from the Bureau of Permits and Licenses. Said Bureau shall furnish such plate without cost upon the production of satisfactory proof of ownership of such vehicle by the licensee.

SEC. 5-1.18 TRANSFER OF LICENSE--PROCEDURE. No license or vehicle plates granted or issued under any provisions of this Article shall be in any manner transferred or assigned, or authorize any person other than the person named in the license to carry on the business therein named or to transact such business in any place other than the place or location therein named without the written consent of the Bureau of Permits and Licenses endorsed thereon. At the time such license is assigned or transferred or the place of location for the carrying on of such business is changed, the person applying for such transfer or change shall pay to the Bureau of Permits and Licenses a fee of One Dollar ($1.00) for each assignment or transfer.

SEC. 5-1.19 LICENSE TO BE CONSPICUOUSLY POSTED--EXCEPTION. Every person having a license under the provisions of this Article and carrying on a business at a fixed place of business, shall keep such license posted and exhibited while in force in some conspicuous part of said place of business.

Every person having such a license and not having a fixed place of business shall carry such license with him at all times while carrying on the business for which the same was granted.

SEC. 5-1.20 LOST LICENSE. The Bureau of Permits and Licenses shall make a charge of One Dollars ($1.00) for each duplicate license or duplicate vehicle plate issued to replace any license or vehicle plate issued under the provisions of this Article, which has been lost or destroyed; the applicant shall make satisfactory proof of such loss.

SEC. 5-1.21 PENALTY FOR NON-PAYMENT OF ANNUAL LICENSE. Every annual license which is not paid within a period of thirty (30) days from the time the same becomes due and payable is hereby declared to be delinquent, and the Bureau of Permits and Licenses shall thereupon add to said license and collect a penalty of ten per cent (10%) of the license so delinquent; if such license is not paid within sixty (60) days from the time such license becomes due and payable, an additional sum of fifteen per cent (15%) of said license shall be added to said license and collected as a penalty.

SEC. 5-1.22 PENALTY FOR NON-PAYMENT OF A QUARTERLY LICENSE. Every quarterly license which is not paid within a period of ten (10) days from the time the same becomes due and payable is hereby declared to be delinquent and the Bureau of Permits and Licenses shall thereupon add to such license and collect a penalty of ten per cent (10%) of the license so delinquent; if such license is not paid within twenty (20) days from the time such license becomes due and payable an additional sum of fifteen per cent (15%) of said license shall be added to said license and collected as a penalty.

SEC. 5-1.23 PENALTY FOR NON-PAYMENT OF A DAILY LICENSE. Every daily license which is not paid at the close of business on the day when the same was due and payable is hereby declared to be delinquent, and the Bureau of Permits and Licenses shall thereupon add to said license and collect a penalty of ten per cent (10%) of said license as delinquent; if such license is not paid within ten (10) days from the time such license became due and payable, an additional sum of fifteen per cent (15%) of said license shall be added to said license and collected as a penalty.

SEC. 5-1.24 LICENSE A DEBT. The amount of any license fee and the penalty imposed by the provisions of this Article shall be deemed a debt to the City of Oakland; and any person carrying on any business without first having procured a license from said city so to do shall be liable to an action in the name of said city in any court of competent jurisdiction, for the amount of license and penalties imposed on such business.

SEC. 5-1.25 CONVICTION FOR VIOLATING ORDINANCE NOT WAIVER OF LICENSE. The conviction and punishment of any person for transacting any business without a license shall not excuse or exempt such person from the payment of any license due or unpaid at the time of such conviction, and nothing herein shall prevent a criminal prosecution of any violation of the provisions of this Article.

SEC. 5-1.26 EVIDENCE OF LIABILITY. In any action brought under or arising out of any of the provisions of this Code or of any Ordinance imposing a license tax, the fact that a party thereto represented himself as engaged in any business or calling for the transaction of which a license is required, or that such party exhibited a sign indicating such business or calling, shall be conclusive evidence of the liability of such party to pay for a license for such business.

SEC. 5-1.27 MANUFACTURING. Every person conducting, managing or carrying on the business of ship building, ship repairing, dry docking, steel fabrication, foundry, forging or the business of manufacturing, compounding, or preparing for sale, any article, substance or commodity not otherwise specifically licensed by this Article or any other provisions of this Code or any Ordinance of the City of Oakland, shall pay an annual license fee based upon the average number of persons employed in such business according to the following schedule:

For the first person employed	$12.00
For the next 9 persons employed, per person . .	3.00
For the next 300 persons employed, per person .	.50
For all other persons employed, per person. . .	.25

SEC. 5-1.28 WHOLESALING, RETAILING, JOBBING AND OTHER BUSINESSES NOT SPECIFICALLY LICENSED. Every person conducting, managing or carrying on any wholesale or retail or jobbing business, or otherwise engaged in the selling of goods, wares, merchandise or other thing of value, and not otherwise specifically licensed by this Article or any other provisions of this Code or any Ordinance of the City of Oakland, and every person conducting, managing or carrying on any business that is not specifically licensed by this Article or any other provisions of this Code or any ordinance of the City of Oakland, shall pay an annual license fee based upon the average number of persons employed in such business according to the following schedule:

For the first person employed	$ 6.00
For the next 9 persons employed, per person	3.00
For the next 300 persons employed, per person . . .	1.00
For all other persons employed, per person.	.50

Amended by # 290 C.M.S.

SEC. 5-1.29 PROFESSIONAL--SEMI-PROFESSIONAL--CONNECTED BUSINESS. Every person conducting, managing or carrying on any business hereinafter in this section enumerated, or any combination thereof, shall pay an annual license fee based upon the annual gross receipts of such business according to the following schedule:

Less than $10,000 gross receipts	$ 24.00
$10,000 gross receipts and less than $20,000 gross receipts	34.00
$20,000 gross receipts and less than $30,000 gross receipts	44.00
$30,000 gross receipts and less than $50,000 gross receipts	64.00
$50,000 gross receipts and less than $70,000 gross receipts	84.00
$70,000 gross receipts and less than $100,000 gross receipts	114.00
$100,000 gross receipts and less than $150,000 gross receipts	164.00
$150,000 gross receipts and less than $200,000 gross receipts	214.00

For all businesses having gross receipts of $200,000 or over, the sum of $214.00 plus $50.00 for each $100,000 gross receipts or fraction thereof, in excess of $200,000 gross receipts.

In computing gross receipts, any return of capital invested, for the purchase of property or money lent or advanced, may be excluded.

Accountant, Auditor; Advertising, Advertising Council, Outdoor Advertising; Appraiser; Architect; Assayer; Attorney-at-law; Attorney, Patent; Certified Public Accountant; Chiropodist; Chiropractor; Civil Engineer; Collection Agency, or Mercantile Agency; Consulting Engineer; Dentist; Designer or Decorator; Draftsman; Drugless Practitioner (provided, however, that this section shall not apply to persons who treat the sick through prayer or spiritual means); Electrical Engineer; Electrologist; Geologist; Illustrator, or Show Card Writer; Insurance Adjuster, or Claims Adjuster; Insurance Broker; Landscape Gardener, or Landscape Architect; Lapidary; Mechanical Engineer; Money Lender, or Money Broker, or person engaged in buying or selling obligations; Oculist; Osteopath; Physician; Real Estate Broker; Surgeon; Surveyor; Taxidermist; Veterinarian; Nothing in this section contained shall be deemed or construed as applying to any person engaged in any of the professions or occupations hereinbefore enumerated, solely as an employee of any other person conducting, managing or carrying on any such business in the City of Oakland.

SEC. 5-1.30 THEATERS, MOVING PICTURES, ETC.--DAILY SHOWING. Every person conducting, managing or carrying on the business of daily production of theatrical or vaudeville performances, or the exhibition of motion pictures, or lectures, or entertainments, or shows, or contests, or exhibitions, not otherwise specifically licensed by the provisions of this Code or any Ordinance of the City of Oakland, shall pay an annual license based upon the seating capacity of such theater, auditorium or other place, according to the following schedule: 7½ cents for each and every seat in any such theater, auditorium or other place; provided, however, that no such license shall be less than $50.00. (Ord. No. 2338 C.M.S. - 1/14/47) (Ord. 2378 C.M.S. - 3/11/47)

SEC. 5-1.31 THEATERS, MOVING PICTURES, ETC.--OTHER THAN DAILY. Every person conducting, managing or carrying on the business of producing theatrical or vaudeville performances, or the exhibition of motion pictures, or lectures, or entertainments, or shows, or contests or exhibitions, not otherwise specifically licensed by the provisions of this Code or any Ordinance of the City of Oakland, shall pay a daily license, or an annual license, based upon the seating capacity of such theater, auditorium or other place, according to the following schedule:

A seating capacity of less than 500 persons, $2.50 per day or of $35.00 annually.
A seating capacity of 500 persons and less than 1000 persons, $5.00 per day or $60.00 annually.
A seating capacity of 1000 persons to 1500 persons, inclusive, $7.50 per day or $85.00 annually.
And an additional sum of $1.00 per day or $5.00 annually for each 250 seating capacity in excess of 1500 seating capacity.

SEC. 5-1.32 PUBLIC DANCE HALL. Every person conducting, managing or carrying on the business of a public dance hall shall pay a license based upon the number of days per week that dances are held, according to the following schedule:

Where dances are held once a week, per quarter	$10.00
Where dances are held twice a week, per quarter.	15.00
Where dances are held three times a week, per quarter. .	20.00
Where dances are held four times a week, per quarter . .	25.00
Where dances are held five times a week, per quarter . .	30.00
Where dances are held six times a week, per quarter. . .	35.00
Where dances are held seven times a week, per quarter...	40.00

Where dances are held less than once a week, $2.00 for each day such dance is conducted.

Any person having a license under this section shall not be required to procure an additional license to conduct a dancing academy at the same location and under the same management as said public dance hall.

For the purpose of this Article a "public dance hall" shall be defined to mean any place where dancing is carried on and to which the public is admitted.

SEC. 5-1.33 PRIVATE DETECTIVE. Every person conducting, managing or carrying on the business of a private detective shall pay an annual license fee based upon the average number of persons employed in such business according to the following schedule:

1 to 2 persons, inclusive, ... $36.00
The sum of $10.00 for each and every additional person employed over and above 2 persons.

For the purpose of this Article a "private detective" shall be defined as any person who shall engage in the business of furnishing or supplying information as to the personal character or actions of any person, or who owns or conducts a business or agency for the above mentioned purposes, or who shall furnish police guards or watchmen to patrol any district or to guard or watch any property.

SEC. 5-1.34 HOTEL, OFFICE BUILDING, ETC. Every person conducting, managing or carrying on a hotel, office building, rooming house or apartment house shall pay an annual license fee of $.50 for each and every room contained in any such building. (Amended by O.#284 C.M.S.)

For the purpose of this Article the words "apartment house" and "hotel" shall be construed as defined in the "State Housing Act of California".

SEC. 5-1.35 PEDDLER. Every person conducting, managing or carrying on the business of retail peddling of fresh fruits or vegetables, or any food for human consumption, shall pay a license of $15.00 per quarter or $2.00 per day for each person employed in such business.

Every person conducting, managing or carrying on the business of wholesale peddling of fresh fruits or vegetables or any food for human consumption shall pay a license fee of $60.00 per quarter for each person employed in such business.

Every person conducting, managing or carrying on the business of peddling any goods, wares, merchandise, or other thing of value, not otherwise specifically licensed by this Code or any Ordinance of the City of Oakland, shall pay a license of $20.00 per quarter or $2.00 per day for each person employed in such business.

For the purpose of this Article the word "Peddling" shall be defined as going from house to house, place to place, or in or along the streets, within the City of Oakland, selling and making immediate delivery or offering for sale and immediate delivery, any goods, wares, merchandise, or anything of value, in possession of the peddler.

SEC. 5-1.36 SOLICITOR. Every person conducting, managing or carrying on the business of solicitor shall pay a license of $20.00 per quarter or $2.00 per day for each person employed in such business.

For the purpose of this Article, the word "solicitor" shall be defined as any person who engages in the business of going from house to house, place to place, or in or along the streets, within the City of Oakland, selling or taking orders for, or offering to sell or take orders for goods, wares, merchandise or other thing of value for future delivery, or for services to be performed in the future.

Amended by O. #459 C.M.S. Transient Merchant

SEC. 5-1.37 ITINERANT VENDOR. Every person conducting, managing or carrying on the business of an itinerant vendor shall pay a license of $25.00 per day, and the sum of $5.00 per day for each person employed in such business in excess of five (5) persons.

Sec. 5-1.371-2-3 added By O #459 C.M.S.

For the purpose of this Article the words "itinerant vendor" shall be defined as any person who engages in a temporary or transient business in the City of Oakland, selling goods, wares, merchandise or any other thing of value, with the intention of conducting such business in said city for a period of not more than ninety (90) days, and who, for the purpose of carrying on such business hires, leases or occupies any room, doorway, vacant lot, building or other place for the exhibition or sale of goods, wares, merchandise or other thing of value,

If the place in which a business is conducted is rented or leased for a period of ninety (90) days or less, such fact shall be presumptive evidence that the business carried on therein is a transient business.

SEC. 5-1.38 JUNK COLLECTOR. Every person conducting, managing or carrying on the business of a junk collector shall pay an annual license of $12.00 for each person employed in such business.

For the purpose of this Article, the words "junk collector" shall be defined as any person who goes from place to place for the purpose of engaging in or carrying on the business of collecting, buying or selling, either at wholesale or retail, any old rags, bottles, sacks, cans, papers, metals, or any other worn out or discarded material.

SEC. 5-1.39 JUNK DEALER. Every person conducting, managing or carrying on the business of a junk dealer shall pay an annual license of $50.00; and if the average number of persons employed exceeds three (3), then an additional sum of $5.00 for each such additional employee.

For the purpose of this Article the words "junk dealer" shall be defined as any person having a fixed place of business and who is engaged in carrying on the business of buying or selling, either at wholesale or retail, any old rags, bottles, sacks, cans, papers, metals, or any other worn out or discarded material.

SEC. 5-1.40 DAILY PUBLICATIONS. Every person conducting, managing or carrying on the publication or circulation of a daily or daily except Sunday, newspaper or other publication shall pay an annual license based upon the average daily circulation or the average daily except Sunday circulation, based upon the circulation for the preceding license year according to the following schedule:

The sum of $25.00 for the first 1000 average daily circulation, or average daily except Sunday circulation, and an additional sum of $5.00 for each additional 1000 average daily circulation, or average daily except Sunday circulation.

Amended by #32 C.M.S.

SEC. 5-1.41 WEEKLY PUBLICATIONS. Every person conducting, managing or carrying on the publication or circulation of a weekly newspaper, or other weekly publication, shall pay an annual license based upon the average weekly circulation, based upon the circulation for the preceding license year, according to the following schedule:

$5.00

The sum of $10.00 for the first 5000 average weekly circulation, and an additional sum of $3.00 for each additional 1000 weekly circulation.

Amended by #312 C.M.S.

SEC. 5-1.42 MONTHLY PUBLICATIONS. Every person conducting, managing or carrying on the publication or circulation of a monthly newspaper, or other monthly publication, shall pay an annual license based upon the average monthly circulation, based upon the circulation for the preceding license year, according to the following schedule:

The sum of $5.00 $10.00 for the first 5000 average monthly circulation, and an additional sum of $3.00 for each additional 1000 monthly circulation.

SEC. 5-1.43 CIRCUS, ETC. Every person conducting, managing or carrying on the business of a circus, menagerie, wild west show, dog and pony show, theatrical performance, or any other like or similar exhibition given under, or surrounded or partially enclosed by, canvas, shall pay a license based upon the seating capacity of such exhibition according to the following schedule:

A seating capacity of less than 1000 persons, $125.00 for the first day and $75.00 for each additional day.
A seating capacity of 1000 persons and less than 5000 persons, $175.00 for the first day and $100.00 for each additional day.
A seating capacity of 5000 persons and less than 8000 persons, $300.00 for the first day and $175.00 for each additional day.
A seating capacity of 8000 persons and less than 11,000 persons $500.00 for the first day and $300.00 for each additional day.
A seating capacity of 11,000 persons or more, $750.00 for the first day and $400.00 for each additional day.

An additional license fee of $5.00 per day shall be paid for every side show, exhibition, entertainment or after show, in connection with any of the shows or exhibitions above mentioned when a separate fee is charged therefor.

Every person conducting, managing or carrying on any procession or parade in connection with any of the above shows or exhibitions, and not having a license for any such show or exhibition within the City of Oakland, shall pay $500.00 for each such procession or parade.

Amended By #417 C.M.S.

SEC. 5-1.44 CARNIVALS, FAIRS, ETC. Every person conducting, managing or carrying on any fair, carnival, ferris-wheel, scenic-railway, merry-go-round, swing, chute-the-chutes, or other like or similar exhibition or amusement, shall pay a license fee of $100.00 per quarter, provided, however, that such person shall first obtain a permit to hold or conduct the same from the City Manager. (Repealed by #1724 C.M.S.) Sec. 5-1.441 Add. By #417 C.M.S. – Amd by #497 C.M.S. – Repealed #1724 C.M.S.

No portion of any street shall be used for the purpose of conducting any fair or carnival.

Amended by #289 C.M.S.

SEC. 5-1.45 AUCTIONEER. Every person conducting, managing or carrying on the business of an auctioneer for the sale at auction of any real or personal property shall pay an annual license fee of $300.00. $150.00 payable annually

SEC. 5-1.46 BOWLING ALLEY, ETC. Every person conducting, managing or carrying on a public bowling alley, skee ball, bat ball, or other similar device, equipment or means of entertainment, shall pay an annual license fee of $12.00 for each alley.

SEC. 5-1.47 DISTRIBUTING HANDBILLS, ETC. Every person conducting, managing or carrying on the business of distributing handbills, advertising samples, dodgers, advertising matter or printed matter of any kind, shall pay a license fee of $15.00 per quarter, and an additional sum of $.25 per quarter for each and every person employed in excess of sixty (60) employees.

(amended by O. #292 C.M.S.)(Amd By # 413 CMS)

SEC. 5-1.48 HERBS--PRESCRIBING, ETC. Every person conducting, managing or carrying on the business of dealing in, preparing or prescribing herbs (except drug stores, physicians and surgeons) shall pay an annual license fee of $100.00. (#75.00)

SEC. 5-1.49 POOL OR BILLIARD ROOM. Every person conducting, managing or carrying on any public billiard or poolroom shall pay an annual license of $20.00 for one pool or billiard table, and $5.00 for each and every table in excess of one.

SEC. 5-1.50 STREET CAR ADVERTISING. Every person conducting, managing or carrying on the business of street car advertising shall pay an annual license fee of $200.00.

Sec. 5-1.501 - Adv Vehicles - Added By # 418 CMS.

SEC. 5-1.51 PAWNBROKER. Every person conducting, managing or carrying on the business of a pawnbroker shall pay a license fee of $45.00 per quarter.

Amd. by O. #820 CMS.

SEC. 5-1.52 TAXICABS, ETC. Every person conducting, managing or carrying on any business regulated by Article 14 of this Chapter or any Ordinance supplementary thereto and hereinafter enumerated, shall pay an annual license fee as follows:

Taxicab business, $10.00 per public motor vehicle.
Motor bus business, $20.00 per public motor vehicle.
Automobile-for-Hire business, $10.00 per public motor vehicle.

Sec 5-1.521 Sight Seeing Busses #20. per Veh. (Eliminated by # 820 CMS)

SEC. 5-1.53 NEWSPAPER HANDCART. Every person maintaining upon the streets or sidewalks of the City of Oakland, any hand-cart or other vehicle for the sale or offering for sale of newspapers or engaged in the business of selling newspapers upon the streets or sidewalks of said city, shall pay a license fee of $40.00 per annum payable quarterly in advance.

SEC. 5-1.54 MEDICINE PEDDLERS. Every person who shall conduct a medicine show or engage in the business of peddling medicines pursuant to a permit granted under the provisions of Section 5-10.07 of this Chapter, shall pay a license fee of $100.00 per day, which fee shall be paid in advance for the entire time for which said permit is granted.

SEC. 5-1.55 MOTOR BUS EXTENSIONS TO STREET RAILWAYS. Every person operating a motor bus in the City of Oakland as an extension to, or in connection with, a street railroad, pursuant to the provisions of Section 5-14.31 of this Code shall pay a license at the rate of sixty dollars ($60.00) per annum per motor bus operated, payable quarterly in advance. Said license fee shall be prorated so as to entitle the applicant to a license upon the payment of that portion of the yearly license fee which shall bear the same relation to the yearly license fee as that portion of the year for which the license fee shall run shall bear to the entire year.

SEC. 5-1.56 FLYING FIELDS. Every person establishing, conducting or maintaining any flying field as in Sections 5-15.09 to 5-15.12 of this Code referred to, shall pay a license fee in the amount of $50.00 per quarter, payable in advance.

SEC. 5-1.57 AUTOMOBILE WRECKING ESTABLISHMENTS. Every person conducting, managing or carrying on the business of wrecking motor vehicles, or in the storing or selling of used or second-hand parts or accessories of motor vehicles shall pay a license fee of $25.00 per quarter.

(amended By O. #386 CMS) # " " 50.00 " year.

SEC. 5-1.58 VETERAN'S EXEMPTION. To any veteran, or widow of any veteran, of the United States service having honorable discharge papers showing service in the Civil War of the United States of America, Spanish-American War, Phillippine War, Mexican Border War, Siberian Service, or the war in Europe commonly known as the "World War", or any veteran, or widow of such veteran, of the United States naval forces who shall have served in any of the above wars and been furloughed to the reserve service or placed on the inactive list under honorable conditions, and who shall display to the Bureau of Permits and Licenses satisfactory evidence of such service and termination thereof, the said Bureau shall allow an exemption of $20.00 per year on one license for the conduct of any one business licensed by any provisions of this Code or by any Ordinance of the City of Oakland, if such business is owned solely by such veteran, or the widow of any such veteran.

All applications for the allowance of a $20.00 per year exemption as hereinabove provided must be accompanied by proof satisfactory to the Bureau of Permits and Licenses, and such Bureau may take such time as it may deem necessary to investigate any applicant.

SEC. 5-1.59 EXEMPTION FOR INFIRM, ETC. The Bureau of Permits and Licenses shall, upon the written recommendation of the Associated Charities and the License Inspector that any person by reason of physical infirmity, unavoidable misfortune, or unavoidable poverty, merits exemption from the operation of any license required by any provisions of this Code or by any Ordinance of the City of Oakland, allow such person an exemption of $12.00 on one license for the conduct of any one business licensed by any provisions of this Code or by any Ordinance of the City of Oakland, or a free license to peddle or solicit within the City of Oakland.

SEC. 5-1.60 EXEMPT LICENSES TO BE ENDORSED. Whenever the Bureau of Permits and Licenses shall issue any license granting the exemption hereinabove in Sections 5-1.58 and 5-1.59 provided for the person to whom such license is issued shall endorse thereon his signature in ink in the presence of an employee of the Bureau of Permits and Licenses, and no such license shall be transferable.

Add by #375 CMS — Sec 5-1.61 Tax Exemptions - City Mgr. grant perm to revoke - License requirements
" " #850 " — " 5-1.62 Master Plumber #25

Any license issued as in said Sections 5-1.58 and 5-1.59 provided shall be issued only for the minimum license period for any such business, and may be renewed for the same period upon the same conditions and in the same manner as originally obtained.

ARTICLE 2.

PERMITS.

SEC. 5-2.01 PERMITS GENERALLY. Whenever, by the provisions of this Chapter, a permit from the City of Oakland is a prerequisite to the operation or maintenance of any business, establishment or place, or to the furtherance of any undertaking or the doing of any thing, unless otherwise specifically provided, such permit shall be procured in the manner, and be subject to the provisions, hereinafter in this Article set forth.

SEC. 5-2.02 APPLICATION. Application for any permit referred to in Section 5-2.01 of this Article shall be filed with the City Clerk in triplicate, the original of which shall be duly acknowledged before some person lawfully authorized to administer oaths, and upon forms to be furnished by said City Clerk, and shall set forth the following information:

(a) A full identification of the applicant and all persons to be directly or indirectly interested in the permit if granted;

(b) The residence and business address and the citizenship of the applicant, including all members of any firm or partnership, or all officers and directors of any corporation applying;

(c) The location of the proposed business, establishment, place, thing, etc., for which the permit is requested, and the name of the owner and the present use of such premises;

(d) The exact nature of the proposed business, establishment, place, thing, etc., for which the permit is requested, and the name under which it is to be operated;

(e) The past experience of the applicant in the matter to which the requested permit appertains; and the name, address, and past experience in such business or matter of the person to be in charge of the premises or business;

(f) Whether or not any permit has been revoked, and if so the circumstances of such revocation;

(g) Such further information as the City Manager, or such official of the City of Oakland towhom the application may be referred, may require.

SEC. 5-2.03 PROCEDURE ON APPLICATION. Immediately on the filing of any application for a permit as provided in Sections 5-2.01 and 5-2.02 of this Article, the City Clerk shall place the acknowledged copy in the permanent records of his office, refer one copy to the City Manager and one copy to such official of the City of Oakland the administrative functions of whom are those primarily concerned with the granting or denying of such permit, which latter official, hereinafter in this Chapter referred to as the "investigating official", shall make such investigation of the applicant and of the facts set forth in such application as he shall deem advisable, and shall make a written report of such investigations, together with his recommendations relative to disposal of the application, to the City Manager, who shall proceed to act upon said application after a hearing set by the City Clerk for a day certain, not less than five (5) days nor more than thirty (30) days from the date of filing said application. At such hearing all persons interested shall be entitled to file objections, protests or recommendations in the premises. Such hearing may, by the City Manager, be continued over from time to time as circumstances may require; provided, however, that if hereinafter in this Chapter specifically provided, the investigating official may grant the permit applied for without referring the same to the City Manager, and with or without a hearing thereon, as may be provided.

SEC. 5-2.04 NOTICE OF HEARING ON APPLICATION. The City Clerk shall in every case of application for a permit, if a hearing is to be held thereon, notify the applicant of the time and place of such hearing to be held thereon as in Section 5-2.03 of this Article provided, and such notice shall be given at least three (3) days before the date of such hearing. Amd by Ord. #2419 Cmc 3/27/47

In the event that a public notice of the hearing on any application for a permit may be hereinafter in this Chapter required, the City Clerk shall cause a notice to be published in the official newspaper of the City of Oakland for three (3) successive days, and cause a copy thereof to be posted upon the premises to be primarily affected by the granting of such permit, and a copy on the bulletin board near the Council Chambers. Such notice shall set forth the fact that such application has been filed, the name of the applicant, the nature of the thing to be permitted, and the time and place of hearing upon such application.

Whenever a public notice shall be required, the applicant, upon filing his application, shall pay to the City Clerk the sum of $15.00, and such payment shall not be in lieu of any license or other tax otherwise imposed by law.

SEC. 5-2.05 ACTION ON APPLICATION. The City Manager, or the investigating official acting thereon, shall deny the granting of any permit applied for if it shall appear to his satisfaction that the applicant is not a fit and proper person, either for financial, moral, or other reasons, to conduct or maintain the business, establishment, place, or other thing. to which the application appertains; that the applicant has not complied with the provisions of this Code which directly appertain to the maintenance or conduct of the business, establishment, place, or other thing, in question or for the violation of any law appertaining thereto; or for any other reason hereinafter in this Chapter more specifically set forth.

In granting or denying such permit, and in specifying the conditions, if any, upon which it is granted, the City Manager or other official acting thereon, shall consider the character of the applicant as respects morality, honesty and integrity, and all pertinent acts which may concern the health, safety, and general welfare of the public, and shall exercise a reasonable and sound discretion in the premises. The City Manager, or other official acting thereon, in acting upon an application for a permit, shall notify the investigating official to whom such application was referred, of such action.

SEC. 5-2.06 TRANSFER OF PERMITS. No permit in this Chapter required shall be transferable, nor apply to any premises other than those originally specified as the location of the thing permitted, except upon written permission of the City Manager, or other official originally granting such permit, granted upon written application by the transferor, made in the same manner as may be required in the instance of the original application for such permit.

SEC. 5-2.07 REVOCATION AND SUSPENSION OF PERMIT. Any permit granted pursuant to the provisions of this Chapter may be, by the City Manager, or by such other official who granted such permit, revoked or suspended, as in his discretion may seem meet and just, for any reason for which a granting of such permit might be lawfully denied, or for any other reason hereinafter in this Chapter specifically provided. Such revocation or suspension shall be made only upon a hearing granted to the holder of the permit so revoked or suspended, held before the City Manager after five (5) days' notice to such permit holder, stating the grounds of complaint against him and stating the time and place where such hearing will be held. In the event of such revocation or suspension, any certificate issued in connection with the granting of such permit shall, by the holder thereof, be forthwith surrendered to the City Manager.

Such revocation or suspension of any permit shall be in addition to any other penalties more specifically provided in this Chapter.

SEC. 5-2.08 APPEALS. Any person excepting to any denial, suspension or revocation of a permit applied for or held by him pursuant to the provisions of this Chapter, or to any action taken by any official of the City of Oakland concerning such permit, may appeal in writing to the City Council by filing with the City Clerk a written notice of such appeal, setting forth the specific grounds thereof. Such notice must be filed within 14 days after notice of such action appealed from, but in no event later than thirty (30) days after date of such action. The City Clerk shall forthwith set said matter for hearing before the Council and cause notice thereof to be given to the appellant not less than five (5) days prior to such hearing. At such hearing the appellant shall show cause, on the grounds specified in the notice of appeal, why the action excepted to should not be approved. Such hearing may, by the Council, be continued over from time to time, and its findings on the appeal shall be final and conclusive in the matter.

SEC. 5-2.09 INSPECTION OF PREMISES. Any officer of the City of Oakland charged with the enforcement or administration of any of the provisions of this Chapter shall be permitted to enter and inspect at any reasonable time, without charge or other restraint, any premises to which any permit granted under the provisions of this Chapter may pertain, or which are directly affected by such permit, for the purpose of ascertaining whether or not any of the provisions of this Chapter applicable thereto are being violated.

SEC. 5-2.10 PERMITS TO BE EXHIBITED. Any permit required under the provisions of this Chapter shall be exhibited in a conspicuous place in that part, to which the public has access, of the premises to which such permit appertains.

SEC. 5-2.11 CITY CLERK TO EXAMINE APPLICATIONS AS TO ZONE. Upon the filing of any application for a permit as in this Article provided for, the City Clerk shall examine the same for the purpose of ascertaining whether the business, establishment or place for which such permit is desired is proposed to be located within a zone in which the same is permitted pursuant to the provisions of this Code and the Ordinances and laws of the City of Oakland. If such location is not within such approved zone, the City Clerk shall refuse to accept such application.

SEC. 5-2.12 CITY CLERK TO BE NOTIFIED OF ACTIONS ON PERMITS. Any official of the City of Oakland taking any action upon any application for a permit or upon any permit to operate or maintain any business, establishment or place within the City of Oakland as in this Chapter provided for, shall notify the City Clerk of such action, and shall, so far as possible, supply the City Clerk with copies of all communications, findings and records pertaining to such applications and permits, and the City Clerk shall place the same on file with the applications and permits to which they appertain.

SEC. 5-2.13 EXPIRATION OF PERMIT. Any permit granted pursuant to the provisions of this Chapter but under which the thing herein permitted has not been done, carried on or maintained within six months from the time of the issuance of such permit, shall expire by limitation and cease to be valid for any purpose. Provided, however, that the City Manager may renew such permit upon written application being made prior to its expiration.

ARTICLE 3.
ADVERTISING.

SEC. 5-3.01 HANDBILLS AND CIRCULARS. The following ordinance is an initiative measure adopted November 8, 1932.

AN ORDINANCE REGULATING THE DISTRIBUTION OF ADVERTISING MATTER UPON PRIVATE PROPERTY, PROVIDING A PENALTY FOR VIOLATION HEREOF, AND REPEALING ORDINANCE NO. 3144 AND ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the qualified Electors of the City of Oakland as follows:

SECTION 1. DEFINITIONS. For the purpose of this ordinance the following words and phrases are defined as follows:

(a) PERSON. A person is an individual, association, firm, copartnership or corporation.

(b) PRIVATE PROPERTY. Private property is any parcel of real property in the City of Oakland, or any dwelling, residence, or other building thereon.

(c) ADVERTISING MATTER. Advertising matter is any broadside, booklet, card, circular, dodger, handbill, poster, newspaper, or other advertising medium of similar nature, excluding, however, any newspaper eligible for entry as second-class matter under the provisions of the United States Post Office Regulations of March 3, 1879, and other regulations and statutes of the United States.

SECTION 2. UNLAWFUL TO DISTRIBUTE IN CERTAIN CASES. It shall be unlawful to distribute or cause to be distributed any advertising matter in or upon private property when

(a) There is erected or painted in a conspicuous place upon such property a sign containing the words "No advertising matter" or other words of similar import; or

(b) It is apparent that said property is vacant; or

(c) It is apparent that a previous day's distribution of advertising matter has not been removed.

SECTION 3. MANNER OF DISTRIBUTION. Subject to the provisions of the preceding section of this ordinance, it is hereby declared to be unlawful for any person to distribute or cause to be distributed in or upon any private property any advertising matter except in the following manner; and distribution in such manner is hereby declared to be lawful:

(a) By placing the same in a receptacle, clip, or other device designed or intended to receive advertising matter when such receptacle, clip, or other device shall have been erected in a conspicuous place near the front door or front entrance or near the mail box of any private property; or

(b) If no such receptacle, clip, or other device shall have been erected as hereinabove provided, then by handing said advertising matter to an occupant of said property, or placing the same upon the porch or vestibule of a house or building on said private property, provided that in the latter case, said advertising matter is wrapped, tied, folded, or otherwise so prepared or placed that it will not be blown therefrom by the winds.

SECTION 4. UNLAWFUL TO DISTRIBUTE WITHOUT PERMIT. It shall be unlawful for any person, except the holder of a distributor's permit granted pursuant to the terms of this ordinance, to distribute or cause to be distributed by his employees or otherwise, any advertising matter.

SECTION 5. GRANTING OF PERMIT. Any person desiring a distributor's permit shall file an application therefor with the City Clerk upon forms to be furnished by said city clerk, and containing such pertinent information as the city clerk may require.

Forthwith upon filing such application, said city clerk shall issue a distributor's permit to the applicant, together with a serial number thereon, without cost therefor and without any period of expiration thereof, provided, however, that, in the event that a distributor's permit previously issued to the applicant shall have been revoked, then such permit shall not be issued to the applicant without the consent of the chief of police. The chief of police shall consent to the issuance of such permit if the applicant, in the sound discretion of the chief of police, despite the previous revocation of his distributor's permit, is a fit and proper person to hold such permit.

SECTION 6. REVOCATION AND SUSPENSION OF PERMIT. Any distributor's permit issued under the provisions of this ordinance may be revoked by the Chief of Police in the event that the holder of such permit or any of his employees is distributing advertising matter contrary to the provisions of this ordinance, and to such an extent that, in the discretion of the chief of police, the holder of such permit is not a fit and proper person to hold

the same. Such revocation shall be made only after a hearing granted to the holder of such permit before the chief of police upon five days' notice to such permit holder, setting forth the grounds of complaint against him and stating the time and place where such hearing will be held. Such hearing may be continued from time to time. Upon revocation of any distributor's permit the same shall be forthwith surrendered to the chief of police, providing, however, that, if an appeal is taken from the order revoking such permit as hereinafter provided for, said order of revocation shall be stayed until a final determination of such appeal by the city council. A distributor's permit may be suspended by the chief of police for a definite period of time for the same reasons and subject to the same limitations and procedure as provided for the revocation of such permit.

SECTION 7. METHOD OF APPEAL. An appeal may be taken to the city council from any order of the chief of police, denying, revoking, or suspending a distributor's permit by filing with the city clerk, within fourteen days after notice of the action appealed from, a written notice of such appeal setting forth the grounds thereof. The city clerk shall forthwith set said matter for hearing before the city council and cause notice thereof to be given to the appellant not less than five days prior to such hearing. Such hearing may be continued from time to time by the city council. The city council, in the exercise of a sound and reasonable discretion, shall, upon such appeal, have the power to reverse, modify or affirm the action appealed from.

SECTION 8. MANNER OF GIVING NOTICE. Any notice required by this ordinance must be in writing and may be given by personal service or by mail, In case of service by mail, notice must be deposited in the United States Post Office, or in a United States post box, in a sealed envelope with postage thereon prepaid, addressed to the person on whom it is to be served at his last known address. Service shall be deemed completed at the time of the deposit of the same in such post office or post box.

SECTION 9. PERMIT NUMBER TO BE ON ADVERTISING MATTER. It shall be unlawful for any person to distribute or cause to be distributed any advertising matter to or upon any private property unless there shall be printed, stamped, or otherwise clearly designated in legible characters in a conspicuous place on the front page of each and every piece of advertising matter, the words "Distributor's Permit No._____", with the permit number designated by the city clerk inserted thereon.

SECTION 10. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 11. PENALTY. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars, or by imprisonment in the city jail for a period of not more than twenty days, or by both such fine and imprisonment.

SECTION 12. REPEAL. Ordinance No. 3144 and all ordinances in conflict herewith are hereby repealed.

SECTION 13. TAKING EFFECT. This ordinance shall take effect five days after the declaration of the official canvas.

SEC. 5-3.02 POSTERS. It shall be unlawful for any person in the City of Oakland, except a public officer or employee in the performance of a public duty, to post, stick, stamp, paint or otherwise affix, or cause to be posted, stuck, stamped, painted or otherwise affixed, any bill, poster, notice, sign or advertisement of any kind upon any private property, without permission in writing from the owner, agent, trustee or occupant of such premises; or upon any telegraph, telephone or electric light pole; or upon any sidewalk; or upon any tree in any public street, sidewalk or square; or upon any bridge or other public property, except as may be required by law; or for any person to suspend any banner, sign or advertising notice from, or attach the same to, any wire or other device crossing or overhanging any public street.

SEC. 5-3.03 ADVERTISING IN PUBLIC STREETS. It shall be unlawful for any person upon any public sidewalk or in any street in the City of Oakland, to carry, bear or support any banner, sign, transparency, framework, device or emblem used, or purported to be used, or intended, as an advertisement of any trade, profession or business, place of business, office, store or occupation, or to distribute, by hand or otherwise, upon any sidewalk, street, square or other public place, or to throw upon any sidewalk, street, square or other public place, any advertisement, bill, poster, flyer, notice or advertisement, device or emblem used, or purporting to be used, or intended as, an advertisement or notice of any article or merchandise, or of any trade, business, profession, office, store, or occupation of any person.

SEC. 5-3.04 ADVERTISING MATTER IN MOTOR VEHICLES. It is hereby declared to be unlawful for any person to place, stick or affix, or cause or permit any other person in his behalf to place, stick or affix, any broadside, booklet, card, circular, dodger, handbill, poster, or any other advertising medium of a like or similar nature, in or upon any automobile or other motor vehicle not in such person's rightful possession, while said automobile or other vehicle is in or upon any public street, highway or other public place.

SEC. 5-3.05 SECOND-HAND AND DEFECTIVE MERCHANDISE. It shall be unlawful for any person in any newspaper, magazine, circular, form letter or any open publication published, distributed or circulated in the City of Oakland, or on any billboard, card, label or other advertising medium, or by means of any other advertising medium or device, to advertise, call attention to, or give publicity to, the sale of any merchandise, which merchandise is second-hand or used merchandise, or which merchandise is defective in any manner, or which merchandise consists of articles or units or parts known as "seconds", or blemished merchandise, or which merchandise has been rejected by the manufacturer thereof as not first class, unless there be conspicuously displayed directly in connection with the name and description of such merchandise and each specified article, unit or part thereof, a direct and unequivocal statement, phrase or word which will clearly indicate that such merchandise, or each article, unit or part thereof, so advertised is second-hand, used, defective, or consists of "seconds" or is blemished merchandise, or has been rejected by the manufacturer thereof, as the fact shall be.

SEC. 5-3.06 SIDEWALK CLOCKS. It shall be unlawful for any person to maintain any clock erected on any sidewalk in the City of Oakland if upon the pole or stand upon which the same is erected there shall be painted, fastened or otherwise exhibited, any advertisement, notice, words, lettering, inscription, or any other thing than the name of the person, firm, or corporation at whose expense and in front of whose premises said clock is erected and maintained. All such clocks shall be maintained in good condition so as to correctly indicate the time.

SEC. 5-3.07 LITTERING STREETS. It shall be unlawful for any person to scatter, daub or leave any paint, paste, glue, or other substance used for painting and affixing advertising matter to a signboard; or to scatter or permit to be scattered or thrown any bills, waste matter, paper, cloth or material of whatsoever kind removed from a signboard or any other structure erected for advertising purposes, upon any private property, public streets or other public property.

SEC. 5-3.08 IMMORAL ADVERTISING. It shall be unlawful for any person to display for advertising purposes upon any billboard or advertising signboard, or upon or in any window, or upon any building or fence, or in any public place, any delineation of any nude figure, or any matter or thing of an indecent or immoral nature.

SEC. 5-3.09 CARE OF SIGNBOARD LOCATIONS. It shall be unlawful for any person owning, controlling or maintaining any billboard or other board, fence, sign or structure upon which advertising matter is exhibited, to refuse or neglect to cut all weeds and remove all rubbage from the base of same.

SEC. 5-3.10 MUTILATING SIGNS. It shall be unlawful for any person to maliciously destroy, or in any way mutilate, any sign placed upon any real estate, advertising said real estate for sale or for rent, whenever such sign is placed thereon by the owner, or authorized agent of the owner, of said real estate.

SEC. 5-3.11 FALSE ADVERTISING. It shall be unlawful for any person, with intent to sell, deliver, or solicit, or to induce the public in any manner to enter into any obligation relative to, any goods, wares, merchandise, matter, or service, to bring or place, or cause to be brought or placed, before the public in the City of Oakland, through or by means of any advertising medium or device whatsoever, or by public outcry or proclamation, or by any means or in any manner whatsoever, any statement, representation, assertion, cognomen or designation concerning such goods, wares, merchandise, matter of service which is false or untrue or which is in any manner deceptive or misleading.

ARTICLE 4.
AMUSEMENTS.

SEC. 5-4.01 MOVING PICTURES, PERMIT. It shall be unlawful for any person to conduct, hold, maintain or carry on, or to cause or permit to be conducted, held, maintained or carried on, or to participate therein, any public display, exhibition or showing of moving pictures within the City of Oakland unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Fire Marshal.

SEC. 5-4.02 DANCE HALLS, PERMIT. It shall be unlawful for any person to open, conduct, or carry on, or to participate in the opening, conducting, or carrying on of, a public dance in any public place in the City of Oakland unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, and such permit shall set forth, the number and date of the dances to be held under such permit. The investigating official referred to in Section 5-2.03 of this Chapter to whom the application shall be referred, shall be the Chief of Police.

SEC. 5-4.03 DANCE HALLS, REGULATIONS. It shall be unlawful for any person conducting any dance under a permit authorized in Section 5-4.02 of this Article, or any public dance whatsoever, in the City of Oakland, or any agent, employee or representative of such person, to violate or permit the violation of any of the following regulations:

(a) The hall, ballroom or other public place in which any dancing is being done shall be kept well lighted;

(b) No immoral or obscene dancing shall be permitted;

(c) No person under the age of 18 years shall be admitted unless accompanied by his or her parent, guardian or other person having the care and custody of such person;

(d) No vinous, spiritous or other alcoholic beverage shall be permitted on the premises where such dance is being conducted, or any premises directly connected therewith;

(e) No person under the influence of intoxicating liquor shall be admitted;

(f) No return checks shall be issued;

(g) No dancing shall be permitted between the hours of 1 o'clock A.M. and 9 o'clock A.M. next ensuing except with the written consent of the City Manager and the Chief of Police;

(h) A copy of this section shall be kept posted in a conspicuous location in the hall, ballroom or other public place where the dance is being conducted, and at all times during the continuance of such dance.

SEC. 5-4.04 DANCE HALL REGULATIONS, TO WHOM APPLY. The provisions of Sections 5-4.02 and 5-4.03 of this Article shall be construed to apply to public dances given by the management of hotels, to public charitable exhibitions or entertainments given by any association or society, and to public dances given by fraternal or social organizations, even though no admission fee is charged.

SEC. 5-4.05 CABARETS, PERMIT. A cabaret shall be construed to include any place where the general public is admitted, and where entertainment, such as singing, vaudeville, or dancing is furnished by the management of such place without charge to patrons, and where liquid refreshments or foods are sold. It shall be unlawful for any person to own, conduct, operate or maintain, or to participate therein, or to cause or permit to be conducted, operated, or maintained, any cabaret in the City of Oakland unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, the fact that the proposed location of such cabaret is not within 300 feet of any church or synagogue or any building in use as a place of public worship or public school or public library. Public notice shall be given as provided in Section 5-2.04 of this Chapter, and the investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police. In recommending the granting or denying of such permit, the Chief of Police, and in granting or denying the same, the City Manager, shall give particular consideration to the piece and order and moral welfare of the public.

SEC. 5-4.06 CABARET REGULATIONS. It shall be unlawful for any person operating a cabaret under the provisions of Section 5-4.05 of this Article, or any cabaret whatsoever, in the City of Oakland, or any agent, employee or representative of such person to permit any breach of peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct, or otherwise, or to permit such cabaret to remain open, or patrons to remain upon the premises, between the hours of 1 o'clock A.M. and 9 o'clock A.M. next ensuing except with the written consent of the City Manager and Chief of Police, or to violate any of the regulations set forth in subdivisions (a), (b), (c), (d), and (e) of Section 5-4.03 of this Article, which regulations are hereby made applicable to the conduct of cabarets in the City of Oakland.

SEC. 5-4.07 CABARETS. BOOTHS, ENTERTAINERS, ETC. It shall be unlawful for any person operating a cabaret under the provisions of Section 5-4.05 of this Article, or any cabaret whatsoever in the City of Oakland, or any agent, employee or representative of such person, to erect, construct, maintain, or cause or permit to be erected, constructed or maintained, within such cabaret any private rooms, booths or compartments, or any closed stalls, or any alcoves of any nature, so arranged that the entire inner portion of the same shall not at all times be visible; or to permit or allow any female entertainer, operator or employee to leave such cabaret in company with any patron of such place during the time such cabaret is open for business, or to permit any conduct in such place prejudicial to public morals, or to permit any entertainment in such cabaret, except that which is furnished by entertainers employed by the management of such cabaret, and such entertainers shall not be permitted to talk to or mingle with the patrons of such cabaret.

SEC. 5-4.08 CABARET, LICENSE TAX. Every person conducting, managing or maintaining the business of a cabaret in the City of Oakland shall pay a license fee of $50.00 per quarter in advance, and shall keep a copy of the license issued by the City of Oakland, together with a copy of the permit issued pursuant to the provisions of Section 5-4.05 of this Article, together with a copy of Sections 5-4.05, 5-4.06, 5-4.07 and 5-4.08 of this Article, including the regulations set forth in Section 5-4.03 and incorporated in Section 5-4.06 of this Article, posted in a conspicuous place in the premises maintained as such cabaret at all times during which such cabaret is being operated.

SEC. 5-4.09 POOL ROOMS AND BOWLING ALLEYS. PERMIT. It shall be unlawful for any person to open, conduct, maintain, or to participate in or permit the opening, conducting or maintaining of, any public pool room or public billiard room, or place having one or more pool tables or billiard tables and open to the public for playing pool or billiards, or any public bowling alley or place open to the public for bowling, in the City of Oakland, unless there exists a valid permit therefor granted and existing in compliance with the provisions of Article 2 of this Chapter. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police.

SEC. 5-4.10 POOL ROOMS AND BOWLING ALLEYS. REGULATIONS. It shall be unlawful for any person conducting or maintaining any pool rooms, billiard rooms, or bowling alley, under a permit authorized in Section 5-4.09 of this Article, or otherwise, in the City of Oakland, or for any servant or employee of such person, to have or maintain in connection with such pool rooms, billiard rooms or bowling alley, any private room or rooms, excepting rooms used exclusively as toilets or lavatories, and for the purposes of this section, private rooms shall be deemed to be those rooms the entire interiors of which are not exposed to view from the main entrance to such pool or billiard rooms or bowling alley, as the case may be, or from one of the main rooms regularly and habitually used by the general public for the playing of pool or billiards or of bowling; or to keep open any such pool room, billiard room or bowling alley, or permit the same to be kept open, between the hours of 1 o'clock A.M. and 9 O'clock A.M. next ensuing. A copy of Section 3-10.01 of Chapter 3 of this Code shall be at all times kept posted in a conspicuous place in every pool room and billiard room in the City of Oakland.

SEC. 5-4.11 SKATING RINK. A skating rink, as in this section referred to, shall be construed as any building, structure or other place where either roller or ice skates are rented for use, or where a consideration is charged for the privilege of the use of skates, in such place. It shall be unlawful for any person to conduct or maintain, or to permit or cause to be conducted or maintained, any skating rink, or to erect or reconstruct, or continue the erection of, or the reconstruction of, any building, or any part thereof, to be used as, or occupied for the purpose of a skating rink, *or to alter, repair, or make additions* to, any existing building for any such

purpose, within the City of Oakland, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, the dimensions and character of any building or buildings proposed to be so used and the materials of which same is, or is to be, constructed, and shall further set forth the fact that the premises in question are not within 200 feet of any building which is used and occupied as a hospital, church or public school. Public notice shall be given as provided in Section 5-2.04 of this Chapter, and the investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Fire Marshal.

SEC. 5-4.12 RIDING ACADEMIES. PERMIT. A riding academy, as referred to in this Section, shall be construed to include any stable, barn or other building, or group of buildings, where more than three horses are kept or stabled exclusively for the purpose of maintaining or conducting a school or club for equestrians and the general promotion of horsemanship, or for the furnishing of any instructions in riding horses, or for renting or letting out horses for riding purposes, whether under the constant direction of an instructor or in connection with the privileges of a club, society or school, or for hire, or otherwise.

It shall be unlawful for any person to conduct or maintain, or to permit to be conducted or maintained, or to participate in the conduct or maintenance of, a riding academy within the City of Oakland, or to erect, maintain, enlarge or alter any building for the purpose of keeping horses therein for such purpose, whether the same be conducted or maintained as an independent business or in connection with a school, club or society, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, the number of horses to be kept, the dimensions and character of the site and buildings to be used, the manner in which such riding academy is to be managed or maintained, and a statement of the fact that the proposed location of such riding academy is not within 70 feet of any residence, dwelling house, school, hospital or church, Public notice shall be given as provided in Section 5-2.04 of this Chapter, and the investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Health Officer; provided, however, that no permit shall be granted as provided in said Article 2 of this Chapter until such application is also approved by the Fire Marshal of the City of Oakland.

SEC. 5-4.13 RIDING ACADEMIES, MAINTENANCE. LIVERY STABLES. It shall be unlawful for any person maintaining or conducting a riding academy as in Section 5-4.12 of this Chapter provided, to fail to keep the buildings, grounds and premises of such riding academy at all times in a clean, well ordered and sanitary condition, or to fail to keep the horses connected therewith well groomed and healthy. It shall be the duty of the Health Officer of the City of Oakland to cause proper inspection to be made for the enforcement of this section.

Nothing in this section nor in Section 5-4.12 of this Chapter provided, shall be construed to change or affect any provisions of this Code regulating the establishment, or maintenance, or prohibiting, in certain residence zones, any boarding or livery stable. Any riding academy, as in Section 5-4.12 of this Chapter defined, wherein is also conducted or maintained the general business of letting out, boarding, feeding or grooming horses, for hire, or furnishing buggies or wagons for public use, or where mules, burros, dray or work horses are kept, shall be classed as a public livery stable and so regulated as in this Code provided.

SEC. 5-4.14 MINIATURE GOLF COURSES. PERMITS. It shall be unlawful for any person to conduct, maintain or cause or permit to be conducted or maintained, or to participate in the conduct or maintenance of any miniature, pee-wee, or Tom Thumb, golf course, or any other golf course of such nature, within the City of Oakland, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police.

SEC. 5-4.15 MINIATURE GOLF COURSES. REGULATIONS. It shall be unlawful for any person to operate or maintain, or cause or permit to be operated or maintained, any miniature golf course referred to in Section 5-4.14 of this Chapter between the hours of 1:30 A.M. and 7 A.M., or to permit any lights or other illumination thereof to be on during said hours, or any work to be done on such course during said hours, if such golf course is located within 250 feet of any residence, apartment house, flat, hotel or other dwelling which is occupied during the night, or for any such person to permit the electric lights or other illumination of such golf course to be so arranged or constructed as to permit a glare of light to be thrown directly upon any window of any such place of dwelling which is occupied during the night, or for any such person to play, or cause or permit to be played, any piano or other musical instrument, or any radio or phonograph, or any voice or sound amplifier, so that the same is audible in any such place of dwelling between the hours of 10 o'clock P.M. and 7 o'clock A.M. next ensuing; provided, however, that the provisions in this Section contained requiring all lights to be extinguished and that no work be done during certain hours of the night shall not apply to such golf courses as may be housed in buildings constructed in accordance with the building requirements of the City of Oakland applicable to places of public assemblage.

SEC. 5-4.16 MINIATURE GOLF COURSES. SANITARY FACILITIES. It shall be unlawful for any person to operate or maintain, or cause or permit to be operated or maintained, any miniature golf course referred to in Section 5-4.14 of this Chapter, unless there is maintained upon the premises thereof, adequate lavatories, water-closets and all usual incidental sanitary facilities for the use of whomsoever shall be lawfully upon the premises. There shall be not less than one separate unit of said sanitary facilities for men and not less than one separate unit of said sanitary facilities for women.

ARTICLE 5.

BAIL BONDS.

SEC. 5-5.01 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

(a) A "BAIL BOND BROKER" is a person who for compensation furnishes, or offers to furnish, bail required by any court or judge in any criminal proceeding.

(b) A "BAIL BOND AGENT" is one who for compensation is employed by a licensed bail bond broker to furnish, or offer to furnish, bail required by any court in any criminal proceeding.

(c) "COMPENSATION" is any emolument, fee, commission or salary paid to a bail bond broker and/or bail bond agent for furnishing bail required by any court in any criminal proceeding.

(d) One act, for compensation, of furnishing, or offering to furnish, bail to any person in any criminal proceeding shall constitute the person furnishing or offering to furnish such bail, a bail bond broker, or bail bond agent as the case may be; provided, that the provisions of this Article shall not apply to any surety company duly authorized to do business in the State; provided, however, that any agent, representative, or attorney in fact, of any such surety company who shall furnish, or offer to furnish, bail bonds of such surety company for a compensation in excess of that charged by such surety company, shall be deemed to be a bail bond broker within the meaning of this Article.

SEC. 5-5.02 BAIL BOND BROKER. PERMITS. It shall be unlawful for any person to engage in the business of, or hold himself out as, a bail bond broker within the City of Oakland, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. In addition to the requirements specified in Section 5-2.02 of this Chapter, the application for such permit, if made by an association or partnership, shall be signed and verified by each member thereof. Such application shall contain a statement of the character of the work or business done, the dates when, and the names and addresses of the persons for whom each applicant (i.e., each member of an association or partnership making application, and each officer and director of a corporation applicant) has worked during the five (5) years preceding the date of the application; the written recommendation of five (5) residents of the City of Oakland not related to, or to be associated with, the applicant in the bail business, each of whom shall certify that he has known each applicant for five (5) years prior to the date of the application and that the applicant is honest, trustworthy and of good reputation. The person named in the application as the one who will have charge of the bail bond business, if not one of the applicants, must be a bail bond agent. Public notice shall be given as provided in Section 5-2.04 of this Chapter, and the investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police.

SEC. 5-5.03 BAIL BOND BROKER'S BOND. Upon the bail bond broker's permit being granted by the City Manager, the applicant shall forthwith file with the City Clerk a satisfactory bond upon a form furnished by the City Clerk, which bond shall be payable to the City of Oakland and duly executed by the applicant and a sufficient surety or sureties in the amount of $5000.00. Said bond shall be conditioned upon the honest and faithful performance by such bail bond broker and his bail bond agents and employees, of any undertaking as a licensed bail bond broker or bail bond agent or an employee of said broker licensed under this Article, and the strict compliance with the provisions hereof. Said bond shall be further conditioned upon the payment of all damages suffered by the City of Oakland, or any person damaged or defrauded by reason of the violation of any of the provisions of this Article, or by reason of any fraud practiced, or false representation made, by such bail bond broker, his agents or employees, in connection with, or growing out of, any bail transaction contemplated by this Article. Any person who sustains any injury by reason of such fraud or false representation of any bail bond broker, his agents or employees, shall have the right, in his own name, to prosecute an action for damages on said bond against the said bail bond broker and the surety.

No surety on any bond required by this Article, other than lawfully authorized surety companies, shall be taken unless such surety shall be a payer of taxes on property not exempt from execution or subject to homestead claim, the assessed value of which, over and above all encumbrances, is equal in amount to his liabilities on all bonds on which he may be surety to the City and each surety shall certify and make an affidavit that he is assessed upon the last assessment roll of the County, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the City, and that taxes on such property so assessed are not delinquent.

All bonds required by this Article shall be approved by the City Attorney and the City Manager. Whenever it shall appear to the satisfaction of the City Manager that any surety upon any bond has for any reason become insufficient, or whenever any surety shall file with the City Clerk written notice of the cancellation or revocation of any such bond, the licenses of the bail bond broker, and his agents, thereby secured, shall be ipso facto suspended until such time as a satisfactory bond is filed.

SEC. 5-5.04 BAIL BOND AGENT. PERMIT. It shall be unlawful for any person to engage in the business of, or hold himself out as, a bail bond agent within the City of Oakland, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, the name and address of the bail bond broker employed by the applicant or in whose employ he is to enter, the character of the work or business done, the dates when, and the name and address of each person for whom he has worked during the five (5) years preceding the date of application, a recommendation of the applicant's employer and five (5) other residents of the City of Oakland not related to, or to be associated with, him in the bail bond business, who shall certify that they have known him for the last three (3) years and that he is honest, trustworthy and of good reputation, a recommendation of the bail bond broker in whose employ he is to enter, endorsing such applicant and certifying to his employment by said bail bond broker. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police.

SEC. 5-5.05 BAIL BOND LICENSE FEE. Every person engaged in the business of a bail bond broker shall pay a license fee of $100.00 per quarter, payable in advance. Every person engaged in the business of bail bond agent shall pay a license fee of $1.00 per year, payable in advance. No license shall be granted until a permit has been granted as in this Article provided.

SEC. 5-5.06 INFORMATION FILED BY BAIL BOND BROKER. Every person engaged in the business of bail bond broker shall keep on file with the City Clerk the following information:

(a) The name and address of all agents and employees employed by him in said business.

(b) The name of the surety company, together with the name and address of the local representatives of such company, with whom he has arranged to furnish bonds for bail.

(c) The name and address of all personal sureties on the bond herein required of said broker.

Every bail bond broker shall promptly furnish the City Clerk with information concerning any change which may take place in any of the matters required under this section.

SEC. 5-5.07 SOLICITATION OF BAIL BOND BUSINESS. It shall be unlawful for any bail bond broker, or bail bond agent, to solicit business in or about the City Hall, or the lounge in or about or around the police courts, or the corridors thereof, while court is in session, or in or about the city prison or other places where persons are confined under the jurisdiction of the City, or to keep or station men in or about the entrances or elevators of the city prison or police stations, for the purpose of soliciting bail; or for any bail bond broker or agent to act as a runner or capper, or to solicit any business for attorneys, or to make it a condition to the furnishing of bail that the defendant or prisoner shall engage the services of any particular attorney to represent such defendant or prisoner; or for any officer, agent or employee of the City to act as a runner, capper, or solicit any bail business for bail bond brokers or bail bond agents.

SEC. 5-5.08 PRISONER'S REQUEST FOR BAIL. Any person in the custody of a police officer of the City desiring bail shall make a written request for such bail, on a form to be supplied by the Police Department, designating therein the person he desires to furnish such bail.

SEC. 5-5.09 BAIL BOND BROKER'S RECORDS. Each bail bond broker must keep at his office a well bound record in which he must enter by typing or in ink in legible writing in the English language, at the time of each transaction:

(a) The names and home addresses of all defendants for whom he has furnished or deposited bail;
(b) The date and hour of each such transaction;
(c) The offense or charge for which the arrest was made;
(d) The name or number of the court before whom the case was heard or set for hearing or trial;
(e) The amount of the bail;
(f) The character of bail furnished;
(g) The names and addresses of any person or persons agreeing to indemnify such bail bond broker against loss or liability on account of the furnishing or depositing of such bail;
(h) The general description of any property, real or personal, deposited, pledged with, or assigned to, such bail bond broker to indemnify him against loss or liability in respect to such bail;
(i) The disposition of said property upon the exoneration of the bail;
(j) The amount of the fees or commissions charged;
(k) The name of the bail bond agent, the employee or other persons negotiating the bail or arranging details of same.

SEC. 5-5.10 REPORT TO CHIEF OF POLICE. Each bail bond broker shall at 9 A.M. each day furnish to the Chief of Police, on a form to be furnished by the Chief of Police, a legible and complete copy of such record of all bail furnished the previous day. Said report shall be filed with the confidential records of the Police Department.

The books of each bail bond broker, together with the report filed with the Chief of Police, shall be open to inspection to the Police Department of the City of Oakland, the City Manager, the City Attorney and the District Attorney.

SEC. 5-5.11 REVOCATION AND SUSPENSION OF BROKER'S AND AGENT'S PERMITS. In addition to the grounds set forth in Section 5-2.07 of this Chapter upon which a permit may be revoked or suspended, any bail bond broker's or agent's permit granted hereunder may be revoked or suspended for:

(a) Any violation of any law pertaining to the bail bond business;
(b) Making any substantial misrepresentation in connection with said business.
(c) Committing any fraud whatsoever in connection with said bail bond business;
(d) Any other act of the same or different character than herein specified, which shall constitute fraud or dishonest dealing.

SEC. 5-5.12 CONSTRUCTION. Nothing in this Article shall be construed as to interfere with any of the duties, powers or functions of any judge or magistrate of any court in accordance with the provisions of the Penal Code of the State of California relative to bail, or with the constitutional rights of any defendant in any criminal action, or of any prisoner to be released on bail; nor shall the validity of any bail or undertaking filed in any court be affected.

ARTICLE 6.

BATH HOUSES, BARBER SHOPS AND COSMETOLOGY.

SEC. 5-6.01 BATHS AND MASSAGES. PERMITS. It shall be unlawful for any person to engage in, or carry on, or to permit to be conducted or carried on, any business of giving Turkish, Russian, vapor, sweat, electric, salt, magnetic or any other kind or character of baths other than tub baths, or any business of giving massage treatments or alcohol rubs, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, and such permit shall set forth, the exact nature of the baths and/or massages to be given, and such application shall be accompanied by the recommendation of two reputable persons in the City of Oakland as to the moral character of the applicant. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Health Officer. In addition to the grounds set forth in Section 5-2.07 of this Chapter, any such permit may be revoked upon the recommendation of the Chief of Police establishing the fact that such person holding such permit is not conducting such business in a moral way.

SEC. 5-6.02 BATHS AND MASSAGES. REGULATIONS. It shall be unlawful for any person, either as owner, principal, manager, agent, employee or servant, to give any baths or treatments referred to in Section 5-6.01 of this Article, or any other kind or character of baths other than tub baths, or massages, to any person except persons of the same sex as the person giving such treatments; provided, however, that nothing herein contained shall be construed to prohibit the giving of baths and treatments by licensed and practicing physicians, or trained or professional nurses, to the sick.

SEC. 5-6.03 BATH HOUSES. SANITATION. REGULATIONS. It shall be unlawful for any person engaged in the business or occupation, for hire or otherwise, of providing and affording facilities to the public for bathing, to fail to keep and maintain such receptacle or receptacles in a clean and sanitary condition, or to keep any such receptacles which are not lined with porcelain or other suitable metal, stone, tile or cement lining, and provided with proper sewer connections; or for any such person, or any manager or employee of such business, to permit more than one person to occupy or use any such receptacle at the same time, or to permit any person to occupy or use any such receptacle until the same is emptied of the water used by the previous occupant and said receptacle thoroughly cleaned; or for any such person, or any manager or employee of such business, to allow male and female persons using such receptacles to dress or undress, or to bathe, in the same room or compartment, excepting, however, parents bathing children under the age of twelve years; and it shall likewise be unlawful for any person to dress or undress or bathe in the presence of one or more of the opposite sex.

SEC. 5-6.04 SWIMMING POOLS. The provisions of Section 5-6.03 of this Article, other than those pertaining to the mingling of opposite sexes while dressing or undressing, shall not apply to any person conducting or operating any tank or receptacle for swimming purposes, which tank or receptacle covers an area of 250 square feet and attains a depth of at least three (3) feet, and which is not used or maintained for washing or cleaning purposes. It shall, however, be unlawful for any person to maintain or operate any such swimming tank unless it shall be completely emptied and cleaned twice a week, to-wit, on each Tuesday and Friday night between the months of April and October, and at least once a week between the months of October 1st and April 1st, and on such nights the tanks shall be refilled with clean water.

SEC. 5-6.05 BARBER SHOPS. PERMITS. For the purpose of this section, "barber shop" shall include any premises, building, or parts of building, or place whereupon or wherein any of, or any combination of the following practices are carried on for hire or reward: Shaving or trimming the beard or cutting the hair; giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical device; singeing, shampooing or dyeing the hair, or applying hair tonics; applying cosmetics, antiseptics, powder, oils, clays or lotions to the scalp, face or neck, or removing superfluous hair or warts from the scalp, face or neck.

It shall be unlawful for any person to engage in the business of conducting or operating a barber shop unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth in addition to the requirements specified in Section 5-2.02 of this Chapter, and such permit shall set forth the proposed number of barber chairs or other chairs, stools or contrivances upon which persons are to sit or lie for the purpose of receiving any of the services rendered by such barber shop; and the number of the state certificate of registration, if the applicant is a registered barber. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Health Officer. In addition to the grounds specified in Section 5-2.07. of this Chapter, any permit granted hereunder may be revoked or suspended for the violation of any of the provisions of the California Barber Law, or any act concerning cosmetology, or if such barber shop is not properly conducted in a clean and sanitary manner.

SEC. 5-6.06 COSMETOLOGY. It shall be unlawful for any person to engage in the business of conducting or operating a cosmetological establishment, which shall be construed to include any premises, building, or part of a building, whereupon or wherein there is carried on any branch, or any combination of branches, of cosmetology as defined by Act 1755 of the General Laws of the State of California, known as the "Act Concerning Cosmetology", approved May 31st, 1927, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter.

The application for such permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, and such permit shall set forth, the number of operators (which shall include any person who performs any of the practices of cosmetology as defined by the said act concerning cosmetology); and the number of the state license issued to the applicant by the State Board of Cosmetology. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police.

In addition to the grounds set forth in Section 5-2.07 of this Chapter, any permit issued hereunder may be revoked or suspended for any violation of the aforesaid act concerning cosmetology, or upon the recommendation of the Chief Sanitary Inspector establishing the fact that such place is not properly conducted in a clean and sanitary manner.

SEC. 5-6.07 BARBER SHOPS AND COSMETOLOGICAL ESTABLISHMENTS. REGULATIONS. It shall be unlawful for any person conducting, managing or operating any barber shop as provided for in Section 5-6.05 of this Chapter, or any cosmetological establishment as provided for in Section 5-6.06 of this Chapter, or for any person assisting in the maintenance or operation thereof, or employed therein, to violate, or permit to be violated, any of the following regulations:

(a) Every such shop and establishment employing both men and women shall maintain separate toilets for each sex;

(b) Only clean and unused towels shall be used upon any customer, and in no instance shall the same towel be used on more than one person;

(c) All operators and barbers while serving a customer must wear washable outer linen gowns or coats, which must be changed clean and fresh, not less than twice a week;

(d) All clippers, razors, combs, brushes, shaving mugs, shaving brushes, and all steel tools and appliances used by a barber or an operator upon the hair, face or neck of a customer must be sterilized or disinfected before using upon another customer;

(e) All linens, towels and cloths must be kept in an inclosed receptacle; the clean and soiled articles must be kept separate;

(f) No barber or operator shall use any alum or septic pencil upon any customer;

(g) No hair cloth may be placed around the neck of any customer unless the same is placed over a clean and fresh towel, sani-tag cloth or other material. Such towel, sani-tag cloth or other material so used shall not be used on a second customer;

(h) Every such shop or establishment shall have running hot and cold water;

(i) The use of the operating room of the barber shop or cosmetological establishment as a living, dining or sleeping quarters is prohibited;

(j) All walls, floors, furniture, receptacles, jardinieres, cuspidors, and all furnishings and fixtures of a barber shop or a cosmetological establishment must be kept in a clean and sanitary condition at all times;

(k) A certificate of registration as a registered barber or as a registered apprentice, issued by the Board of Barber Examiners, shall be framed and placed in a conspicuous place for public inspection in the barber shop in which such registered barber or registered apprentice is employed, and every operator holding a license issued by the State Board of Cosmetology shall display such license in a conspicuous place for public inspection in the cosmetological establishment wherein he is employed.

ARTICLE 7.
HOSPITALS, DRUG STORES AND PHYSICIANS.

SEC. 5-7.01 REPORT OF INJURIES TO CITY EMPLOYEES. Every physician, surgeon or other practitioner attending or rendering or furnishing medical, surgical or other attention or treatment to any employee of the City of Oakland or any contractor or sub-contractor engaged in performing work for, or under contract with, said City, which employee has sustained any personal injury by accident arising out of and in the course of his employment by said City, or in or upon said work, shall, within twenty-four hours after his first visit to, and examination of, said injured employee, or after having knowledge of such injury furnish a report in writing to the Health Officer, stating the name, age, sex and address of such injured employee, the place where such injured employee is located and being attended or treated, the character, extent, apparent cause, and probable duration, of his injury or injuries, and in cases where the death of such employee has occurred or resulted, the fact, time and cause of such death. Any violation of the provisions of this section shall be a misdemeanor.

SEC. 5-7.02 REPORTS OF TRAUMATIC INJURIES. It shall be the duty of every person conducting any hospital or drug store within the City of Oakland, or the manager, agent or other employee in charge of such drug store or hospital, or any ward or portion of such hospital, to which any person having a traumatic injury may come or be brought, to report the same immediately, both by telephone and writing, to the Police Department, as soon as such injury shall be brought to the attention of such person connected with such hospital or drug store, and such report shall state where such injured person is located, the name of such person if known, and the character or extent of such injury. It shall also be the duty of every physician, surgeon, midwife or other person who may be called at any place in attendance upon any person having a traumatic injury, to make a similar report to the Police Department of the City of Oakland. A violation of any provision of this section shall be a misdemeanor.

SEC. 5-7.03 MATERNITY HOSPITALS. PERMITS. It shall be unlawful for any person within the City of Oakland to establish or maintain, conduct or manage, or permit to be established, maintained or conducted, any maternity hospital or lying-in asylum, where females are, or may be, received, cared for, or treated, during pregnancy, or during or after delivery, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, and such permit shall set forth, the number of females allowed to be received or kept in such maternity hospital or asylum. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Health Officer. In addition to the grounds set forth in Section 5-2.07 of this Chapter, any such permit may be revoked or suspended upon the recommendation of the Health Officer upon the grounds that such maternity hospital or lying-in asylum is being managed, conducted or maintained without due regard to the health, comfort or morality of the inmates thereof, or without due regard to proper sanitary or hygienic arrangements or appliances, and in these matters the said Health Officer shall be the sole judge of such conditions.

Provided, however, that the provisions of this section and of those contained in Section 5-7.04 of this Chapter shall not apply to any person engaged in conducting and maintaining a general hospital for the care and cure of patients generally, and the general practice of medicine and surgery therein.

SEC. 5-7.04 MATERNITY HOSPITALS. REGULATION. Every person maintaining or conducting a maternity hospital or lying-in asylum as provided for in Section 5-7.03 of this Chapter shall keep a register wherein shall be entered the names and addresses of all females taken in and/or cared for at such place, and all children born on the premises, and also the name and age of every child who is given out, adopted or taken away to or by any person, together with the name and address of the person so adopting or taking away such child, and within forty-eight hours after such child is given out or taken away, shall cause a correct copy of the register relating to such child to be sent to the Health Officer. Such register shall, at all reasonable times, be open to the inspection of the Health Officer or other representatives of the Health Department of the City of Oakland, which Health Officer and representatives shall also be permitted, at such reasonable times, to visit the female patients in such hospital or asylum. A violation of any provision of this Section shall be a misdemeanor.

Amd. #1254 eff. 1-28-41 Sec. 5-7.05 to 5-7.16 inc Add By O. #918 C.M.S. (Nursing Homes)
Sec. 5-7.13 REP. by #1254 " 5-7.09-09 and by #958 C.M.S.
" 5-7-09 and. by #1254 eff.
" 5-7.09 " " ARTICLE 8. "
" 5-7-17 add. " #1254 " (Board. Homes for Children)

LAUNDRIES, LINEN SUPPLY AND WASTE RAG SUPPLY ESTABLISHMENTS.

SEC. 5-8.01 DEFINITIONS. For the purposes of this Article certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that they have a different meaning.

SEC. 5-8.01 (a) LAUNDRY ESTABLISHMENT DEFINED. "Laundry establishment" shall include any place where any article of clothing, napery, blankets, bed clothing or fabrics of any kind whatsoever, are washed and/or ironed for hire, or where there is conducted the business of supplying to the public the use of any said articles and of replacing the same with similar articles when those supplied are soiled or used, including any hand-laundry.

SEC. 5-8.01 (b) HAND LAUNDRY DEFINED. "Hand laundry" is any place where laundering is done for hire entirely by hand and without the use of machinery.

SEC. 5-8.01 (c) LAUNDRY AND LAUNDER DEFINED. "Laundry" is any article, or articles of clothing, napery, blankets, bed clothing, or fabrics of any kind whatsoever, that have been, or are about to be, or are being washed and/or ironed for hire. "Launder" means a process whereby laundry is washed and/or ironed for hire.

SEC. 5-8.01 (d) OUTSIDE DRIVER DEFINED. "Outside driver" is one who operates or directs the operation of a vehicle for the purpose of soliciting, picking up and delivering laundry, and who is not an employee of a laundry establishment to which he takes such laundry for laundering.

SEC. 5-8.01 (e) WASTE RAGS DEFINED. "Waste rags" are cloths, rags, or waste used for wiping and cleaning the surfaces of machinery, tools, locomotives, engines, motor vehicles, carriages, windows, furniture and surface of articles, appliances and engines in factories, shops, steamships, boats, and generally used for cleaning purposes in industrial employments, and also used by mechanics and workmen for wiping from their persons soil incident to their employment.

Sec. 5-8.01(f) Clothes Cleaning Estabs. (Add. by #432 CMS.)

SEC. 5-8.02 LAUNDRY ESTABLISHMENT, PERMIT. It shall be unlawful for any person to establish, maintain, conduct, or engage in the business of a laundry establishment in the City of Oakland, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Health Officer, and he shall have the power to grant or deny the permit applied for without referring the same to the City Manager, and he shall not be required to hold a hearing thereon.

Upon such application being referred to the Health Officer, he shall within five (5) days make or cause to be made an investigation of the facts set forth in said application and an inspection of the premises to which such application appertains, and if such premises are found to comply with the requirements of this Article and are found to be adequately equipped with such plumbing, ventilating and other facilities as will render the proposed laundry establishment sanitary and in all respects compatible with public health the Health Officer shall issue a permit authorizing the operation and maintenance of such laundry establishment. If the application is denied, notice of such denial shall forthwith be given to the applicant.

The Health Officer shall from time to time make, or cause to be made, an inspection of all laundry establishments in the City of Oakland, and at any time that he shall find and determine that any such laundry establishment is operated and maintained in violation of any provision of this Article or is a menace to public health, he shall suspend the permit granted to such laundry establishment for such period not to exceed ten (10) days, as may, in his discretion, be sufficient time to correct the condition complained of. Notice of such suspensions and of the improvements required shall forthwith be given in writing to the person in charge of such laundry establishment, and if, at the end of such specified time, the said condition is not so corrected, the Health Officer shall revoke the said permit.

SEC. 5-8.03 LAUNDRY ESTABLISHMENTS, REGULATIONS, BUILDING LOCATION AND USES. It shall be unlawful for any person to establish, maintain, operate or engage in the business of a laundry establishment in the City of Oakland within any part of that portion of any premises which is used for the purpose of conducting any other public business, profession, trade, enterprise or meeting place, or for the purpose of public or private lodging, or for any residential purposes; or upon any premises, any portion of which is frequented by persons likely to spread infectious, contagious or loathsome diseases, or is occupied or used or frequented, directly or indirectly, for any immoral or unlawful purposes; and, provided further, if any portion of the premises upon which such laundry establishment is established, maintained or operated is used for purposes of conducting or maintaining any other public business, profession, trade, enterprise or meeting place, or for purposes of public or private lodging, or for

any residential purposes, the portion of the premises so used shall be entirely partitioned off from the portion used for purposes of such laundry establishment by a substantial partition extending from the floor to the ceiling, without windows, doors, or other openings therein, and constructed with a hard finish surface.

Further provided, that an application for a permit to establish a laundry establishment, as herein provided, may be denied upon the grounds that the proposed location thereof is so nearly adjacent to any existing public school, church, or hospital as to constitute, in the sound discretion of the Health Officer, a menace to public health or a noise nuisance incompatible with the welfare of such institution.

SEC. 5-8.04 LAUNDRY ESTABLISHMENT, REGULATIONS, BUILDING CONSTRUCTION AND FACILITIES. It shall be unlawful for any person to establish, maintain, operate or engage in the business of, a laundry establishment in any building, or any part of a building, within the City of Oakland, unless the same complies at all times with the following regulations:

(a) The division walls throughout the premises so used shall extend from the floor to the ceiling and shall be constructed with a hard finish surface.

(b) The flooring of the wash room or sterilization plant, or any room in which washing is done, shall be constructed of cement or other water-proof material and equipped with adequate drainage facilities.

(c) All rooms so used shall be adequately ventilated, the ventilating facilities to be at all times subject to the supervision and approval of the Health Officer.

(d) No process of laundering, including the operation of the machinery, shall be carried on or located below the sidewalk level.

(e) No article of clothing washed in such laundry establishment shall be dried in any room other than one being used exclusively for drying purposes, which room must be entirely cut off from any other room excepting by a door or doors opening thereinto, which door or doors shall at all times be kept closed except when being used by persons entering or leaving such drying room, provided, however, that the provisions of this paragraph shall not apply where mechanical drying equipment, adequately ventilated and approved by the Health Officer is used.

SEC. 5-8.05 LAUNDRY ESTABLISHMENT REGULATIONS. PRACTICES. It shall be unlawful for any person maintaining, operating, conducting, or engaging in the business of, a laundry establishment to commingle, or permit the commingling of any soiled, unlaundered articles with any laundered or partially laundered articles, or for any person to dampen clothing or permit clothing to be dampened, for the purpose of enabling the same to be ironed, except by hand or machinery.

SEC. 5-8.06 LAUNDRY ESTABLISHMENT, DRIVERS. SOLICITATION. It shall be unlawful for any person to operate, or permit or direct the operation of, any vehicle within the limits of the City of Oakland for the purpose of soliciting, picking up or delivering laundry for hire, unless such laundry is laundered at a laundry establishment maintained and conducted in conformity with the requirements of this Article and ordinances of the City of Oakland appertaining thereto, and the name and address of such laundry establishment must appear in letters at least two (2) inches in height on both sides ofsuch vehicle. If any outside driver operates, or directs the operation of, any vehicle within the limits of the City of Oakland for any of the purposes specified in this section, such outside driver shall, in addition to the other requirements of this section, cause to be displayed on said vehicle his own name and street address, and such outside driver shall have filed with the Clerk of the City of Oakland, a certificate stating the name, address and telephone number, if any, of the laundry establishment to which is taken the laundry solicited by him, and the name and address of said outside driver. The owner or manager of such laundry establishment shall also endorse such outside driver's certificate so filed.

SEC. 5-8.07 LAUNDRY ESTABLISHMENT, FALSE ADVERTISING. It shall be unlawful for any person to in any manner represent any laundry establishment to be a hand-laundry when any part of the laundering done by such establishment is done by machinery, and it shall be unlawful for any establishment, or for any outside driver, to use, or cause to be used, in any manner any name that is so similar to the name of a then existing laundry establishment in the City of Oakland as to deceive any person as to the identity of the same.

SEC. 5-8.08 LAUNDRY ESTABLISHMENT, SIGNS. It shall be unlawful for any person to maintain any office, building or other premises, with any sign displayed thereon which represents such place to be a laundry establishment if all the processes of laundering are not done on such premises, unless there is displayed, in equal magnitude with the aforesaid sign, the name or names, and each of them, of the laundry establishments where any or all of the laundering processes are in fact done.

Amd. Sec 5-8.09 3-19-35

SEC. 5-8.09 LAUNDRY ESTABLISHMENT, APPLICATION. EXCEPTIONS. The provisions of this Article relative to laundry establishments shall not apply to any person doing the laundry work of not to exceed five (5) families.

SEC. 5-8.10 WASTE RAGS TO BE STERILIZED. It shall be unlawful for any person to supply or furnish his employees, or any employee under his direction, with waste rags, or to sell or offer for sale for waste rag purposes, any soiled or used cloths, rags, wearing apparel, bedding, or any part thereof, unless the same shall have been sterilized by a process of boiling for forty (40) minutes in a solution containing at least five per cent (5%) of caustic soda, and unless, before such boiling, the sleeves, legs and bodices of garments have been ripped and made into flat pieces.

SEC. 5-8.11 WASTE RAG SUPPLY ESTABLISHMENTS. PERMITS. It shall be unlawful for any person to establish, maintain, conduct or engage in the business of laundering and sterilizing, or in the business of selling, or offering for sale, or delivering or supplying waste rags, or clothing material intended for use as waste rags, for use within the City of Oakland, unless there exists a valid permit therefor, granted and existing in compliance with the provisions hereinbefore in Section 5-8.02 set forth governing permits to operate laundry establishments.

SEC. 5-8.12 WASTE RAGS, MARKING PACKAGES. Every package or parcel of waste rags, before being sold or offered for sale within the City of Oakland, must be plainly marked "Sterilized Waste Rags" or "Sterilized Wiping Rags", with the number and date of the permit granted as in Section 5-8.11 of this Article provided for conducting the establishment in which such waste rags were laundered and sterilized, together with the words "Health Department, Oakland, California".

SEC. 5-8.13 WASTE RAGS, LAUNDRIES. It shall be unlawful for any person to wash, cleanse, launder or sterilize soiled rags or soiled cloth material for waste rags in any laundry establishment where clothing or articles for personal wear or for household use are laundered.

Sec. 5-8.14 } Add By Clothes Cleaning Establishments
5-8.15 } #432
5-8.16 } Cmds.

ARTICLE 9.

PAWN BROKERS, SECOND-HAND DEALERS AND AUCTIONEERS.

SEC. 5-9.01 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

SEC. 5-9.01 (a) PAWN BROKER DEFINED. "Pawn Broker" shall include every person, firm or corporation, other than banks, trust companies or bond brokers who may otherwise be regulated by law and authorized to deal in commercial papers, shares of stock, bonds and other certificates of value, who keeps a loan or pawn

office or engages in or carries on the business of receiving jewelry, precious stones, valuables, firearms, clothing, or personal property, or any other article or articles in pledge for loans or as security, or in pawn for the repayment of moneys, and exacts an interest for such loans.

SEC. 5-9.01 (b) SECOND-HAND JEWELRY DEALER DEFINED. "Second-Hand Jewelry Dealer" shall include every person who engages in or conducts the business of buying, selling or exchanging old gold, old silver, platinum or articles of platinum, silverware, second-hand jewelry or other precious metals or stones.

SEC. 5-9.01 (c) SECOND-HAND DEALER DEFINED. "Second-Hand Dealer" shall include every person who engages in, or conducts the business of buying, selling or exchanging, whether as a separate business or in connection with other businesses, second-hand or rebuilt typewriters, adding and calculating machines, second-hand bicycles, bicycle accessories, motorcycles, motorcycle accessories, scales, clothing, tools, harnesses, surgical, dental or drawing instruments, firearms, pianos or other musical instruments, furniture, household furnishings, books, used and reclaimed army goods, merchandise, or any other second-hand article or articles or things, excepting, however, second-hand jewelry dealers and second-hand automobile dealers as herein defined, and junk collectors and junk dealers as in Sections 5-1.38 and 5-1.39 of this Chapter defined, nor shall it pertain to automobile wrecking establishments as herein defined; and, provided, further, that nothing in this Article shall be understood to include as second-hand dealers, persons who engage in the business of selling no other second-hand goods or articles than those used and reclaimed, rebuilt or remanufactured, articles or goods which are purchased by such dealer direct from bona fide wholesale dealers, jobbers or manufacturers, or from distributing agents of the United States Army or Navy.

SEC. 5-9.01 (d) EXCHANGE DEALER DEFINED. "Exchange Dealer" shall include every person who engages in or conducts the business of accepting second-hand articles in full or partial payment for any other article or articles carried as stock in trade by such person, and shall include the acceptance of any article in full or partial payment for any rebuilt or remanufactured article of similar or different nature.

SEC. 5-9.01 (e) SECOND-HAND AUTOMOBILE DEALER DEFINED. "Second-Hand Automobile Dealer" shall include every person who engages in or conducts the business of buying, selling, exchanging, storing, or otherwise dealing in, used or second-hand automobiles, tires, radiators, magnetos, speedometers, or other second-hand automobile accessories. Amend - see Ord 1839 CMS.

SEC. 5-9.01 (f) AUTOMOBILE WRECKING ESTABLISHMENT DEFINED. "Automobile Wrecking Establishment" shall include any establishment, building or other place where the business is carried on of wrecking old or used automobiles or other motor vehicles, and adding or employing the accessories and parts thereof in equipping, repairing or rebuilding motor vehicles, or storing, selling, or otherwise disposing of, such accessories or parts.

Amd. by O. #691 CMS.

SEC. 5-9.01 (g) AUCTIONEER DEFINED. "Auctioneer" shall include every person who shall, at public outcry, offer for sale, as principal or agent, to the highest bidder on the spot, any article of merchandise or property.

Sec. 5-9.01 (h) Add by O #691 CMS.

Amd. by #517 CMS

SEC. 5-9.02 PAWN BROKERS, SECOND-HAND JEWELRY DEALERS, SECOND-HAND DEALERS, EXCHANGE DEALERS. PERMITS. It shall be unlawful for any person to engage in, or carry on, or conduct, or to permit to be carried on, engaged in or conducted, within the City of Oakland, the business of any pawn broker, second-hand jewelry dealer, second-hand dealer, or exchange dealer, whether as a separate business or in connection with any other business, or to advertise the same by means of signs or notices on buildings or windows, or by distribution of printed circulars, or by public display, or otherwise in any manner whatsoever, unless there exists

a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, and such permit shall set forth, the exact nature of the business to be carried on, and, in addition to the requirements specified in Section 5-2.02 of this Chapter, such application shall set forth the fact that the applicant has been a resident of the City of Oakland for more than one year previous to the time of application, and such application shall be accompanied by the signatures of three (3) resident freeholders certifying to the good moral character and reputation of the person or persons making such application. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police. In addition to the grounds set forth in Section 5-2.07 of this Chapter, any permit may be revoked upon the recommendation of the Chief of Police establishing the fact that such permittee has, or has had, in his possession any stolen article without there having been made a record of such article as hereinafter in this Article provided.

SEC. 5-9.03 RECORD OF TRANSACTIONS. Every person managing, maintaining or conducting the business of any pawn broker, second-hand jewelry dealer, second-hand dealer, or exchange dealer, in the City of Oakland, shall keep, or cause to be kept, at the store or place of business, a well bound book containing a record in which shall be legibly entered in the English language, in ink, at the time of every purchase, sale, exchange, pledge, pawn or other transfer of possession of any article, or loan thereon, a description of such article received or delivered in such transaction, sufficient to identify the same including all particular or prominent marks of identification that may be found on such property, the signature, address, age, sex and description of the person receiving, delivering or transferring the property or who is otherwise dealt with, the amount of money paid or received in such transaction, and the rate of interest, if any, and the date and hour of the transaction.

SEC. 5-9.04 INSPECTIONS AND REPORTS. The record of transactions required by the provisions contained within Section 5-9.03 of this Chapter shall be open for inspection by the Police Department at any time during business hours, and the Police Department shall also have the right to thoroughly inspect the premises, store or place where the business so recorded is being conducted at any time in search of any lost or stolen property, or to compare the entries kept in such records with the article or articles located on such premises or place of business. All persons in charge of such business, and the agents and employees thereof, shall render to the Police Department such assistance as may be reasonably necessary to enable it in such inspection or search. The person in charge of such business shall each day excepting holidays, furnish, or cause to be furnished, to the Chief of Police at 9 o'clock A.M., a legible and complete copy of such record, and the Chief of Police shall, upon receipt of such reports, cause the same to be permanently filed in the offices of the Police Department, and the same shall be open for inspection only, to the Police Department of the City of Oakland or upon an order of the court duly made for that purpose. The said reports shall be made upon forms to be furnished by the Chief of Police.

SEC. 5-9.05 MERCHANDISE HELD FOR THIRTY DAYS. All articles purchased, received and exchanged, pledged, pawned or otherwise taken into possession, by any person maintaining or operating the business of pawnbroker, second-hand jewelry dealer, second-hand dealer or exchange dealer, or the agent thereof, shall be held for a period of thirty (30) days before being placed on exhibition, sold, exchanged, removed from the place of business where it was received, or delivered to any person, or otherwise disposed of, provided, however, that any such article may be delivered or returned at any time to the true owner thereof or his authorized agent.

SEC. 5-9.06 PURCHASES FROM MINORS AND SERVANTS. It shall be unlawful for any person maintaining or conducting the business of any pawn broker, second-hand jewelry dealer, second-hand dealer, or exchange dealer, or any agent or employee thereof, to purchase or take any goods or article or thing offered to him by any minor, or knowingly purchase or take any such goods, articles or things from any servant or apprentice without first ascertaining that such article or thing is the property of the person delivering the same, or that such servant or apprentice has the authority from the owner to deliver or sell such property.

SEC. 5-9.07 HOURS. It shall be unlawful for any person conducting or maintaining the business of pawn broker, second-hand jewelry dealer, second-hand dealer, or exchange dealer, or any agent or employee thereof, to keep, or cause to be kept, such place of business open on the 1st day of January, the 30th day of May, the 4th day of July, the 25th day of December, of each year or on any Sunday, or on any other day except between the hours of 7 o'clock A.M. and 7 o'clock P.M.; provided, however, that on Saturdays and days preceding the aforesaid holidays, such business may be kept open until 11 o'clock P.M.

Any person engaged in conducting any business other than those hereinabove mentioned on the same premises as such business, or in conjunction with the same, shall notwithstanding close the place of such other business at the same time and in the same manner as herein provided. No person shall be engaged in any occupation at such place of business or businesses, or remain therein, during any such time such place of business or businesses is by this section required to be closed.

Amended by O. #587 CMS.

SEC. 5-9.08 SECOND-HAND AUTOMOBILE DEALER AND AUTOMOBILE WRECKING ESTABLISHMENTS. PERMITS. It shall be unlawful for any person to engage in, or carry on, or conduct, or to permit to be carried on, engaged in, or conducted, within the City of Oakland, the business of a second-hand automobile dealer, or the business of an automobile wrecking establishment, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, and such permit shall set forth, the exact nature of the business to be carried on, and in the case of an application for a permit to operate or maintain an automobile wrecking establishment, such application shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, the dimensions and character of construction of the building in which such business is proposed to be carried on, and the permit granted pursuant thereto shall be at all times subject to all regulations in this Code provided pertaining to permits granted for the maintenance and operation of a public garage. The investigating officials referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police, and in addition thereto, in the case of any application for a permit to operate or maintain an automobile wrecking establishment, such application must also be approved by the Fire Marshal, and public notice of the hearing on such application shall be given as provided in Section 5-2.04 of this Chapter.

(#350 CMS) Sec. 5-9.081 Restrictions Auto Wrecking Estabs. (O. 587 CMS)
" 5-9.082 2d hand " " " "

rec 5-9.084 Amd by O. 2419 CMS 3/27/47

SEC. 5-9.09 SECOND-HAND AUTOMOBILE DEALERS AND AUTOMOBILE WRECKING ESTABLISHMENTS. RECORDS AND REPORTS. Every person operating, maintaining or carrying on the business of a second-hand automobile dealer or an automobile wrecking establishment shall keep, or cause to be kept, a record of the purchase, sale, exchange or storage of any automobile, or part thereof or accessory thereto, which record shall at all times be open to the inspection of the Chief of Police, or any officer detailed by him, and such person shall, as often as the Chief of Police shall direct, make out and deliver to him, on a blank form to be furnished by the Chief of Police, a full and complete report of the purchase, sale, exchange, storage or other transaction of such property. The said report shall contain the name of the person from whom purchased, the make, state license number, motor number, body number, style and seating capacity of all second-hand automobiles purchased, sold, exchanged or placed in storage; the make, size and number of second-hand automobile tires; and the make and number of second-hand radiators, speedometers and magnetos so purchased, sold, exchanged or otherwise dealt with, together with such other information concerning said property as may be necessary to prove ownership or identity of such second-hand automobiles or automobile parts and accessories. A violation of any provision of this section shall be a misdemeanor, and it shall further be unlawful for any such person engaged in any such business to dispose of any second-hand automobile or part thereof or accessory thereto, until a report has been made concerning the purchase, sale or exchange of said property to the Chief of Police and he, or an officer detailed by him, shall have had an opportunity of inspecting the same.

SEC. 5-9.10 AUTOMOBILE OWNERSHIP CERTIFICATE. Every person engaged in the business of an automobile wrecking establishment shall, immediately upon the receipt of the ownership certificate of any motor vehicle, stamp and/or write across the face of said certificate the word "Wrecked", and said certificate, together with the license plates on such motor vehicle, shall be turned over to the Police Department of the City of Oakland. The Chief of Police of said department shall designate a member thereof to collect said ownership certificates and number plates from said automobile wrecking establishments, and turn the same over to the Division of Motor Vehicles of the State of California. Any violation of the provisions of this section shall be a misdemeanor.

SEC. 5-9.11 STORAGE OF SECOND-HAND BUILDING MATERIAL. PERMIT. It shall be unlawful for any person to establish or maintain, or to cause to be established or maintained, any yard, place or premises for the storage of second-hand building material unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Fire Marshal.

SEC. 5-9.12 STORAGE OF SECOND-HAND BUILDING MATERIAL. REGULATION. It shall be unlawful for any person to establish or maintain, or cause to be established or maintained, any yard, place or premises for the storage of second-hand building material unless the same be continuously equipped with one 1½ inch hose reel and one 2½ gallon fire extinguisher, both in working condition, for each 8000 square feet of area of such premises or fraction thereof. All building material in such yards and premises shall be placed in piles, with aisles at least 3 feet in width between such piles.

SEC. 5-9.13 JUNK DEALERS AND COLLECTORS. PERMITS. It shall be unlawful for any person to engage in or carry on or conduct, or to permit to be carried on, engaged in, or conducted, within the City of Oakland, the business of a junk collector or a junk dealer as defined in Sections 5-1.38 and 5-1.39 of this Chapter unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police.

Sec. 5-9.131 - Add by O #719 CMS. (Resident 2 yrs, finger prints etc)

SEC. 5-9.14 JUNK DEALERS AND COLLECTORS. RECORDS. Every person engaged in, carrying on, or conducting, the business of junk dealer or junk collector referred to in Section 5-9.13 of this Chapter, shall keep, or cause to be kept, at such place of business a substantial well-bound book, and shall promptly enter therein an exact description of all personal property purchased by him, the date of purchase, the name and residence or place of business of the person from whom purchased, and all particular and prominent marks of identification that may be found on such property; said book shall be kept neat and clean, and all notes made therein shall be neatly and legibly written in ink and in the English language, and such book shall at all times during the ordinary hours of business, be open to the inspection of the Chief of Police or any officer designated by him.

Sec 5-9.141 Add by O #719 CMS. (Signatures req. No of Lic Plates etc)

SEC. 5-9.15 JUNK DEALERS AND COLLECTORS. REGULATIONS. It shall be unlawful for any junk dealer to dispose of any junk until at least five (5) days have elapsed since he took possession of same; or to receive any personal property by way of a pledge or pawn, or to engage in the business of a pawn broker on the same premises wherein the business of junk dealer is located; or for any junk collector or junk dealer to purchase, collect or acquire any property, or to keep, or cause to be kept, such place of business open on any Sunday or on the 1st day of January, the 30th day of May, the 4th day of July, or the 25th day of December, or upon any day appointed by the President of the United States or by the Governor of this State for a public fast, thanksgiving or holiday, or at any time except between the hours of 8:30 o'clock A.M. and 6 o'clock P.M.

It shall be unlawful to store or keep any bones, or refuse foodstuff, or any junk intermingled with food materials or particles thereof, which may attract rats, mice or like rodents or serve as food for them, or to permit such materials to accumulate on the premises of any junk dealer or junk collector, or in any junk yard or junk shop whatsoever, except such bones or other materials be stored in a covered bin of metal, concrete, tile or other solid or pervious substance so constructed as to be entirely rat-proof.

SEC. 5-9.16 AUCTIONEER. PERMITS. It shall be unlawful for any person to engage in the calling of auctioneer, or to hold, conduct, carry on or maintain, any auction room or place for holding public auction sales, or to advertise or hold himself out to the public as an auctioneer, or to conduct, carry on or maintain any sale of goods by public auction, in the City of Oakland, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The applicant for such permit must be a citizen of the United States, and of the State of California. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police. Such permit may be granted to a firm or corporation, provided such firm or corporation shall designate a member thereof to act as such auctioneer.

SEC. 5-9.17 AUCTIONEER. BOND. FORFEITURES. No person shall engage in the calling of an auctioneer in the City of Oakland unless, in addition to the permit required under the provisions of Section 5-9.16 of this Chapter, he shall have filed with the City Clerk a bond for the faithful performance of his duties, which bond shall be in the principal amount of $5000.00, payable to the City of Oakland, and shall be signed by two or more sureties, each of whom must be worth said sum. Said bond shall be approved by the City Manager and the City Attorney.

For every violation of any of the provisions of this Article pertaining to the calling of auctioneer, or to auctions, in addition to such penalty as may be otherwise provided for such violation, such auctioneer shall forfeit to the City of Oakland the sum of $250.00, which amount shall be recoverable upon said bond.

SEC. 5-9.18 AUCTIONS. FALSE REPRESENTATIONS. SUBSTITUTED MERCHANDISE. FALSE BIDS. It shall be unlawful for any person to sell, or attempt to sell, by auction, or to advertise for sale by auction, any goods, wares or merchandise falsely representing or pretending the same to be, in whole or in part, a bankrupt or insolvent stock, or damaged goods, or goods saved from a fire, or to make any false statement as to the previous history, ownership, quality or character of such goods, wares and merchandise, or for any person to offer for sale at auction any article and induce its purchase by any bidder and afterwards to substitute any article in lieu of that offered to and purchased by the bidder, except with the bidder's knowledge and consent.

It shall be unlawful for any person to falsely act as bidder in the capacity of what is commonly known as a "capper", "booster" or "shiller" merely for the purpose of increasing the amount of the bids at any auction sale or place for conducting public auctions, or to offer or make any false bid, or pretend to buy any article sold or offered for sale at any public auction.

SEC. 5-9.19 AUCTIONS. JEWELRY PROHIBITED. Amd. O. # 691 CMS It shall be unlawful for any person to sell, dispose of, or offer for sale, at public auction in the City of Oakland, or to cause or permit to be sold, disposed of, or offered for sale, at public auction, any platinum, gold, silver or plated ware, precious stones or semi-precious stones, watches or other jewelry, whether the same shall be their own property or whether they shall sell the same as agents or employees of others.

O. 691 CMS

SEC. 5-9.20 AUCTIONS. JEWELRY. ESTATES AND STOCK ON HAND. The provisions of Section 5-9.19 of this Chapter shall not apply to judicial sales, or sales by executors or administrators, nor to sale at public auction of the stock on hand of any person that shall, for the period of one year next preceding such sale, have been continuously in business in the City of Oakland as a retail or wholesale merchant of such merchandise as is referred to in Section 5-9.19 of this Article. Such sales at public auction of the stock on hand of such merchant shall be held on successive days, Sundays and legal holidays excepted, and shall not continue for more than thirty (30) days in all from the commencement of said sale, and shall be permitted only where such merchant is bona fide disposing of his stock for the purpose of retiring from business.

O. 691 CMS.

SEC. 5-9.21 AUCTIONS. JEWELRY. PERMIT. It shall be unlawful for any person to conduct any sale under the provisions of Section 5-9.20 of this Article unless such person shall, not less than fifteen (15) nor more than thirty (30) days previous to conducting such sale, procure a permit so to do, which permit shall be granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, the purpose of the sale, the expected duration of the sale, a detailed itemization of the quality, quantity, kind or grade of each item of the goods, wares and merchandise to be sold, the wholesale value thereof, and the name of the auctioneer who shall conduct the sale. Such application must also be accompanied by satisfactory evidence that the jewelry proposed to be sold is a bona fide part of the applicant's stock in trade and not secured, purchased or brought into said place of business for, or in anticipation of, said sale. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police.

Sec 5-9.211 date 5-9.219 add by O. 691 CMS.

In no event shall any auction sale of jewelry as herein provided for be conducted between the hours of 6 o'clock P.M. and 8 o'clock A.M. next ensuing.

SEC. 5-9.22 AUCTION. CRIER. Any auctioneer may employ a crier at any sale, and the said auctioneer shall be responsible upon his bond for the acts of said crier.

SEC. 5-9.23 AUCTIONS. RECORDS. REPORTS. Each auctioneer must keep a record book in which he must enter all sales, the amount paid and the date of each sale, which book must be open at all times to the inspection of the Police Department of the City of Oakland and any other person interested therein. Daily reports must be filed with the Chief of Police of all sales held under the provisions of this Article pertaining to auctions, which reports shall set forth a description of the Article sold, the persons to whom sold, the amount received, the lot number or pledge number, or stock number of the items so sold, which shall in each case comply with such number contained in the inventory filed previous to holding such sale, contained within the application for a permit as provided in Section 5-9.21 of this Chapter. A violation of any provision of this section shall be deemed a misdemeanor.

SEC. 5-9.24 POLICEMEN TO REPORT NEW BUSINESSES. All patrolmen in the Police Department of the City of Oakland shall render a full and complete report to the Chief of Police, of all new stores opening for business on beats within their patrol, giving data as to the license number, date of opening, nature of the business, owner's name, former place of business, and such other information as may be required by the Chief of Police.

SEC. 5-9.25 AUCTIONS. PENALTIES. Any person or persons aggrieved or damaged by any act of an auctioneer in the City of Oakland in violation of, or contrary to, the provisions of this Article, may be liable to an action against such auctioneer and his bondsmen upon his official bond therefor.

SEC. 5-9.26 AUCTIONS FOR CHARITIES. The provisions of this Article relative to auctioneers and auction sales shall not apply to any auction held for charitable or benevolent purposes, or any church fair, festival or bazaar.

(Add by Ord No. 425 CMS) Sec. 5-9.27 — Pawnbrokers Record Receipts — 5-9.28

ARTICLE 10.

PEDDLERS, SOLICITORS AND ITINERANT VENDORS.

SEC. 5-10.01 PEDDLERS. POLICE CERTIFICATE. It shall be unlawful for any person to solicit or take orders from house to house, or upon any public street, grounds or squares, or within any public buildings, within the City of Oakland, for the sale of any article, merchandise or other thing of value; or to peddle the same or solicit in such manner any monies, funds, articles, merchandise or other thing of value for any charitable, religious, business or other purpose, without a police certificate, provided, however, that no such certificate shall be required of drummers, traveling salesmen, or other persons engaged in soliciting or taking orders exclusively from the trade, or established retail dealers, for the delivery of goods, wares or merchandise by wholesale.

SEC. 5-10.02 APPLICATION FOR, AND GRANTING OF, POLICE CERTIFICATE. An application for a police certificate required by the provisions of Section 5-10.01 of this Chapter shall be made in writing to the Chief of Police, shall be presented in person, and shall set forth the nature of the business of the applicant, the firm or corporation which the applicant represents, the kind of goods or property to be sold, solicited or dealt in, and such further information as the Chief of Police may require. Such application shall be accompanied by the written recommendation of not less than five (5) citizens of the City of Oakland, concerning the moral character, honesty and integrity of the applicant. The applicant, upon filing his application, shall be fingerprinted by the Bureau of Identification.

The Chief of Police, if satisfied as to the moral character, honesty and integrity of the applicant, shall issue to him a police certificate to engage in the said business within the City of Oakland, which certificate shall be effective for a period of one year from date of issuance, and any renewal thereof shall be made upon application made as herein required in the instance of the original application. Such police certificate, together with any license otherwise required of such person by the provisions of this Code, shall be at all times carried by the person therein certified when he is engaged in said business. The Chief of Police shall at all times maintain in his office a complete list of all persons to whom such police certificates have been issued.

SEC. 5-10.03 "NO PEDDLER" SIGNS. It shall be unlawful for any person carrying on the business of peddling as defined in Section 5-1.35 of this Chapter, or any person pretending to be a peddler, or any solicitor as defined in Section 5-1.36 of this Chapter, or any person pretending to be a solicitor, to ring the bell or knock at the door of any residence or dwelling whereon a sign bearing the words "No Peddlers", or words of similar import, are painted or affixed so as to be exposed to public view, or to peddle, or pretend to peddle, or to solicit or pretend to solicit, in any building wherein or whereon the words "No Peddlers", or words of similar import, are painted or affixed so as to be exposed to public view.

SEC. 5-10.04 PEDDLERS. CERTIFICATE OF ACCURACY. It shall be unlawful for any person to engage in, or carry on, the business of itinerant vendor as defined in Section 5-1.37 of this Chapter, or of peddling fruits, vegetables, meat, poultry, fish, game, or other edible foods of any kind, as peddling is defined in Section 5-1.35 of this Chapter, or of junk collector or junk dealer as defined in Sections 5-1.38 and 5-1.39 of this Chapter, in the City of Oakland, without first obtaining a certificate of accuracy, issued to such person and signed by the Sealer of Weights and Measures of Alameda County, certifying that the weights, measures, scales or other apparatus or appliances used, or to be used, for weighing or measuring any commodity or article sold, or to be sold, by such person in the City of Oakland, and bought or sold by such person, to be accurate, and no license shall be granted to any such person as provided in Article 1 of this Chapter unless such person, upon application for such license, exhibits to the Bureau of Permits and Licenses, for inspection, a certificate of accuracy, issued and dated not more than one hundred (100) days previous to the date of such application for a license, and upon issuing such license, the

Bureau of Permits and Licenses shall write or stamp upon the face of the certificate of accuracy the license number and the date such license is issued.

SEC. 5-10.05 PEDDLING FOODSTUFFS FROM VEHICLES. It shall be unlawful for farmers, hucksters or vendors of fruits, vegetables, fish or dairy products, to display for sale such goods, wares and merchandise to the passing public in or from wagons, vehicles or portable stands on the streets or sidewalks of the City of Oakland; provided, however, that nothing in this section contained shall be construed as forbidding the peddling of such goods, wares or merchandise from house to house in wagons or other vehicles as may be permitted by regulations elsewhere set forth in this Chapter.

Sec. 5-10.051 - Peddling from Handcarts (Repealed - O.# 2231 C.M.S. - 7/9/46 PREVIOUSLY DECLARED UNCONSTITUTIONAL)

SEC. 5-10.06 PEDDLING PUBLICATIONS. It shall be unlawful for any person to sell, or offer for sale, any book, periodical or other publication, except newspapers, from any hand-cart or other vehicle upon the streets or sidewalks of the City of Oakland, or to maintain any hand-cart or other vehicle for the sale or offering for sale of newspapers, or to sell or offer for sale any newspapers from any hand-cart or other vehicle upon the streets or sidewalks of said City, without first having obtained a permit therefor in compliance with the provisions of Article 2 of this Chapter. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police.

SEC. 5-10.07 MEDICINE PEDDLERS. It shall be unlawful for any person to engage in the business of dealing in or peddling medicine by calling attention to his wares or advertising the same by use of music, entertainment, special, fancy or grotesque dress, or other device, upon any public street, or any open, unenclosed or vacant lot or parcel of land, whether the actual sale of such wares is made upon said premises or elsewhere, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, and such permit shall set forth, the character or nature of the amusement to be furnished and the length of time proposed to conduct said business. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police.

SEC. 5-10.08 PEDDLERS' CARTS, STANDS. It shall be unlawful for any person having charge or control of a cart, wagon or any vehicle used for the vending of goods, wares, merchandise, meats, fruits or vegetables, therefrom, commonly known as peddlers' carts or wagons, to occupy, or permit to be occupied, as a stand for such cart, wagon or vehicle, any portion of any street, lane, alley or sidewalk in the City of Oakland, or to cause or permit such cart or wagon to stand within three hundred (300) feet of any entrance to any public park or school house for the purpose of peddling such goods or merchandise therefrom.

Nothing in this Section shall be so construed as to conflict with, or repeal, any provision of this Code or any Ordinance establishing and regulating a street market in the City of Oakland.

SEC. 5-10.09 PEDDLING IN CERTAIN DISTRICT. It shall be unlawful for any person to traffic in, vend or sell, or attempt to, or offer to, traffic in, vend or sell, any goods, wares, merchandise, meats, vegetables, fruits, berries, produce, or any article of household, family or domestic supplies, within the territory hereinafter in this section defined, unless the same is done by such person at a fixed place of business conducted in a building or store lawfully occupied by him.

The territory above referred to in this section is bounded and particularly described as follows: All that portion of the City of Oakland bounded on the south by a line drawn parallel to and 100 feet southerly of the southern line of First Street, on the east by a line drawn parallel to and 100 feet easterly of the eastern line of Harrison Street, on the north by a line drawn parallel to and 100 feet northerly of the northern line of 17th Street, and on the west by a line drawn parallel to and 100 feet westerly of the western line of Jefferson Street, and also

Beginning at the intersection of a line drawn parallel to and 100 feet southerly of the southern line of First Street with a line drawn parallel to and 100 feet easterly of the eastern line of Alice Street; thence northerly along said last named line to a line drawn parallel to and 100 feet southerly of the southern line of 11th Street; thence easterly along said last named line to the center line of Fallon Street; thence northerly along the center line of Fallon Street and its production to the western shore of Lake Merritt; thence northerly and westerly along the western shore of Lake Merritt to a line drawn parallel to and 100 feet easterly of the eastern line of Harrison Boulevard; thence northerly along said last named line to a line drawn parallel to and 100 feet northerly of the northern line of 22nd Street and Grand Avenue; thence westerly along said last named line and its productions to a line drawn parallel to and 100 feet westerly of the western line of San Pablo Avenue; thence southerly along said last named line to a line drawn parallel to and 100 feet westerly of the western line of Grove Street; thence southerly along said last named line to a line drawn parallel to and 100 feet southerly of the southern line of First Street; thence easterly along said last named line to the point of beginning.

SEC. 5-10.10 PEDDLING IN CERTAIN DISTRICTS. CONSTRUCTION. Nothing in Section 5-10.09 contained shall be construed as preventing or making unlawful the prompt delivery in good faith of any of said personal property to or at any such fixed place of business (so situated and conducted in such building or store within said territory) in any case where such personal property, so being delivered, is actually and in good faith consigned goods, or has actually and in good faith been theretofore purchased at a place outside of said territory by such lawful occupant of such fixed place of business, actually doing business therein, and said property is in either such case then being delivered to him thereat; provided, however, that the Chief of Police of the City of Oakland, in his discretion, may at any time grant a permit to any person to sell such personal property within such district and within the fire limits of the City of Oakland for a limited period only, not to exceed five (5) days.

ARTICLE 11. Amended by O #835 CMS.
PRIVATE PATROL SERVICE. (Private Patrol System-Private Watchman)

SEC. 5-11.01 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed, as herein set out, unless it shall be apparent from their context that a different meaning is intended.

(a) "Private patrol system" is any business which purports to furnish or does furnish any private policeman, watchman or guard to patrol any territory, or to guard or watch property of another person, in the City of Oakland.

(b) "Private patrol watchman" is any individual who patrols any territory, or guards or watches property of another person within the City of Oakland, and who is employed by a person holding a private patrol system permit or who himself holds a permit to operate a private patrol system and a private patrol watchman's permit as required by this Article.
Sec 5-11.011 Private Watchman defined (add by O #835 CMS)

SEC. 5-11.02 UNLAWFUL TO OPERATE A PRIVATE PATROL SYSTEM WITHOUT A PERMIT. It is hereby declared to be unlawful for any person, either as principal, or agent, or otherwise, to engage in the business of operating a private patrol system, unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter and as hereinafter in this Article set forth. If the applicant for such permit is an individual, he shall sign the application personally. If the applicant is an association, firm or co-partnership, such application shall be signed personally by each person composing or intending to compose such association, firm or co-partnership. If the applicant is a corporation, such application shall be signed by each member of its Board of Directors. Such application shall be sworn to by all persons signing the same before some person authorized to administer oaths.

SEC. 5-11.03 CONTENTS OF APPLICATION FOR PRIVATE PATROL SYSTEM PERMIT. In addition to the requirements specified in Section 5-2.02 of this Chapter, the application for a permit required under the provisions of Section 5-11.02 of this Article, shall set forth the following information:

(a) The business or occupation for the five (5) years last past of each person signing the application, giving the name and address of each employer, the date of commencement and termination of employment and the nature of the services performed by each such person;

(b) The territory of the City of Oakland in which it is desired to operate the proposed private patrol system;

(c) The hours during which it is proposed to patrol such territory or render guard or watchman service;

(d) The address of the principal place of business of the applicant, or the proposed principal place of business, and all existing or proposed branch offices;

(e) State whether or not the applicant holds a license issued by the Board of Prison Directors of the State of California as a private detective. If the applicant holds such a license, give the date of the issuance thereof, and the name and address of his surety or sureties. If the applicant has ever applied for such a license and had the same denied, give date of application.

(f) State whether any person signing the application has ever been arrested on a charge of the commission of a felony, or a charge involving moral turpitude, at any time, or arrested for any reason, within the five (5) years last past, giving full details;

(g) If the applicant is a corporation, the application shall be accompanied by a certified copy of the resolution or minutes authorizing the application.

The City Clerk shall maintain a permanent file to be known as "Applications and Permits for Private Patrol Systems" wherein he shall maintain separately all records and documents of his office pertaining to each private patrol permit application and private patrol watchman permit.

SEC. 5-11.04 PROCEDURE ON APPLICATION FOR PRIVATE PATROL SYSTEM PERMIT. Upon application being filed for a Private Patrol System Permit as in this Article provided, the investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police. Upon receipt of same, the Chief of Police shall forthwith make an investigation as to the truthfulness of the facts therein set forth, and the reputation and character, competency and integrity of each person signing the application, and whether the management, conduct and operation of such proposed private patrol system will or will not comport with the public welfare, and for this purpose shall consider any facts or evidence bearing on the moral fitness and reputation of those who will be in charge of such private patrol system and any other evidence or fact tending to assist in enlightening the City Manager in this respect. Upon the completion of such investigation, he shall file a written report thereof (in duplicate) with the City Clerk, who shall forthwith deliver a copy thereof to the City Manager.

SEC. 5-11.05 CITY MANAGER TO HOLD HEARING ON APPLICATION. Upon receipt of the written report of the Chief of Police as in Section 5-11.04 of this Article provided, the City Clerk shall forthwith set the application for public hearing before the City Manager at a date not less than five (5) days after its receipt. The City Clerk shall give written notice to the applicant and to such other persons as may in writing request notice, and shall post a notice on the Bulletin Board of the City Council in the City Hall, of the day, time and place of such hearing not less than two (2) days prior to such hearing. Such hearing may be continued over from time to time as the circumstances may require.

Amended By #402 C.M.S.

SEC. 5-11.06 CITY MANAGER TO GRANT OR DENY PERMIT. Upon application for a private patrol system permit as in this Article provided for, the City Manager shall grant or deny the same to the applicant within ten (10) days after the completion of the hearing thereon in Section 5-11.05 of this Article provided for, but such permit shall not be issued until the applicant shall exhibit to the City Manager a valid and existing license issued to him by the Bureau of Permits and Licenses to carry on such business, and shall have filed with the City Clerk a surety bond as hereinafter in this Article provided, or shall have filed with said City Clerk a certified copy of a valid and existing license issued to the applicant by the Board of Prison Directors of the State of California to carry on the business of a private detective; provided, however, the City Manager shall deny an application if it appears:

(a) That any person signing the application has ever been convicted of a felony or a misdemeanor, involving moral turpitude; or

(b) That any person signing the application does not have a good reputation for honesty, or character, or integrity, or sobriety, or is not a responsible person; or

(c) For any reason, within his sound discretion, that a private patrol system is not needed within the territory set forth in the application, or for any other reason, would not comport with the public welfare.

SEC. 5-11.07 SURETY BOND. Any person who has made application for a private patrol system permit under this Article and who does not hold a valid permit issued by the Board of Prison Directors of the State of California to carry on the business of a private detective, shall, before any permit is issued to him, deliver to and file with the City Clerk of the City of Oakland a surety bond, executed by a surety company authorized to do business in the State of California, in the sum of $2000.00, conditioned for the faithful and honest conduct of such business by such applicant, which bond shall be upon a form provided by said City Clerk and approved as to its form and execution by the City Attorney. Such bond shall be taken in the name of the people of the City of Oakland, and every person injured by the wilful or malicious or negligent or wrongful act of the principal, his agents or employees, may bring an action on said bond in his own name to recover damages suffered by reason of said wilful or malicious or negligent or wrongful act. A surety bond filed as herein required may be cancelled only by service of a written notice upon the City Clerk of the City of Oakland not less than five (5) days prior to the effective date of such cancellation, and the holder of a private patrol system permit and his private patrol watchmen, thereby secured, shall be ipso facto suspended upon the cancellation of said bond, until such time as another bond is filed as herein required in the first instance.

Amended by #402 C.M.S.

SEC. 5-11.08 CONDITIONS OF PERMIT FOR PRIVATE PATROL SYSTEM. Any permit for a private patrol system in this Article provided for shall be issued upon the following terms and conditions:

(a) That such private patrol system shall be operated and conducted subject to the general supervision of the Chief of Police of the City of Oakland; and

(b) That the holder of such permit will require each private patrol watchman employed by him to:

(1) Report by telephone to such places and at such intervals as the Chief of Police may require;

(2) Report by telephone to the nearest police station immediately upon receipt of any police signal system;

(3) Aid, assist and co-operate with the Oakland Police Department in the detention or apprehension of persons suspected of violating the law.

Sec. 5-11.081, 5-11.082 Added By #402 C.M.S.

SEC. 5-11.09 UNLAWFUL TO ACT AS PRIVATE PATROL WATCHMAN WITHOUT PERMIT. It shall be unlawful for any person to act as a private patrol watchman, or for any person holding a private patrol system permit to employ, or permit any person to act as, a private patrol watchman, unless such person holds an unrevoked permit to so act as provided in this Article. The holder of a permit for a private patrol system may file with the City Clerk an application (in

triplicate) requesting that a permit to act as a private patrol watchman be issued to the person therein named. The application shall be accompanied by a filing fee of $5.00, and shall be upon a form supplied by the City Clerk and shall be sworn to before a person authorized to administer oaths, and must state the length of time that the affiant has known such person, that he has investigated such person and believes him to be a man of good character, honesty and reputation, competency and integrity, and physically and mentally capable of performing the duties of private patrol watchman, and that he will require such person, if a permit is granted to him, to conform to and abide by all requirements of this Article. If the applicant is the holder of a private patrol system permit, he need only file the written statement required by Section 5-11.10 of this Article.

See 5-11.091 Private Watchman, Application, Permit, Revocation (Add by O #835 Cccs)

SEC. 5-11.10 WRITTEN STATEMENT--CONTENTS--TO ACCOMPANY APPLICATION FOR WATCHMAN'S PERMIT. Such application for a private patrol watchman permit in Section 5-11.09 provided for shall be accompanied by a written statement (in triplicate) upon a form supplied by the City Clerk, sworn to by the person to whom it is desired that a permit be issued, before a person authorized to administer oaths, setting forth the following information:

(a) The full name and home address of such person;

(b) The business or occupation, for the five (5) years last past, of such person, giving the name and address of each employer, the date of commencement and termination of employment, and the nature of the services performed;

(c) If he has ever been arrested on a charge of the commission of a felony or charge involving moral turpitude at any time, or arrested for any reason within five (5) years last past, give full details;

(d) That he is able to read, write and speak the English language;

(e) Such other information as the City Manager or Chief of Police may require.

SEC. 5-11.11 PROCEDURE ON APPLICATION FOR WATCHMAN'S PERMIT. Immediately upon the receipt of an application for a private patrol watchman's permit and the written statement, in this Article provided for, the City Clerk shall forward one copy thereof to the Chief of Police, one copy to the City Manager, and file the original with the records of his office pertaining to the permit issued to the applicant.

The person named in an application for a private patrol watchman's permit shall, within three (3) days after the filing of such application with the City Clerk, present himself to the Bureau of Criminal Identification of the Oakland Police Department to be photographed and fingerprinted. The Inspector in Charge of said Bureau shall forthwith cause said person to be photographed and fingerprinted, and such photograph and fingerprints shall be filed in the permanent records of said Bureau.

SEC. 5-11.12 CHIEF OF POLICE TO GRANT OR DENY WATCHMAN'S PERMIT. Upon receipt by the Chief of Police of a copy of such application for a watchman's permit as in Section 5-11.11 of this Article provided, and the written statement concerning same, he shall forthwith investigate the truthfulness of the facts therein set forth, the moral fitness and reputation, character, integrity and competency of the person who made such statement, and if, upon the completion of such investigation, he concludes that such statements are true and that he is a qualified and fit person to act as a private patrol watchman, he shall issue a permit to such person granting him the right to act as a private patrol watchman for the person making the application; provided, however, such application must be denied if it appears:

(a) That such person has been convicted of a felony or a misdemeanor involving moral turpitude, or of a violation of the Eighteenth Amendment to the United States Constitution, or any act of the State of California carrying out the objects and purposes of said constitutional amendment, or any state or federal narcotic law; or

(b) That he does not have a good reputation for honesty, or character, or integrity, or is not a responsible person, or does not have the necessary mental, or moral or physical qualifications to perform the duties of a private patrol watchman; or

(c) That he cannot read, or write, or speak the English language.

SEC. 5-11.13 REVOCATION OF PRIVATE PATROL WATCHMAN'S PERMIT. Any permit granted pursuant to this Article for a private patrol watchman may be revoked by the Chief of Police for any reason for which the granting of such permit might be lawfully denied, or for the violation of any provision of this Article, or whenever it shall appear to the Chief of Police that said person does not have the intelligence, or courage, or judgment necessary for the performance of the duties of a private patrol watchman, or has been under the influence of intoxicating liquors while performing his duties, or for any other good cause. Such revocation shall be made only after a hearing granted to the holder of such permit before the Chief of Police in accordance with the provisions of Section 5-2.07 of this Chapter.

SEC. 5-11.14 WATCHMAN'S PERMIT TO EXPIRE--WHEN. A permit to act as a private patrol watchman, unless previously revoked as in this Article provided, shall expire and terminate upon the termination or revocation of the permit granted to the person who made application for his private patrol watchman permit, or upon his discharge, removal or resignation as an employee of the person who made application for his permit.

Amd. by O. #835 cms

SEC. 5-11.15 UNLAWFUL TO WEAR UNIFORMS SIMILAR TO POLICE, ETC. It shall be unlawful for any person to wear, or cause or permit to be worn, any uniform in the operation of a private patrol system that is similar to the uniform used by the Oakland Police or Fire Departments, and no uniform shall be worn unless the same shall have been first approved by the Chief of Police.

Amd. by O. #835 cms.

SEC. 5-11.16 UNLAWFUL TO DISPLAY BADGE SIMILAR TO POLICE, ETC. It shall be unlawful for any person to wear or display, or cause to be worn or displayed, any badge or insignia similar in design to that used by the Oakland Police or Fire Departments, and no badge or insignia shall be worn, displayed or used in any manner unless the same has been first approved by the Chief of Police.

SEC. 5-11.17 UNLAWFUL TO MANUFACTURE PRIVATE PATROL WATCHMAN'S BADGE. It shall be unlawful for any person to make or manufacture or sell any badge of a like or similar design to that used by the Oakland Police Department or Oakland Fire Department, or to make or manufacture or sell any badge to be used by a private patrol system or private patrol watchman, except upon the written order of the Chief of Police.

SEC. 5-11.18 UNLAWFUL TO USE RANK, ETC., WITHOUT CONSENT OF CHIEF OF POLICE. It shall be unlawful for any person to use, wear or exhibit any rank or insignia of rank, orcause or permit to be used, worn or exhibited any rank or insignia of rank, by any person operating, or employed by a person operating, a private patrol system, except such as may be approved in writing by the Chief of Police.

SEC. 5-11.19 CHIEF OF POLICE TO FILE COMPLAINTS. The Chief of Police is hereby authorized, empowered and directed to file, or cause to be filed, with the Board of Prison Directors of the State of California, a complaint against any person holding a permit to carry on the business of private detective issued by such Board, whenever he believes good cause exists therefor.

SEC. 5-11.20 MUST PAY LICENSE TAX. Nothing in this Article contained shall be construed to permit any person to operate a private patrol system unless such person shall have first paid any license that may be required by Article 1 of this Chapter or by other Ordinance of the City of Oakland, and nothing herein shall be construed as a waiver of any such license.

ARTICLE 12.

SERVICE STATIONS AND GARAGES.

SEC. 5-12.01 DEFINITIONS. For the purposes of this Article certain words and phrases are defined, and certain provisions shall be construed, as herein set out, unless it shall be apparent from their context that they have a different meaning.

SEC. 5-12.02 PUBLIC GARAGE DEFINED. "Public garage" is a building or other premises where motor vehicles are rented out to or hired by the public, or where a charge is made for any work done on or in repairing motor vehicles for the public, or where more than four automobiles or more than eight motorcycles are kept for any purpose whatsoever; provided, however, such term shall not include factories or plants for the manufacture or assembling of new motor vehicles, or commercial warehouses or automobile sales rooms storing motor vehicles in which no gasoline, distillate or other fuel is maintained or placed, and shall not be construed to include commercial garages, automobile service stations, automobile super-service stations or automobile parking stations as said terms are hereinafter in this section defined.

SEC. 5-12.03 COMMERCIAL GARAGE DEFINED. A "Commercial garage" is a building or portion thereof, or other premises, in which more than four automobiles, or more than eight motorcycles are kept or stored, and are so kept or stored incidental to and in furtherance of a private commercial enterprise, but are not so kept, stored, or in any manner serviced for the public; excepting, however, that said term shall include hotel garages maintained exclusively for the patrons and tenants of such hotel and in which no repair work or other service than storage is allowed.

SEC. 5-12.04 APARTMENT HOUSE GARAGE DEFINED. "Apartment house garage" is any building or room attached to, maintained or conducted in connection with any apartment house, as defined by the "State Housing Act", which building or room is used, built or designed for the housing of automobiles belonging to the tenants of such apartment house.

SEC. 5-12.05 AUTOMOBILE SERVICE STATION DEFINED. "Automobile service station" is a building or portion thereof, or other premises, used for the purpose of furnishing gasoline and/or lubricating oils, in the open air, to motor vehicles.

SEC. 5-12.06 AUTOMOBILE SUPER-SERVICE STATION DEFINED. "Automobile super-service station" is a building or group of buildings used for the purpose of furnishing gasoline and/or lubricating oils in the open air, to motor vehicles, and in or from which greasing, washing, battery, tire and similar services are rendered to the public, but in which no motor vehicles are stored or kept and no major repairs are made.

SEC. 5-12.07 AUTOMOBILE PARKING STATION DEFINED. "Automobile parking station" is any lot, parcel of land or premises where motor vehicles are stored, kept or parked for the public, in the open air, and a charge is made therefor, and no other service is offered the public; provided, however, that said term shall not be construed to include any building or structure in which motor vehicles are stored, kept or parked.

SEC. 5-12.08 MOTOR VEHICLE ESTABLISHMENT DEFINED. A "motor vehicle establishment" is any public garage, commercial garage, automobile service station, automobile super-service station, or automobile parking station as herein defined.

Amd By Ord #627 Cms

SEC. 5-12.09 DYE WORKS, CLOTHES CLEANING ESTABLISHMENT DEFINED. "Dye works" or "clothes cleaning establishment" is any building or premises where more than one quart of gasoline is kept or stored for use for cleaning, dyeing or renovating any clothing or article of wearing apparel or fabric of any kind.

SEC. 5-12.10 PERMIT REQUIRED. It shall be unlawful for any person to establish, conduct, maintain or use, or cause or permit to be established, conducted, maintained or used any building, lot, parcel of land or premises as a motor vehicle establishment, dye works or clothes cleaning establishment, or to erect or construct, or to continue to erect or construct, or to alter, repair or make additions to, any building or part thereof, or to extend or enlarge any premises, to be used as, or occupied for the purpose of a motor vehicle establishment or a dye works or clothes cleaning establishment without first obtaining a written permit therefor from the City Manager, which permit shall be granted and existing in compliance with the provisions of Article 2 of this Chapter. In addition to the requirements specified in Section 5-2.02 of this Chapter, the application for such permit shall state the exact size of the site or place to be used, the dimensions, height and character of any building or buildings proposed to be so used, and the materials used in the construction of same.

If the permit applied for includes the right to erect or construct or to continue to erect or construct, or to alter, repair or make additions to, any building or part thereof, or to extend or enlarge any premises, the said application shall be accompanied by a complete set of plans and elevations of such proposed improvement. Such permit shall not, however, be in lieu of any building permit required by the provisions of this Code, but no permit issued by the Building Inspector for any such building shall be valid until the permit herein provided for has been secured. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Fire Marshal. Such application must, however, also have the approval of the Building Inspector before a permit shall be granted.

SEC. 5-12.11 USE OF APARTMENT HOUSE GARAGES. Apartment house garages shall be used exclusively for housing of automobiles belonging to the tenants of the apartment house in connection with which said garage is conducted. It shall be unlawful for any person, to use any apartment house garage, or any portion thereof, for the construction, alteration, or repair of automobiles, or for the storage, for commercial purposes, of automobile parts or accessories; provided, that minor repairs of automobiles lawfully housed in any such garage may be made therein. No gasoline, except that carried in the gasoline tanks of automobiles, shall be kept in such garage and no gasoline shall be put into or taken out of any automobile while the same is in such garage.

SEC. 5-12.12 SALE OF GASOLINE. IDENTIFICATION OF MANUFACTURER. It is hereby declared to be unlawful for any person to sell gasoline as defined in Section 2-1.05 of this Code, from any tank, barrel, drum or other movable or stationary container, unless there is securely fastened, in a manner plainly visible to any person purchasing such gasoline, a metal disk twelve (12) inches in diameter, bearing in letters not less than one (1) inch in height the name of the firm manufacturing such gasoline; provided, however, that in case such gasoline is sold from a pump attached to any such container such disk shall be securely fastened in like manner to said pump.

It is hereby declared to be unlawful for any person selling gasoline to fill any tank of any motor propelled vehicle while the engine of said motor propelled vehicle is in operation.

SEC. 5-12.13 SALE OF LUBRICANTS. IDENTIFICATION OF PROCEDURE. It shall be unlawful for any person to sell, offer for sale, or deliver, or to cause or permit to be sold, offered for sale or delivered, in the City of Oakland, any oil represented as lubricating oil for the cylinders of internal combustion engines unless there shall be firmly attached or painted at or near the point of outlet from which said oil represented as lubricating oil for the cylinders of internal combustion engines is drawn or poured out for sale or delivery, a sign or label consisting of the word or words in letters not less than three (3) inches in height, comprising the brand or trade name of said lubricating oil; provided that when said sign or label is attached to the faucet or valve or a tank truck or tank wagon, the letters shall be not less than 3/4 inch in height,

and provided that if the above required sign or label is on a container having a capacity of fifteen (15) gallons or less, the letters shall be not less than $\frac{1}{2}$ inch in height, and provided that if any of said lubricating oil shall have no brand or trade name, the above required sign or label shall consist of the words, in letters not less than three (3) inches high, with the exceptions above provided, "Lubricating oil, no brand".

SEC. 5-12.14 SALE OF LUBRICANTS. . MISREPRESENTATION. It shall be unlawful for any person to display any sign, label or other designating mark which describes any petroleum oil or petroleum product not actually sold or offered for sale or delivery at the location at which the sign or other designating mark is displayed, or to display any label upon any container, which label names or describes a petroleum product not actually contained therein, but offered for sale or sold as such.

(#348 C.M.S.) SEC. 5-12.15 Regulating Repair of Motor Vehicles in Buildings

ARTICLE 13.

TRADES AND MANUFACTURIES.

SEC. 5-13.01 BAKERIES. STANDARD LOAVES OF BREAD. It shall be unlawful for any person to make or procure for the purpose of sale, or sell or offer or expose for sale, within the City of Oakland, any bread, the loaves of which are not standard in weight as herein provided. The standard small loaf shall weigh, unwrapped, twelve hours after baking, sixteen ounces avoirdupos. The standard large loaf shall weigh, unwrapped, twelve hours after baking, twenty-four ounces avoirdupois. Twin loaves or multiple loaves may be baked, sold, offered or exposed for sale, provided each unit thereof conforms to the standard weights as herein fixed.

A commercial tolerance is hereby fixed on the standard small loaf of one ounce in excess, and a commercial tolerance on the standard large loaf of one and one-half ounces in excess. There shall, however, be no tolerance below the standard weights specified.

SEC. 5-13.02 BAKERIES. STANDARD WEIGHT OF ROLLS. INSPECTIONS. It shall be unlawful for any person to make or procure for the purpose of sale, or sell or offer or expose for sale, any rolls if any unit thereof shall weigh, when unwrapped, twelve hours after baking, less than one ounce or more than three ounces.

All inspections of the weight of bread and rolls shall be made by averaging the weight of not less than twenty-five loaves of bread of any one unit. Such average weight of bread loaf or rolls shall not be less than the minimum nor more than the maximum weight prescribed by the regulations set forth in this section and Section 5-13.01 of this Article.

SEC. 5-13.024 - HOURS AND TIMES OF DELY. OF BAKERY GOODS - (DECLARED UNCONSTITUTIONAL REPEALED by O. 2231 C.M.S. 7/9/46)

SEC. 5-13.03 PICKLE MANUFACTURING. It shall be unlawful for any person to store within the limits of any one block in the City of Oakland, more than one thousand (1000) gallons of pickles or vegetable produce in the course of preparation therefor, unless the same be kept in water-tight casks, tanks, bottles or jars securely closed; or for any person to engage in the business, or assist in the business, of manufacturing pickles within the limits of the City of Oakland; provided, that the provisions of this section shall not apply to the storage or manufacture of pickles within the limits of that portion of the City of Oakland bounded on the south and west by the southern and western boundary lines of the City of Oakland, and on the north and east by a line running along the northern line of the Southern Pacific mole from the western boundary of the City of Oakland to an intersection with the northern line of the lands of the Central Pacific Railroad Company; thence along the northern line of the lands of the Central Pacific Railroad Company to its intersection with the center line of Third street; thence along the center line of Third Street to the center line of Lewis Street; thence along the center line of Lewis Street, extended southerly to the center line of First Street extended westerly; thence easterly along the center line of First Street extending westerly and

along the center line of First Street to the center line of Oak Street; thence southerly along the center line of Oak Street extended southerly to the southern boundary line of the City of Oakland.

SEC. 5-13.04 REDUCING OF ANIMAL, ETC., SUBSTANCES. It shall be unlawful for any person to maintain or operate, or permit to be maintained or operated, any establishment for the rendering or reducing of tallow, or other animal or vegetable substance, or to carry on or conduct the business of rendering or reducing the same, unless the rendering, reducing, heating or steaming of any animal or vegetable substance generating noisome or unwholesome odors or gaseous vapors be conducted in steam-tight kettles, tanks or boilers, and in such manner as shall entirely condense, decompose, deodorize or destroy the odors, vapors or gaseous products, or in any event unless the same was established prior to, and has been continuously maintained and conducted since, July, 1916, or unless the same be located within that certain tract of land bounded and described as follows:

Beginning at a point where the southeastern boundary line of lands conveyed by deed dated November 7th, 1868, and recorded in Liber 36 of Deeds, at page 355, Alameda County Records, intersects the southwestern line of the 100 foot right of way of the Central Pacific Railroad situated in Brooklyn Township, now a part of said City of Oakland, and running thence along said line of said railroad right of way South 42° 23' East 4.26 chains to the center of a ditch; thence along the center of said ditch South 64° 15' West 6.50 chains more or less to the center of a slough leading to the Bay of San Leandro; thence in a southwesterly direction following the center of said slough to the intersection of the center line of said slough with the Survey of the shore line of the Bay of San Leandro at midway between Stations 201 and 202 of the Survey of said shore line in Section 17, Township 2 South, Range 3 West, as shown upon Sale Map No. 10, issued by the Board of Tide Land Commissioners under an Act of the Legislature approved April 1st, 1870; thence along said shore line in a northwesterly direction to its intersection with the said southeastern boundary line of the land conveyed by said deed, so recorded in Liber 36 of Deeds at page 355 of Alameda County Records, as aforesaid; and thence along said boundary line North 47½° East 14.50 chains; North 84½° East 11.25 chains; North 66¾° East 16.46 chains; North 58¾° East 8.75 chains, and North 61° East 30 links to the point of beginning.

SEC. 5-13.05 "MATTRESS" DEFINED. The term "mattress" as used in this Article shall be construed to mean and include any quilted pad, comforter, mattress, mattress pad, bunk quilt or cushion, stuffed or filled with wool, hair or other soft material, to be used on a couch or other bed for sleeping or reclining purposes.

SEC. 5-13.06 MATTRESSES. CERTIFICATE OF HEALTH DEPARTMENT. It shall be unlawful for any person to maintain or operate, or engage in, the business of making or remaking, and the sale of, mattresses within any building, room, apartment, dwelling, basement or cellar or any other premises within the City of Oakland, without having first obtained a certificate issued by the Health Department after duly inspecting such premises, and signed by the Health Officer of the City of Oakland, that the premises are in a sanitary condition and that all arrangements for carrying on the business without injury to public health have been complied with in accordance with the provisions of this Code and other Ordinances of the City of Oakland, and that all provisions of law pertaining to the conduct of such establishments have been complied with. Said certificate, when issued, shall be kept displayed in a prominent place on the said premises and shall be valid for a period of one year from the date of issue, at the end of which time a new certificate must be procured as herein provided.

Such certificate may at any time be revoked, for cause, upon recommendation of the Health Officer and in accordance with the provisions set forth in Section 5-2.07 of this Chapter.

SEC. 5-13.07 MATTRESSES. MATERIALS USED. It shall be unlawful for any person to employ or use, or permit to be used, in the making, remaking or renovating of any mattress, or to sell, offer to sell, deliver or consign, or have in his possession with the intent to sell, deliver or consign, any mattress in which there has been used in making, remaking, or renovating the same, any material of any kind that has been used in, or has formed a part of, any mattress used in or about any public or private hospital or institution for the treatment of persons suffering from disease, or for or about any person having any infectious or contagious disease, or any material known as "shoddy" and made in whole or in part from old or worn-out clothing, carpets or other fabric or material from which "shoddy" is constructed, or any material whatsoever of which prior use has been made, unless all of the said material has been thoroughly sterilized and disinfected by a process approved by the Health Department of the City of Oakland.

SEC. 5-13.08 MATTRESSES. STERILIZATION. TAG. It shall be unlawful for any person to cause or permit to be renovated or remade, bought, sold or offered for sale, or to have in his possession with intent to sell, any renovated or remade or used or second-hand mattress unless the same has been sterilized and has thereto attached, or upon a muslin or linen tag not smaller than three inches square, permanently attached to the covering thereof, a statement, in the English language, setting forth, in type not smaller than twenty point, the following facts: This is a (renovated) (used) mattress and has been sterilized with _____ (material used) on _____ (day) _____ (month) _____ (year) by _____ (firm's name) Health Department's Certificate No. _____.

SEC. 5-13.09 MATTRESSES. USED MATERIAL. STERILIZATION. It shall be unlawful for any person to sell, or offer for sale, or deliver or consign, or to permit to be sold or offered for sale or delivered or consigned, or to have in his possession with intent to sell, deliver or consign, any material which has been previously used as, or formed a part of, any mattress unless the same has been sterilized in a manner satisfactory to the Health Department.

SEC. 5-13.10 MATTRESSES. STATEMENT OF MATERIALS. It shall be unlawful for any person to directly or indirectly, at wholesale or retail, or by public auction or otherwise, sell, offer for sale, deliver or consign or auction, or cause or permit the same to be done, or have in his possession with intent to sell, deliver or consign, any mattress that shall not have plainly and indelibly stamped or printed thereon, or upon a muslin or linen tag not smaller than three inches square, permanently attached to the covering thereof, a statement, in the English language, setting forth the kind or kinds of materials used in filling the said mattress, and whether the same are, in whole or in part, new or old, or second-hand or shoddy, and the name and address of the manufacturer and/or the vendor thereof, together with the tag required by the provisions of Section 5-13.08 of this Article, which statement of materials shall be in substantially the following form:

MATERIALS USED IN FILLING

_____

_____

Vendor _____

Address _____

This Article is made in compliance with the Oakland Municipal Code.

SEC. 5-13.11 MATTRESSES. MATERIALS DEFINED. In making the statement required by Section 5-13.10 of this Chapter relative to the use of materials in mattresses, or in otherwise representing or defining materials used in any mattress offered for sale in the City of Oakland, it shall be unlawful to use the word "felt" as applied to cotton unless it shall be designated whether said "felt" is "felted cotton" or "felted linters"; or to use the word "floss" or words of like import, if there has been used in filling said mattress any materials which are not termed as "Kapok"; or to use the word "hair" unless said mattress is entirely manufactured of animals' hair; or to use any misleading terms or designation; or any term or designation likely to mislead.

Any mattress made from more than one new material shall have stamped upon the tag attached thereto the percentage of each material so used. Any mattress made from any material of which prior use has been made shall have stamped or printed upon the tag attached thereto, in type not smaller than twenty point, the words "second-hand material". Any mattress made from material known as "shoddy" shall have stamped or printed upon the tag attached thereto, in type not smaller than twenty point, the words "shoddy material".

SEC. 5-13.12 MATTRESSES. DEFACING TAGS. Any person who shall remove, deface or alter, or in any manner attempt the same, or shall cause to be removed, defaced or altered, any mark or statement placed upon any mattress under the provisions of this Article, shall be guilty of a misdemeanor.

SEC. 5-13.13 MATTRESSES. REGULATIONS. The Health Department of the City of Oakland shall from time to time adopt such rules and regulations governing the sanitation, disinfection and sterilization of mattresses as it may deem necessary and proper to give effect to the provisions of this Article relative to the manufacture and sale of mattresses, and said department shall have the power to enforce such rules and regulations so made.

SEC. 5-13.14 MATTRESSES. SEPARATE OFFENSES. The unit for a separate and distinct offense in violation of any of the provisions of Sections 5-13.05 and 5-13.13, both inclusive, of this Chapter, shall be each and every mattress made, remade, renovated, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver or consign, contrary to the provisions of said sections.

ARTICLE 14.
VEHICLES FOR HIRE.

SEC. 5-14.01 DEFINITIONS. For the purposes of this Article certain words and phrases are defined, and certain provisions shall be construed, as herein set out, unless it shall be apparent from their context that they have a different meaning.

SEC. 5-14.01 (a) TAXICAB DEFINED. A "tabicab" is an automobile or other auto-motor propelled vehicle used in the transportation of passengers for hire over the public streets of the City of Oakland and not over a defined route or upon a fixed schedule, which vehicle is equipped with a taximeter by which the charge is mechanically calculated.

SEC. 5-14.01 (b) AUTOMOBILE FOR HIRE DEFINED. An "automobile for hire" is an automobile or other auto-motor propelled vehicle used in the transportation of passengers for hire over the public streets of the City of Oakland and not over a defined route or upon a fixed schedule and is hired only upon a time basis, and is not equipped with a taximeter, excepting, however, that "drive-yourself vehicles" as herein defined, hearses and ambulances are not included within said phrase.

SEC. 5-14.01 (c) DRIVE-YOURSELF VEHICLE DEFINED. A "drive-yourself vehicle" is an automobile or other auto-motor propelled vehicle offered to the public for hire for the transportation of passengers over the public streets of the City of Oakland and without a driver being supplied therewith.

/Amended by O. #711 CMS.

SEC. 5-14.01 (d) MOTORBUS DEFINED. A "motorbus" is an automobile or other auto-motor propelled vehicle used in the transportation of passengers for hire over the public streets of the City of Oakland and over a defined route and upon a fixed schedule, excepting motorbus continuations of street railway lines and/or a part of a street railway system, and auto stages plying between the City of Oakland and other cities. The term shall include sightseeing busses and motorbusses used by air-lines for transportation of their patrons.

/Amended by O. #711 CMS.

SEC. 5-14.01 (e) PUBLIC MOTOR VEHICLE DEFINED. A "public motor vehicle" is any "taxicab", "automobile for hire", "drive-yourself vehicle", or "motorbus", as herein defined.

SEC. 5-14.01 (f) OWNER DEFINED. An "owner" is any person, firm or corporation having proprietary control of, or right to proprietary control of, any public motor vehicle as herein defined.

SEC. 5-14.01 (g) DRIVER DEFINED. A "driver" is any person in charge of or operating any public motor vehicle, as herein defined, either as agent, employee or otherwise, under the direction of the owner, as herein defined.

See 5.14.01(h) Add by O #711 CMS Sight Seeing Bus defined

SEC. 5-14.02 OWNER'S PERMIT TO OPERATE PUBLIC MOTOR VEHICLE. It shall be unlawful to operate any public motor vehicle in the City of Oakland unless the owner thereof shall apply for, and obtain, a permit so to do, which permit shall be applied for, granted and in existence, all in compliance with the provisions of Article 2 of this Chapter. The application for such owner's permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, the number of vehicles proposed to be operated, a complete description of the vehicles proposed to be operated and of the proposed operations, together with the initial rates to be charged therefor. In addition thereto, every application for an owner's permit to operate a motorbus shall set forth, in full, the proposed routes and schedules, and every application for an owner's permit to operate a taxicab shall set forth, in full, the color scheme and characteristic insignia to be used to designate the vehicles of said owner. Such applications for an owner's permit shall also be accompanied by a sworn financial statement of the applicant. Public notice shall be given as provided in Section 5-2.04 of this Chapter, and the contents of such notice in addition to those specified in Section 5-2.04, shall include a statement of the kind and number of the vehicles to be operated and the nature of the proposed operations. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police.

Sec. 5.14.02 (Notice of Hearing) Add by #820 CMS.

/Amended by Ord. #820 CMS.

SEC. 5-14.03 ACTION ON APPLICATION FOR OWNER'S PERMIT TO OPERATE PUBLIC MOTOR VEHICLE. In addition to the grounds set forth in Section 5-2.05 of this Chapter upon which an application for an owner's permit may be denied, the City Manager shall deny the same if it shall appear to his satisfaction that such vehicle proposed to be operated is inadequate or unsafe; that the applicant has been convicted of a felony or a violation of the Eighteenth Amendment to the Constitution of the United States, or of any narcotic law, or of any penal law involving moral turpitude; that the applicant's proposed color scheme or other insignia will tend to confuse the identification of the vehicles proposed to be operated by such applicant with those of another owner operating in the City of Oakland; that in case of an application to operate a motorbus, the proposed schedule is inadequate, or the proposed route is incompatible with expedient traffic regulations. Further, the City Manager may deny the granting of any permit to operate any public motor vehicle in the City of Oakland for the reason that there is insufficient public need or demand for the operation of the vehicle or vehicles for which a permit has been applied, or for any reasonable cause which, within his sound discretion, renders the proposed operations undesirable to the City of Oakland, or inadequate.

SEC. 5-14.04 SUSPENSION AND REVOCATION OF OWNER'S PERMIT TO OPERATE PUBLIC MOTOR VEHICLE. In addition to the grounds set forth in Section 5-2.07 of this Chapter upon which the City Manager may revoke or suspend any owner's permit to operate a public motor vehicle, the City Manager shall have the power to so suspend or revoke the same for a violation of any of the provisions of this Code or any Ordinance relating to traffic or use of streets, or for a failure to pay any judgment for damages arising from the unlawful or negligent operation of the public motor vehicle for which the permit was issued.

SEC. 5-14.05 DRIVER'S PERMIT TO OPERATE A PUBLIC MOTOR VEHICLE. It shall be unlawful for any driver to operate any public motor vehicle in the City of Oakland unless there exists a valid permit so to do as herein provided. Application for such driver's permit shall be made to the Chief of Police, shall be in writing and in duplicate, and the original thereof shall be duly acknowledged before some person lawfully authorized to administer oaths. Such original shall be forthwith transmitted by the Chief of Police to the City Clerk. Said application shall set forth the name, age and address of the applicant, his past experience in operating automobiles, the names and addresses of his employers during the preceding period of three (3) years, whether or not a chauffeur's license issued to him by the State of California or any state or governmental agency has ever been revoked, the name and address of the owner by whom he is to be employed as a driver, (which said owner shall endorse the said application) and such additional information as the Chief of Police may require.

SEC. 5-14.06 DRIVER'S PERMIT. PROCEDURE AND REQUIREMENTS. Upon application for a driver's permit and before it shall be issued, the driver, whether the owner or otherwise, must evidence a proficient knowledge of the traffic laws of the City of Oakland and of the State of California, and demonstrate his ability to operate a public motor vehicle, all to the satisfaction of the Chief of Police. Upon satisfying the foregoing requirements, said driver shall be fingerprinted by, and his record filed in, the Police Department Bureau of Identification. Said driver shall also file with his application two (2) recent photographs. (Size $1\frac{1}{2}$ inch by $1\frac{1}{2}$ inch), one to be filed with his application and one to be permanently attached to his driver's permit when issued, which permit shall be posted in a place conspicuous from the passengers' compartment of the public motor vehicle while said driver is operating same. Every driver's permit issued hereunder shall set forth the name of the owner for which said driver is authorized to operate a public motor vehicle, and shall be valid only so long as he continues in the employ of such owner. Upon the termination of such employment, the said driver shall forthwith surrender his driver's permit to the Chief of Police. No such driver's permit shall be granted to any person under the age of twenty-one (21) years. Such driver's permit may be denied upon substantial evidence of facts of either physical or moral deficiencies of the applicant which, in the sound discretion of the Chief of Police, would render such applicant not a competent person to operate a public motor vehicle.

No such driver's permit issued hereunder shall be transferable in any event. Sec. 5.14.061 Added by #830 C.M.S. Drivers Permit - Fee

SEC. 5-14.07 SUSPENSION AND REVOCATION OF DRIVER'S PERMIT. The City Manager and the Chief of Police, and either of them, shall have the power to revoke or suspend any driver's permit issued hereunder in the event the holder thereof shall be found guilty of a violation of any provisions of this Article or shall be found guilty of reckless driving, or for the violation of any other provisions of this Code or other law; which violation, in the sound discretion of said official, shall be deemed sufficient evidence of the fact that said driver is not a competent person to operate a public motor vehicle. Such revocation by the Chief of Police together with the reason therefor, shall be forthwith reported to the City Manager.

In the event of such revocation or suspension of a driver's permit, such certificate as may be issued in connection therewith shall be, by the holder thereof, forthwith surrendered to the Chief of Police.

SEC. 5-14.08 RECORD OF PERMITS. Every official of the City of Oakland either sending or receiving from one not such an official any matter pertaining to any owner's or driver's permit issued under the provisions of this Article shall forthwith transmit to the City Clerk a copy of such matter if it is in writing (unless the original thereof is by the terms of this Article required to be filed with the City Clerk), or otherwise a written memorandum concerning same, and all such documents shall be placed on file by the City Clerk with the application pertaining to such permit.

SEC. 5-14.09 NO MOTOR BUS IN CERTAIN AREA. In order that the safety of the public may be adequately protected, and to relieve the congested condition of the street traffic now existing, no permit for the operation of any motorbus as such shall hereafter be granted under the provisions of this Article upon any of the streets of the City of Oakland within the following described area, to-wit:

Commencing at the point of intersection of the north line of Seventh Street with the east line of Clay Street, thence running easterly along the northerly line of Seventh Street to its intersection with the east line of Webster Street, thence northerly along the east line of Webster Street to its intersection with the south line of Twentieth Street, thence westerly along the south line of Twentieth Street to its intersection with the easterly line of San Pablo Avenue; thence southeasterly along the easterly line of San Pablo Avenue to its intersection with the east line of Clay Street produced; thence southerly along said easterly line of Clay Street to its intersection with the north line of Seventh Street, being the point of commencement; provided, however, that the City Manager may on any public occasion or in case of any public emergency or necessity, and upon oral or written application, grant to holders of permits issued under the provisions of this Article special permits for such public occasion, or during such public emergency or necessity to operate upon or use any or all of the streets within the area hereinabove described in connection with the route or routes described in the application upon which such permit was issued.

Amd. by O.# 1236 Cms. 12-12-40

SEC. 5-14.10 MOTOR VEHICLE LIABILITY POLICY REQUIRED. It shall be unlawful for any owner to drive or operate, or cause or permit to be driven or operated, any public motor vehicle in the City of Oakland unless such owner shall have placed on file with the City Clerk a written certificate or certificates of a responsible and solvent corporation authorized to issue such policy under the laws of the State of California, that it has issued to or for the benefit of the owner, a motor vehicle liability policy or policies which at the date of said certificate or certificates are in full force and effect, and designating therein that any and all public motor vehicles which may be driven or operated under any permit granted to such owner under the provisions of this Article are or will be covered under said policy or policies.

Sec. 5.14.10½ add by # 820 cms. Liability Policy etc. Exception

SEC. 5-14.11 CONDITION OF MOTOR VEHICLE LIABILITY POLICY. AMOUNTS. The motor vehicle liability policy required under the provisions of Section 5-14.10 of this Chapter shall insure the owner, as defined herein, and any other person using or responsible for the use of any such vehicle, with the consent, express or implied, of such owner, against loss from the liability imposed upon such owner by law for injury to, or death of, any person, or damage to property growing out of the maintenance, operation or ownership of any public motor vehicle, to the amount or limit of $5000.00, exclusive of interest and costs, on account of injury to or death of any one person, and, subject to the same limit as respects injury to or death of one person, of $10,000.00, exclusive of interest and cost, on account of any one accident resulting in injury to or death of more than one person, and of $1,000.00 for damage to property of others, resulting from any one accident; provided, however, that said motor vehicle liability policies covering drive-yourself vehicles need not insure against loss for injury to, or death of, occupants of such vehicle.

Said motor vehicle liability policy shall inure to the benefit of any and all persons, other than occupants of drive-yourself vehicles, suffering loss or damage either to person or property, as herein provided, and the liability of the insurance carrier shall be in no manner abrogated or abated by the death of the tort feasor and/or the owner.

amd by O.#1236 CMS 12-12-40

SEC. 5-14.12 MOTOR VEHICLE LIABILITY INSURANCE. CANCELLATIONS. CONTINUING LIABILITY. Every certificate required under the provisions of Section 5-14.10 of this Chapter shall certify that the motor vehicle liability policy or policies therein cited shall not be cancelled except upon ten (10) days' prior written notice thereof to the City Manager. Said motor vehicle liability insurance shall be a continuing liability up to the full amount thereof, notwithstanding any recovery thereon, and said certificates thereof shall so certify. All motor vehicle liability policies and all certificates thereof shall be subject to the approval of the City Attorney and the City Manager in any and all matters and if at any time, in the judgment of the City Manager, said motor vehicle liability policies are not sufficient for any cause, said Manager may require the owner of such public motor vehicle who filed the same to replace said motor vehicle policies within ten (10) days with other policies in accordance with the provisions of this Article. If said owner fails to replace said motor vehicle policies within said ten (10) day period with good and sufficient policies as aforesaid, then at the termination of said period the owner's permit issued hereunder shall be by such failure automatically suspended until such time as said requirement is complied with, and the Chief of Police shall enforce such suspension.

Sec. 5-14.121 added by O.#1236 CMS 12-12-40 Surplus Lines Insurance - certificate.

SEC. 5-14.13 TAXIMETER. Every taximeter used by any taxicab in the City of Oakland shall be of a type and design approved by the Chief of Police and shall be so located in the vehicle as to render the figures visible to the passengers. No other fare shall be charged than is recorded on such taximeter. Such taximeter shall be subject to inspection from time to time by the Chief of Police or his authorized representative, and the Chief of Police shall compel the owner to discontinue the operation of any taxicab in which the taximeter is found to calculate inaccurately, until such taximeter shall be replaced with one approved by the Chief of Police or shall be adjusted to his satisfaction.

SEC. 5-14.14 TAXICAB COLOR DESIGN. Every owner operating a taxicab in the City of Oakland shall adopt a characteristic color scheme and shall use the same on all vehicles operated by it. No change whatever in the color scheme or distinguishing characteristics of any taxicab shall be made without written permission from the Chief of Police, and it shall be unlawful for any person soliciting patronage for any public motor vehicle to represent, by word or sign or insignia or accoutrements, that the public motor vehicle for which he is soliciting such patronage is a vehicle owned or operated by other than the actual owner.

SEC. 5-14.15 TAXICAB SIGNS. Every taxicab operated in the City of Oakland shall have painted upon the side of said cab the name of the owner or the fictitious name under which the owner operates, together with the number of the permit granted to said owner in accordance with the provisions of this Article. The lettering of same, and all signs to be displayed on any taxicab, shall be subject at all times to the approval of the Chief of Police. Every driver, while operating any taxicab shall at all times maintain the flag attached to the taximeter in such a position as to correctly denote whether said vehicle is or is not employed, and shall at all times place the flag of such taximeter in a non-recording position at the termination of each and every service.

Amended by O. #711 CMS

SEC. 5-14.16 TAXICAB STANDS. The Chief of Police may, upon the written application of any taxicab or automobile for hire owner, permit such owner to allow any vehicle operated by him to stand at certain designated places while awaiting employment. Such application shall state the number and kind of vehicles for which the permit is sought and the proposed location of such stand. Such application must be accompanied by the written consent of the person primarily affected by reason of the fact that such vehicle shall stand in front of the premises either owned or occupied by him or in which he is otherwise interested. Not more than three (3) such vehicles shall be permitted to stand upon either side of a street within the limits of any one block. No permit shall be issued for any stand to be located within fifty (50) feet of another such stand on the same side of any street, nor shall more than two (2) stands be granted to any owner for each licensed public motor vehicle. No owner shall permit any vehicle operated by him, and no driver shall cause any such vehicle to stand while awaiting employment at any place other than a stand for which a permit has been granted as herein provided.

SEC. 5-14.17 EXCLUSIVE USE BY PASSENGERS. When a taxicab or automobile for hire is engaged, the occupants shall have the exclusive right to the full and free use of the passenger compartment, and it shall be unlawful for the owner or driver of such vehicle to solicit or carry passengers contrary to such right.

Amended by Ord #830 cms - Amnd by ORD #2418 cms-3/25/47

SEC. 5-14.18 MAXIMUM FARES. RECEIPT FOR FARE. It shall be unlawful for the owner or driver of any taxicab or automobile for hire to demand or charge for such service any amount greater than the rates hereinafter set forth; For taxicab service: First one-quarter (¼) mile or fraction thereof, twenty-five (25) cents; each one-quarter (¼) mile or fraction thereof thereafter, ten (10) cents; for each passenger over one (1), twenty (20) cents; each two (2) minutes of waiting time or fraction thereof, ten (10) cents. For automobile for hire service, or for taxicab service, when such service is upon an hourly basis; First one-half (½) hour or fraction thereof, for service Two Dollars ($2.00); for each succeeding one-half (1/2) hour, for service at the rate of Two Dollars ($2.00) per one-half hour.

The driver of any public motor vehicle, other than a motorbus, shall give a receipt, upon the request of any passenger, for the fare paid by such passenger.

SEC. 5-14.19 MOTORBUS SERVICE TO GENERAL PUBLIC. No driver of any motorbus in the City of Oakland shall at any time, unless said vehicle is filled to legal capacity, refuse to carry any person offering himself to be carried, and tendering the fare for the same, to any place in the route of said vehicle; provided, however, that such driver shall refuse transportation to any person who is in an intoxicated condition or who is conducting himself in a boisterous or otherwise unruly manner.

SEC. 5-14.20 MOTORBUS MAXIMUM FARE. It shall be unlawful for any person engaged in the business of operating a motorbus in the City of Oakland to charge a greater fare than ten (10) cents within the corporate limits of the City of Oakland.

SEC. 5-14.21 MOTORBUS. COMPLETION OF TRIP. It shall be unlawful for any driver of any motorbus in the City of Oakland, who has received a passenger for any announced or agreed trip, except for reasons beyond the control of the owner or driver, to fail to complete said trip with all reasonable dispatch and without any extra payment of fare, or to fail, refuse or neglect to operate such motorbus between the termini and over the entire route specified in the permit granted to so operate.

SEC. 5-14.22 MOTORBUS. CHANGE IN ROUTE. No owner or driver of any motorbus operated in the City of Oakland shall at any time change or alter the route of same except upon permission duly granted by the City Manager after application is made therefor.

SEC. 5-14.23 MOTORBUS LIGHTS. No motorbus operated in the City of Oakland other than a motorbus used by an air-line for transportation of its patrons shall be operated in the night time unless the passengers' compartment thereof be kept continuously lighted.

SEC. 5-14.24 MOTORBUS STOPS. It shall be unlawful for any motorbus operated in the City of Oakland to receive or discharge passengers within any intersection of streets and in all cases such reception and discharge of passengers shall be at a point as near the curb as may be practicable, and shall be through and from the side of such motorbus nearest the street curb and on the right-hand side thereof. The places of receiving and discharging passengers by motorbusses shall be at all times subject to order of the Chief of Police.

SEC. 5-14.25 MOTORBUS, RAILROAD CROSSING. It shall be unlawful for any person operating a motorbus to permit, cause or allow such vehicle to cross any railroad track at any intersecting street in the City of Oakland over which railroad trains are operated, without bringing such vehicle to a full stop before crossing said railroad track; it shall be unlawful for any person operating such motorbus to permit, cause or allow such vehicle to cross any street railroad track at any intersecting street unless such person shall have reduced the speed of such vehicle to not more than five (5) miles per hour while crossing such track; provided, that at any point where a flagman is stationed, such person operating such motorbus shall not be required to stop unless warned or directed by such flagman so to do; and provided, further, that at any point where a traffic officer is stationed, such person operating such motorbus shall comply with the direction of such traffic officer.

SEC. 5-14.26 EMERGENCY PERMITS. The City Council may, in case of any public emergency or necessity, waive or modify by resolution any or all of the requirements of this Article pertaining to public motor vehicles, and may authorize and direct the City Clerk to issue a temporary permit for the operation of any public motor vehicle over and upon the public streets of the City of Oakland, without exacting any application fee or license fee therefor, to any person recommended by the Chief of Police, such permit to be revocable at any time, with or without notice, by the Chief of Police or by the City Council.

SEC. 5-14.27 ADDITIONAL VEHICLES. Any owner holding a permit to operate one or more public motor vehicles as provided in this Article who desires to add to the number of such vehicles shall do so only upon obtaining, fromthe City Manager, permission therefor, which shall be granted only upon application made in the same manner and under the same proceedings as are required in this Article in the instance of obtaining the original permit. Any owner holding a permit to operate one or more public motor vehicles as provided in this Article, who desires to substitute a different vehicle for a vehicle operated under such permit, shall do so only upon obtaining, from the City Manager, permission therefor, which shall be granted only upon written application setting forth the particulars of such proposed substitution, and upon otherwise complying with the requirements of this Article. The City Manager shall have the same authority in granting or denying such application for permission to add or substitute vehicles as is hereinbefore in this Article vested in him in the matter of original applications.

SEC. 5-14.28 MAXIMUM LOAD. It shall be unlawful to drive or operate any public motor vehicle in the City of Oakland while such vehicle is carrying or sustaining the weight of two or more persons in excess of the seating capacity thereof, according to the statement thereof contained in the application upon which the permit to operate such vehicle was granted, or to permit any passenger to ride upon the running board of such vehicle or to sit upon the fender or dash or doors thereof; provided however, that firemen of the City of Oakland may ride free upon any motorbus, or any part thereof, on their way to or from fires along the regular route then being traversed. For the purposes of this section, children in arms shall not be considered as persons.

SEC. 5-14.29 SAFETY FEATURES. MOTORBUS SIGNS. The safety features and equipment of all public motor vehicles operated under permit issued under the provisions of this Article shall be at all times subject to the jurisdiction and orders of the Chief of Police. All motorbusses operated pursuant to permit issued under the provisions of this Article shall carry on the front of such vehicle a sign, plainly readable by night or by day at a distance of one hundred (100) feet giving the route to be traversed and the termini of said route and the price or fare charged. Such sign shall be subject to the approval of the Chief of Police.

SEC. 5-14.30 DAILY OPERATION. Every person holding a permit under the provisions of this Article relative to public motor vehicles shall regularly and daily operate his or its licensed public motor vehicle business during each day of the license year to the extent reasonably necessary to meet the public demand for such service. Upon abandonment of such public motor vehicle service for a period of ten (10) consecutive days by an owner, the City Manager may conduct a hearing upon five (5) days' notice to the holder of said permit, and, unless good and sufficient cause for such abandonment is evidenced, revoke the said permit granted under the terms of this Article.

SEC. 5-14.31 MOTORBUS EXTENSIONS OF STREET RAILROADS. The provisions hereinbefore in this Article set forth in Sections 5-14.01 to 5-14.30, both inclusive, shall not apply to motorbusses operated upon the streets of the City of Oakland as an extension to, or in connection with, a street railroad. It shall be unlawful for any person to operate, or cause or permit to be operated, any such motorbus extension to a street railroad unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, in addition to the requirements specified in Section 5-2.02 of this Chapter, the fact that the applicant is the owner of a street railroad in the City of Oakland, and that he will operate such motorbus or busses in connection with such street railroad and under the same management, responsibility and control as such street railroad; the route or routes, including the streets proposed to be traversed and the termini thereof; the minimum schedule to be observed, showing minimum times of departure from said termini; the transfer points, or points at which connection is to be made with said street railroad; the number of motorbusses proposed to be operated and the type, horse power and seating capacity of each of said motorbusses; the age of the applicant if the same is a natural person.

The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police.

In addition to the grounds set forth in Section 5-2.05 of this Chapter, the granting of such permit may be denied if it is the opinion of the City Manager that the public convenience and necessity do not warrant the operation of such motorbus or busses in accordance with said application.

Such permit, if granted, shall remain in full force and effect during the life of the franchise of the street railroad with which said bus line connects, or as to which it is an extension thereof, or is operated in connection therewith, but such permit and the service rendered thereunder may be revoked and abandoned upon the application of the holder thereof with the consent of the City Council.

SEC. 5-14.32 INCREASE IN NUMBER OF BUSSES OPERATED. Any provision in this Chapter set forth to the contrary notwithstanding, the holder of any permit provided for under Section 5-14.31 of this Chapter, may from time totime, as in his judgment may be proper, increase the number of busses operated upon any route concerning which a permit has been granted, and may increase the schedule or time of departure less than the minimum schedule set forth in the application as in said Section 5-14.31 set out.

SEC. 5-14.33 ~~TRANSPORTATION FOR HIRE OVER TUNNEL ROAD.~~ (Repealed by O. #711 C.M.S. 3/18/37) It shall be unlawful for any person to directly or indirectly conduct, or engage in, or in any manner carry on, the business or occupation of transporting persons for hire, or permit or cause persons to be transported for hire, by means of any motor vehicle along, upon and over those certain streets known as Tunnel Road (including the tunnel on said road), Skyline Boulevard, or Snake Road; provided, however, that those portions of said Tunnel Road and Skyline Boulevard between the limits of the City of Berkeley and Lookout Point may be used by sightseeing busses having a seating capacity of not more than twenty-seven passengers and having a wheel base not to exceed two hundred and twenty inches, which sightseeing busses are operated under a permit granted and existing in accordance with the provisions set forth in Article 2 of this Chapter.

SEC. 5-14.34 SOLICITING PATRONAGE. It shall be unlawful for any person while soliciting or endeavoring to secure passengers, or freight or other custom for any public motor vehicle, or any vehicle for hire whatsoever,

or any express wagon, or for any hotel, lodging house or boarding house, to be on any railway depot or passenger platform, pavement or walk provided for the use of railroad passengers, or between such platform, pavement or walk and any railroad train standing in front of such depot, or between any railway tracks over which passengers usually pass to or from such train.

No person shall solicit patronage for any hotel, vehicle or other business upon any railroad train, steamboat or public carrier or vehicle whatsoever within the corporate limits of the City of Oakland without first having obtained permission so to do from the owner, charterer, lessee, or managing agent of such owner, charterer or lessee, of such railroad train, steamboat or other vehicle.

SEC.5-14.35 LIVERY STABLES. It shall be unlawful for any person to establish,maintain, or cause or permit to be established or maintained, any building or premises as a public livery stable unless there exists a valid permit therefor, granted and existing in accordance with the provisions of Article 2 of this Chapter. Public notice shall be given as provided in Section 5-2.04 of this Chapter, and the investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Health Officer. The granting of such permit shall also be subject to the approval of the Fire Marshal.

ARTICLE 15.

MISCELLANEOUS BUSINESSES.

SEC. 5-15.01 COAL AND WOOD YARDS. It shall be unlawful for any person to establish, construct or maintain, or cause or permit to be constructed, established or maintained, any yard for the storage, sale or handling of coal or wood unless there exists a valid permit therefor, granted and existing in compliance with the provisions of Article 2 of this Chapter. The application for such permit shall set forth, in addition to Section 5-2.02 of this Chapter, the size of the place to be so used, the dimensions and character of any building or buildings proposed to be so used and the materials used in the construction thereof. Public notice shall be given as provided in Section 5-2.04 of this Chapter. The investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Fire Marshal.

No permit shall be required as herein set forth to maintain any such yard legally established on or before July 1st, 1928, and since said date continuously maintained.

SEC. 5-15.02 SALE OF SAND AND GRAVEL. It shall be unlawful for any person to engage in the business of selling rock, sand or gravel, or any admixture thereof,within the City of Oakland, or to sell the same in anyway other than by avoirdupois net weight and weighed on a scale that has been duly inspected and sealed by the Sealer of Weights and Measures, or to fail to furnish to the purchaser thereof, with each lot of said materials, a certificate showing the date of the weighing, gross weight, tare weight and the net weight of said materials, the name and address of the seller and purchaser of said materials, and the number of the conveyance in which said materials are delivered, if such conveyance be numbered, and the name of the person in charge of such conveyance. In case such conveyance contains or transports more than one kind of the aforementioned materials, said certificate shall show the net weight of each kind of material being sold, transported or carried.

It shall be unlawful for any person to transport, haul or carry rock, sand or gravel, or any admixture thereof, upon any public street or way within the City of Oakland unless such load is accompanied by the certificate hereinabove in this Section required.

SEC. 5-15.03 FORTUNE TELLING. HYPNOTISM. It shall be unlawful for any person to exhibit or conduct in the City of Oakland, for fees, salary or other compensation, the business, art or practice of astrology, palmistry, phrenology, life-reading, fortune-telling, cartomacy, clairvoyance, clairaudience, crystal-gazing, hypnotism, mediumship, prophecy, augury, divination, magic or necromancy.

SEC. 5-15.04 BUCKET SHOPS. DEFINITIONS. For the purposes of Sections 5-15.05, 5-15.06 and 5-15.07 hereinafter in this Article set forth, certain words and phrases are defined, and certain provisions shall be construed, as in this section set out, unless it shall be apparent from their context that a different meaning is intended.

(a) "Contract" shall mean any agreement, trade, contract or transaction.

(b) "Securities" shall mean all evidences of debt or property and options for the purchase or sale thereof, shares in any corporation or association, bonds, coupons, scrip, rights, choses in action, and other evidences of debt or property and options for the purchase or sale thereof.

(c) "Commodities" shall mean anything movable that is bought and sold.

(d) "Bucket Shop" shall mean and include any room, office, store, building or other place where any contract prohibited by the provisions set forth in Sections 5-15.05, 5-15.06 and 5-15.07 of this Article, is made or offered to be made.

(e) "Keeper" shall mean any person owning, keeping, managing, operating or promoting a bucket shop, or assisting to keep, manage, operate or promote a bucket shop.

(f) "Bucketing" or "Bucket Shopping" shall mean: (1) The making of, or offering to make, any contract respecting the purchase or sale of any securities or commodities wherein both parties thereto intend that such contract shall be, or may be, terminated, closed or settled according to or upon the basis of the public market quotations of prices made on any board of trade or exchange upon which said securities or commodities are dealt in and without a bona fide purchase or sale of the same; or (2) the making of, or offering to make, any contract respecting the purchase or sale of any securities or commodities, wherein both parties thereto intend that such contract shall be, or may be, deemed terminated, closed or settled when such public market quotations of prices for the securities or commodities named in such contract shall reach a certain figure without a bona fide purchase or sale of the same; or (3) the making of, or offering to make, any contract respecting the purchase or sale of any securities or commodities, wherein both parties thereto do not intend the actual or bona fide receipt or delivery of such securities or commodities, but do intend a settlement of such contract based upon the differences in such public market quotations of prices at which said securities or commodities are, or are asserted to be, bought and sold.

SEC. 5-15.05 BUCKET SHOPS. OPERATION OF. Any person who shall within the City of Oakland make, or offer to make, any contract defined or designated in Section 5-15.04 of this Article as "bucketing" or "bucket shopping", or who shall be a keeper of any bucket shop, or who shall within the City of Oakland communicate, receive, exhibit or display in any manner, any statement of quotations of prices of any securities or commodities with an intent to make, or offer to make, or to aid in making or offering to make, any contract prohibited by the provisions of this Article as "bucketing" or "bucket shopping" shall be guilty of a misdemeanor.

SEC. 5-15.06 BUCKET SHOPS. USING PREMISES AS. Any person who shall within the City of Oakland enter or visit or be or remain in any room or premises or place used in whole or in part as a place for conducting or carrying on a "bucket shop" or "bucketing" or "bucket shopping", or who shall knowingly permit any house, room, apartment, premises or place owned by him or under his charge or control to be used in whole or in part as a place for conducting or carrying on a "bucket shop" or "bucketing" or "bucket shopping", shall be guilty of a misdemeanor.

4 cols, Amd 649 cms.

ORDINANCE No. 429 C.M.S.

AN ORDINANCE ADDING SECTIONS 5-15.13 to 5-15.20, BOTH INCLUSIVE, TO THE OAKLAND MUNICIPAL CODE REGULATING THE BUSINESS OF STRUCTURAL PEST CONTROL, AND REQUIRING CERTIFICATES, PERMITS AND BONDS THEREFOR.

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

SECTION 1. Sections 5-15.13 to 5-15.20, both inclusive, are hereby added to the Oakland Municipal Code, which sections shall be numbered and shall provide as hereinafter set forth.

SEC. 5-15.13 STRUCTURAL PESTS AND BUSINESS OF STRUCTURAL PEST CONTROL DEFINED. For the purposes of this Article "structural pests" are defined as termites, or other wood-boring insects, or any kind of fungus growth or plant growth which causes decay in structures or buildings; and the "business of structural pest control" is defined as the inspection or treatment, or the prescribing of any method of treatment, for hire, of soil, lumber, poles, structures, buildings or parts thereof, for the purpose of destroying, exterminating or controlling structural pests, or the repairing of damage done by structural pests.

SEC. 5-15.14 STRUCTURAL PEST CONTROL CERTIFICATE REQUIRED. It shall be unlawful for any person to establish, maintain, conduct or engage in the business of structural pest control, or to in any manner solicit such business, or hold himself out or advertise himself to be engaged in such business, unless he shall have first obtained a certificate therefor, granted and existing in compliance with the provisions hereinafter in this Article set forth.

SEC. 5-15.15 STRUCTURAL PEST CONTROL CERTIFICATE, APPLICATION FOR, EXAMINATION AND FEE. Application for a structural pest control certificate required by Section 5-15.14 of this Article shall be made in writing upon forms supplied by, and shall be filed with, the Building Inspector. Such application shall set forth a full identification of the applicant, his past experience pertaining to the control and extermination of structural pests, and such further information as the Building Inspector may require, and shall be accompanied by an examination fee in the amount of ten dollars ($10.00).

Upon the filing of such application, or at such subsequent time as the Building Inspector may designate, the Building Inspector, together with such other competent persons as the City Manager may designate, shall examine the applicant for the purpose of determining whether he is competent and qualified, within the requirements of this Article and within the sound discretion of said examiners, to engage in the business of structural pest control If the applicant is found to be so qualified, he shall be granted a certificate so stating.

SEC. 5-15.16 STRUCTURAL PEST CONTROL CERTIFICATE REVOCATION. The structural pest control certificate provided for in Section 5-15.15 of this Article may be revoked by the City Manager upon recommendation of the Building Inspector, upon a hearing granted, for the violation of any provision of this Article pertaining to structural pest control, or any rules or regulations promulgated pursuant hereto, or for any other reason which, in the sound discretion of the City Manager, renders such certificate holder incompetent or unfit to engage in the business of structural pest control in a manner compatible with the welfare of the people of the City of Oakland. The right of appeal provided for in Section 5-2.08 of this Code shall apply to revocations in this section provided for.

Amd 649 Cms

SEC. 5-15.17 STRUCTURAL PEST CONTROL PERMIT AND FEE. It shall be unlawful for any person to commence or do any structural pest control work, or to cause the same to be commenced or done, in the City of Oakland, without first obtaining from the Building Department a permit so to do. Application for such permit shall designate the nature of the work to be done and the location thereof and shall be accompanied by a permit fee in the amount of one dollar ($1.00), which shall be in addition to all building permit fees required by the ordinances of the City of Oakland. The Building Inspector may examine the structure or building concerning which a permit is applied for before issuing said permit. No such permit shall be granted unless there is on deposit a bond in compliance with Section 5-15.19 of this Article, and no such permit shall be granted to other than a holder of a structural pest control certificate required by Section 5-15.14 of this Article. All work done under such permit shall be done by or under the personal supervision of a certified operator.

SEC. 5-15.18 STRUCTURAL PEST CONTROL INSPECTIONS. It shall be the duty of the Building Inspector to cause an inspection to be made of all structural pest control work to ascertain whether or not such work is being done, or has been done, in accordance with the provisions of this Article and the permit issued therefor. The Building Inspector may require of the permittee reports of all such work done, and he and his authorized agents are empowered to enter premises, buildings and structures for the purpose of determining whether or not persons who hold certificates to engage in the business of structural pest control are engaging in this practice in a lawful and suitable manner.

SEC. 5-15.19 STRUCTURAL PEST CONTROL BOND. No person who makes application for a permit required pursuant to Section 5-15.17 of this Article shall be granted such permit unless there is on file with the Building Inspector a valid and existing surety bond, executed by a surety company authorized to do business in the State of California, in the sum of $1,000.00, conditioned for the faithful and honest conduct of the business of structural pest control by such applicant and for the compliance with the provisions of this Article and the rules and regulations promulgated pursuant hereto. Said bond shall be continuous in effect unless cancelled by written notice to the Building Inspector. Said bond shall be approved as to its form and legality by the City Attorney, shall be taken in the name of the people of the City of Oakland, and every person injured by the wilful and malicious or negligent or wrongful act of the said certificate holder designated therein, or his agents or employees, may bring an action on said bond in his own name to recover damages suffered by reason of said wilful or malicious or negligent or wrongful act.

SEC. 5-15.20 STRUCTURAL PEST CONTROL METHODS. RULES AND REGULATIONS. All structural pest control work done in the City of Oakland shall comply with the ordinances of the City of Oakland regulating building construction, alteration and repair, and shall, as to the methods, chemicals and other solutions and preparations employed, be subject to the approval of the Building Inspector, who shall, so far as practicable, require a conformance with the recommendations of Circular No. 318 of the University of California, College of Agriculture, Agricultural Experiment Station, Berkeley, California. Every person engaged in the business of structural pest control shall permit the Building Inspector or his deputy, at any time, to take a sample of any or all solutions or materials being used in such business.

The Building Inspector may promulgate and enforce such rules and regulations as may be necessary to carry out the provisions of this Article pertaining to structural pest control.

SECTION 2. SAVING CLAUSE. If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the Council of the City of Oakland hereby declares that it would have adopted this ordinance and each section, sub-section, sentence clause and phrase thereof irrespective of the fact that any one or more of other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 3. This ordinance shall take effect immediatley.

In Council, Oakland, Calif., June 14, 1934. Passed to print for two days by the following vote: Ayes—Councilmen Arlett, Beach, DePaoli, Fitzsimmons, Gresham, Jacobsen, Quinn, Slavich and President McCracken —9. Noes—None. Absent—None.

W. W. CHAPPELL, City Clerk.

No. 804-June 19th—(2t.)

SEC. 5-15.07 BUCKET SHOPS. STATEMENT OF SALE REQUIRED. Every person shall furnish, upon demand, to any customer or principal for whom such person has executed any order for the actual purchase or sale of any securities or commodities either for immediate or future delivery, a written statement containing the names of the persons from whom such property was bought or to whom it has been sold, as the fact may be; the time when, place where, and the price at which, the same was either bought or sold; and if such person shall refuse or neglect to furnish such statement within twenty-four hours after such demand, such refusal or neglect shall be prima facie evidence that the act of such person refusing to furnish such statement in regards to such purchase or sale was "bucketing" or "bucket shopping" within the terms of this Article.

SEC. 5-15.08 UNDERTAKING ESTABLISHMENTS. Repealed By O. #1086 C.M.S. It shall be unlawful for any person to conduct or maintain, or cause or permit to be conducted or maintained, any undertaking establishment or funeral parlor within the City of Oakland without first obtaining a permit therefor, granted and existing in accordance with the provisions set forth in Section 7-1.05 of this Code.

SEC. 5-15.09 FLYING FIELD DEFINED. For the purposes of this Article, a "flying field" shall be construed to include any field or place from or to which aeroplanes or other aircraft are flown, or where aviation activities are carried on in the air for the purpose of selling and demonstrating aircraft, for schools of instruction, for the carrying of goods, merchandise or passengers for hire or reward, or for other public purposes.

SEC. 5-15.10 FLYING FIELD. PREREQUISITES TO OPERATING. It shall be unlawful for any person to establish, conduct or maintain a flying field within the City of Oakland, or enlarge or alter the boundaries of the same, or erect any structures thereupon, without first placing the same in safe and proper condition for the purposes intended, paying the license fees by this Chapter required, and obtaining a permit therefor in writing from the City Council.

SEC. 5-15.11 FLYING FIELD. PERMIT. The permit required in Section 5-15.10 of this Article shall be granted and exist in compliance with the provisions of Article 2 of this Chapter. In addition to the requirements specified in Section 5-2.02 of this Chapter, the application for such permit shall specify the location, size and character of the proposed flying field, the number and type of aircraft to be used, the location and size of any buildings thereon, and the manner in which the business is to be managed or maintained. Public notice shall be given as provided in Section 5-2.04 of this Chapter, and the investigating official referred to in Section 5-2.03 of this Chapter, to whom the application shall be referred, shall be the Chief of Police. Such application shall also be referred to the Superintendent of the Oakland Municipal Airport.

SEC. 5-15.12 FLYING FIELD. EXCEPTIONS. Nothing in Sections 5-15.09, 5-15.10 or 5-15.11 of this Chapter provided, nor the requirement that a license fee be paid as in Section 5-1.56 of this Chapter provided, shall be construed to apply to officers and members of the United States Army and Navy or the Marine Corps, or officials of the United States while actively engaged in the operation of aircraft in the service of the government, nor be construed to apply to, or interfere with, the conduct or management of the Oakland Municipal Airport or the flying, operation or supervision of aircraft in connection therewith. So far as applicable, the provisions of said sections relative to flying fields shall be deemed to be in addition to any rules and regulations provided for the use of such Airport by the Board of Port Commissioners of the City of Oakland. Where a flying field is proposed to be located in the port area of the city, application therefor must be made exclusively to the said Board of Port Commissioners and its approval secured.

(Added By O. #422 C.M.S.) Sec. 5-15.13 to 5-15.20 - Structural Pest Control (Amended By O. #649 C.M.S.)

ARTICLE 16.

MISCELLANEOUS PROVISIONS.

SEC. 5-16.01 FRANCHISES, PERMITS AND PRIVILEGES, STATEMENT OF RECEIPTS. TO WHOM APPLIES. The provisions of Sections 5-16.02, 5-16.03, 5-16.04, 5-16.05 and 5-16.06 of this Article shall apply to every person operating any business

under any franchise, permit or privilege granted by the City of Oakland wherein there is required to be paid to said City a stipulated percentage of gross receipts, except a franchise permit, or privilege wherein a definite date is set for the making of such payments.

SEC. 5-16.02 FRANCHISES, PERMITS AND PRIVILEGES. STATEMENT OF RECEIPTS REQUIRED. Every person referred to in Section 5-16.01 of this Article as subject to the provisions of this Article operating any business under a franchise, permit, or privilege granted by the City of Oakland wherein there is required to be paid annually to said City a stipulated percentage of gross receipts shall file annually in the office of the City Auditor a verified statement in writing of gross receipts arising from all business done by said person under said franchise, permit or privilege within the City of Oakland for the fiscal year ending on the 30th day of June preceding the filing of such statement; and every person referred to in Section 5-16.01 of this Article as subject to the provisions of this Article operating any business under a franchise, permit or privilege granted by the City of Oakland where there is required to be paid semi-annually to said City a stipulated percentage of gross receipts shall file semi-annually in the office of the City Auditor a verified statement in writing of gross receipts arising from all the business done by said person under said franchise, permit or privilege within the City of Oakland during the period of six months ending on the 30th day of June and the 31st day of December respectively preceding the filing of such statement.

SEC. 5-16.03 CITY CLERK TO SUPPLY FORMS FOR STATEMENT OF RECEIPTS. On or before the 1st day of July of each year, the City Clerk shall furnish and forward a copy of the standard form of verified statement of gross receipts to each person, referred to in Section 5-16.01 of this Article as subject to the provisions of this Article, operating any business under a franchise, permit or privilege requiring the payment of a stipulated percentage of gross receipts under such franchise, permit or privilege; and on or before the 1st day of January of each year the City Clerk shall likewise furnish and forward a copy of the standard form of verified statement of gross receipts to each such person subject to the provisions of this Article operating any business under a franchise, permit, or privilege requiring the payment semi-annually of a stipulated percentage of gross receipts under such franchise, permit or privilege.

SEC. 5-16.04 STATEMENT OF RECEIPTS SUBMITTED TO AUDITOR AND CLERK. Such verified statement hereinabove in Sections 5-16.02 and 5-16.03 of this Article referred to shall be submitted to the Auditor in the form and detail of the standard form of verified statement of gross receipts furnished by the City Clerk. All statements filed annually shall be filed in the office of the City Auditor on or before the 1st day of August, each year, and all statements filed semi-annually shall be filed in the office of the City Auditor on or before the 1st day of February and the 1st day of August respectively of each year. Every such statement shall be verified by the affidavit of the person, or of a member of the firm, or of the president, vice-president, or general manager of the corporation operating under the franchise to which such statement refers.

A copy of each verified statement shall be filed in the office of the City Clerk at the time of the filing of the original statement with the City Auditor.

SEC. 5-16.05 FRANCHISES, PERMITS AND PRIVILEGES. TIME OF PAYING PERCENTAGES. EXAMINATION BY AUDITOR. The stipulated percentage of gross receipts provided to be paid for the use and enjoyment of any such franchise, permit or privilege in Section 5-16.01 of this Article referred to shall be paid to the City Clerk at the time of filing the verified statement provided for in Section 5-16.04 of this Article. The City Clerk shall forthwith pay all moneys so received by him to the City Treasurer.

It shall be the duty of the Auditor to forthwith examine every such verified statement and ascertain the amount due and payable to said City from the person filing the same. The Auditor may for such purpose exercise the powers conferred upon him by Section 20 of the Charter of the City of Oakland, as he may deem necessary. In case the Auditor shall find the amount of percentage of gross receipts shown by such report, and paid to the City Clerk at the time of filing the same, to be the full and correct amount due and payable to the City, he shall certify that fact to the City Clerk. In case the Auditor shall find that the amount of percentage of gross receipts shown by such report, and paid to the City Clerk at the time of filing the same, is not the full or correct amount due and payable to the City, he shall certify that fact to the City Clerk, who shall thereupon notify the person making the payment of such finding and of the true and correct amount, as ascertained by the Auditor as aforesaid, and demand payment of the full and correct amount. The balance of said amount shall be forthwith paid to said City Clerk by said person and if it be not so paid within ten days after said demand, the City Clerk shall report such default in payment to the Mayor.

SEC. 5-16.06 FRANCHISES, PERMITS AND PRIVILEGES. CLERK'S REPORT OF FAILURE TO COMPLY. On or before the 15th day of February and the 15th day of August of each year, it shall be the duty of the City Clerk to file a semi-annual statement with the Mayor, setting forth the names of all persons or corporations who or which have failed to comply with any of the provisions of this Article relative to franchises, permits and privileges.

Article #17 Beer 5-17 - Added By Ord. #295 C.M.S. (4/24/33)

CHAPTER 6.

PUBLIC WORKS.

ARTICLE 1. SIDEWALKS AND CURBS.
ARTICLE 2. STREETS.
ARTICLE 3. PARKS AND BOULEVARDS.
ARTICLE 4. GARBAGE DISPOSAL.

ARTICLE 1.

SIDEWALKS AND CURBS.

SEC. 6-1.01 NOTICE TO REPAIR. WHEN GIVEN. If any portion of any improved sidewalk in the City of Oakland shall be out of repair or in a dangerous or defective condition, or in a condition to endanger persons or property passing thereon, or in a condition to interfere with the public convenience in the use thereof, and the Superintendent of Streets shall have personal notice of the same, it shall be his duty to notify the owner or person in possession of the property fronting on that portion of the sidewalk so out of repair, to repair the same.

SEC. 6-1.02 NOTICE TO REPAIR. HOW GIVEN. Such notice to repair provided for in Section 6-1.01 of this Article may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing, postage prepaid, to the person in possession of such property or to the owner thereof, or his last known address as the same appears on the tax rolls of the City of Oakland, and when no address so appears, to the general delivery of the City of Oakland, a notice to repair such sidewalk so out of repair, and the Superintendent of Streets shall, immediately upon the mailing of said notice, cause a copy thereof, printed on a card not less than eight by ten inches (8" x 10") in size, to be posted in a conspicuous place on said property.

SEC. 6-1.03 NOTICE TO REPAIR. CONTENTS. Such notice to repair provided for in Section 6-1.01 of this Article shall particularly specify what work is required to be done, and how the same is to be done, and what materials shall be used in said repair, that if said repair is not commenced within five (5) days after notice is given as aforesaid, and diligently and without interruption prosecuted to completion the Superintendent of Streets shall make such repair, and the cost of the same shall be a lien on such property; that if said repair is not commenced as required by said notice, the Superintendent of Streets shall forthwith repair said sidewalk.

SEC. 6-1.04 REPAIR BY CITY. If upon the expiration of the five (5) day period provided for in Section 6-1.03 of this Article, the said repair has not been commenced, the Superintendent of Streets shall proceed to make such repair and upon completion thereof the said Superintendent of Streets shall file a notice with the City Council setting forth the fact that the repair has been completed and the cost thereof. The City Council shall thereupon fix a time for hearing protests against the assessment for the cost of such repair. Said time shall not be less than ten (10) days from the date of filing Superintendent of Streets' notice aforesaid.

SEC. 6-1.05 REPAIR. NOTICE OF HEARING ON ASSESSMENT OF COST. The Superintendent of Streets shall forthwith upon the time of hearing provided for in Section 6-1.04 of this Article being fixed, either personally serve upon the owner or person in possession of the property facing upon the sidewalk so repaired, or mail, postage prepaid, a notice addressed to the person in possession of the property affected, or the owner thereof at his last known address as the same appears on the tax rolls of the City of Oakland, and when no address so appears, to the general delivery of the City of Oakland, setting forth a statement of the cost of the said repair and specifying the date, hour and place when the Council of the City of Oakland will hear protests of the assessment of the cost of such repair upon such property.

Upon the date and hour set for the hearing of protests, the Council shall hear and consider all protests, if there be any, and then proceed to affirm or reject the assessment of the cost of such repair upon such property. The date for hearing of protests and affirming or rejecting the assessment may be continued from day to day.

SEC. 6-1.06 REPAIR. NOTICE OF LIEN. If the cost of such repair hereinabove in this Article provided for is assessed upon the property fronting upon the sidewalk so repaired and the assessment is not paid within five (5) days after its confirmation by the Council, the cost of such repair shall become a lien upon the property fronting upon the sidewalk so repaired, upon the Superintendent of Streets' filing in the office of the County Recorder of the County of Alameda, State of California, a certificate substantially in the following form, to-wit:

NOTICE OF LIEN

Pursuant to the authority vested in me by Article 1, Chapter 6 of the Oakland Municipal Code, I did, on the _____ day of _____ 19___ cause the sidewalk in front of the real property hereinafter described, to be repaired and improved and the Council of the City of Oakland did, on the _____ day of _____ 19____. By Resolution No. _____ assess the cost of such repair and improvement upon the real property hereinafter described, and the same has not been paid, nor any part thereof, and the City of Oakland does hereby claim a lien on the real property hereinafter described in the sum of $_____, the cost of said repair and improvement; and the same shall be a lien upon said real property until the said sum has been paid in full, and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is hereby claimed, is that certain piece or parcel of land lying and being in the City of Oakland, County of Alameda, State of California, and particularly described as follows, towit:

(Description)

Dated this_____day of_____19_____.

Superintendent of Streets.

SEC. 6-1.07 REPAIR. EFFECT OF LIEN. The notice of lien, when recorded as hereinbefore in Section 6-1.06 of this Article provided, shall be a lien upon such property, and such lien shall so continue until the cost of such repair has been paid in full and discharged of record. Such lien shall be subordinate to all special assessment liens previously imposed upon the same property but it shall have priority over all special assessment liens which may thereafter be created against the said property; and from and after the date of the recording of said notice of lien, all persons shall be deemed to have had notice of the contents thereof.

SEC. 6-1.071 NOTICE TO REPAIR DANGEROUS CONDITIONS. WHenever any portion of any street, lane, alley, court or place in the City of Oakland, or any sidewalk constructed thereon, according to law, shall b e out of repair and in condition to endanger persons or property passing thereon, or in condition to interfere with the public convenience in the use thereof, it shall be the duty of the Superintendent of Streets of said City to require, by notice in writing, to be delivered to them personally, or left on the premises, the owners or occupants of lots or portions of lots, fronting on said portion of said street, lane, alley, court or place, or of said portion of said walk, so out of repair as aforesaid, to repair forthwith said portion of said street, lane, alley, court or place to the center thereof, or said sidewalk in front of the property of which he is the owner, or tenant or occupant specifying in said notice what repairs are required to be made.

It shall be unlawful for said owner or tenant or occupant of said lots, or portion of said lots, to neglect or refuse for the period of three days from the date of the service of the aforesaid notice, to make said repairs, and diligently and without interruption to prosecute the same to completion.

SEC. 6-1.08 GRASS AND OTHER OBSTRUCTIONS. Every owner of real property in the City of Oakland shall keep the entire width of sidewalk in front of such property from curb to lot line, free and clear of all grass, weeds, rubbish or other obstructions or materials which from any cause whatever shall have accumulated or may accumulate upon such sidewalk above the established grade of the same.

Upon the failure or refusal of any such owner of real property in the City of Oakland to so remove any obstructions from the sidewalk as herein provided, the provisions hereinbefore in this Article set forth relative to the repair of sidewalks (Sections 6-1.01 - 6-1.07 both inclusive) shall apply.

SEC. 6-1.09 OBSTRUCTIONS GENERALLY. LOADING. It shall be unlawful for any person to place, or cause to be placed, or suffer to remain, upon any sidewalk in the City of Oakland, any goods, wares or merchandise, or any other object or substance; provided, however, that not to exceed one-third (1/3) of the width of any sidewalk may be used for not to exceed thirty (30) minutes while actually engaged in the loading or unloading of any goods, wares or merchandise, or any other object or substance; provided further however, newspaper and periodical racks and/or stands located on the inner or outer edge of sidewalks are excepted from the provisions of this section.

SEC. 6-1.10 OBSTRUCTIONS IN CERTAIN DISTRICTS. Anything in Section 6-1.09 of this Article to the contrary notwithstanding, it is hereby declared to be lawful for merchants doing business in that portion of the City of Oakland bounded on the north by the southern line of Seventh Street; on the west by the eastern line of Broadway; on the south by the waterfront; and on the east by the eastern line of Fallon Street, to use the sidewalk in front of their premises for the display and sale of goods, wares and merchandise; provided, however, that there shall be maintained, at all times, a clear space along such sidewalk of not less than four (4) feet in width for the use of pedestrians.

SEC. 6-1.11 PRIVATE CONTRACT DEFINED. The words "private contract" as used in this Article, with reference to private construction of sidewalks, driveways or curbs, shall be construed to mean construction other than let by the City of Oakland or permitted by resolution of the Council of the City of Oakland.

SEC. 6-1.12 PRIVATE CONSTRUCTION OF SIDEWALKS AND DRIVEWAYS. PERMIT REQUIRED. FEE. It is hereby declared to be unlawful for any person to repair or construct, or cause to be repaired or constructed, by private contract in the City of Oakland, any cement sidewalk, cement driveway, or to cut any curb for the purpose of constructing a driveway, or to begin the excavation for the purpose of constructing a sidewalk or driveway, without first obtaining from the Department of Streets, a permit in writing so to do. Excepting, however, that a property owner, when notified by the Superintendent of Streets to repair an existing sidewalk, may make such repair to the extent of not more than 25 square feet without the necessity of obtaining a permit therefor. The Department of Streets shall charge a fee of one dollar ($1.00) for each and every permit issued, when such permit covers more than 25 square feet of work in area.

SEC. 6-1.13 PRIVATE CONSTRUCTION OF SIDEWALKS AND DRIVEWAYS. INSPECTION. FEE. It shall be the duty of the Department of Streets to cause an inspection to be made of cement sidewalk or cement driveway constructed under private contract as referred to in Section 6-1.12, to ascertain whether such work is being done, or has been done, in accordance with the provisions of this Article and the permit issued therefor. Amnd Ord #2419 CMS 3/27/47

The Department of Streets shall charge an inspection fee upon all jobs of 100 square feet of work, or over, of one-half cent (1/2) per square foot of cement sidewalk or cement driveway inspected.

SEC. 6-1.14 SIDEWALK AND DRIVEWAY INSPECTION FEES DEPOSITED IN ADVANCE. At the time of the issuance of a permit as in Section 6-1.12 required, the applicant shall deposit with the Street Department the estimated fee based upon the fees in this Article specified, and no permit, as required by said section shall be issued until such deposit shall have first been made. After the Department of Streets shall have inspected such cement work, the fee for such inspection shall be charged against the deposit made to secure such inspection fee. If the deposit for such inspection fee is in excess of the fee actually charged, the Department of Streets shall refund the excess upon demand duly made within six months after the issuance of the permit. If such deposit is not sufficient to cover such inspection fee, and the deficiency is not paid within thirty (30) days after notice, such deficiency shall be deducted from the hereinafter mentioned guarantee deposit.

SEC. 6-1.15 SIDEWALK AND DRIVEWAY FEES. FUND TO WHICH CREDITED. All fees collected pursuant to the provisions of this Article shall be credited to the "General Fund, Street Department Appropriation". Amnd by Ord #2419 CMS 3/27/47

SEC. 6-1.151 - Added Ord #2419 CMS - 3/27/47 -

SEC. 6-1.16 GUARANTEE DEPOSIT. Before the issuance of a permit provided for in Section 6-1.12 of this Article, the person desiring the same shall deposit with the City of Oakland the sum of One Hundred Dollars ($100.00), which deposit shall be known as the "Guarantee Deposit" and shall be maintained at said sum of One Hundred Dollars ($100.00). If at any time after making such deposit the amount of sidewalk and/or driveway constructed and/or repaired and guaranteed by said

deposit, as herein provided, shall exceed 3000 square feet, the said guarantee deposit shall be increased to, and maintained at, the sum of Two Hundred Dollars ($200.00). The said guarantee deposit shall be retained by the City of Oakland for a period of twelve (12) months after the date of the completion of the work called for in the last permit issued, and no permit shall at any time be issued unless such guarantee deposit shall be reimbursed by the depositor for any deductions made as in this Article provided. If within twelve (12) months after the completion of the work called for in any permit, the sidewalk and/or driveway should break, disintegrate or otherwise fail to comply with the provisions of this Article, the Superintendent of Streets of said City shall notify the person making the deposit, of such break, disintegration, or failure, and specify the repairs needed or work to be done, and such person shall, within ten (10) days from the date of such notice, make such specified repairs. If such repairs be not made within the fixed time, the same may be made by said Superintendent of Streets and the cost of said repairs shall be paid from the guarantee deposit on hand with said City, demand being made for said costs by the Superintendent of Streets. After the lapse of twelve (12) months from the date of completion of the work called for in the last permit issued to any permittee, upon written demand of such permittee, or the successors or assigns, thereof, where such transfer or assignment is made in the manner as hereinafter provided, accompanied by a certificate from the Superintendent of Streets stating that all needed repairs have been made, and this Article otherwise complied with, the City of Oakland shall return the guarantee deposit, or such portion thereof as may remain after deduction of all fees for repairs and work done as aforesaid, to the person depositing the same or his said successors or assigns.

SEC. 6-1.17 SIDEWALK AND DRIVEWAY CONSTRUCTION. OBSTRUCTIONS. The permit granted pursuant to Section 6-1.12 of this Article shall carry with it the right to place, or cause to be placed, upon the street adjacent to the place where the construction, alteration or repair work is to be performed, such materials or appliances as may be necessary for use in performing such work; provided, however, that such materials and appliances shall not occupy more than one-third (1/3) of the roadway in front of said construction work, and shall be placed thereon subject to the direction and approval of the Superintendent of Streets. In no event shall said appliances or materials be placed within five (5) feet of any railroad or street car track. All materials, debris and appliances shall be so placed as not to obstruct any gutterway, and shall be so cared for as to prevent them from being blown or otherwise carried into any gutterway, or any catch basin, or any portion of the street other than that lawfully occupied by such obstruction. The permit granted shall prescribe the date when work shall begin, and the time of the occupancy of the street; provided, however, that the Superintendent of Streets may order said materials, appliances and debris, or any portion thereof, to be removed within three (3) days after written notice, and in the event the same is not removed within the time prescribed by the Superintendent of Streets, or in the permit, as the case may be, the Superintendent of Streets may cause the same to be removed and charge the costs thereof against the guarantee deposit. The placing of materials, appliances and debris upon the street for the purpose of such construction work and the removal thereof shall be held to be a part of such construction work.

SEC. 6-1.18 SIDEWALK AND DRIVEWAY CONSTRUCTION. TIME OF COMPLETION. If all of the private construction and/or repair work of any sidewalk and/or driveway be not completed at the expiration of the time allowed by the permit appertaining thereto, and in accordance with the terms of this Article, the Superintendent of Streets may notify the contractor to complete said work within two days, and if not so completed, the Superintendent of Streets is hereby authorized to have the same done at the expense of the contractor, and his guarantee deposit, or as much thereof as may be necessary, shall be applied in payment therefor.

SEC. 6-1.19 SIDEWALK AND DRIVEWAY CONSTRUCTION. PERMIT FORMS. CONDITIONS AND REQUIREMENTS. POSTING. Permits granted pursuant to Section 6-1.12 of this Article shall be upon forms, and shall specify the name and residence of the applicant, the location of the property in front of which the proposed sidewalk and/or driveway is to be repaired and/or constructed, the length and width of said walk and/or driveway, and the number of square feet to be repaired and/or constructed. Provided, however, that in no case shall a permit be granted to construct sidewalks where the Council has declared its intention to construct such sidewalks under the general laws of the State of California, and, also provided, that in the event any of the terms or conditions of this Article are not complied with within the time fixed for compliance, no further permit shall be issued to such person while such person causes or permits such non-compliance to continue, or is indebted to the City of Oakland for money expended in accordance with the terms and conditions of this Article.

All permits for construction under this Article shall be posted conspicuously on the job.

SEC. 6-1.20 TRANSFER OF GUARANTEE DEPOSIT. The guarantee deposit referred to in Section 6-1.16 of this Article may be transferred to a third party where such transfer is made pursuant to a judgment of court, or by an agreement of dissolution of a partnership, or upon a bona fide sale of the business of the person having made such deposit and holding the receipt therefor; or by any person having ceased to do work under said permit, and entitled to a return of said deposit as provided in Section 6-1.16 of this Article. In the event of any transfer the receipt for such deposit, or satisfactory proof of the loss of same, must be delivered to the Superintendent of Streets. No transfer shall be made of said deposit other than as herein provided.

In the event of a transfer of said guarantee deposit such transfer shall in no way affect the liability of said deposit for any work done by the person transferring said deposit, nor shall it in any way affect the liability of such person under the provisions of this Article.

SEC. 6-1.21 TRANSFER OF PERMIT FOR PRIVATE CONSTRUCTION OF SIDEWALKS OR DRIVEWAYS. No construction and/or repair of sidewalks and/or driveways to be performed under a permit issued pursuant to this Article shall be performed except by or under the supervision of the designated permittee, who shall also be the person who is responsible to the owner or contractor for said work. In the event it shall at any time be ascertained that any work is being done, or has been done, under a permit issued to one other than the person responsible to the owner or contractor for said work, and it shall be proven that the use of said permit was with the knowledge and consent, express or implied, of the designated permittee, then the guarantee deposit made by such permittee shall become forfeited to the City of Oakland; and the person doing, or having done, the work shall be guilty of a misdemeanor.

SEC. 6-1.22 PRIVATE CONSTRUCTION OF SIDEWALKS AND DRIVEWAYS. COMPLIANCE WITH PERMIT AND ADOPTED SPECIFICATIONS. All sidewalks and/or driveways must be repaired and/or constructed in every particular in accordance with the permit therefor issued, must be completed within thirty days from the date of permit, except in cases where owners have been notified to make repairs as provided in Section 6-1.01 to 6-1.07 inclusive, of this Article, unless an extension of time thereon be granted by the Superintendent of Streets, and must be in accordance with such specifications as may be adopted by resolution of the Council, from time to time, for the private construction and/or repair of sidewalks and/or driveways.

SEC. 6-1.23 PRIVATE CONSTRUCTION OF SIDEWALKS AND DRIVEWAYS. REMOVING OBSTRUCTIONS. SAFETY MEASURES. In the private construction and/or repair of sidewalks and/or driveways all rejected and refuse materials are to be removed immediately from the work and all surplus materials shall be removed from the work within two (2) days after the construction of the sidewalk is complete.

The contractor shall provide and maintain such fences and red lights as may be necessary to prevent avoidable accidents to the public.

No material or other obstruction shall be placed within fifteen (15) feet of the fire hydrants, which must be at all times readily accessible to the Fire Department.

SEC. 6-1.24 DRIVEWAY DEFINED. APPROVED WIDTH. Any approach to and from the street over or upon the curbing, or parking, or sidewalk area, for the purpose of a driveway, and that portion of the sidewalk directly fronting upon such approach from the street is hereby defined as a driveway. Such driveway shall not be less than eight feet nor more than twenty feet between curb returns, except that with the approval of the Superintendent of Streets such driveway may be constructed to a greater width, and shall be constructed in the same manner as sidewalks, except that the driveway shall be at least six inches in thickness.

SEC. 6-1.25 PRIVATE CONSTRUCTION OF CURBS. PERMIT. FEE. It is hereby declared to be unlawful for any person to construct, or cause to be constructed, by private contract independently of other street work, any concrete curb on any public street without first obtaining from the Superintendent of Streets, a permit in writing so to do. The Superintendent of Streets shall charge a fee of One Dollar ($1.00) for each and every permit so issued.
Sec. 6-1.25 1/2 — CURB GUARANTEE DEPOSIT — Add Ord #2419 cms - 3/27/47

SEC. 6-1.26 PRIVATE CONSTRUCTION OF CURBS. FILING SPECIFICATIONS. DEPOSIT OF FEES. No permit required under Section 6-1.25 of this Article shall be granted, or if granted shall be valid, unless the person applying therefor shall have (1st) filed with the Department of Streets three (3) sets of specifications, with sectional plan attached, prepared by the City Engineer for the proposed curb work; (2nd) deposited, in advance, with the Superintendent of Streets, sufficient money to cover all estimated fees for printing, engineering services and special superintendents' or inspectors' compensation. The amount so to be deposited shall be determined by the Superintendent of Streets in each instance.

SEC. 6-1.27 PRIVATE CONSTRUCTION OF CURBS. PERMIT CONTENTS. TIME OF COMPLETION. Any permit required under Section 6-1.25 of this Article shall provide for the completion of the work within a specified time, to be determined by the Superintendent of Streets, which time may be extended by the Superintendent of Streets, and shall further provide that the work be done in conformity with the said specifications filed, and to the satisfaction and acceptance of the Superintendent of Streets.

SEC. 6-1.28 PRIVATE CONSTRUCTION OF CURBS. APPOINTMENT AND COMPENSATION OF INSPECTORS. ENGINEERING SERVICES. The Superintendent of Streets shall have the same power to appoint suitable persons to superintend or inspect the curb construction work by private contract as is or may be vested in the Superintendent of Streets by the laws of the State of California in the case of public contracts, and the compensation of such persons shall be the same as for special superintendents or inspectors employed under public contracts as authorized by such state laws.

When, in the judgment of the Superintendent of Streets, engineering services are necessary for the proper construction of such work, such services shall be rendered by the City Engineer's office and the fees to be charged therefor shall be as provided in Ordinance No. 3901 N.S. as it now exists or as it may hereafter be amended.

Amd by #2419 cms 3/27/47
SEC. 6-1.29 PRIVATE CONSTRUCTION OF CURBS. COLLECTION OF FEES. CERTIFICATE OF ACCEPTANCE. VIOLATIONS. In the private construction of curbs as provided for in Sections 6-1.25 to 6-1.28 of this Article, the Superintendent of Streets shall collect all fees due for printing, engineering services and special superintendents' or inspectors' compensation and shall not issue to the contractor the Superintendent of Streets' certificate of acceptance of the work until such fees are paid. Said fees shall be deducted from the deposit required in Section 6-1.26 of this Article and the balance remaining, if any, shall be refunded to

Sec. 6-1.30 to 6-1.37 Added by #316 Cms. (Flagpoles in Sidewalk Areas) Regulating Same
Sec. 6-1.38, 6-1.39, 6-1.34 add By O #923 cms " " amd. Flagpoles.

the depositor upon demand made within six months from the date of issuance of the permit. In the event the said deposit is found insufficient to cover all necessary fees, the said certificate of acceptance shall be withheld until sufficient money to cover the deficiency is paid to said Superintendent of Streets.

Any person who shall collect, or attempt to collect, money for work done under the provisions of said Sections 6-1.25 to 6-1.28 of this Article before the Superintendent of Streets issues his certificate of acceptance of said work shall be deemed guilty of a misdemeanor. Amnd. by Ord. 2419 eff. 3/22/47

ARTICLE 2.
STREETS.

SEC. 6-2.01 DISTURBANCE OF STREETS. PERMIT. It shall be unlawful for any person to make, or cause or permit to be made, any excavation in or under the surface of any public street, alley, sidewalk, or other public place for the installation, repair or removal of any pipe, conduit, duct or tunnel, or for any other purpose, without first obtaining from the Bureau of Permits and Licenses a written permit to make such excavation and making a deposit to cover the cost of inspection and of restoring such public street, alley, sidewalk or other public place to its original condition, together with the incidental expenses in connection therewith, all as hereinafter in this Article provided. Said Bureau shall, before issuing such permit, require:

First: A written application therefor to be made and filed with said Bureau, wherein the applicant shall set forth the name and residence or business address of the person making such application, and shall state in detail the location and area of each excavation intended to be made, and shall state the purpose for which the excavation is to be made and used;

Second: The presentation of a plat in duplicate showing the location of each proposed excavation and the dimensions thereof, and such other details as the Bureau of Permits and Licenses may require to be shown upon such plat; provided, that the filing of plats shall not be required when excavations are made for service connections, or for the location of trouble in conduits or pipes or for making repairs thereto; and

Third: That the applicant show legal authority to occupy and use, for the purpose mentioned in said application, the streets, alleys, sidewalks or other public places wherein the excavation is proposed to be made.

It shall be unlawful for any person to make, or to cause or permit to be made, any excavation, or to install or maintain, or to cause or permit to be installed or maintained, any tank, pipe, conduit, duct or tunnel in or under the surface of any public street, alley, sidewalk or other public place at any location other than that described in the application and shown on the plats filed by such person as required by the provisions of this Article.

SEC. 6-2.02 APPLICATION FOR PERMIT TO EXCAVATE. DEPOSITS. When application for a permit is made as provided for in Section 6-2.01 of this Article, and such application to excavate and the details shown upon the accompanying duplicate plats, when such plats are required, comply with the terms of this Article and the regulations of the City Council, the application and duplicate plats shall be approved by the Superintendent of Streets, and the application for permit to make house connection to sewers shall be approved by the Health Department. After such approvals, one of the duplicate plats shall be filed in the office of the Superintendent of Streets as a public record. The application and the other duplicate plat shall be filed with the Bureau of Permits and Licenses, together with special deposits as follows, to-wit: A sum equal to fifty (50) cents per square foot of surface of each such excavation to be made in streets or other public places which have been paved; a sum equal to thirty (30) cents for each square foot of surface of each such excavation to be made in streets or other public places which have been macadamized; and a sum equal to fifteen (15) cents for each square foot of surface of each such excavation to be made in streets or other public places which

are neither macadamized nor paved; provided, that no deposit shall be less than seven dollars ($7.00); and provided, further, that any person intending to make excavations in public streets, alleys or other public places may make and maintain with the City of Oakland a general deposit in the sum of One Thousand Dollars ($1,000.00), which general deposit shall be used for the same purpose as the special deposits described hereinbefore in this section, and while such general deposit is maintained at the said sum of One Thousand Dollars ($1,000.00) such person shall not be required to make the special deposits hereinbefore in this section provided, but shall be required to comply with all of the other provisions of this Article; provided, further, that the deposit to be made for a permit to excavate for the purpose of making house connections to sewers or for making repairs to the same shall be made as hereinafter required.

SEC. 6-2.03 EXCAVATION FOR SEWER CONNECTION. DEPOSIT. When an application is made for a permit to excavate for the purpose of making a house connection with a sewer or for repairs to the same, the person making such application shall make a special deposit for each excavation with the Bureau of Permits and Licenses in the sum of fifteen dollars ($15.00) if such excavation is to be made in a paved street, and the sum of ten dollars ($10.00)if such excavation is to be made in a street that has not been paved; provided, however, that any person may make and maintain with the said City of Oakland a general deposit of one hundred dollars ($100.00), which general deposit shall be used for the same purpose as the special deposits for house connections referred to in this section, and while such general deposit is maintained at the said sum of one hundred dollars ($100.00), such person shall not be required to make the special deposits for such purpose as in Section 6-2.02 of this Article provided for, but shall be required to comply with all of the other provisions of this Article.

SEC. 6-2.04 EXCAVATION FOR STORAGE TANKS. DEPOSIT. Whenever any person desires to install or repair a tank or tanks for the storage of gasoline or oil, in lieu of the separate deposits in Section 6-2.02 of this Article set forth said person may make and maintain with the said City of Oakland a general deposit of one hundred dollars ($100.00), which general deposit shall be used for the same purpose as the special deposits referred to in Section 6-2.02 of this Article; and while such general deposit is maintained at the said sum of one hundred dollars ($100.00) said person shall not be required to make the special deposits for such purposes as in said Section 6-2.02 provided for, but shall be required to comply with all of the other provisions of this Article.

SEC. 6-2.05 EXCAVATION FOR PART OF BUILDING. DEPOSIT. When an application is made to excavate within the sidewalk area for the purpose of maintaining a covered area-way, the construction plans of which are approved by the Building Inspector and a building permit issued therefor, such application shall be accompanied by a special deposit as provided for in Section 6-2.02 of this Article covering only so much of the proposed area to be excavated as lies outside the walls of the structure for which the said building permit is issued.

SEC. 6-2.06 EXCAVATIONS. ISSUANCE. RECORD AND CONTENTS OF PERMIT. REFILLING AND TIME. Upon receiving a written application, as provided in Section 6-2.01 of this Article, and one of the duplicate plats, when such plats are required, bearing the approval required by this Article, and the general or special deposit required by this Article, the Bureau of Permits and Licenses shall issue a written permit to make such excavation, and shall open and keep an account thereof; provided, however, that said Bureau shall not issue such permit unless the applicant has legal authority to occupy and use for the purpose mentioned in the application, the streets, alleys, sidewalks or other public places covered by said application.

Such permit shall state whether the work to be done is covered by a general or special deposit, and if a special deposit, shall state the amount thereof and shall be a receipt therefor. It shall also specify the person to whom the same is issued, the street, alley or other public place, and the particular portion or portions thereof to be excavated and the extent of such excavation. No permit shall be transferable. Every such permit, except for making house connections to sewers or for making repairs to the same, shall become and be void unless the

excavation to be made pursuant thereto is commenced within ten (10) days from the date of issuance of such permit and the work diligently prosecuted as in this Article required. Every permit for making a house connection to a sewer or for making repairs to the same shall become and be void unless all work to be done pursuant thereto shall be done and the excavation refilled in the manner required by this Article, within thirty (30) days after the date of such permit; and provided further, that any excavation made for the purpose of making a house connection to a sewer shall be refilled, in the manner required by this Article, within five (5) days after inspection of the pipe by the Health Department of the City of Oakland, if a pipe be laid, or within five (5) days after the date of the permit if no pipe be laid, and nothing herein contained shall be deemed or construed to allow a longer period of time therefor.

If any person shall fail, refuse or neglect to complete the making of any house connection to a sewer or to refill any excavation within the time required by this section, then the Superintendent of Streets shall complete the refilling of such excavation in the manner required by this Article, and the City of Oakland shall retain the cost of such refilling from the special deposit made for such excavation, if a special deposit shall have been made, or, in case a general deposit is maintained as provided in this Article, the said city shall retain such amount from such general deposit.

SEC. 6-2.07 REFILLING EXCAVATIONS. When any excavation is made as hereinbefore in this Article provided for, all refilling of said excavations shall be made in the following manner, to-wit:

The dirt shall be replaced and carefully tamped in layers not exceeding two (2) feet in thickness, and each such layer shall be well flooded with water before the next such layer is put on, and the last layer shall be well flooded and tamped, although the same may be less than two (2) feet in thickness, except that in refilling excavations made in localities where the soil is clay or adobe each layer shall be one (1) foot thick and thoroughly tamped, and no water shall be used nor shall said flooding be required, excepting in paved streets, in which case the filling shall be placed in layers not exceeding six (6) inches in thickness, and each layer thoroughly tamped. In all cases where a pipe not exceeding six (6) inches in diameter is placed in said excavation, all the dirt removed therefrom shall be replaced therein. Tunneling shall not be done without permission of the Superintendent of Streets.

If the street or place where such excavation is made has been macadamized, the macadam removed therefrom shall be kept separate from all other material. The trench shall be refilled, in the manner hereinbefore provided, up to the under side of such macadam; the macadam shall be replaced on the surface of the filled trench, and thoroughly tamped to correspond with the undisturbed portion of the street, and all longitudinal trenches shall then be rolled with a roller weighing not less than six (6) tons. If the macadam or road surface has been oiled, the material replaced shall be treated with oil of the same quality and quantity as was originally used. New Material shall be used, if necessary, to provide the same thickness of macadam as was removed. If the street or other public place in which such excavation is made has been paved, the excavation shall be refilled, as hereinbefore provided, up to the under side of the permanent pavement, and when such refilling is in proper condition, the pavement torn up or damaged by such excavation shall be replaced.

All asphalt bituminous rock, stone block, brick and wooden block pavements replaced shall be laid on a concrete foundation six (6) inches thick and the pavement torn up or damaged by such excavation shall be replaced in accordance with the specifications then in use by the City of Oakland for the laying of asphalt bituminous rock, asphalt macadam, stone block, brick, concrete and wooden block pavements.

The replacing of pavements shall be done under the supervision of an inspector duly authorized by the Superintendent of Streets to inspect such work, and the Superintendent of Streets shall collect, as hereinafter in this Article specified for the cost of replacement, from the person making the excavation, the cost of said inspection, at the rate of seven dollars ($7.00) per day of eight (8) hours, for each inspector so employed.

SEC. 6-2.08 REFILLING EXCAVATIONS BY CITY IF NOT COMPLETED IN SPECIFIED TIME. In refilling any excavation made as hereinbefore in this Article provided for, if the asphalt or bituminous rock surface of the disturbed pavement is not replaced by the person making the excavation within six (6) days after the concrete foundation for the same has been placed, or if the macadam replaced is not treated with oil as hereinbefore required within three (3) days after such macadam is replaced, then the Superintendent of Streets is hereby authorized to replace such asphalt or bituminous rock surface, or to treat such macadam with oil, and to collect from the person liable for such work the cost of replacing said asphalt or bituminous rock or oil treatment. If the payment for said replacement work is not made within a reasonable time, then the cost of said replacement work shall be deducted by the City of Oakland from the deposits retained by said City from the person making the excavation.

All money collected by the Superintendent of Streets or deducted from the deposits for the cost of replacements and inspection thereon as herein provided, shall be paid to the City Treasurer of said City and placed in the Street Fund of said City.

SEC. 6-2.09 EXCAVATIONS. CONVENIENCE AND SAFETY OF PUBLIC TRAVEL. It shall be the duty of every person making any excavation in any public street, alley or other public place, to maintain safe crossings for vehicle traffic at all street intersections, and safe crossings for pedestrians at intervals of not more than three hundred (300) feet. If any such excavation is made across any public street or alley, at least one safe crossing shall be maintained at all times for vehicles and pedestrians. Free access must be provided to all fire hydrants and water gates. All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. If the street is not wide enough to hold the excavated materials without using part of the adjacent sidewalk, the person by whom the excavation is made shall erect a tight board fence upon and along such sidewalk and keep a passageway at least six (6) feet in width open upon and along such sidewalk. All gutters shall be maintained free and unobstructed for the full depth of the adjacent curb and for at least one (1) foot in width from the face of such curb at the gutter line. Wherever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained.

It shall also be the duty of every person excavating or otherwise obstructing any sidewalk in the fire limits, to erect and maintain a four foot (4') walkway outside of the curb line along such excavation or obstruction during such time as the sidewalk may remain impassible, with a substantial railing on each side to protect pedestrians.

It shall also be the duty of every person making any excavation in any public street, alley or other public place, to place and maintain barriers at each end of such excavation and at such places as may be necessary along the excavation to prevent accident, and also to place and maintain lights at each end of such excavation and at distances of not more than fifty (50) feet along the line thereof, from sunset each day to sunrise of the next day, until such excavation is entirely refilled; and it shall be unlawful for any person to fail, refuse or neglect to comply with any requirement contained in this section.

SEC. 6-2.10 DILIGENCE IN COMPLETING SATISFACTORILY. When any excavation in Section 6-2.01 of this Article is made, after such excavation is commenced, the work of making and refilling the same shall be prosecuted with due diligence and so as not to obstruct the street or other public place or travel thereon, more than is actually necessary therefor. If the work is not so prosecuted, or if the work of refilling does not, in the judgment of the Superintendent of Streets, comply with the terms of this Article, the Superintendent of Streets shall notify the person named in the permit that the work is not being prosecuted with due diligence or that the refilling of such excavation has not been properly done, and shall require such person within five (5) days after the service of such notice, to proceed with the diligent prosecution of such work or properly to complete the same, as the

case may be. Such notice shall be written or printed, and shall be served personally or by leaving the same at the residence or place of business of such person; or if such person cannot be found, and such place of business or residence is unknown, or is outside of the City of Oakland, such notice may be served by depositing the same in the postoffice in a sealed envelope, postage fully prepaid, addressed to such person at such place of business or residence, if known, or if unknown, at the City of Oakland. If such notice is not complied with, the Superintendent of Streets shall do such work as may be necessary to refill such excavation and to restore the street, or other public place, or part thereof, excavated to as good condition as the same was in before such excavation was made.

SEC. 6-2.11 EXCAVATIONS. GUARANTY OF PROPER REFILL. The person by whom any excavation shall be made in any public street, alley or other public place, shall be deemed and held to guarantee the work of refilling and repair thereof, for the period of one (1) year after the refilling of such excavation, against all defects in workmanship or materials. Whenever within such period of one year, any part of the pavement or surface of any public street or place so guaranteed becomes in need of repairs by reason of any defect in workmanship or material used in such work of refilling or repair, the Superintendent of Streets shall serve on the person by whom the excavation was made, a written notice stating the repairs necessary and requiring such repairs to be made within five (5) days after the service of such notice. Such notice shall be served in the manner provided in Section 6-1.10 of this Article and if the same is not complied with, the Superintendent of Streets shall at once make such repairs.

SEC. 6-2.12 EXCAVATIONS. BALANCE OF DEPOSITS. DISPOSITION. The balance of each such deposit made for any excavation permit as hereinbefore in this Article provided for, after the deductions hereinbefore in this Article provided for have been made, shall be retained by the City of Oakland for one (1) year from the date of the completion of the work which said deposit covers.

The said city shall also deduct the cost of any work done or repairs made by the Superintendent of Streets, as provided for in this Article, from any and all deposits then on hand, belonging to or that may thereafter be made by any person required by this Article to do any work or to make any repair under the provisions of this Article, and who shall have failed, refused or neglected to perform such work or to make such repairs. On demand after the expiration of such period of one year, such special deposit, less the deductions made pursuant to this Article, shall be returned to the person making the same, or to his or its assigns.

Each general deposit made pursuant to the provisions of this Article may be returned at any time to the person making the same, or to his or its assigns, after first making the deductions therefrom authorized by this Article, provided however, that the City of Oakland shall retain, of each such general deposit, such amounts and for such period of time as would be required by this Article if the amount of such general deposit had been paid as special deposits for permits for the several excavations made by reason of such general deposit.

SEC. 6-2.13 EXCAVATIONS. SUPERVISION OF SUPERINTENDENT OF STREETS. All excavations, refilling of excavations and repairing of street surfaces, pursuant to the provisions of this Article, shall be made under the supervision and direction of the Superintendent of Streets. It shall be the duty of the said Superintendent of Streets to supervise and direct all such making and refilling of excavations and repairing of street surfaces, and to require that all such excavations, refilling and repairing comply with the requirements of the provisions of this Code and of the ordinances of the said City.

SEC. 6-2.14 CONDUITS OF UTILITIES. MAPS OF LOCATIONS. It is hereby made the duty of every person owning, using, controlling or having an interest in pipes, conduits, ducts or tunnels under the surface of any public street, alley, sidewalk or other public place for supplying or conveying gas, electricity, water, steam, ammonia or oil in, to or from the City of Oakland, or to or from its inhabitants, or for any other purpose, upon demand of the Superintendent of Streets, to file in the office of the Superintendent of Streets, upon a twenty-four (24) hours' notice, such map or set of maps as shall be demanded by said Superintendent of Streets, which said map or set of maps shall show in detail the exact location, size, description and date of installation, if known, of all mains, laterals, services and service pipes, and of all valves, pressure regulators, drips, manholes, handholes, transformer chambers or other appliances installed beneath the surface of such public streets, alleys, sidewalks or other public places in the City of Oakland belonging to, used by, or under the control of, such person, or in which such person has any interest. It shall also be the duty of every person, upon demand of said Superintendent of Streets, upon twenty-four (24) hours' notice, to file such corrected map or set of maps as shall be demanded by the Superintendent of Streets, showing the complete installation of all such pipes and other appliances, including all installations made during the previous year, to and including the last day of such year. Each such map shall be accompanied by an affidavit endorsed thereon, subscribed and sworn to by such person or by a member of the firm or by the president or secretary of the corporation, to the effect that the same correctly exhibits the details required by this Article to be shown thereon.

Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any public street, alley or other public place, or the use thereof is abandoned, the person owning, using, controlling or having an interest in the same, shall within thirty (30) days after such abandonment, file in the office of the Superintendent of Streets a map giving in detail the location of the pipe, conduit, duct, tunnel or other structure so abandoned. Each map or set of maps filed pursuant to the provisions of this section shall show in detail the location of all such pipes, conduits, ducts, tunnels or other structures abandoned subsequent to the filing of the last preceding map or set of maps.

SEC. 6-2.15 EXCAVATIONS IN AREAS BETWEEN CURB AND SIDEWALK. PERMIT. It shall be unlawful for any person to make, or to cause or permit to be made, any excavation under, or to remove or to cause or to permit to be removed, any earth, dirt, or other formation from under, that portion of any sidewalk lying between the curb line and a line parallel thereto and distant therefrom one-fourth (1/4) of the legal width of the sidewalk.

Provided, however, that the Superintendent of Streets may, with the unanimous approval, by resolution, of the City Council, issue permits for the making of excavations under the aforementioned portion of any sidewalk, Before any such permit is issued, however, a request in writing to the Superintendent of Streets shall be made therefor, accompanied by a detailed plan of such excavation, showing the proposed location thereof, all appurtenances thereto and the purposes for which it is to be used. Any such excavation shall be so constructed and maintained as to afford lateral, sublateral, adjacent and overhead support of the surrounding embankments and structures satisfactory to the Superintendent of Streets.

This section shall not prevent the necessary excavation for laying pipes or sewer connections across such portions of the sidewalks. Any permit issued under the provisions of this Section may be revoked at any time by the City Council when, in its judgment the public need requires it. The City of Oakland shall have the right to use any portion of the excavated area constructed or maintained under the authority of the aforementioned permit for the construction and maintenance of sewers, pipe lines, conduits and other public work and improvements.

SEC. 6-2.16 EXCAVATIONS. DISPOSITION OF SURPLUS MATERIALS. All surplus material removed under the provisions of this Article relative to excavations shall, if required by him, be delivered to such points as the Superintendent of Streets shall direct, provided, the distance such material is required to be hauled does not exceed one mile.

None of the provisions of this Article relative to excavations shall apply to any work done or to be done along, in or upon any public street, alley or other public place pursuant to any law of the State of California providing for the improvement thereof, or to any work done or to be done along, in or upon any such street, alley or other public place pursuant to any contract for improvement authorized by the City Council, nor to excavations made by any department, board or officer of the City of Oakland in the discharge of its or his official duties; provided, however, that the provisions contained in Section 6-2.09 of this Article shall apply to all such work and to all excavations to be made along, in or upon any public street, alley or other public place.

SEC. 6-2.17 EXCAVATIONS. EMERGENCIES. Nothing in this Article relative to excavations shall be construed to prevent any person maintaining any pipe or conduit in any public street, alley or public place by virtue of any law, ordinance or permit, from making such excavations as may be necessary for the preservation of life or property when such necessity arises; provided, that the person making such excavation shall obtain a permit therefor within four (4) days thereafter.

SEC. 6-2.18 EXCAVATION PERMITS SUBJECT TO RIGHTS IN OTHERS. Every permit for an excavation in or under the surface of any public street, alley or other public place shall be granted subject to the right of the City of Oakland, or of any other person entitled thereto, to use that part of such street, alley or other public place for any purpose for which such street, alley or other public place may be lawfully used.

SEC. 6-2.19 IMPROVEMENT. PERMIT TO CIRCULATE PETITION FOR. It shall be unlawful for any person to circulate a petition requesting the Council to order the improvement of any street pursuant to the terms of ordinance or statute, or to solicit private contracts for the improvement of such street without first having obtained permission so to do from the Superintendent of Streets.

Any person desiring said permit shall first file with the Superintendent of Streets a written statement showing location, type, character and description of said work in such detail as said Superintendent of Streets may require. Said Superintendent of Streets, if he is of the opinion that public necessity and convenience require the doing of said work, that the proposed improvement is feasible and beneficial, and the cost is not prohibitive, may grant permission to circulate such petition or solicit such private contract for the doing of said work; provided, however, that the Superintendent of Streets may rescind any permit granted under the provisions of this section.

Such permission, together with a copy of said written statement, shall be attached to said petition or contract, and shall be exhibited to the signer before his signature is obtained.

Each request for a signature to such petition or contract in violation hereof shall be considered a separate and distinct violation.

SEC. 6-2.20 IMPROVEMENT BY PRIVATE CONTRACT. PERMIT REQUIRED. No person shall cause or allow the construction by private contract of any street work in any public street of the City of Oakland, in front of property owned by him, or under his charge or control, unless permission therefor shall have been first obtained from the City Council. Provided, however, that nothing herein shall be construed to apply to the private construction of sidewalks, driveways or curbs as provided for in Article 1 of this Chapter.

Amend #0.2175 amo 5/28/46

SEC. 6-2.21 IMPROVEMENT BY PRIVATE CONTRACT. FILING AND APPROVAL OF SPECIFICATIONS. No permission to perform street work by private contract shall be granted, or if granted shall be valid, unless the persons applying for the same shall have (1) filed with the City Clerk plans and specifications for the work, prepared by the City Engineer, or with the approval of the City Engineer endorsed thereon; (2) filed with the Superintendent of Streets three certified copies of said plans and specifications and a certified copy of the contract entered into between the contractor and the property owners, with affidavit attached, sworn to before a Notary Public, that all signatures to the contract are of owners of record or their authorized agent; also a letter in duplicate, stating the total amount of front feet on the street, the total amount signed, and the percentage the same bears to the total frontage; (excepting, however, that in case no contract exists, then the person or persons obtaining permission to perform street work, shall, in addition to filing plans and specifications with the Superintendent of Streets, deposit with him, in advance of doing said work, sufficient money to cover the fees and compensation specified in Section 6-2.25 of this Article); also excepting that in case the cost of the street work does not exceed seventy-five dollars ($75.00), then specifications, without plans, will be required to be filed with the City Clerk and Superintendent of Streets, in lieu of the plans and specifications heretofore mentioned.

SEC. 6-2.22 IMPROVEMENT. PRIVATE CONTRACT. REQUIREMENTS. The private contract for street improvement referred to in Section 6-2.21 of this Article shall provide for the completion of the work within a specified time (which time may be extended by the City Council) and for the construction, in conformity with the plans and specifications adopted by the City Council for street work of the character contracted for, and the completion of the work to the satisfaction and acceptance of the Superintendent of Streets. All contracts entered into between the owners of any property and the contractor or his agent shall be in duplicate, and shall contain all items of expense, and the total contract price therefor, and no other payment shall be allowed to or recovered by such contractor, other than as itemized and set forth in said contract. The original of such contract shall be held by the contractor or his agent, and the duplicate shall be held by the owners, who must receipt to the agent or contractor therefor.

SEC. 6-2.23 IMPROVEMENT BY PRIVATE CONTRACT IN ACCORDANCE WITH ADOPTED SPECIFICATIONS. All street work done by private contract shall be in accordance with the plans and specifications adopted by the Council, to the line and grade established or approved by the City Engineer, and shall be to the satisfaction and acceptance of the Superintendent of Streets.

SEC. 6-2.24 IMPROVEMENT BY PRIVATE CONTRACT. CERTIFICATE OF COMPLETION, AND APPROVAL. When street work is done by private contract, upon completion of the work specified in the contract the contractor shall secure (1) from the Engineer for the work, the engineer's certificate, which shall state the work has been done to line and grade (if the engineering work has been done outside of the City Engineer's Office, a copy of the Engineer's Certificate shall be filed in said office, and in the office of the Superintendent of Streets); (2) From the Superintendent of Streets, his certificate, which shall state that the work has been done in conformity with the specifications and to the satisfaction and acceptance of the Superintendent of Streets.

The Street Superintendent shall have the same power to appoint a suitable person to superintend or inspect construction as is or may be vested in the Superintendent of Streets by the general law of the State of California in the case of public contracts, and the compensation of such person shall be the same as for special superintendents or inspectors employed under public contracts.

SEC. 6-2.25 IMPROVEMENT BY PRIVATE CONTRACT. FEES. When street work is done by private contract, the City Engineer, if the engineering work is done by him, shall receive for the services performed by him, in connection with private contracts for which a permit is granted pursuant to the terms of this Article, such fees as are now allowed or shall be hereafter allowed by the Ordinances of the City of Oakland.

The Street Superintendent shall collect all fees due for printing, City Engineer's fees unpaid, and special superintendent's or inspector's compensation, and shall not issue to the contractor the Street Superintendent's certificate hereinbefore in Section 6-2.24 of this Article provided for until the fees above mentioned are paid.

SEC. 6-2.26 IMPROVEMENT BY PRIVATE CONTRACT. DENIAL OF RIGHT TO AS PENALTY. In addition to any other penalty provided by this Code, any person who shall collect money or attempt to collect money for street work done under any private contract granted pursuant to the terms of this Article, until the certificates of the Engineer and Street Superintendent shall have been issued, as hereinbefore in Section 6-2.24 of this Article provided for, or who shall violate or attempt to violate any of the provisions of this Article pertaining to street work by private contract, shall be denied the privilege of thereafter doing any kind of street work in the City of Oakland.

SEC. 6-2.27 TRACKS OF STREET RAILROAD CROSSING STREET BEING PAVED. Wherever any street railroad operating upon the public streets of the City of Oakland, crosses any public street in said City which is being paved with a hard-surfaced pavement upon a concrete foundation such as sheet asphalt, basalt blocks, vitrified brick or other similar material, any person operating such street railroad shall, at the time the work of paving is done on the cross street, reconstruct, to the satisfaction of the Superintendent of Streets of the City of Oakland, the tracks of such street railroad at such crossing in the manner shown upon that certain plan prepared by the City Engineer, entitled "Sectional Plan of Street Railway Track Construction for Street Intersection (Type "A") Oakland, Cal. August 1919", and filed on the 26th day of August, 1919, in the office of the City Clerk of said City.

SEC. 6-2.28 TRACKS OF RAILROAD CROSSING STREET BEING PAVED. Whenever any railroad operating upon the public streets of the City of Oakland, other than a street railroad, crosses any public street in the City of Oakland which is being paved with a hard-surfaced pavement upon a concrete foundation such as sheet asphalt, basalt blocks, vitrified brick or other similar material, any person operating such railroad, other than said street railroad, shall, at the time the work of paving is done on the cross street, reconstruct, to the satisfaction of the Superintendent of Streets of the City of Oakland, the tracks of such railroad at such crossing in the manner shown upon that certain plan prepared by the City Engineer, entitled "Sectional Plan of Heavy-type Railroad Track Construction for Street Intersection (Type "A") Oakland, Cal. August 1919" and filed on the 26th day of August, 1919, in the office of the City Clerk of said City.

SEC. 6-2.29 PAVEMENT BY RAILROADS TO BE SAME AS REST OF STREET. In all cases where a public street within the City of Oakland is now, or shall be hereafter, paved with bithulithic, concrete, or oil-macadam, that portion of such street to be kept in order or repair by any street railroad having a track or tracks thereon, shall be paved with the same pavement as the other portion of the street.

The laying of said pavement upon such portion of such street shall be commenced within ten (10) days after the completion and acceptance by the Superintendent of Streets of the pavement upon the remainder in width of such street.

The provisions of this section shall apply to all existing franchises and all franchises hereafter granted, but shall not apply to Broadway or Washington Streets, or to Fourteenth Street between Broadway and Washington Streets.

SEC. 6-2.30 TRACKS AND PAVEMENT TO BE LAID IN ACCORDANCE WITH APPROVED PLANS. All car tracks to be hereafter laid by any person in the City of Oakland, and all street pavement and roadway to be laid within the space required by law to be maintained by railway companies, shall be constructed according to detail plans which must be prepared by the party or parties who propose to do the work. Said plans must be submitted to and approved by the City Engineer before construction

begins, and all work must be done to the satisfaction of the City Engineer and Superintendent of Streets. All existing tracks and street pavement and roadways, the design of which is not approved by the City Engineer, when removed for any other purpose than ordinary repair of roadbed, must be replaced by track or pavement conforming to the above requirements. The plans as aforesaid must show in detail a cross section of the proposed track and pavement and roadway, and the alignment of all railway tracks must be satisfactory to the City Engineer.

All railroad tracks and street pavement must be laid on the official grade of the street, and all existing tracks and street pavement not on official grade must be reconstructed upon the order of the City Council.

SEC. 6-2.31 TRACKS. MAINTENANCE OF PAVEMENT BETWEEN. NOTICE TO REPAIR. Any person owning or operating any car track or tracks in the City of Oakland, shall be required to maintain and sprinkle said track or tracks and the pavement and roadway between and adjacent thereto and two (2) feet each side thereof in a condition satisfactory to the City Manager and the Superintendent of Streets of said City of Oakland.

Any owner, superintendent or other officer of any corporation or association, owning or operating any street railroad in the City of Oakland, shall, upon notice from the Superintendent of Streets of the City of Oakland, make all repairs specified in said notice. Any car track which presents serious obstruction to travel in the crossing of vehicles will be subject to removal by the Superintendent of Streets without notice to the owners or officers in charge of said track.

SEC. 6-2.32 TRACKS. REPAIRS TO BE MADE BY CITY IF NOT MADE UPON NOTICE. After service of notice to make any repairs as provided for in Section 6-2.31 of this Article, and the time for beginning work as specified having expired, the Superintendent of Streets may proceed to make any necessary repairs, and the cost of the work plus one hundred per cent (100%) shall be charged to the person served with said notice, and the amount so charged shall constitute a lien upon the property of said person.

Any work provided for by Section 6-2.31 of this Article must be commenced within three (3) days after service of notice and prosecuted diligently to completion unless the time for beginning work is otherwise specified in said notice.

SEC. 6-2.33 TRACKS. TYPE AND LAYING. All tracks hereafter to be laid for any street railroad in any public street in the City of Oakland shall be constructed of standard rails of the most approved pattern, and in a good and substantial manner, and so as to present the least possible obstruction to travel and the crossing of vehicles. All rails heretofore in use which do not conform to the foregoing provisions, when removed for any other purpose than for ordinary repair of the roadbed, stringers or ties, shall be replaced by rails conforming, and in a manner conforming to said foregoing provisions.

All tracks for any street railroad now, or hereafter to be, constructed in any public street in the City of Oakland shall be laid in such a manner that the top of the rail or rails shall be flush with the street between the rails and for two feet on either side of such rails and between the tracks, if there is more than one.

SEC. 6-2.34 TRACKS. REMOVAL AND REPLACEMENT. No track or tracks, in use by any street railroad in the City of Oakland and laid in any public street in said City, shall be taken up or removed to any part of said street or elsewhere, for temporary or other purposes, without first obtaining permission for said work from the Council of the City of Oakland.

Whenever any such track or tracks are taken up for temporary purposes, such track or tracks must be replaced promptly and with as little obstruction to travel as possible, and in accordance with the provisions of this Article applicable thereto.

All such tracks for said street railroads in the City of Oakland shall be laid in accordance with the official grade of the public street in which such tracks are laid, and whenever the grade of any such street is changed such tracks shall be relaid promptly to conform to the change of grade.

SEC. 6-2.35 TRACKS. ABANDONMENT. REPAVING. Whenever any street railroad track laid in or upon any public street in the City of Oakland is taken up for abandonment of its use, the person owning or controlling such street railroad track shall remove such track promptly and repave that portion of the street formerly used by the tracks so removed between the rails and for two (2) feet on either side thereof. Such re-pavement and all paving required by the provisions of this Article relative to tracks shall be done with similar materials, of as good quality as the adjacent roadway, and shall be done in accordance with the general specifications provided by ordinance or otherwise for similar street work.

SEC. 6-2.36 TRACKS WHERE IMPROVED TYPE OF PAVEMENT IS IN USE. In all cases where any public street in the City of Oakland is paved with asphalt, bitumen, wooden blocks or other improved paving material, and when a portion of such street is to be kept in repair by any street railroad, such portion of said street shall not be macadamized or remacadamized nor shall any macadam be laid thereon, and such portion of said street which is to be kept in repair by any street railroad must be properly paved and such paving must be done to the satisfaction of the Superintendent of Streets of the City of Oakland.

All work hereinbefore in this Article required to be done by a Street Railroad Company shall be done promptly, in a good, substantial manner and to the satisfaction of the Superintendent of Streets.

No owner, or any superintendent, or other official of any firm, corporation or association, owning, operating or controlling any street railroad in the City of Oakland, shall cause, or knowingly allow, any work to be done or fail to be done in violation of the provisions of this Article.

SEC. 6-2.37 LIGHTING. DESIGN OF STANDARDS. The three (3) decorative designs, as shown on that certain drawing entitled, "Standard Designs for Ornamental Street Lighting Standards. City of Oakland, August 24, 1927", filed in the office of the Superintendent of the Electrical Department, are hereby adopted and established as standard decorative designs for ornamental street lighting standards for use in the City of Oakland.

The decorative design of all ornamental street lighting standards hereafter installed in or on any public street of the City of Oakland shall substantially conform to one or the other of the aforesaid designs.

As used in this Article, the term "lighting standard" shall not be construed to include the lighting unit or lighting fixture supported by or on such lighting standard.

SEC. 6-2.38 LIGHTING STANDARDS TO BE CAST IRON. All ornamental street lighting standards hereafter installed in or on any public street of the City of Oakland shall be constructed of cast iron, excepting such inner reinforcing tubes and such bolts, screws and other small parts as may necessarily be made of other metals.

SEC. 6-2.39 LIGHTING. MAINTENANCE BY CITY WHEN. No ornamental street lighting standard hereafter installed in or on any public street of the City of Oakland, or in or on any area used or designated or set apart for use by the public as a public street, shall hereafter be lighted or maintained either wholly or partly at the expense of the City of Oakland unless such lighting standard shall conform to the requirements of this Article, and then only to such extent and subject to such conditions and regulations as may from time to time be prescribed or established by or with the approval of the City Council.

SEC. 6-2.40 LIGHTING. APPROVAL OF CITY BEFORE ENERGY IS SUPPLIED. No person shall make any electric service connection to, or supply any electrical energy to, any ornamental street lighting installation until the Electrical Department shall have inspected and approved such installation as conforming to this Code and to ordinances, rules and regulations of the City of Oakland thereto pertaining.

SEC. 6-2.41 LIGHTING. REPLACEMENTS NOT AFFECTED. This Article shall not be construed as applying to the replacement or re-installation, at or closely adjacent to its existing location, of any street lighting standard heretofore installed in the City of Oakland, as in cases where such replacement or re-installation is occasioned by damage to such lighting standard or by temporary removal thereof on account of street work or other construction work in the vicinity thereof.

Repealed By O. #7742 C.M.S.

SEC. 6-2.42 LIGHTING. ELECTROLIERS. From and after June 30, 1913, no permission to install electroliers in or upon any of the streets, lanes, alleys or other public places in the City of Oakland shall be granted by the Council of the City of Oakland or by any officer or employee of said City to any person and no electroliers shall be installed in any of the streets, lanes, alleys or other public places in the City of Oakland; provided, that permission may be granted to install electroliers, and electroliers may be installed upon the granting of such permission, in the following described district in the City of Oakland:

Beginning at the intersection of the westerly line of Market Street with the northerly line of Seventeenth Street; running thence easterly along the northerly line of Seventeenth Street to the intersection of the northerly line of Seventeenth Street with the easterly line of Webster Street; running thence southerly along the easterly line of Webster Street to the intersection of the easterly line of Webster Street with the southerly line of Seventh Street; running thence westerly along the southerly line of Seventh Street to the intersection of the southerly line of Seventh Street with the westerly line of Market Street; and running thence northerly along the westerly line of Market Street to the point of beginning.

Provided, however, that all electroliers installed west of Jefferson Street, within the limits of the foregoing district, shall not exceed four (4) to the block, and shall conform in general style, size and appearance to the electroliers now being maintained by the City of Oakland, unless otherwise authorized by the unanimous vote of the whole Council.

SEC. 6-2.43 UNDERGROUND WIRE DISTRICTS DEFINED. For the purpose of removing poles and overhead wires and placing all electrical wires and conductors underground, the following districts are designated as underground districts and described as follows:

UNDERGROUND DISTRICT NO. 1.

Bounded as follows: Commencing at the northwest corner of Washington and Eleventh Street, and thence northerly along the west side of Washington Street to the north side of Fourteenth Street, and thence along the north side of Fourteenth Street to the center line of Franklin Street; thence along the center line of Franklin Street to the center line of Eleventh Street, and thence along the center line of Eleventh Street, to the western line of Washington Street, thence northerly to the point of beginning.

UNDERGROUND DISTRICT NO. 2.

Bounded as follows: Commencing at the northwest corner of San Pablo Avenue and Fourteenth Street, thence along the west side of San Pablo Avenue to north side of Seventeenth Street, thence along the north side of Seventeenth Street to east side of Telegraph Avenue, thence along the north side of Seventeenth Street to east side of Broadway Street, thence along the east side of Broadway Street to the north side of Fourteenth Street, thence westerly along the north side of Fourteenth Street to point of beginning.

UNDERGROUND DISTRICT NO. 3.

Bounded as follows: Commencing at the intersection of the center line of Eleventh Street and western line of Washington Street, thence along the center line of Eleventh Street to the east side of Broadway Street, thence along the east side of Broadway Street to the southeast corner of Broadway and Seventh Streets, thence from the southeast corner of Broadway and Seventh Streets along the south side of Seventh Street to west side of Washington Street, thence along the west side of Washington Street to the point of beginning.

UNDERGROUND DISTRICT NO. 4.

Bounded as follows: All those portions of the following described streets: Franklin Street from the south property line of Seventh Street to the north property line of Fourteenth Street, except such portion of said street as is already included in underground district No. 1. Seventh, Eighth, Ninth, Tenth and Eleventh Streets from the west line of Franklin Street to the east property line of Broadway; except that portion of Eleventh Street that is already included in underground district No. 1. Twelfth Street from the east line of Franklin Street to the east line of First Avenue and Lakeside Boulevard, from the north line of Twelfth Street to the west line of First Avenue. Eleventh Street and Thirteenth Street from the east line of Franklin Street to the west line of Webster Street.

UNDERGROUND DISTRICT NO. 5.

Bounded as follows: All those portions of the following described streets: Clay Street from the south line of Seventh Street to the southwesterly property line of San Pablo Avenue; Seventh, Eighth, Ninth, Tenth and Eleventh Streets from the east line of Clay Street to the west line of Washington Street. Twelfth, Thirteenth and Fourteenth Streets from the east line of Jefferson Street to the west line of Clay Street; and from the east line of Clay Street to the west line of Washington Street; Fifteenth Street and Sixteenth Street from the east line of Clay Street to the southwesterly line of San Pablo Avenue.

UNDERGROUND DISTRICT NO. 6.

Bounded as follows: All those portions of the following described streets: San Pablo Avenue, Telegraph Avenue and Broadway from the north property line of Seventeenth Street to the south property line of Twentieth Street; Eighteenth Street and Nineteenth Street from the west property line of Telegraph Avenue to the northeasterly line of San Pablo Avenue.

UNDERGROUND DISTRICT NO. 7.

Bounded as follows: All those portions of the following described streets: Broadway and Washington Streets from the south line of Seventh Street to the north line of Third Street, Fourth Street, Fifth Street and Sixth Street from the east line of Clay Street to the west line of Washington Street and from the east line of Washington Street to the west line of Broadway, and from the east line of Broadway to the west line of Franklin Street.

UNDERGROUND DISTRICT "A".

Thirteenth Street from the west line of Webster Street to the east line of Alice Street.

Fourteenth Street from the east line of Franklin Street to its intersection with the north line of Twelfth Street.

Fifteenth Street from the East line of Jefferson Street to the west line of Clay Street and from the east line of Broadway Street to the west line of Franklin Street and from the west line of Franklin Street to the west line of Harrison Street when so and as extended.

Sixteenth Street from the east line of Jefferson Street to the west line of Clay Street.

Seventeenth Street from the east line of Broadway Street to the west line of Franklin Street and from the west line of Franklin Street to the west line of Harrison Street when so and as extended.

Nineteenth Street from the east line of Telegraph Avenue to the east line of Broadway Street.

William Street from the east line of San Pablo Avenue to the west line of Telegraph Avenue.

Broadway Street from the south line of Twentieth Street to the south line of Hawthorne Avenue.

Franklin Street from the north line of Fourteenth Street to the south line of Nineteenth Street.

Webster Street from the north line of Twelfth Street to the north line of Seventeenth Street as such line of Seventeenth Street will be when extended.

Oak Street from the north line of Twelfth Street to the south line of Lake Street.

Fallon Street from the north line of Twelfth Street to its intersection with Fourteenth Street.

Boulevard along the westerly shore of Lake Merritt from Lake Street to Harrison Boulevard.

Harrison Boulevard from the north line of Twentieth Street to the south line of Twenty-third Street.

Lakeshore Boulevard from the west line of First Avenue to the west line of Wayne Avenue.

UNDERGROUND DISTRICT "B"

Jefferson Street from the north line of 13th Street to the west line of San Pablo Avenue.

Nineteenth Street from the east line of Broadway to the west line of Webster Street.

Hobart Street from the east line of Broadway to the west line of Webster Street.

Franklin Street from the south line of Nineteenth Street to the south line of Twenty-first Street and from the south line of Twenty-first Street to the east line of Broadway when so extended.

Twenty-first Street from the east line of Broadway to the west line of Webster Street.

Grand Avenue from the east line of Broadway to the west line of Webster Street.

Twentieth Street from the east line of San Pablo Avenue to the west line of Webster Street.

UNDERGROUND DISTRICT "C"

Webster Street from the south line of Seventeenth Street to the south line of Twentieth Street.

UNDERGROUND DISTRICT "D"

Lakeshore Avenue from the southern line of Mandana Boulevard to the southern line of Lake Park Avenue as said southern line exists east of Lake Shore Avenue.

Lake Park Avenue from the eastern line of Grand Avenue to the center line of Lakeshore Avenue.

Harrison Street from the north line of Twelfth Street to the north line of Twentieth Street.

Thirteenth Street from the east line of Alice Street to its intersection with Fourteenth Street.

SEC. 6-2.44 POLES AND OVERHEAD WIRES PROHIBITED. It shall be unlawful in any Underground District defined in Section 6-2.43 of this Article except District No. 7 for any person to erect, maintain, continue, use, operate, or employ, over or upon the streets or alleys in any of said Underground Districts, except District No. 7 any overhead wires, overhead cable, device or apparatus by, through, over or by means of which electricity is, has been or may be in any manner transmitted, conducted or conveyed for electric light, heat, power, telegraph, telephone, signaling or other purpose, or pole or other structure supporting the same, or to keep, continue, maintain, use, operate or employ any such pole or any such overhead wire, cable, device or apparatus, and all such poles, overhead wires, cables, devices or apparatus shall be deemed a public nuisance; provided, however, that it shall be lawful to continue the maintenance of a four (4) span lead for local distribution in the block from San Pablo Avenue to Telegraph Avenue, on Twentieth Street.

It shall be unlawful in District No. 7 as defined in Section 6-2.43 of this Article, for any person owning or making use of wires for the transmission of signals or intelligence to erect, maintain, continue, use, operate or employ any pole, overhead wire, overhead cable or device over or upon the streets in said District No. 7, by, through, over or by means of which signals, or intelligence is transmitted. Except that such person may employ distributing poles with their wires, upon or over Fourth, Fifth and Sixth Streets providing drop wires do not cross Broadway or Washington Streets. A distributing pole is hereby defined to be a pole having one or more passageways connecting it with an underground conduit and said pole being used for purposes of distribution to consumer's premises only and not having an overhead connection by means of overhead wires with any other pole or fixture.

It shall be unlawful in said District No. 7 for any person to erect, maintain, continue, use, operate or employ any pole or overhead wire, cable or device over or upon the streets of said District No. 7, by, through or by means of which electricity is or has been or may be transmitted, conducted or conveyed for the purpose of electric light, heat or power; except that such person may employ a two-span lead with their wires over or upon Fourth, Fifth or Sixth Streets, providing drop wires or line wires do not cross Broadway or Washington Streets overhead. A two-span lead is hereby defined to be a lead of three poles, one of which has connection of one or more passageways connecting it with an underground conduit system or has not more than two wires connecting said lead with any other pole lead. The latter part of the above definition is understood as an extension of the general meaning of the term "two-span lead" put in only to apply to District No. 7.

Sec 6-2.441-2
6-2.451-2-3-45
6-2.461-2-3-4
6-2.471-2-3-4
} as by O#1175 cms

It shall be unlawful in said District No. 7 for any person to keep, continue, maintain, use, operate or employ any such pole or any such overhead wire, cable, device or apparatus except as herein provided, and all such poles, and all such overhead wires, cables, devices, and apparatus as aforesaid, shallbe deemed public nuisances except such as are herein exempted from the provisions of this Article.

Amd by O. #1175 cms

SEC. 6-2.45 MAINTENANCE OF POLES AND WIRES IN UNDERGROUND DISTRICTS A MISDEMEANOR. Any person who shall erect or so construct, place or keep, maintain, continue, employ, operate or use in any manner whatever for any of the purposes referred to in Section 6-2.44 of this Article, any such pole, or overhead wire, cable, device or apparatus excepting such as are in said Section 6-2.44 exempted, in any of the streets or alleys specified in said Underground Districts defined in Section 6-2.43 of this Article or any portion of said streets or alleys, or who shall neglect to take down and remove any and all such poles, overhead wires, cables, devices or apparatus shall be guilty of a misdemeanor, and each fifteen (15) days that may elapse for the failure to comply with the provisions hereof shall constitute a separate offense.

Amd by O #1175 cms

SEC. 6-2.46 POLES AND WIRES. SPECIAL TEMPORARY PERMISSION. The City Council may grant special permission in cases of emergency or upon some unusually special occasion, without discrimination to any person, to erect, construct, install, maintain, use or operate poles, overhead wires, cables, devices or apparatus for a period not exceeding sixty (60) days in each case, anything in this Article to the contrary notwithstanding.

Amd by O. #1175 cms.

SEC. 6-2.47 UNDERGROUND DISTRICTS. EXCEPTIONS TO REQUIREMENTS. Poles or posts used exclusively for supporting street lights and poles or posts used exclusively for supporting fire alarm boxes or other similar municipal equipment may be erected and maintained in said Underground Districts defined in Section 6-2.43 of this Article under the supervision and to the satisfaction of the City Council, and are exempt from the provisions of this Article relative to Underground Districts.

Wires of a continuous lead crossing any of the streets specified in said Underground Districts at a street intersection when such continuous lead is on a street on which poles, overhead wires, cables, devices, or apparatus are not prohibited, are hereby exempt from the provisions of this Article relative to Underground Districts.

Electric railways are hereby expressly exempt from the provisions of this Article relative to Underground Districts insofar as it affects poles and wires used exclusively for railway purposes.

Overhead wires used for district telegraph and messenger service are exempt from the provisions of this Article relative to Underground Districts provided a permit therefor designating the location and manner of construction thereof shall first be obtained from the electrical department.

Amended By O. #493 cms,

SEC. 6-2.48 MOVING BUILDINGS. PERMIT. It shall be unlawful for any person to move or cause to be moved any building in, on, upon, across or along, or into any public street or highway in the City of Oakland without first obtaining a permit in writing so to do. Application for such permit shall be filed with the City Manager and shall specify the character of the building to be moved, the place from which, and the place to which, said building is to be moved, the streets over or through which it is desired to move the building, and the method of such moving and locomotion; and said application shall contain the written assent to the proposed location of said building from the persons owning the majority of the feet front of lots of the same block on the same street in which it is proposed to locate such building, and also from the persons owning the majority of the feet front of lots of the same street on the block opposite the proposed location. Said application shall also contain a certificate of the Building Inspector of the City of Oakland stating the value of the house or building proposed to be moved.

The applicant for a permit shall, at the time his application is filed, give written notice to the owners of property situated within one hundred and fifty (150) feet of the exterior boundaries of the lot or piece of land on which said building is to be located, which notice shall set forth the character of the building to be moved, the place from which and the place to which it is to be moved and the value of the building as certified to by the Building Inspector. Five (5) days shall elapse between the filing of the application and the action thereon by the City Manager.

SEC. 6-2.49 MOVING BUILDINGS. FEES AND DEPOSITS. Upon filing an application for a permit to move a building as provided for in Section 6-2.48 of this Article, such applicant shall deposit with the Bureau of Permits and Licenses the sum of One Hundred Dollars ($100.00) as a guaranty that he will pay any and all damages which may result by reason of the moving of said building by the applicant, his agent, employees or working men to any property belonging to the City of Oakland. Such applicant shall also pay the said Bureau of Permits and Licenses the following fee: (1) If the method of moving and locomotion is such that the building rests upon wooden rollers supported by the street and the method of locomotion by turning a capstan staked to the street, the fee shall be twenty-five dollars ($25.00) and five dollars ($5.00) additional for each one thousand (1,000) feet or fractional part thereof, if the said building is to be moved along any public street or highway in excess of one thousand (1,000) feet measured on the shortest direct line along streets to the point of destination, such distance to be determined by the Superintendent of Streets, and (2) if the manner of moving such building is that of placing it upon a vehicle and the vehicle is self propelled or drawn by horses or self-propelling vehicle, the fee shall be five dollars ($5.00). Amend ORD #2419 Cms 3/27/47

SEC. 6-2.50 MOVING BUILDINGS. INJURY TO OR OBSTRUCTION OF STREETS. The moving of any building in or upon or across any public street or highway in the City of Oakland as provided for in Section 6-2.48 of this Article shall be done in a careful manner and shall be prosecuted with diligence and shall be under the superintendence and control of, and performed to the satisfaction and approval of, the Superintendent of Streets. No person owning or having charge of the moving of any building through the public streets shall cause or allow the injury of any street, sidewalk, curb, tree, fence or private or public property by reason of such moving, nor permit the said building to be or stand on any street, lane, alley or public ground within the limits of one block for a period of time longer than twenty-four (24) hours unless such time is extended by the Superintendent of Streets, nor shall permit the same to obstruct the operation of any street railroad or railroad except between the hours of One-Thirty (1:30) A.M. and Five (5) A.M.

SEC. 6-2.51 MOVING BUILDINGS. CUTTING WIRES. When the moving of any building as provided for in Section 6-2.48 of this Article requires the cutting or temporary removal of any pole or poles or any wire or wires of any public or private telegraph, telephone, electric light, street railroad or railway or any other wire passing along or over any street, lane or alley, the person in charge of such moving at least twelve (12) hours in advance of reaching such pole or wire shall notify the person having charge of and control over such pole or wire and the person so notified shall cause such pole or wire to be removed or cut and replaced, provided, that in every case in which cutting of wires in the City of Oakland may be necessary, the Superintendent of the Electrical Department shall be notified of the wires cut and replaced. The person having charge of the removal of the building shall pay the entire cost and expense of cutting, removing and replacing the same including the poles to which said wires of the City of Oakland may be attached.

SEC. 6-2.52 MOVING BUILDINGS. REPAIRING DAMAGE DONE. When, in moving any building as provided for in Section 6-2.48 of this Article, any damage is thereby occasioned to any fence, tree, street, sidewalk or to any pole or wire belonging to the City of Oakland, the person moving said building shall immediately repair or replace the damage so done, and in the event that repair or replacement cannot be made, the City Manager shall estimate the amount of damage actually done, and the person moving said building shall pay the damage so done, and in the event that upon three (3) days notice to the said person to repair or replace or pay said damage the repair or replacement or payment has not been made, the same may be made by the City of Oakland out of the money deposited with the Bureau of Permits and Licenses as provided in Section 6-2.49 of this Article.

SEC. 6-2.53 MOVING BUILDINGS. RESTRICTED DISTRICTS. It shall be unlawful for any person to move or cause to be moved any building in, on, upon or across or along or into Broadway between the north line of Seventh Street and the south line of Twentieth Street, Harrison Street between the north line of Twentieth Street and the south line of Twenty-fourth Street, and in, on, upon, along or into Twelfth Street and East Twelfth Street between Jefferson Street and First Avenue, or in, on, upon, along or into Seventh Street between Bay and Fallon Streets, except across Seventh Street at its intersection with Madison Street, at its intersection with Castro Street, and at its intersection with Center Street; or in, on, upon, along or into Webster Street between Water Street and Thirteenth Street, except across Webster Street at its intersection with Fifth Street; or in, on, upon, along or into Franklin Street between Fourteenth Street and Twenty-second Street; or in, on, upon, along or into Twentieth Street between Franklin Street and Curtis Street, except across Twentieth Street at its intersection with West Street; or in, on, upon, along or into Twenty-first Street between Curtis Street and San Pablo Avenue, except across Twenty-first Street at its intersection with West Street; or in, on, upon, along or into Jones Street between San Pablo Avenue and Telegraph Avenue; or in, on, upon, along or into Twenty-second Street between Telegraph Avenue and Franklin Street; or in, on, upon, along or into Eighteenth Street between Wood Street and Market Street, except across Eighteenth Street at its intersection with Filbert Street, and at its intersection with Campbell Street; or in, on, upon, along or into Nineteenth Street between Market Street and Castro Street; excepting, however, that houses may be moved across said described portions of Seventh Street and Eighteenth Street and across Webster Street between Water Street and Seventh Street, providing said houses while being moved will pass under a line distant twenty (20) feet above the surface of the street; provided, however, that permission may be granted any person to move or cause to be moved any building in, upon, or across any of the foregoing streets in this section enumerated upon receiving the unanimous consent of the City Council.

SEC. 6-2.54 LEAKS IN WATER PIPES. It shall be unlawful for any person owning or controlling water pipes in the City of Oakland to permit a leak to exist in any of the same within any public street or public place in the City of Oakland for more than twenty-four (24) hours after notice of such leak has been given to such person; or for any such person owning or controlling such water pipes to permit any soil saturated or softened by water from a leak in such pipe to remain in or under any public street for a longer period than is actually necessary for the work of removing the same, said work to begin within twenty-four (24) hours after notice of the presence of such saturated or softened soil has been given to said person and to be diligently prosecuted to completion. All such saturated or softened material shall be replaced with firm material compacted and otherwise placed in accordance with regulations of the City of Oakland for refilling excavations.

Notice as herein provided for may be given in writing to the person owning or controlling such water pipes, by any person having knowledge thereof, and it shall be the duty of the Superintendent of Streets to give notice of such leaks as come to his attention.

SEC. 6-2.55 MIXING MORTAR ON STREETS. It shall be unlawful for any person to place or cause to be placed anywhere upon the surface of the roadway of any public streets in the City of Oakland or upon the surface of any improved sidewalk therein, mortar in a moist state for any purpose whatsoever, or to mix or prepare the same upon such roadway or sidewalk, unless such mortar be placed, mixed or prepared in a tight box or upon a close fitted platform or bed.

No moist concrete shall be allowed to stand on the surface of any street or improved sidewalk for a longer period than one hour after mixing, and on completion of the job all surplus material shall be removed and the street or sidewalk surface washed, cleaned and left in the same condition as before mixing. No rock, sand, gravel, or cement shall be washed into and left in either gutters or catch basins or allowed to find its way into catch basins.

SEC. 6-2.56 SPILLING SAND ON STREETS. It shall be unlawful for any person to use within the City of Oakland any cart, wagon or other vehicle for the purpose of carrying sand, earth or rock on or over any public street unless the same is tight and so constructed as to prevent the deposit of such sand, earth or rock in whole or in part in or upon such public street.

SEC. 6-2.57 TACKS AND GLASS. It shall be unlawful for any person to throw or deposit tacks, broken glass or ware upon the sidewalks, streets, avenues, alleys or other public places in the City of Oakland.

SEC. 6-2.58 INJURING SIDEWALKS AND STREETS. It shall be unlawful for any person to cut, carve, hack, hew or otherwise injure or deface any sidewalk, curb, gutter or pavement on any public street in the City of Oakland.

SEC. 6-2.59 BURNING RUBBISH. It shall be unlawful for any person to set fire to or burn or to cause to be set fire to or burned any rags, paper, wood or any rubbish on any public street or public ground within the Fire Limits of the City of Oakland, or upon any street or sidewalk paved with, or constructed of, bituminous rock or any other combustible material, without first obtaining a written permit from the Superintendent of Streets.

Sec. 6-2.60 Permits to obstruct streets - Add'd. O. #2419 C.M.S. 3/27/47
" 6-2.61 Portion of Str. obstructed - " " " " "
" 6-2.62 Street Obstruction Guaranty Deposits - " " " " "
" 6-2.63 " " Inspection Fee, " " " "
" 6-2.64 " " Removal of Street obstructions, O. #2419 C.M.S. 3/27/47

ARTICLE 3.

PARKS AND BOULEVARDS.

SEC. 6-3.01 DEFINITIONS. For the purpose of this Article certain words and phrases are defined and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that they have a different meaning.

(a) "Improvement": The term "Improvement" when used in this Article in reference to trees or shrubs, shall include the planting, removal or maintenance of same, and any or all acts necessary thereto.

(b) "Maintenance", "Maintain": The words "maintenance" or "maintain" when used in this Article in reference to trees or shrubs shall include clipping, spraying, fertilizing, irrigating, propping, treating for disease or injury, and any other similar acts which promote the life, growth, health or beauty of such trees or shrubs.

(c) "Public Street": "Public street" when used in this Article shall include all public streets, avenues, highways, alleys, walks and lanes in the City of Oakland.

(d) "Boats": "Boats" shall include canoes, row boats, sail boats, hydroplanes and any and all other watercraft.

SEC. 6-3.02 POWERS AND AUTHORITY OVER TREES. The Board of Park Directors shall have full power and authority over the planting, removal and maintenance of trees and shrubs in or upon any public street in the City of Oakland, and shall have the right and power to establish rules and regulations relating thereto, and said Board shall recommend to the Council the enactment of such ordinances as it may deem necessary to protect said trees and shrubs.

SEC. 6-3.03 DANGEROUS TREES A NUISANCE; SUMMARY POWER TO REMOVE SAME. Any tree or shrub growing in any public street or sidewalk, or on a private estate and overhanging or projecting into any such street, and which is endangering, or which may in any way endanger, the security or usefulness of any public street, sewer or sidewalk, is hereby declared to be a public nuisance. The Board of Park Directors may remove such tree or shrub, or such parts thereof as are liable to fall or are dangerous or an obstruction; provided, that except in case of manifest public danger and immediate necessity, no such tree or shrub shall be wholly cut down or removed unless ten (10) days' notice in writing shall be given by the Board to an owner, occupant, or agent of the private estate most immediately affected by such cutting or removal; and if any owner, occupant or agent of such estate shall, within seven (7) days after the giving of such notice, file with the said Board his objections in writing to such removal, such tree or shrub shall not be cut down or removed unless said Board shall give such owner or other proper person who has made said objection a reasonable opportunity to be heard in support of such objection, and shall thereafter approve, in writing, the removal of the same, if such objection is not sustained.

SEC. 6-3.04 PERMIT TO MAINTAIN, REMOVE, MUTILATE, ATTACH TO, OR DETACH FROM, TREES. It shall be unlawful for any person to make any tree or shrub improvement, or to destroy, deface or mutilate any tree or shrub in and along any public street, or to attach or place any rope, wire, sign, poster, handbill or other thing to or on any tree growing in any public street, or any guard or protection of such tree, or to cause or permit any wire charged with electricity to come in contact with any such tree, without having first obtained a written permit therefor from the Board of Park Directors.

SEC. 6-3.05 LEAKS IN GAS PIPES. It shall be the duty of any person owning, maintaining or operating any gas pipes or gas mains beneath the surface of any public street to prevent leaks in such pipes or mains and to repair the same immediately. In the event that said person refuses or neglects to repair said leaks within five (5) days after written notice from the Board of Park Directors to repair the same, it shall be lawful for the Superintendent of Streets, at the request of the Board of Park Directors, to make the necessary repairs thereto, and the cost and expense of making said repairs shall be paid to the City of Oakland by the person owning, maintaining or operating said gas pipes or gas mains.

SEC. 6-3.06 PERMITS GENERALLY. The Board of Park Directors may authorize the Superintendent of Parks, or any other officer under its jurisdiction, to issue permits in this Article required to be secured from the said Board and notices in this Article required to be given. Every permit granted under Section 6-3.04 of this Article shall specifically prescribe the work to be done under it, and shall expire sixty (60) days from its date. A charge of fifty (50) cents shall be made for each permit to trim trees in front of property not owned by the applicant. Any permit granted may be revoked by the Board of Park Directors at any time upon satisfactory proof to said Board that the privilege thereunder is being abused.

SEC. 6-3.07 LAKE MERRITT BOAT LICENSE. Any person who shall own any boat, or boats, and shall use the same on Lake Merritt, and any person owning any boat, or boats, who shall hereafter desire to place the same on Lake Merritt, shall be required to take out a license for each such boat from the Board of Playground Directors, and pay a license fee therefor in the manner hereinafter provided for, and shall comply with the rules and regulations of the Board of Playground Directors as hereinafter provided, or which said Board may from time to time prescribe by resolution.

Applications for such license shall be made to the Board of Playground Directors on blank forms to be furnished each applicant. After such investigation as the Board shall deem sufficient, the application may be granted or rejected. If granted, the applicant shall pay the Board of Playground Directors the sum of one dollars ($1.00) for each boat owned by him and proposed to be used on Lake Merritt. Said sums so paid shall be for, and cover the period of the balance of, the then fiscal year. A license fee in said sum of one dollar ($1.00) for each boat so used shall be paid annually. When granted, a metal license tag shall be delivered to each applicant, which shall be conspicuously fastened to the boat licensed. The Board of Playground Directors shall have the right to reject any or all applications, or to revoke any license previously granted. For purposes of public celebrations, races, festivals, or other public occasions, the President of the Board of Playground Directors may grant temporary free permits for racing boats or other watercraft to be placed on Lake Merritt. Holders of such temporary permits shall comply with all rules and regulations imposed by the Board of Playground Directors.

SEC. 6-3.08 LAKE MERRITT. SPEED OF BOATS. Speed of mechanically propelled boats on Lake Merritt is limited to eight (8) miles an hour unless special permission to exceed such limit is granted by the Board of Playground Directors.

SEC. 6-3.09 LAKE MERRITT. BOATS IN CERTAIN AREAS. It shall be unlawful for any person between the first day of October and the last day of April next succeeding, to row, drive, propel or navigate any boat in, over, or upon any part of the following described area of Lake Merritt, to-wit:

That portion of the northeastern arm of Lake Merritt that lies northeasterly of a line bearing north 38° 13' west from a point on the eastern line of Lakeshore Boulevard, distant thereon one hundred and sixty (160) feet southerly from the production of the entire line of that portion of Hanover Avenue that lies between Wayne and Newton Avenues.

This section shall not apply to the employees of the City of Oakland properly engaged in work for said city in or upon the above described area and authorized by the Board of Playground Directors or the Board of Park Directors to be thereon.

SEC. 6-3.10 PUBLIC GROUNDS. Any person who shall enter upon any of the public squares, water front or submerged lands or any other lands, belonging to or held by the City of Oakland, and dig up the earth, or deposit any earth, rock or other substance thereon, or shall erect or attempt to erect any building, wharf, or structure of any kind, by driving or setting up posts or piles, or in any other manner appropriate or encumber any portion of the real estate belonging to or held by the City of Oakland, unless such person shall have first obtained proper authority so to do, shall be deemed guilty of a misdemeanor.

SEC. 6-3.11 CARRYING HATCHETS IN PARKS. It shall be unlawful for any person to carry in any public park of the City of Oakland any hatchet, axe, machete, brush knife or any other device other than pocket knife, capable of cutting, defacing or mutilating trees or shrubs, without permission so to do from the Board of Park Directors of the City of Oakland or its duly authorized representatives.

SEC. 6-3.12 DEPOSITING REFUSE. No person shall throw any dead animal or offensive matter or substance or refuse of any kind upon the ground of any public park in the City of Oakland.

SEC. 6-3.13 DESTROYING NOTICES. No person shall injure, deface or destroy any notice, rules or regulations for the government of parks, posted or in any manner permanently fixed by order or permission of the Board of Park Directors, nor fix any bills or notices in said parks.

SEC. 6-3.14 ANIMALS. No person shall lead any horse in the limits of any public park in the City of Oakland or permit any horse that is not harnessed and attached to a vehicle or mounted by an equestrian, to enter the same, and no person shall turn loose into said parks any dogs, cattle, swine, goats or other animals, or permit the same to run at large in such parks, and police officers and park employees are hereby given authority to capture and destroy any cats found running at large within said parks.

SEC. 6-3.15 PARADES, ENTERTAINMENTS, MEETINGS. No military or other parade or procession or funeral shall take place or pass through the limits of any public park in the City of Oakland without the order or permission of the Board of Park Directors, and no person shall have or hold any musical, theatrical or other entertainment in the said parks without the order or permission of the said Board and no gathering or meeting of any kind assembled through advertisement shall be permitted in the said parks without the previous permission of the Board, nor shall any gathering or meeting for political purposes be permitted in the said parks under any situations.

SEC. 6-3.16 GAMES. No person shall engage in any game of baseball, cricket, shinny, football, croquet or any other game with ball and bat, within the limits of any public parks in the City of Oakland, except on such grounds as shall be especially designated for such purpose.

SEC. 6-3.17 BOATS AND BOAT RACES. No person shall be permitted to use the shores of Lake Merritt as a landing place for boats, or to keep thereat boats for hire or floating boat houses with pleasure boats for hire, or keep boats of any kind in Lake Merritt, except under a license issued as provided in Section 6-3.07 of this Article and only at places designated by and under restrictions and regulations promulgated by the Board of Park Directors or the Board of Playground Directors, and no regatta or boat race, by clubs or otherwise, shall take place upon Lake Merritt without permission granted by either of said boards.

SEC. 6-3.18 WEAPONS. DISTURBING BIRDS. No person shall carry firearms or discharge any firearms in any public park in the City of Oakland or shoot birds or throw stones or other missiles within the boundaries of said parks or disturb the waterfowl on Lake Merritt or on any pond or in any way disturb any bird in any of said parks.

SEC. 6-3.19 SELLING WARES, GAMING, ETC. No person shall expose or display any article for sale within any public park in the City of Oakland without the order or permission of the Board of Park Directors or the Board of Playground Directors, and no gaming shall be allowed in said parks, nor any obscene or indecent act performed therein.

SEC. 6-3.20 FISH. No person shall fish in Lake Merritt without written permission from the Board of Park Directors so to do, and no person shall in any event be allowed to catch more than two (2) bass in one day in Lake Merritt.

SEC. 6-3.21 INJURING TREES AND OTHER PROPERTIES. It shall be unlawful for any person to trespass upon the grass of any public park in the City of Oakland or to pick flowers from the same, or to cut, break or in anywise injure, damage or deface the trees, shrubs, turf, buildings, fences, benches, fountains, statuary or any fixtures connected therewith, or to foul any fountains or springs within said park.

SEC. 6-3.22 VAGRANTS, VANDALISM, ETC. No tramps or disorderly crowds shall be allowed in any public park in the City of Oakland, and sleeping on the benches or seats, and pilfering or vandalism of any sort is strictly prohibited.

SEC. 6-3.23 THE ZOO. It shall be unlawful for any person to tease, injure or frighten any of the birds, animals, reptiles or fish belonging to, or confined in the municipal zoo.

SEC. 6-3.24 FIRES. No person shall be permitted to make or kindle a fire of any kind within any public park in the City of Oakland except at such spots as may be designated by the Board of Park Directors or the Board of Playground Directors.

SEC. 6-3.25 TRAFFIC REGULATIONS. It shall be unlawful for any person to drive or ride within the boundaries of any public park in the City of Oakland at a rate of speed exceeding fifteen (15) miles per hour, or for any person to ride or drive within the limits of said parks upon any other than the avenues and roads provided therefor, and no wagon or vehicle of burden shall pass through the said parks except upon such road or avenue as shall be designated by the Board of Park Directors for such transportation.

No person shall enter or leave any of said parks except by such gates, roads, paths or avenues as may be for such purpose provided and arranged.

No vehicle for hire shall stand upon any part of any public park in the City of Oakland for the purpose of hire, except in waiting for persons taken by it into such park, except at such points as may be specially designated by the Board of Park Directors.
Sec 6-3.26 to 6-3.30 - Golf Courses - Add by O. 600 C.M.S.

ARTICLE 4.

GARBAGE DISPOSAL.

SEC. 6-4.01 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that they have a different meaning.

(a) "Garbage" shall include kitchen and table refuse, offal, swill, and also every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowls, birds, fruits, or vegetables (saving and excepting that dead animals and offal of slaughter houses are not included within the meaning of said word "Garbage" as herein defined), refuse, crockery, bottles, tin vessels, trimmings from lawns and flower gardens, pasteboard boxes, paper, straw, packing materials, boxes, ashes and all non-combustible waste matter.

(b) "Wet Garbage" shall mean all clean garbage suitable for food for hogs, and shall be held to consist of and include only kitchen and table refuse, offal and swill, and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay, or dealing in or storage of meats, fish, fowls, birds, fruits or vegetables in all restaurants, cafes, cafeterias, hospitals, hotels, boarding houses, clubs and all other like eating places in the City of Oakland.

SEC. 6-4.02 LOCATION OF DEPOSITS. FEES. It shall be unlawful to deposit garbage in the City of Oakland in any place other than the Municipal Garbage Plant maintained by the City of Oakland on the western waterfront for the receipt of garbage. (Amended by O. #364 C.M.S.) 12/26/33.

SEC. 6-4.03 RATES OF COMPENSATION FOR COLLECTION. The rates of compensation to be collected by any person collecting garbage within the City of Oakland shall be as follows:--For the removal of garbage from each residence, house, home or place occupied by one family as living quarters, the maximum rate collected from the owner, occupant, tenant or lessee of such residence, house, home or place shall be fifty (50) cents per month for a regular weekly removal of thirty (30) gallons or less; for the removal twice a week of thirty (30) gallons or less of garbage, the rate collected from the occupant, tenant or lessee of each house, flat or building occupied by one family shall not exceed seventy-five (75) cents per month. For the removal of garbage in excess of

Per 1 Estate Subdiv Regulations
Repealed by O #937 Cmcs

ORDINANCE NO. 670 C. M. S.

AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 7 OF THE OAKLAND MUNICIPAL CODE, TO BE KNOWN AS ARTICLE 4 AND TO BE ENTITLED "REAL ESTATE SUBDIVISION REGULATIONS," AND ADDING SECTIONS 7-4.01 TO 7-4.09, INCLUSIVE.

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

SECTION 1. There is hereby added to Chapter 7 of the Oakland Municipal Code a new article to be known as Article 4 and entitled "Real Estate Subdivision Regulations," which said article shall contain sections numbered and providing, respectively, as follows:

ARTICLE 4—REAL ESTATE SUBDIVISION REGULATIONS

SEC. 7-4.01 "SUBDIVISION" DEFINED. For the purposes of this article the word "Subdivision" shall mean a tract of land composed of five (5) or more lots of one acre or less in area, provided that when any person within one (1) calendar year divides any tract into five (5) or more parts of one (1) acre or less in size, such tract shall be deemed a subdivision.

SEC. 7-4.02 "STREET" DEFINED. For the purposes of this article the word "Street" shall include a street, highway, avenue, road, lane, alley, or other open way, intended for public use.

SEC. 7-4.03 STREETS MUST BE DEDICATED. It shall be unlawful for any person to contract for the sale, sell, or offer to sell, any subdivision, or part thereof, until the street or streets therein have been dedicated to public use, as in this article provided.

The dedication of any street to public use shall be made only by a written offer of dedication filed with the City Council of the City of Oakland, and an acceptance thereof by such council.

SEC. 7-4.04 MAPS, ETC., ACCOMPANY OFFER OF DEDICATION. An offer of dedication must be accompanied by accurate maps and diagrams, in duplicate, showing the location of the property proposed to be dedicated and its location in relation to all other adjoining streets, and shall show the width and grade of all streets, sidewalks, curbs and the proposed storm and sanitary drainage system, and the type of material proposed to be used in the construction thereof.

SEC. 7-4.05 OFFER OF DEDICATION—REFER FOR INVESTIGATION. The Council shall, upon receipt of such offer of dedication, refer the same to the City Planning Commission of the City of Oakland, and the Superintendent of Streets of the City of Oakland for investigation and written recommendation.

SEC. 7-4.06 OFFER OF DEDICATION — REPORT ON. The City Planning Commission and the Superintendent of Streets shall make a written report to the City Council, and either recommend the approval or rejection of such offer of dedication. If the recommendation of either shall disapprove of such offer of dedication, the Superintendent of Streets or the City Planning Commission, as the case may be, shall state in clear and concise terms what changes, alterations or additions will render the offered dedication acceptable.

SEC. 7-4.07 REJECTION OF OFFER—CONDITION OF ACCEPTANCE. If the City Council shall reject the offer of dedication, its resolution of rejection shall state in clear and concise terms what changes, alterations or additions will render the offer of dedication acceptable to the Council.

SEC. 7-4.08 CONDITION OF ACCEPTANCE OF DEDICATION. Before the City Council may accept an offer of dedication of any street, such street must be either improved in a manner satisfactory to the City Council, or there must be delivered to the City Clerk of the City of Oakland a surety company bond in an amount fixed by the Council as the estimated cost of the improvements required by the Council. Such bond shall provide that, if the street is not improved in accordance with the resolution of acceptance of the Council, the City may perform such work or let a contract therefor, and the surety will pay for the same in an amount not to exceed the sum specified in the bond.

In lieu of a surety company bond, a deposit of money in the same amount may be made, in which case the person posting such money may withdraw the same in proportion to the progress of the work upon the written certification of the Superintendent of Streets, certifying what proportion of the work has been completed and what amount may be withdrawn.

SEC. 7-4.09 UNDEDICATED STREETS — NUISANCE. Any street opened, constructed or maintained contrary to the provisions of this article is hereby declared to be a public nuisance, and the Superintendent of Streets of the City of Oakland is hereby authorized and empowered to summarily abate the same.

In Council, Oakland, Calif. Sept. 22, 1936. Passed to print for two days by the following vote: Ayes — Councilmen Beach, DePaoli, Fitzsimmons, Jacobsen, Quinn, Shattuck, Slavich Tutt and President McCracken (9). Noes—None. Absent—None.

W. W. CHAPPELL, City C[illegible]

No. 72—Sept. 24th (2T)

Old Chapter in original Code Repealed By O. 474 cms.

CHAPTER 7. As Re-Added by Ord No 474 cms.

CITY PLANNING.

ARTICLE 1. ZONINGS AND RESTRICTIONS THEREIN.
ARTICLE 2. BUILDING NUMBERS.
ARTICLE 3. SET-BACK LINES AND MISCELLANEOUS.

Article 1, Chapter 7 repealed and readded by Ord.#474, 2/5/35

ARTICLE 1.

ZONING DISTRICTS AND REGULATIONS.

SEC. 7-1.01 DEFINITIONS. For the purpose of this Article certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from the context that they have a different meaning.

SEC. 7-1.01 (a) "ACCESSORY BUILDING" is a subordinate building whose use is purely incidental to that of the main building on the same lot.

SEC. 7-1.01 (b) "ALLEY" is a way which affords only a secondary means of access to abutting property.

SEC. 7-1.01 (c) "APARTMENT HOUSE" is a multiple dwelling.

SEC. 7-1.01 (d) "BOARDING HOUSE" is a dwelling other than a hotel where lodging or lodging and meals for four (4) or more persons is provided for compensation.

SEC. 7-1.01 (e) "BUILDING" is a structure having a roof supported by columns or walls.

SEC. 7-1.01 (f) "BUNGALOW COURT" is a group dwelling.

SEC. 7-1.01 (g) "COURT" is an open unoccupied space other than a yard on the same lot on which a building is erected or situated; or the open space provided for access to group dwellings on the same lot.

SEC. 7-1.01 (h) "DWELLING, ONE-FAMILY" is a building designed for occupancy by one (1) family exclusively.

"DWELLING, TWO-FAMILY" is a building designed for occupancy by two (2) families exclusively living independently of each other.

"DWELLING, MULTIPLE" is a building designed for occupancy by three (3) or more families living independently of each other as separate housekeeping units.

"DWELLING, GROUP" is a group or row of dwellings occupying a lot in one ownership and having a court in common, and shall include bungalow courts but shall not include automobile camps.

SEC. 7-1.01 (i) "FAMILY" is one or more persons occupying a building and living as a single non-profit housekeeping unit as distinguished from a group occupying a hotel, boarding house, club, fraternity or sorority house.

SEC. 7-1.01 (j) "GARAGE, PRIVATE" is an accessory building or portion of the main building, where not more than four (4) motor vehicles are stored only.

"GARAGE, PUBLIC" is a premises where motor vehicles are rented out to or hired by the public or where any work is done on or repairs are made to motor vehicles, for remuneration.

SEC. 7-1.01 (e) "BUILDING" is a structure having a roof supported by columns or walls.

SEC. 7-1.01 (f) "BUNGALOW COURT" is a group of detached dwellings upon a lot fronting upon a common court.

SEC. 7-1.01 (g) "COURT" is a space on a lot open and unobstructed from the ground to the sky and bounded on two or more sides by a building.

SEC. 7-1.01 (h) "DWELLING" is a building which is used or intended or designed to be used for living purposes.

SEC. 7-1.01 (i) "DWELLING, SINGLE FAMILY", is a detached dwelling designed, or intended, or used for the use of one family and containing one kitchen only.

SEC. 7-1.01 (j) "DWELLING, MULTIPLE", is a dwelling designed, or intended, or used for the use of two or more families living independently of each other and doing their own cooking on the premises.

SEC. 7-1.01 (k) "FAMILY" is any number of individuals living together in the same dwelling as a single non-profit housekeeping unit, as distinguished from a group occupying a club, fraternity house, sorority house, or similar institutions.

SEC. 7-1.01 (l) "HEIGHT OF BUILDING" is the vertical distance from the lowest point of the finished ceiling of the top story in the building to the surface of the ground adjacent to the building.

SEC. 7-1.01 (m) "HOTEL" is a dwelling containing six or more guest rooms, usually occupied singly, designed or intended to be occupied, for compensation, as a transient or permanent abiding place of individuals, including lodging and rooming houses, dormitories, public and private clubs, fraternity houses, sorority houses and similar institutions.

SEC. 7-1.01 (n) "LOT" is a parcel of land under one ownership occupied or capable of being occupied by a structure having a frontage upon a street. Lot lines are the boundary lines of lots as shown on the last subdivision map of the area involved on record in the office of the County Recorder of Alameda County; provided if there is no such subdivision map, or if the boundaries of a lot as shown on such a subdivision map have been changed by recorded conveyances, then the lot lines of such a lot are the boundaries as established by the last recorded conveyance.

SEC. 7-1.01 (o) "LOT, CORNER", is a lot situated at the junction of two intersecting streets. All parts of the width of such a corner lot which are distant more than 75 feet from the nearest junction point of the two intersecting streets shall be deemed to be an "interior lot". The owner or his authorized agent may designate either street frontage of such corner lot as being the front thereof for the purpose of determining the width thereof. The front of a corner lot is that side of such lot upon which the main entrance of the building thereon is located.

SEC. 7-1.01 (p) "LOT, INTERIOR", is a lot other than a corner lot.

SEC. 7-1.01 (q) "NON-CONFORMING USE" is a use of a building or lot that does not conform with the regulations of the use zone in which it is situated.

SEC. 7-1.01 (r) "SET-BACK LINE" is the rear boundary line of a front yard.

SEC. 7-1.01 (s) "STRUCTURE" is anything constructed or erected, the use of which requires location on the ground, or attached to something having a location on the ground, except stairs, ramps or walks not attached to a building.

SEC. 7-1.01 (t) "STRUCTURAL ALTERATION" is any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

SEC. 7-1.01 (u) "YARD" is a space other than a court on a lot upon which is situated a building, open and unobstructed from the ground to the sky, except as in this Article otherwise provided.

SEC. 7-1.01 (v) "YARD, FRONT", is a yard across the full width of the lot extending from the front boundary line of the lot to the extreme front line of the building. The depth thereof is the distance between the front lot line, measured at right angles thereto, and the extreme front of the building.

SEC. 7-1.01 (w) "YARD, REAR", is a yard across the full width of the lot, having a depth measured at right angles to the extreme rear line of the building, and extending from the extreme rear line of the building toward the rear of the lot to the depth required by this Article.

SEC. 7-1.01 (x) "YARD, SIDE" is a yard between the extreme side of the building and the adjacent side line of the lot, extending from the front yard to the rear yard and connecting therewith. The depth thereof is the distance between the side line of the lot, measured at right angles thereto, and the extreme side of the building.

SEC. 7-1.02 RESIDENTIAL ZONE CLASS "A". In Class "A" Zone, no building or land shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Article, except for one of the following uses:

(a) Single family dwelling.
(b) Churches.
(c) Improvement Clubs.
(d) Community centers, libraries, museums, parks and playgrounds, publicly operated.
(e) Schools.
(f) Accessory buildings incident to any of the above uses.
(g) Uses customarily incident to any of the above uses not involving the conduct of a business, provided that a musician, dentist, physician, or other person authorized by law to practice medicine, employing not more than one assistant, may maintain an office in his dwelling.
(h) Name plates not exceeding one square foot in area, and signs not exceeding six square feet in area appertaining to the lease, hire or sale of a building or premises; provided that such signs shall not be equipped with glaring or flickering lights; provided, further, that no sign shall be permitted in the front yard.

Amended by #309 C.M.S.

SEC. 7-1.03 RESIDENTIAL ZONE CLASS "B". In Class "B" Zone, no building or land shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Article, except for one or more of the following uses:

(a) Any use permitted in Class "A" Zone.

(b) Multiple Dwellings, Bungalow Courts.

(c) Boarding Houses and Hotels. Business may be conducted in a hotel for the sole convenience of the occupants of the building; provided, however, there shall be no entrance to such place of business, except from the inside of the building.

(d) Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

(e) Institutions of an educational or philanthropic character.

(f) Rest Home, Convalescent Home, and Home for the Aged or Infirm, other than for the insane or feeble-minded. No building may be occupied for any such purpose until the same has been inspected and approved in writing by the Health Office and the Bureau of Fire Prevention of the City of Oakland, and no building or buildings may be used for any such purpose unless such building or buildings is at all times completely surrounded by a yard of not less than fifty feet in depth; provided, however, that such yard area may be occupied by accessory buildings.

(g) Accessory buildings incident to any of the above uses.

(h) Railroad passenger stations.

All advertising signs in Class "B" Zone shall be subject to the same restrictions as advertising signs in Class "A" Zone.

Sec 7-1.031 - Added By Ord #303 C.M.S. (Riding academies)

SEC. 7-1.04 BUSINESS ZONE CLASS "C". In Class "C" Zone, any building or land, except as otherwise provided for in this Article, may be used for any lawful purpose except the following:

(a) Bakeries, other than those whose products are sold only at retail on the premises.

(b) Blacksmith or horseshoeing shops.

(c) Bottling works.
(d) Building material and storage yards.
(e) Brewing or distilling works.
(f) Carting, expressing, hauling or storage yards.
(g) Contractors' plants or storage yards.
(h) Coal, coke or wood yards.
(i) Cooperage works.
(j) Fruit canning or packing plants.
(k) Ice plants or storage houses of more than 15 tons daily capacity.
(l) Laundries, other than laundries occupying 2000 square feet or less, in which all machinery is operated by hand or electricity, and in which all noise, smoke, and steam is eliminated.

(m) Livery stables or riding academies.
(n) Lumber yards.
(o) Machine shops.
(p) Milk bottling or distributing stations, other than a retail business conducted on the premises.
(q) Stone monumental works.
(r) Any building, trade or industry which is noxious or offensive by reason of the emission of odors, dust, smoke, gas, vibration or noise, or which imposes any extraordinary hazard to life or property.
(s) Any use required to be located in Class "D" Zone or Class "E" Zone.

Not more than 25% of the total floor space of a building or structure devoted to any use permitted in Class "C" Zone may be used for light manufacturing or repairs carried on in connection with any of such uses.

SEC. 7-1.05 UNDERTAKING ESTABLISHMENTS. Anything in this Code to the contrary notwithstanding, no person shall hereafter establish and maintain or carry on the business of funeral director or undertaker, or mortician or embalmer or morgue or other place for the care, storage or preparation of dead human bodies prior to burial, without a permit first had and obtained from the Council of the City of Oakland. Every application for a permit as required by this Section shall be made in the same manner as the petitions are made for the rezoning of property as provided by Section 7-1.25 of this Article.

SEC. 7-1.06 GASOLINE OR OIL STATIONS IN CLASS "C" ZONE. No property or premises in Class "C" Zone shall be used for a retail gasoline or oil supply station unless a public comfort station is provided in connection therewith, and no grease rack, washing rack, or accessory buildings shall be installed or used in connection with such a retail gasoline or oil supply station, where the same is located immediately next to a residence district unless such grease rack, washing rack or accessory buildings are set back from all street frontages as far as the front line of the buildings on the adjacent lots.

(Amend by #351 C.M.S. (Manf Alcohol & Beverages & Wineries))

SEC. 7-1.07 INDUSTRIAL ZONE CLASS "D". In Class "D" Zone, any building or land may be used for any lawful purpose whatsoever, except manufacture of explosives. The following industries shall be permitted in this zone only:

(Amendments #285-C.M.S. #351-" " (Sausage Mfg) #383-" ")

(a) Ammonia, chlorine or bleaching powder manufacture.
(b) Asphalt (manufacture or refining).
(c) Auto wrecking establishment.
(d) Brick and tile terra cotta manufacture or storage.
(e) Boiler works.
(f) Carpet or bag cleaning establishment.
(g) Coal and wood yard. (Eliminated by #285-C.M.S.)
(h) Cemetery, mausoleum, columbarium, or any other place intended as the resting place for the remains of human dead.
(i) Crematory.
(j) Creosote (treatment or manufacture).
(k) Distillation of coal, wood or bones.
(l) Fat rendering.
(m) Fertilizer manufacture.
(n) Gas (illuminating or heating) manufacture.
(o) Glue manufacture.
(p) Incineration or reduction of garbage, offal, dead animals or refuse.
(q) Iron foundry.
(r) Lamp black manufacture.
(s) Lime, cement and plaster of paris manufacture.
(t) Paint manufacture.
(u) Petroleum (pumping, refining and storage).
(v) Pickle, sauerkraut, sausage or vinegar manufacture.
(w) Railroad yard or roundhouse.
(x) Rawhides and skins (curing and tanning).
(y) Rolling mill.
(z) Saw, planing or woodworking mill.
(aa) Scrap metal, junk or rags (storage or bailing).
(bb) Slaughter of animals or fowls.
(cc) Smelting of iron.
(dd) Soap manufacture.
(ee) Stock yards.
(ff) Stone mill and quarry.
(gg) Sulphurous, sulphuric, nitric or hydrochloric acid manufacture.
(hh) Tallow, grease and lard (manufacture or refining).
(ii) Tar roofing or tar waterproofing manufacture.
(jj) Tobacco (chewing) manufacture.
(kk) Trades or industries similar to the above, which are noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration or noise, or which impose any extraordinary hazard to life or property.

SEC. 7-1.08 INDUSTRIAL ZONE CLASS "E". In Class "E" Zone, any building, structure or land may be used for any lawful purpose whatsoever except those uses in this Article required to be located in Class "D" Zone; provided that no business, trade or industry shall be permitted in said zone which is noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration or noise, or which imposes any extraordinary hazard to life or property.

SEC. 7-1.09 FRONT YARD AREAS. All interior lots in Class "A" Zone and Class "B" Zone upon which a building is hereafter constructed, shall have a front yard of not less than 5 feet in depth; provided, if lots comprising 40%, or more of the frontage of a block are developed with buildings--other than accessory buildings--then the front yards of the remaining lots in such block shall have a minimum depth equal to the average depth of the front yards already established; provided further, that if a vacant lot lies immediately between two lots already built upon, the front yard of such middle lot shall have a minimum depth equal to the average depth of the front yards of the two adjoining lots; provided further, that a front yard of a lot need not in any case be more than 5 feet in depth.

All corner lots in Class "A" Zone and Class "B" Zone upon which a building is hereafter constructed, shall have a yard of not less than 3 feet on both street frontages.

SEC. 7-1.10 HEIGHT RESTRICTIONS. In Class "A" Zone, no building shall be erected to a height in excess of 35 feet. In Class "B" Zone, no building shall be erected to a height in excess of 155 feet nor more than 12 stories.

SEC. 7-1.11 PUBLIC BUILDINGS. Public buildings not in this Article specifically provided for may be located anywhere within the city that the City Council may determine by resolution.

SEC. 7-1.12 NON-CONFORMING USES. LAND. The lawful use of any land existing at the time of the adoption of this Code, although such use does not conform to the provisions hereof, may be continued, but no structure shall be erected thereon except in conformity with the provisions of this Article. After such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this Article.

SEC. 7-1.13 NON-CONFORMING USES. BUILDING. The lawful use of a building existing on any lot at the time of the adoption of this Code may be continued, although such use does not conform with the provisions of this Article, and such use may be extended throughout the building if no additions or structural alterations are made thereto. Any building erected for commercial purposes and which was vacant at the time of the adoption of this Code, may be occupied by any use permitted in Zones A, B and C. If no additions or structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

SEC. 7-1.14 NON-CONFORMING USES. RESTORATION. Nothing in this Article shall be deemed to prevent the restoration of a building destroyed to the extent of not more than 50% of its reasonable value, by fire, explosion or other casualty, or the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

SEC. 7-1.15 NON-CONFORMING USES. TEMPORARY. Temporary permits for non-conformative uses of property in any zone may be granted by resolution of the City Council, without notice or hearing thereon, for a period of not to exceed 30 consecutive days. Permits so granted shall automatically terminate at the time specified, and shall not be renewed within 60 days thereafter.

SEC. 7-1.16 REDUCTION OF LOT FORBIDDEN. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Article.

SEC. 7-1.17 YARD FOR EACH BUILDING. Except as in this Article provided, no yard or other open space provided about any building for the purpose of complying with the provisions of the regulations set forth in this Article shall be considered as providing a yard or open space for any other building, and no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

SEC. 7-1.18 ONE BUILDING TO A LOT. Except as in this Article provided, every building hereafter erected shall be located on a lot as in this Article defined; provided, that where a building covers a portion of two or more lots, the land actually built upon shall be treated as one lot.

SEC. 7-1.19 PROJECTIONS INTO YARDS. No part of any building hereafter constructed, nor any part of any addition to an existing building hereafter constnucted, shall extend into any of the yards in this Article established except as follows:

(a) Belt courses, buttresses, eaves, ornamental features and sills may extend into any yard not more than 12 inches. A chimney or flue may extend into any yard not more than 17 inches.

(b) Fire escapes, platforms and balconies constructed of open metal work may extend not more than 4 feet into the front and rear yards of any lot and the side yard of the street side of a corner lot. Bay windows may extend into any such yard above the first floor of the building not to exceed 3 feet.

(c) A garage as an accessory building may be erected in the front yard of any lot on which the average slope of the area between the front property line and the set-back line ascends or descends from the property line 20% or more; provided, that said garage shall not exceed 12 feet in height and shall be set back from the front property line not less than 4 feet.

SEC. 7-1.20 GARAGES. It shall be unlawful to use any lot in Class "A" Zone or Class "B" Zone solely for the erection and maintenance thereon of garages or other accessory buildings; provided in cases where it is necessary to provide garage space for dwellings existing on March 20, 1931, such garages may be erected and maintained as accessories to such dwellings on lots adjacent to and connected with the lot on which said dwelling is located, and provided further that such garages shall be located not less than 60 feet from the front lot line and shall not project beyond any established set-back line.

SEC. 7-1.21 GRAND AVENUE RESTRICTIONS. All property fronting upon Grand Avenue between Harrison Street and the extension northwesterly of the center line of El Embarcadero, and all property fronting upon Bay Place between Montecito Avenue and Grand Avenue, included within Class "C" Zone, is hereby subjected to the following restrictions:

(a) No sidewalk door or sidewalk elevator shall be constructed or maintained on the portions of Grand Avenue abutting the above described real property without a permit therefor from the Council of the City of Oakland.

(b) No goods, wares or merchandise shall be stored or deposited upon the portions of Grand Avenue (including the sidewalks thereof) abutting the above described real property except during the progress of the construction or alteration of a building.

(c) No building shall be erected upon said real property or any portion thereof unless such building and every vertical section thereof is two stories or more in height. A building and sections thereof shall be deemed to be two stories or more in height if the ceiling of the uppermost story of such building or section is not less than 28 feet above the main or first floor thereof. Provided, however, that the provisions of this subdivision shall not apply to the construction or erection of a gasoline service station.

(d) No building, roof sign or street sign shall be constructed or altered without a permit therefor from the Council first had and obtained. Any person desiring such permit shall file with the City Clerk an application therefor accompanied by plans and specifications of the proposed work. The City Clerk shall set said matter for hearing on a day not less than five (5) nor more than ten (10) days after the filing of such application. Upon the day set for hearing, or to which such matter shall have been continued by the Council, the Council shall by resolution, in the exercise of a sound and reasonable discretion, grant or deny said application, in whole or in part, or subject to such conditions and restrictions as such Council shall deem reasonable. The Council shall have the power to adopt general plans, rules and regulations in furtherance hereof.

SEC. 7-1.22 BUILDING PERMITS. Every application for a building permit shall show the established set-back lines in the block, the use, height and area of the proposed building, and shall be accompanied by an accurate ground plan of the location of the building on the lot, drawn to a scale of not less than 20 feet to the inch. The Building Inspector shall furnish the necessary blanks for such information.

SEC. 7-1.23 CHANGE OF ZONES. OWNER MAY PETITION. Any person owning property in a zone created by Ordinance 4789 N.S. or other Ordinance of the City of Oakland may petition to have the same reclassified in the following manner:

(a) The owner or his agent may circulate a petition among the owners of property within 200 feet of the exterior boundaries of the property sought to be rezoned, requesting the rezoning thereof.

(b) Such petition shall be upon a form provided by the City Clerk, and in addition to any statement that the petitioner may set forth therein, it shall contain (1) the petitioner's name, (2) his residence, (3) description of the property proposed to be rezoned, (4) the present use of such property, (5) the use intended if rezoned, (6) an accurate diagram, drawn to scale, of said property and the streets and lots within 200 feet of the exterior boundaries thereof, showing locations, types of buildings therein and their uses, and (7) if a building is proposed to be erected, a sketch thereof must be attached to the petition. The truthfulness of all matters set forth in the petition must be verified by the petitioner.

(c) The rezoning petition blank must be dated as of its issuance, and signed by the City Clerk, and must be returned and filed in his office within 30 days thereafter.

(d) If such petition is returned to the City Clerk within 30 days after itsissuance, properly executed, the City Clerk shall forthwith fix a day for a hearing thereon by the City Planning Commission, and he shall immediately cause notices to be posted in conspicuous places on both sides of the streets, not more than 100 feet apart, within the areas sought tobe rezoned and within a distance of 200 feet outside of the exterior boundaries of the property desired to be rezoned.

Such notices shall be posted not less than 5 days nor more than 30 days before the date of such hearing.

SEC. 7-1.24 CHANGE OF ZONES. FORM OF NOTICE. Such notice provided for in subdivision (d) of Section 7-1.23 of this Article shall be headed, "Notice of Hearing of Petition to Rezone Property", in type of not less than 1 inch in height. The remainder of such notice shall be printed in legible characters and shall be in substantially the following form:

"NOTICE OF HEARING OF PETITION TO REZONE PROPERTY".

"Notice is hereby given that the owner of the property located at Number _____ Street, and described as follows:

(Description)

has filed a petition with the City Clerk of the City of Oakland requesting that the above described property be rezoned from Class _____ to Class _____ so as to allow said property to be used for _____

_____

"That a hearing will be held on said petition before the City Planning Commission at the hour of _____ o'clock ____ M., on _____ the _____ day of _____, 19____ in Room No. _____ of the City Hall.

"All persons interested may file with the City Clerk a written protest against such rezoning before the date and hour of such hearing, or may appear before said Commission at said time and place and present evidence for or against the granting of the petition.

_____
City Clerk and Ex-Officio Clerk of the
City Council."

SEC. 7-1.25 CHANGE OF ZONES. HEARING BY CITY PLANNING COMMISSION. The City Planning Commission shall, at the hearing set as provided in Section 7-1.23 (d) of this Article, hear the petitioner for a change of zones and those consenting or objecting to the proposed change of zones, and may continue such hearing from time to time for the purpose of obtaining or hearing further evidence.

Upon the completion of such hearing, the Commission shall, within 10 days thereafter, submit a written report to the City Council, together with its recommendation thereon. The City Council shall not act upon such petition until after receipt of the recommendations of said Commission.

SEC. 7-1.26 CHANGE OF ZONES. DEPOSIT. All petitions for a change of zones, as in this Article provided must be accompanied by a deposit in an amount fixed by the rules of the City Planning Commission to pay the cost of printing and posting the notices of hearing such petition, publication of ordinances and such other expenses as may be incurred. All sums in excess of the expense incurred shall be returned to the depositor upon completion of the matter.

Repealed by Ord #304 CMS 6/15/33

SEC. 7-1.27 AUTOMATIC REZONING. Any lot in Class "B" Zone that lies immediately adjacent to a lot in Class "C" Zone shall be rezoned as a Class "C" lot whenever the Class "C" lot shall have been developed for commercial use in accordance with the provisions of this Article; provided, that for the purpose of this section, such rezoned lot shall have a width of not to exceed 75 feet, except where the owner thereof shall construct thereon a building of a greater size built immediately adjacent to the original Class "C" Zone lot, in which case any such rezoned lot shall be of such width as may be required for such building.

A lot of Class "B" Zone shall be deemed to lie immediately adjacent to a lot of Class "C" Zone:

(a) When a lot of Class "B" Zone is in actual side-line contact with a side or rear line of a lot of Class "C" Zone.

Sec. 7-1.27 - Readded By II 419 CMS. Application for Rezoning

(b) When a lot of Class "C" Zone and one or more lots of Class "B" Zone abut upon a common street intersection.

Such rezoning shall be made by the City Planning Commission upon written application of the owner of the lots sought to be rezoned, and proof of the facts herein required. The City Planning Commission shall keep a permanent record of such rezoning and shall notify the Building Inspector and the City Clerk thereof.

SEC. 7-1.28 BOARD OF ADJUSTMENTS. CREATION AND ORGANIZATION. A Board of Adjustments is hereby created and established, and shall be composed of the following: Building Inspector, Chief of the Fire Department, Health Officer, City Planning Investigator and the City Attorney; provided, any member of the Board may, in writing, designate a qualified person in his department to act in his place and stead and any person so appointed is hereby vested with all power vested in the person for whom he substitutes.

The Board shall forthwith organize and elect from its members a Chairman and Vice-Chairman. The City Planning Investigator shall act as Secretary of said Board and shall keep an accurate record of the proceedings of said Board.

A public meeting of said Board shall be held at least once a month and at such other times as the Board may determine.

SEC. 7-1.29 BOARD OF ADJUSTMENTS. POWERS. Said Board of Adjustments created by Section 7-1.28 of this Article is hereby vested with full and complete power to:

(a) Hold hearings on such matters as may properly come before it, and to make written recommendations to the City Council concerning any such matter.

(b) Give a written answer to any question propounded in writing by the Building Inspector concerning the application of any part of this Article or of Ordinance 4789 N.S. of the City of Oakland.

(c) Make written recommendations to the City Council concerning any matter covered by this Article or by Ordinance 4789 N.S. of the City of Oakland.

(d) Interpret the provisions of this Article in harmony with the fundamental purpose and intent hereof, and in case of practical difficulty or unnecessary hardship in the carrying out of the strict letter of this Article the Board may vary any regulation or provisions hereof so long as such action is in harmony with the general purpose and intent hereof and in accordance with the general or specific rules herein contained, so that the spirit and intent of this Article shall be observed, the public health, public safety and the general welfare secured, and substantial justice done.

(e) Do and perform such things as this Article or the Council may direct.

(f) Adopt from time to time such rules as may be deemed necessary to carry into effect the powers herein vested in the Board; provided, said rules shall be approved by the City Council.

SEC. 7-1.30 PERMITS OTHERWISE REQUIRED. Nothing in this Article shall be deemed to waive any requirement of this Code or of any Ordinance of the City of Oakland that a special permit be procured for the construction of any building or structure, or the location of any business, trade or industry.

SEC. 7-1.31 FRAUDULENT PETITIONS. Any signature to applications, petitions or protests provided for in this Article which is procured by fraud or misrepresentation, or the withholding of information concerning the real intent of such application, petition or protest, shall be void and of no effect and the person or persons perpetrating such fraud or making such misrepresentations, or withholding such information, shall be guilty of a misdemeanor.

thirty (30) gallons, if removed with the regular weekly or twice a week collections, the maximum rate shall be one-half (½) cent per gallon or one dollar ($1.00) per cubic yard per collection. For the removal of garbage at times other than the regular weekly or twice a week collections and for the removal of all other garbage from any place or person, the rate of removal of which has not been hereinabove specified, the maximum rate shall be seven and one-half (7½) cents for the first ten (10) gallons and five (5) cents for each additional ten (10) gallons removed, at the same time. Nothing herein contained shall be construed as preventing an authorized garbage collector from charging a less rate or charge for the collection of garbage than fixed herein.

SEC. 6-4.04 COLLECTION RESTRICTED TO CONTRACTEES OF CITY. At such time as there is in force a contract or contracts between the City of Oakland and any person for the collection of garbage or wet garbage in the City, it shall be unlawful for any person other than such contractor or those persons in the employ of such contractor to collect any garbage or wet garbage within the City of Oakland.

ANy person producing in excess of fifty (50) gallons of wet garbage a week shall place all such wet garbage in a suitable container, apart from his dry garbage, so that both said wet garbage and said dry garbage may be separately and conveniently collected by the agents or contractees of the City under such regulations as the Health Officer of the City may from time to time impose. It shall be unlawful for any such person producing in excess of fifty (50) gallons per week of wet garbage to sell or dispose of the same, and all of it must be delivered to the City of Oakland, its agents or contractees for removal and disposal.

Sec. 6-4.05 - Use of Streets Restricted to Contractors of City (Garbage) added by Ord #3[illegible] cms. (12/26/33)

Sec. 6-4.06 - Added by [illegible] Repealed by O #2769 cms 5/18/48

Collection & Disposal of Tin Cans ORD. #1614 cms - 2/2/43

CHAPTER 7. CITY PLANNING.

ARTICLE 1. (ZONINGS AND RESTRICTIONS THEREIN.) (Repealed & Re-added by 474 cms)
ARTICLE 2. BUILDING NUMBERS.
ARTICLE 3. SET-BACK LINES AND MISCELLANEOUS.

Powers Bd Adj' Sec. 7-1.82 Amnd by O #609 cms | Clinics Dr. offices

ARTICLE 1. Repealed By Ord. #474 cms and re-added By O #474 " Sec. 7-1.01 to (" 7-1.93) 7-1.471 Amd O 684 cms ZONINGS AND RESTRICTIONS THEREIN.

SEC. 7-1.01 DEFINITIONS. For the purposes of this Article certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from the context that they have a different meaning.

SEC. 7-1.01 (a) "Residential Zone Class 'A'" or "Class 'A' Zone", "Residential Zone Class 'B'" or "Class 'B' Zone", "Business Zone Class 'C'", or "Class 'C' Zone", "Industrial Zone Class 'D'", or "Class 'D' Zone", and "Industrial Zone Class 'E'", or "Class 'E' Zone", refer to such zones as they are respectively defined and described in Ordinance 4789 N.S. of the City of Oakland, as amended, or as such zones may be hereafter established and defined by other Ordinances of the City of Oakland.

SEC. 7-1.01 (b) "ACCESSARY BUILDINGS" is a subordinate building, or portion of the main building, the use of which is incidental to that of the main building.

SEC. 7-1.01 (c) "BLOCK" is the frontage on one side of a street lying between two intersecting streets, or between one intersecting street and the end of such street.

SEC. 7-1.01 (d) "BOARDING HOUSE" is any dwelling where meals, or meals and lodging, are furnished for compensation to three or more persons other than members of a family.

See Ord #474 cms for Amendments.

"GARAGE, STORAGE" is any premises where more than four (4) motor vehicles are stored only.

SEC. 7-1.01 (k) "HEIGHT OF BUILDING" is the vertical distance from the average elevation of the adjoining ground level to the lowest point of the finished ceiling of the topmost story.

SEC. 7-1.01 (l) "HOME OCCUPATION" is a use carried on in a dwelling by a resident thereof and which use is merely incidental to the residential use of the dwelling, and shall include a beauty shop, the practice of a dentist, physician, surgeon, chiropractor, osteopath, chiropodist, artist, musician, dressmaker, milliner, where not more than one (1) assistant is employed.

SEC. 7-1.01 (m) "HOTEL" is a building or portion thereof containing six (6) or more sleeping rooms which are occupied for compensation by individuals and in which rooms no provision is made for cooking.

SEC. 7-1.01 (n) "LOT" is a parcel of land occupied or capable of being occupied by a building and its accessory buildings together with such open spaces as are required by this Article, and which has its principal frontage upon a street.

"CORNER LOT" is a lot situated at the junction of two (2) or more streets.

"INTERIOR LOT" is a lot other than a corner lot.

"THROUGH LOT" is an interior lot having a frontage on two (2) streets.

SEC. 7-1.01 (o) "NON-CONFORMING USE" is a use that does not conform with the regulations of the district in which it is situated.

SEC. 7-1.01 (p) "STORY" is that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

"STORY, HALF" is a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

SEC. 7-1.01 (q) "STREET" is a public or private thoroughfare which affords the principal means of access to abutting property.

SEC. 7-1.01 (r) "STRUCTURE" is anything constructed or erected, having location on the ground or attached to something having location on the ground.

"STRUCTURAL ALTERATION" is any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

SEC. 7-1.01 (s) "USE" is the purpose to which a building or structure or land or anything on land, may be put.

SEC. 7-1.01 (t) "YARD" is an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, and shall be a front yard, a rear yard, or a side yard.

"YARD, FRONT" is a yard extending across the front of the lot between the inner side yard lines. A front yard shall have a depth equal to the shortest distance between the building and the front lot line.

"YARD, REAR" is a yard between the building and the rear lot line and extending across the full width of the lot. A rear yard shall have a depth equal to the shortest distance between the building and the rear lot line.

"YARD, SIDE" is a yard between the building and the side lot line and extending from the street line to the rear yard. A side yard shall have a width equal to the shortest distance between the building and the side lot line.

ESTABLISHMENT OF DISTRICTS.

SEC. 7-1.02 NAMES OF ZONING DISTRICTS. In order to regulate and restrict the location of businesses, trades and industries, and the location of buildings erected or altered for specified uses, and to regulate the uses on land, and to regulate and limit the height and bulk of buildings hereafter erected or altered, and to regulate and determine the area of yards and other open spaces, the City of Oakland is hereby divided into districts of which there shall be nine (9) kinds known as:

"A" One-Family District or "A" District
"B" Two-Family District or "B" District
"C" Multiple Dwelling District or "C" District
"D" Multiple Dwelling District or "D" District
"E" Commercial District or "E" District.
"F" General Business District or "F" District
"G" Central Business District or "G" District
"H" Light Industrial District or "H" District
"I" Heavy Industrial District or "I" District

The term "Dwelling District" when used hereinafter shall refer to District "A", "B", "C" or "D".

SEC. 7-1.03 DISTRICT MAP. The districts referred to in Section 7-1.02 of this Article are respectively bounded and described for purposes of this Article as they are shown upon the map attached to and adopted by Ordinance No. 475 C.M.S. of the City of Oakland, which map is sometimes referred to in this Article as the "District Map", and said map and all the notations, references and other information shown thereon shall be as much a part of this Article as if the matters and information set forth by said map were all fully described herein.

SEC. 7-1.04 DISTRICT REGULATIONS GENERALLY. No building shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land be used for any purpose other than is permitted by the terms of this Article in the district in which such building or land is located.

SEC. 7-1.05 LOT REDUCTIONS FORBIDDEN. No lot shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Article.

SEC. 7-1.06 YARDS FOR EACH BUILDING. No yard or other open space provided about any building for the purpose of complying with the provisions of this Article shall be considered as providing a yard or open space for any other buildings; provided, further, that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

SEC. 7-1.07 ONE BUILDING TO A LOT. Every building hereafter erected shall be located on a lot, and in no case shall there be more than one building on one lot, except as otherwise in this Article provided.

Amd #943 C.M.S. REGULATIONS "A" ONE-FAMILY DISTRICT

SEC. 7-1.08 "A" DISTRICT USES. In the "A" One-family District the following regulations shall apply, and the following uses only are permitted:

One-family dwellings.
Museums, libraries, parks, playgrounds or community centers owned and operated by the City of Oakland.
Golf courses.
Farms or truck gardens.
Amd #943 C.M.S. Churches.
Public schools, elementary or high.

Existing cemetery, mausoleum, columbarium, crematory uses; alterations or additions thereto; uses requisite or necessary or related or incidental thereto.
Accessory buildings on the same lot, with any of the above uses, including one private garage, or one private stable for the keeping of not to exceed three (3) horses, when located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any other street line, or a private garage constructed as a part of the main building.
Uses customarily incident to any of the above uses when situated in the same building, and not involving the conduct of a business, provided that one (1) home occupation may be conducted within a dwelling.
No outdoor advertising or display or sign of any character shall be permitted in the "A" District, except: a name plate not exceeding one (1) square foot in area, a sign not exceeding six (6) square feet in area appertaining only to the lease, hire, sale or display of a building or premises; provided further, that no sign or name plate shall be permitted in a front yard or its projection across the entire width of the lot.

SEC. 7-1.09 BUILDING HEIGHT LIMIT IN "A" DISTRICT is two and one-half ($2\frac{1}{2}$) stories and not exceeding thirty-five (35) feet in height.

SEC. 7-1.10 SIDE YARDS REQUIRED IN "A" DISTRICT are five (5) feet in width on each side of a building; provided, however, that for a lot less than fifty (50) feet in width and of record on the first day of January, 1935, the side yard on each side of the building may be reduced to ten (10) percent of the width of such lot, but shall be not less than three (3) feet in width.

SEC. 7-1.11 REAR YARD REQUIRED IN "A" DISTRICT is twenty-five (25) feet in depth; provided, however, that for a lot less than one hundred twenty-five (125) feet in depth and of record on the first day of January, 1935, the rear yard may be reduced to twenty (20) per cent of the depth of such lot, but shall be not less than fifteen (15) feet in depth.

SEC. 7-1.12 FRONT YARD REQUIRED IN "A" DISTRICT is twenty (20) feet in depth.

SEC. 7-1.13 LOT AREA REQUIRED IN "A" DISTRICT is five thousand (5000) square feet for each one-family dwelling.

REGULATIONS "B" TWO FAMILY DISTRICT.

SEC. 7-1.14 "B" DISTRICT USES. In the "B" District the following regulations shall apply, and the following uses only are permitted:

Uses permitted in the "A" District.
Two-family dwellings.
Multiple dwellings and group dwellings having accommodations for not more than four (4) families.
Nurseries or green houses for the propagation or cultivation of plants; provided, that no part of the premises shall be used primarily for the sale or display of the products therefrom.

SEC. 7-1.15 BUILDING HEIGHT LIMIT IN "B" DISTRICT is the same as in the "A" District.

SEC. 7-1.16 SIDE AND REAR YARDS REQUIRED IN "B" DISTRICT are the same as in the "A" District.

SEC. 7-1.17 FRONT YARD REQUIRED IN "B" DISTRICT is fifteen (15) feet in depth.

SEC. 7-1.18 LOT AREAS REQUIRED IN "B" DISTRICT are: four thousand (4000) square feet from each one-family or two-family dwelling; four thousand five hundred (4500) square feet for each three-family multiple dwelling or group dwelling; five thousand (5000) square feet for each four-family multiple dwelling or group dwelling.

REGULATIONS "C" MULTIPLE DWELLING DISTRICT.

Amd. By #1254 Ords. 1-28-41 SEC. 7-1.19 "C" DISTRICT USES. In the "C" District the following regulations shall apply, and the following uses only are permitted;

Uses permitted in the "A" and "B" Districts.
Multiple dwellings; group dwellings.
Boarding houses. Nursing Homes (#1254)
Hotels, in which business may be conducted for the sole convenience of the occupants of the building; provided, however, that there shall be no entrance to such place of business except from the inside of the building.
Libraries; museums.
Private clubs, fraternities, sororities, lodges, excepting those the chief activity of which is a service customarily carried on as a business.
Accessory buildings and uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business, including private and storage garages, when located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any other street line, or when constructed as a part of the main building.

SEC. 7-1.20 BUILDING HEIGHT LIMIT IN "C" DISTRICT is six (6) stories and not exceeding seventy-five (75) feet in height.

SEC. 7-1.21 SIDE YARDS REQUIRED IN "C" DISTRICT: Not required except on that side of a lot abutting upon the side of a lot in the "A" or "B" District, in which case there shall be a side yard of not less than three (3) feet in width.

SEC. 7-1.22 REAR YARD REQUIRED IN "C" DISTRICT is ten (10) feet in depth.

SEC. 7-1.23 FRONT YARD REQUIRED IN "C" DISTRICT is ten (10) feet in depth.

REGULATIONS "D" MULTIPLE DWELLING DISTRICT.

SEC. 7-1.24 "D" DISTRICT USES. In the "D" District the following regulations shall apply, and the following uses only are permitted:

Uses permitted in the "A", "B" and "C" Districts.

SEC. 7-1.25 BUILDING HEIGHT LIMIT IN "D" DISTRICT is eight (8) stories and not exceeding one hundred (100) feet in height; provided that the height of any building shall not exceed two (2) times the width of the adjoining street or two (2) times the width of the narrower street in the case of a corner lot.

SEC. 7-1.26 YARDS REQUIRED IN "D" DISTRICT are the same as in the "C" District.

REGULATIONS "E" COMMERCIAL DISTRICT.

SEC. 7-1.27 "E" DISTRICT USES. In the "E" District the following regulations shall apply, and the following uses only are permitted:

Any lawful use except those hereinafter in this section and in Section 7-1.28 designated.

Automobile or motor vehicle wrecking.
Bakery, other than that whose products are sold only at retail on the premises.
Blacksmith or horse shoeing shop.
Bottling works.
Building materials, storage yard.
Cabinet or woodworking shop.
Carting, expressing, hauling or storage yard.
Cleaning or dyeing works.
Contractor's plant or storage yard.
Feed or fuel yard.
Foodstuff, manufacture or preparation.
Ice plant of more than fifteen (15) tons daily capacity, or ice storage house of more than fifteen (15) tons capacity.

SEC. 7-1.28 The following uses in addition to those set forth in Section 7-1.27 shall be excluded in the "E" District.

Laundry, other than laundry occupying two thousand (2000) square feet or less, in which all machinery is operated by hand or electricity, and not emitting noise, smoke or steam.
Livery stable or riding academy.
Lumber yard.
Milk bottling or milk distributing station, other than a retail business conducted on the premises.
Stone monumental works.
Storage of goods or materials.
Tinsmith shop.
Wholesale business.
Any use excluded from the "H" Light Industrial District.
Any kind of manufacture or treatment other than the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.

SEC. 7-1.29 PUBLIC GARAGE IN "E" DISTRICT SHALL be permitted only if:

(a) It is incidental to the conduct of a gasoline super-service station and covers not more than thirty (30) per cent of the total ground space thereof, nor is closer than thirty (30) feet to any street line; or, if

(b) It is incidental to an automobile salesroom where the major business is the display and sale of new automobiles and where the area allowed for the storage and repair of automobiles is not nearer than thirty (30) feet to the front line of the building; or, if

(c) Its location is approved by the Board of Adjustments, as hereinafter provided.

SEC. 7-1.30 A MORTUARY or undertaker or funeral director or embalmer or morgue or other place intended for the care, storage, or preparation of the human dead prior to burial may be permitted in Districts "E" to "I" inclusive if the location thereof, and the accomodation for the parking of motor vehicles and the preparation of the funeral procession, are approved by the City Manager after a hearing and recommendation by the City Planning Commission. Every application for permission to locate such business shall be made in the same manner and subject to the same requirements as petitions for a Change of District or regulations.

SEC. 7-1.31 BUILDING HEIGHT LIMIT IN "E" DISTRICT is one hundred (100) feet when both sides of a street between two (2) intersecting streets are in the "E" Commercial District, and at least one (1) side abuts a district with a height limit of seventy-five (75) feet or over; provided, however, that a building may be erected not to exceed forty-five (45) feet in height in the case when districts abutting the "E" Commercial District on both sides of a street have a height limit of forty-five (45) feet or less.

SEC. 7-1.32 SIDE YARDS REQUIRED IN "E" DISTRICT: Not required except on that side of a lot abutting upon the side of a lot in a dwelling district, in which case there shall be a side yard of not less than three (3) feet in width. In any case a side yard, if provided for a building, shall be not less than three (3) feet in width.

SEC. 7-1.33 REAR YARD REQUIRED IN "E" DISTRICT: Not required except for a building erected for dwelling purposes or where the "E" Commercial District abuts upon a dwelling district. In each case a rear yard of not less than ten (10) feet is required.

SEC. 7-1.34 FRONT YARD REQUIRED IN "E" DISTRICT: Not required, except where a portion of the frontage on one side of a street, between two intersecting streets, is included partly in the "E" District and partly in a dwelling district, in which case the front yard depth, and the side yard width on the street side of a corner lot, shall be the same as in the dwelling district.

REGULATIONS "F" GENERAL BUSINESS DISTRICT.

SEC. 7-1.35 "F" DISTRICT USES. In the "F" District the following regulations shall apply, and the following uses only are permitted:

Any lawful use except the following:

Lumber yard.
Automobile or motor vehicle wrecking.
Contractor's plant or storage yard.
Feed or fuel yard.
Building materials storage yard.
Any use excluded from the "H" Light Industrial District.

SEC. 7-1.36 BUILDING HEIGHT LIMIT IN "F" DISTRICT is the same as in the "E" District.

SEC. 7-1.37 YARDS REQUIRED IN "F" DISTRICT are the same as in the "E" District.

REGULATIONS "G" CENTRAL BUSINESS DISTRICT.

SEC. 7-1.38 "G" DISTRICT USES. In the "G" District the following regulations shall apply, and the following uses only are permitted:

All uses permitted in Districts "A" to "F" inclusive.

SEC. 7-1.39 BUILDING HEIGHT LIMIT IN "G" DISTRICT is one hundred fifty (150) feet in height at the street line, provided that above the height permitted at the street line, three (3) feet may be added to the height of a building for each one (1) foot that the building or portion thereof is set back from the street line; provided further, that the total cubical contents of such building may not exceed the cubic feet obtained by multiplying one hundred fifty (150) feet by the lot area.

SEC. 7-1.40 YARDS REQUIRED IN "G" DISTRICT are the same as in the "E" District.

REGULATIONS "H" LIGHT INDUSTRIAL DISTRICT.

SEC. 7-1.41 "H" DISTRICT USES. In the "H" District the following regulations shall apply, and the following uses only are permitted:

Any lawful use except those hereinafter in this section and in Section 7-1.42, 7-1.43 and 7-1.44 designated:

Acid manufacture.
Alcohol or alcoholic beverages manufacture.
Ammonia, bleaching powder or chlorine manufacture.
Arsenal.
Bag cleaning.
Boiler works.
Brick, tile, pottery, or terra cotta manufacture other than the manufacture of handicraft products only.
Cement, lime, gypsum or plaster of paris manufacture.
Celluloid manufacture or treatment.
Central mixing plant for cement, mortar, plaster or paving materials.
Chemical manufacture.
Cooperage works.
Cotton gin.
Crematory.
Disinfectants manufacture.

SEC. 7-1.42 The following in addition to those set forth in Sec. 7-1.41, Sec. 7-1.43 and Sec. 7-1.44 shall be excluded from the "H" District.

Distillation of bones, coal or wood.
Dog pound.
Dyestuff manufacture.
Emery cloth or sandpaper manufacture.
Explosives or fireworks manufacture or storage.
Exterminator or insect poison manufacture.
Fat rendering.
Fertilizer manufacture.
Fish curing, packing or storage.
Forge plant.
Foundry or metal fabrication plant.
Garbage, offal or dead animal reduction or dumping.
Gas manufacture or storage.
Glass manufacture.
Glue, size or gelatine manufacture.
Grease, lard, or tallow manufacture or refining from or of animal fat.

SEC. 7-1.43 The following uses in addition to those set forth in Sec. 7-1.41, Sec. 7-1.42 and Sec. 7-1.44, shall be excluded from the "H" District.

Iron, junk, or rags storage or baling.
Lamp black manufacture.
Linseed oil manufacture.
Match manufacture.
Oil cloth or linoleum manufacture.
Oiled or rubber goods manufacture.
Paint, oil, shellac, turpentine or varnish manufacture.
Paper or pulp manufacture.
Petroleum or its products, refining or wholesale storage of.
Pickle manufacture.
Planing mill.
Potash works.
Power plant, (steam)
Pyroxlin manufacture.

SEC. 7-1.44 The following uses, in addition to those set forth in Sec. 7-1.41, Sec. 7-1.42 and Sec. 7-1.43, shall be excluded from the "H" District:

Rubber or gutta-percha manufacture or treatment.
Salt works.
Sauerkraut manufacture.
Sawmill.
Shipbuilding or shipyard.
Shoe polish manufacture.
Smelting of tin, copper, zinc, iron or other ores.
Soap manufacture other than liquid soap.
Soda or soda compound manufacture.
Stockyard or slaughter of animals or fowls.
Stone mill.
Stove polish manufacture.
Sugar refining.
Tanning, curing or storing of raw hides or skins.
Tobacco (chewing) manufacture or treatment.
Vinegar manufacture.
Wool pulling or scouring.
Yeast plant.

And in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, vibration, or noise, or which may impose hazard to life or property.

SEC. 7-1.45 BUILDING HEIGHT LIMIT IN "H" DISTRICT is One Hundred (100) feet in height.

SEC. 7-1.46 YARDS REQUIRED IN "H" DISTRICT are the same as in the "E" District.

REGULATIONS "I" HEAVY INDUSTRIAL DISTRICT.

SEC. 7-1.47 "I" DISTRICT USES. In the "I" District the following regulations shall apply, and the following uses only are permitted:

Any use not in conflict with any ordinance of the City of Oakland regulating nuisances; provided, however, that no permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the City Manager after report by the City Planning Commission.

Acid manufacture.
Cement, lime gypsum, or plaster of paris manufacture.
Distillation of bones.
Explosives, manufacture or storage.
Fat rendering.
Fertilizer manufacture.
Garbage, offal or dead animal reduction or dumping.
Gas manufacture.
Glue manufacture.
Petroleum refining.
Smelting of tin, copper, zinc, iron or other ores.
Stockyards or slaughter of animals.
Tannery.

Ord #684 CMS
Adding Sec. 7-1.471 "I" District Exceptions (Signs)

SEC. 7-1.48 SIDE AND REAR YARDS REQUIRED IN "I" DISTRICT are the same as in the "E" District.

NON-CONFORMING USES.

SEC. 7-1.49 NON-CONFORMING LAND USES. The lawful use of land existing at the time of the adoption of this Article, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said land shall be in conformity with the provisions of this Article.

SEC. 7-1.50 NON-CONFORMING BUILDING USES. The lawful use of a building existing at the time of the adoption of this Article may be continued, although such use does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alterations except those required by law are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

SEC. 7-1.51 RESUMPTION OF USE. If a building or any portion thereof is vacant at the time of adoption of this Article such building may be used for the purpose for which it was last lawfully used or for any purpose of the same or more restricted classification.

SEC. 7-1.52 REMOVAL OF NON-CONFORMING USE. If a non-conforming building is removed, every future use of such premises shall be in conformity with the provisions of this Article.

SEC. 7-1.53 NON-CONFORMING USES IN CHANGED DISTRICTS. The foregoing provisions of this Article pertaining to non-conforming uses shall also apply to non-conforming uses in districts hereafter changed.

SEC. 7-1.54 RESTORATION OF BUILDINGS. Nothing in this Article shall be deemed to prevent the restoration of a non-conforming building destroyed to the extent of not more than seventy-five (75) percent of its reasonable value, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction; provided, however, that where a building is destroyed to such an extent that the total demolition is required by the provisions of the Building Laws of the City of Oakland, any future building or use shall conform to the provisions of this Article.

GENERAL HEIGHT EXCEPTIONS

SEC. 7-1.55 EXCEPTIONS GENERALLY. The regulations of this Article shall be subject to the exceptions and amplifications hereinafter set forth in Sections 7-1.57 to 7-1.78, both inclusive.

SEC. 7-1.56 WHEN BASEMENT IS A STORY. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor and his family.

SEC. 7-1.57 PUBLIC BUILDING HEIGHTS. In the districts having building height limits of thirty-five (35) or forty-five (45) feet, a public or semi-public building, hospital, sanitarium or school may be erected to a height not exceeding seventy-five (75) feet when the front, side and rear yards are increased one (1) additional foot for each foot such building exceeds the height allowed in the district.

SEC. 7-1.58 ONE-FAMILY BUILDING HEIGHTS. A one-family dwelling in a district having a thirty-five (35) foot height limit may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided. Such dwelling, however, shall not exceed three and one-half (3½) stories in height.

SEC. 7-1.59 SPECIAL EXCEPTIONS TO HEIGHT LIMITS. Chimneys, towers, pent-houses, scenery lofts, sugar refineries, monuments, cupolas, domes, spires, false mansards, parapet walls, similar structures and necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of Oakland.

SEC. 7-1.60 HEIGHTS ON THROUGH LOTS. On through lots one hundred fifty (150) feet or less in depth, the height of a building may be measured according to the height permitted on either street. On through lots more than one hundred fifty (150) feet in depth, the height regulations for the street permitting the greater height shall apply only to the half of the lot nearest such street.

SEC. 7-1.61 HEIGHTS ON LOTS REARING UPON LESSER HEIGHT DISTRICTS. In a district having a height limit of seventy-five (75) feet or over where the rear line of a lot abuts a dwelling district with a height limit of forty-five (45) feet or less, the following regulations shall apply: A building may be erected to a height not to exceed forty-five (45) feet at the inner line of the required rear yard abutting the lesser height district; provided, however, that ten (10) feet may be added to the height of the building for each two (2) feet that the building, or portion thereof, is set back from the inner rear yard line.

SEC. 7-1.62 HEIGHTS ON LOTS SIDING UPON LESSER HEIGHT DISTRICTS. In a district having a height limit of seventy-five (75) feet or over where the side line of a lot abuts a dwelling district with a height limit of forty-five (45) feet or less, the following regulations shall apply: A building may be erected to a height not to exceed forty-five (45) feet at the inner line of the required side yard abutting the lesser height district; provided, that ten (10) feet may be added to the height of the building for each one (1) foot that the building, or portion thereof, is set back from the inner side yard line, as established by the side yard requirement of a building forty-five (45) feet in height.

GENERAL AREA EXCEPTIONS.

SEC. 7-1.63 SIDE YARD FOR DWELLING OF MORE THAN ONE FAMILY. For the purpose of side yard regulations, any two-family dwelling or any multiple dwelling shall be considered as one building occupying one lot.

SEC. 7-1.64 GROUP DWELLINGS - DISTANCES BETWEEN DWELLINGS. For group dwellings, the side of one building shall not be closer to the side of any other building (arranged "side-to-side") than six (6) feet; the rear of one building shall not be closer to the front or side of any other building ("rear-to-front or rear-to-side" respectively) or the side of one building shall not be closer to the front of any other building ("side-to-front") than twenty (20) feet; provided, that the distance between any two buildings as prescribed in this section shall be increased by one (1) foot for each story in height that the higher building exceeds two (2) stories.

SEC. 7-1.65 GROUP DWELLINGS - WIDTH OF SIDE YARD REARED UPON. For a group of buildings rearing upon a required side yard, such yard shall be increased in width by one (1) foot for each building abutting thereupon.

SEC. 7-1.66 GROUP DWELLINGS - REAR YARD. For group dwellings the depth of the rear yard need not be greater than ten (10) feet when no dwelling rears upon such yard.

SEC. 7-1.67 GROUP DWELLINGS - WIDTH OF COURT. For group dwellings abutting upon one (1) side only of a court, the width of such court shall be not less than one and one-half (1½) times the width of the side yard as required in Section 7-1.65 of this Article; provided, further, that this width shall be not less than one-third (1/3) of the height in feet of the highest building abutting thereupon, nor less than twelve (12) feet in any case.

SEC. 7-1.68 GROUP DWELLINGS - WIDTH OF COURT. For group dwellings abutting upon at least two (2) sides of a court, such court shall be not less than three (3) times the width of the widest side yard as required in Section 7-1.65 of this Article; provided, further, that this width shall be not less than one-half (½) of the height in feet of the highest building abutting thereupon, nor less than eighteen (18) feet in any case.

SEC. 7-1.69 GROUP DWELLINGS - MINIMUM SIDE YARDS. For the purpose of regulating group dwellings on a lot in the "C" or "D" District, the required side yard width on such lot shall be three (3) feet.

SEC. 7-1.70 DWELLINGS ABOVE STORES. The front and side yard requirements for dwellings shall be waived where dwellings are located above stores or shops.

SEC. 7-1.71 PORTION OF ALLEY AS REAR YARD. In computing the depth of a rear yard for any building where such yard opens onto an alley, one-half of the width of such alley may be assumed to be a portion of the rear yard; provided, that the depth of such yard actually on the lot shall be not less than ten (10) feet for a lot in the "A" or "B" District, nor less than five (5) feet for a lot in any district other than "A" or "B".

SEC. 7-1.72 ACCESSORY BUILDING IN REAR YARD. An accessory building not exceeding twelve (12) feet in height may occupy not more than thirty (30) per cent of a required rear yard.

SEC. 7-1.73 OBSTRUCTIONS IN YARDS AND COURTS. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves, provided, however, that none of the above projections shall extend into a minimum court more than six (6) inches nor into a minimum side yard or front yard more than twenty-four (24) inches; provided, further, that uncovered porches or paved terraces may project not more than eight (8) feet into a minimum front yard, or rear yard, and not more than four (4) feet into a minimum side yard; provided, further that stairs from the ground to such uncovered porches or paved terraces or stairs from the ground to the first floor of a building may project into a minimum yard.

SEC. 7-1.74 OBSTRUCTIONS IN YARDS AND COURTS. Open or enclosed fire escapes, fire proof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3½) feet, and the ordinary projections of chimneys and flues, may be permitted by the Building Inspector where same are so placed as not to obstruct the light and ventilation.

SEC. 7-1.75 CORNICE OVER STREET. No cornice shall project over the street line more than five (5) percent of the width of such street, nor more than four (4) feet.

Amended by Ord # 731 CMS,

SEC. 7-1.76 EXCEPTIONS TO LOT AREA REQUIREMENTS. The lot area requirements in the "A" and "B" Districts shall be subject to the following exceptions: A single family dwelling may be erected in the "A" District, and a single family or two-family dwelling may be erected in the "B" District on any lot in one ownership and of record on the first day of January, 1935.

SEC. 7-1.77 SIDE YARDS ON CORNER LOTS. On corner lots in "A", "B", "C" and "D" Districts, the side yard regulation shall apply to the street side of a lot, except in the case of reversed frontage, where the corner lot faces an intersecting street. In this case there shall be a side yard width on the street side of the corner lot of not less than fifty (50) per cent of the front yard depth required on the lots in the rear of such corner lot, and no accessory building on said corner lot shall project beyond the front yard line on the lots in the rear; provided, that this regulation shall not be so interpreted as to reduce the buildable width of such corner lot of record at the time of adoption of this Article to less than twenty-five (25) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

SEC. 7-1.78 FRONT YARDS - VARIATIONS. The front yard required in Districts "A", "B", "C" and "D" shall be subject to the following regulations: That where lots comprising forty (40) percent of the frontage in a block, between two intersecting streets, are developed with buildings, the front yard requirements on the remaining lots shall be the average of existing front yard depths; provided, that on vacant lots situated between lots developed with buildings, the front yard requirements shall be the average depth of front yards on the developed lots immediately adjoining such vacant lots; provided, further that in computing average front yard depths for the purpose of this section, the figure of thirty (30) feet shall be used for any front yard depth greater than thirty (30) feet.

ADJUSTMENTS.

SEC. 7-1.79 BOARD OF ADJUSTMENTS. A Board of Adjustments is hereby created.

SEC. 7-1.80 MEMBERSHIP. The membership of the Board of Adjustments hereinafter referred to as the Board, shall consist of three (3) members of the City Planning Commission appointed by the Chairman thereof. The Board shall elect a Chairman and a Secretary, and shall adopt its own rules regarding meetings, terms of office of members, filling vacancies, and procedure of the Board.

SEC. 7-1.81 POWERS. In order to prevent or lessen unnecessary hardship or practical difficulties in exceptional cases where it is difficult or impossible to comply with the strict letter of this Article, the Board shall have the power to make such variances from the strict letter of this Article as are specified in this section and in Sections 7-1.82 and 7-1.85, inclusive. The Board shall exercise its powers on these matters in such a way that public welfare is secured, and substantial justice done most nearly in accord with the intent and purpose of this Article.

To interpret the provisions of this Article.

To interpret the District Boundaries of the plan, as shown upon the "District Map", when the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

To interpret and vary the application of the yard andopen space regulations in specific cases.

To permit a public garage in a Commercial District where it is deemed necessary for the public convenience.

SEC. 7-1.82 The powers referred to in Section 7-1.81 shall include the following: Amended by Ord #1061 CMS - 12-28-39 (Zoos, Botanical Gardens, Aviaries, Arboretums)

To permit the erection of a storage garage building on a vacant lot in the "C" or "D" District, when the use thereof is primarily for the convenience of the occupants of adjacent buildings.

To permit the location, reconstruction or enlargement of the following uses in a district from which they are otherwise prohibited by the provisions of this Article: Community center, gravel pit, stone quarry, greenhouse or nursery, library, museum, riding academy, school, tourist camp, hospital or institution of an educational or philanthropic nature. Zoos,

To permit, in a district from which they are otherwise prohibited by the provisions of this Article, the location of cemeteries, mausoleums, columbariums or crematories, and the subsequent reconstruction or enlargement, thereof.

To permit governmental, public utility or public service uses and structures in any district when found to be necessary for the public health convenience or welfare.

To permit a temporary building for commerce or industry in a dwelling district, which is incidental to the residential development thereof, such permit to be issued for a period of not more than one (1) year.

To permit the extension of a use into a more restricted district, where the district boundary line divides a lot in a single ownership on the first day of January, 1935.

To permit in the "C" and "D" District, after a public hearing, the location, reconstruction or enlargement of the following uses; clinics, offices for doctors and persons practising the medical profession; provided that all entrances to such offices or to accessory business uses in the same building be from within the building only, provided further that any building shall comply with the yard and height regulations for the district in which it is located.

(As amended by Resolution No. 609 C.M.S., passed April 9, 1936.

SEC. 7-1.83 The powers referred to in Section 7-1.81 shall include the following:

To permit a private garage, as an accessory building in the front yard, where the ground slope prevents its location in the rear yard, or its inclusion as a part of the main building.

On a corner lot, where a building is to have frontages on both streets, the Board may reduce the depth of the rear yard to the width of a required side yard for interior lots, if there is provided an open space at the inner rear corner of the lot, having no dimensions less than the required depth of the rear yard; provided, further, that the total aggregate area of open spaces about the building shall be not less than if a full rear yard were required.

To permit the erection of a three or four-family multiple dwelling in the "B" District on a lot of record on the first day of January, 1935, and having less than the lot area required herein.

To permit the exterior alteration of a dwelling for a home occupation in the "A", "B", "C" or "D" District, if the nature of such alteration is in keeping with the residential character of such dwelling.

To permit, in the "A", "B", or "C" District the erection of a building to a height in excess of that permitted in these districts where an unnecessary hardship would result from a strict compliance with height regulations.

To impose regulations as a condition of granting a variance, and a violation of any such regulation shall automatically invalidate the permit therefor.

*add. Sec. 7-1.831 to A.M.C. by Ord #1262 Ser.

SEC. 7-1.84 BUILDING PERMIT FOR A VARIANCE. In all cases where the Board of Adjustments has allowed a variance, as authorized in Sec. 7-1.81 to Sec. 7-1.83, inclusively, the Building Inspector may issue a building permit sufficient to allow such building or work to be done in accordance with the decision of the Board.

SEC. 7-1.85 HEARING - NOTICE. The Board may in its discretion provide for notice and public hearing upon any application made pursuant to the provisions of Sections 7-1.81 to 7-1.83, inclusive, in which case a deposit shall be made by the applicant, and notice shall be given as required for an application for the Change of District or Regulations, and upon the same terms and conditions.

SEC. 7-1.86 PLATS. All applications for building permits shall be accompanied by a drawing or plan in duplicate showing the lot plan, the location of the building on the lot, accurate dimensions of building and lot, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record or the original copy of such application and plats shall be kept in the office of the Building Inspector, and the duplicate copy shall be kept at the building at all times during construction.

SEC. 7-1.87 BOUNDARIES OF DISTRICTS. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map, the following rules shall apply:

The district boundaries are either streets or alleys unless otherwise shown, and where any district designated on the District Map is bounded approximately by street or alley lines said streets or alleys shall be construed to be the boundaries of such district.

Where district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where any district designated on the District Map is bounded approximately by lot lines, said lot lines shall be construed to be the boundaries of such district.

In unsubdivided property, the district boundary lines on the District Map shall be determined by use of the scale contained on such map.

Where further uncertainty exists, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries.

SEC. 7-1.88 INTERPRETATION, PURPOSE AND CONFLICT. In interpreting and applying the provisions of this Article, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Article to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Article imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required, by other ordinance, rules, regulations, or by easements, covenants, or agreements, the provisions of this Article shall govern.

SEC. 7-1.89 CHANGE OF DISTRICTS OR REGULATIONS. The City Planning Commission shall not make a recommendation to the City Council concerning the change of any district or the change of any regulation unless a public hearing thereon is first had before the City Planning Commission, and no action shall be taken by the City Council, to change any district established by Ordinance No. 475 C.M.S. or any regulation established by this Article until after the Council has received a recommendation from the City Planning Commission concerning such change.

SEC. 7-1.90 PETITION FOR CHANGE. The owner of any property may petition the City Council to change any district established by Ordinance No. 475 C.M.S. or any regulation established by this Article, affecting his property, by filing with the City Clerk a petition in triplicate setting forth the following information:

The petitioner's name in full.
His residence.
Address or description of property sought to be rezoned.
An accurate diagram of said property, showing the location of all buildings thereon, the type thereof, and their uses.
Such other information as the City Planning Commission or the City Clerk may desire.

SEC. 7-1.91 RECEIPT OF PETITION. Immediately upon receipt of such petition, the City Clerk shall file the original with the records of his office, and forward the other two copies of such petition to the Secretary of the City Planning Commission.

SEC. 7-1.92 HEARING AND NOTICE OF HEARING. The Secretary of the City Planning Commission, shall, if said petition is found to be properly prepared, fix a day for the hearing of such petition. The Secretary shall, not less than five days nor more than thirty days before the date of such hearing, give such notice of hearing as the City Planning Commission may direct.

SEC. 7-1.93 PETITION DEPOSIT. At the time of filing a petition, it shall be accompanied by a cash deposit in an amount fixed by the City Planning Commission to defray the cost of printing, mailing and giving notice and such other work as may be required to be done in connection with such petition.

Such portion of such deposit as may remain unexpended shall be returned to the petitioner by the City Clerk upon the receipt of a written notice from the City Planning Commission that such petition has been disposed of by it. When theCity Council shall have denied any application for the change of any district in which any property is located, the City Clerk shall not thereafter accept any other application for the same change of district affecting the same property, or any portion thereof, until the expiration of one (1) year from the date of such previous denial.

SEC. 7-1.32 NUISANCES. Any building or structure erected or maintained in violation of any provision of this Article is hereby declared to be a continuing public nuisance, and may be abated in the manner provided by law. No license shall hereafter be granted to any person to conduct a business in any building erected, altered or maintained in violation of this Article.

ARTICLE 2.

BUILDING NUMBERS.

SEC. 7-2.01 BUILDING NUMBERS REQUIRED. All entrances from public streets of the City of Oakland to buildings shall be numbered as hereinafter in this Article provided. The number of each and every entrance shall be placed upon or immediately above the door or gate closing said entrance. Each figure of said numbers shall be at least two inches in height and of corresponding width. The appropriate number of any entrance to any building shall be placed thereon within ten days after the receipt by the owner, occupant, lessee, tenant or sub-tenant of such building, of a notice from the Building Inspector of the number or numbers designated for such building; and all numbers other than the number provided for in this Article for the respective entrances shall be removed from every building by the owners, occupants, lessees, tenants or sub-tenants thereof within ten days from the service of said notice designating the appropriate numbers to be placed thereon. It shall be the duty of the Building Inspector to designate the respective numbers for buildings fronting on streets heretofore laid out or hereafter to be laid out or extended. (As amended by Ord. No. 2029 C.M.S., passed Oct. 2, 1945.)

SEC. 7-2.02 SYSTEM AND RECORD OF NUMBERING. The system of numbering shall be the one shown upon that certain map entitled, "Map showing plan of assigning numbers by blocks and portions of blocks for house numbering purposes in the City of Oakland", which said map was adopted by Ordinance 3227 and is hereby continued in full force and effect. A record of building numbers assigned shall be kept on the block maps in the office of the Building Inspector. (As amended by Ord. No. 2029 C.M.S., passed Oct. 2, 1945.)

SEC. 7-2.03 APPLICATION FOR DESIGNATION AND ASSIGNMENT OF NUMBERS. Upon the completion of a building or buildings or alterations thereto changing entrances, it shall be unlawful for the owners, agents, occupants, tenants, lessees, or sub-lessees to assign or place any number thereon unless the same shall have been officially designated by the Building Inspector, and application must be made at the office of said Building Inspector for such designation of numbers. (As amended by Ord. No. 2029 C.M.S., passed Oct. 2, 1945.)

SEC. 7-2.04 CORRECTING ERRONEOUS NUMBERS. In cases where incorrect numbers have been placed and remain or shall hereafter be placed on any house or building, the owner, agent, or other person as in this Article provided, shall upon notification of the error by the Building Inspector correct the number within ten days after official notification. (As amended by Ord. No. 2029 C.M.S., passed Oct. 2, 1945.)

SEC. 7-2.05 UNNUMBERED BUILDINGS AND OBLITERATED NUMBERS. In cases where a house remains unnumbered or where a house may have been numbered and the number since lost or destroyed or defaced as to be unintelligible, the owner, agent, or other person as in this Article provided, shall cause said house to be numbered in accordance with the official notification of the Building Inspector within ten days. (As amended by Ord. No. 2029 C.M.S., passed Oct. 2, 1945.)

SEC. 7-2.06 VIOLATION A MISDEMEANOR. Any person violating any provision of this Article shall be deemed guilty of a misdemeanor. (Amnd. by O.#2029 CMS.10/2/45

AMENDED BY ORD. #2029 CMS PASSED OCT.2,1945
(Transferred from Supt. of Sts. to jurisdiction of Bldg. Inspector)

ARTICLE 3.

SET-BACK LINES AND MISCELLANEOUS.

SEC. 7-3.01 "BUILDING" AND "STRUCTURE" DEFINED. For the purposes of this Article the word "building" and the word "structure" shall not be construed to include a coping, a fence not higher than three feet, a retaining wall, or a walk or stairway leading to the building.

SEC. 7-3.02 SET-BACK LINES. PROCEEDINGS FOR ESTABLISHING. Proceedings for the establishment of set-back lines along any portion of any street in the City of Oakland may be initiated and conducted as in this Article provided. A verified petition may be filed with the City Council asking that such set-back line or lines be established. Said petition shall describe the street or streets or portion of street along which such set-back lines are sought to be established and shall be accompanied by a sketch or map showing the street and lot lines and the proposed set-back line or lines and the distance thereof from the regularly established property line of said street or streets.

The City Council shall thereafter cause an investigation to be made and if satisfied that the proposed set-back line or lines should be established as set forth in said petition, or should be established so as to include other and additional street or streets or portions of streets, may establish said line or lines in the manner hereinafter in this Article described.

SEC. 7-3.03 SET-BACK LINES. AUTHORITY OF COUNCIL TO ESTABLISH. Whenever the public peace, health, safety, comfort, convenience, interest or welfare may so require, the said City Council of the City of Oakland is hereby authorized and empowered to determine the minimum distance back of the street line for the erection of buildings or structures along any portion of any street in the City of Oakland and to order the establishment of a line to be known and designated as a set-back line, between which said line and the street line no building or structure shall be erected, constructed or placed.

SEC. 7-3.04 SET-BACK LINES. RESOLUTION OF INTENTION, PUBLICATION, POSTING AND NOTICE. Before ordering the establishment of any set-back line authorized by Section 7-3.03 of this Article, the City Council shall pass a resolution of intention so to do, designating the set-back line or lines proposed to be established. Said resolution shall be published once in the official newspaper of the City of Oakland, and two copies of said resolution shall be posted conspicuously at least 100 feet apart upon the side of each street in front of each block or part of block of any street where such set-back line is proposed to be established. Said resolution shall contain also a notice of the day, hour and place when and where any and all persons having any objection to the establishment of the proposed set-back line or lines may appear before the City Council and present any objection which they may have to said proposed set-back line or lines as set forth in said resolution of intention. Said time of hearing shall not be less than 15 days or more than 30 days from the date of the adoption of the resolution of intention, and said publication and posting of said resolution shall be made at least 10 days before the time fixed for said hearing.

SEC. 7-3.05 SET-BACK LINES. NO BUILDING PERMIT PENDING ESTABLISHMENT. After the adoption of said resolution of intention and prior to the time the ordinance establishing a set-back line or lines in such proceedings becomes effective, no building permit shall be issued for the erection of any building or structure between any proposed set-back line and the street line, and any permit so issued shall be void.

SEC. 7-3.06 SET-BACK LINES. PROTESTING ESTABLISHMENT OF. At any time not later than the hour set for hearing objections and protests to the establishment of the proposed set-back line or lines, any person having any interest in any land upon which said set-back line is proposed to be established may file with the City Clerk a written protest or objection against the establishment of the said set-back line or lines designated in the resolution of Intention. Such protests

must be in writing and must be delivered to said City Clerk not later than the hour set for said hearing and no other protests or objections shall be considered by the City Council upon said hearing. All protestants may appear before the City Council at said hearing either in person or by counsel, and be heard in support of their protest or objection. At the time set for hearing, or at any time to which the said hearing may be continued, the Council shall proceed to hear and pass upon all protests or objections so made, and its decision shall be final and conclusive.

Said City Council shall have power and jurisdiction to sustain any protest or objection and abandon said proceeding, or deny any and all protests or objections and order by ordinance the establishment of said set-back line or lines described in the said resolution of intention, or to order the same established with such changes or modifications as the Council may deem proper.

SEC. 7-3.07 SET-BACK LINES. UNLAWFUL TO CONSTRUCT BUILDING, ETC., OUTSIDE OF. From and after the taking effect of such ordinance establishing any set-back line or lines, it shall be unlawful for any person to construct or place any building, wall, fence or other structure within the space between the street line and the set-back line so established, and the Building Inspector of the City of Oakland shall refuse to issue any permit for any building or structure to be erected within such space.

SEC. 7-3.08 SET-BACK LINES. VIOLATION OF ORDINANCE ESTABLISHING. Any person violating any of the provisions of any ordinance establishing any set-back line pursuant to the provisions of this Article shall be deemed guilty of a misdemeanor.

SEC. 7-3.09 REMOVAL OF MONUMENTS. It is hereby declared to be unlawful for any person to remove or disturb, or cause to be removed or disturbed, any monument of granite, concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision within the City of Oakland, without first obtaining permission in writing (a copy of which is to be filed by the applicant therefor in the Office of the City Engineer before it becomes effective) from the City Manager so to do; said permission to be granted upon the condition that the person applying therefor shall cause to be replaced at his expense by the City Engineer of this City, the monument so removed or otherwise disturbed.

Repealed by Sec. 7-4.01 to 7-4.09 inc. Real Estate Subdivision Regulations
by #670 cms " 7-4.01 " 7-4.49 " Maps, etc Dedications
#937 cms
re add #938 cms
Amend Rec 7-4.44 Ord #2419 Cmc 3/27/47

CHAPTER 8.

PLUMBING AND GAS APPLIANCES.

ARTICLE 1. PLUMBING DEFINITIONS. GENERAL PROVISIONS.
ARTICLE 2. PLUMBING LICENSES, BOARD OF EXAMINERS, PERMITS AND FEES.
ARTICLE 3. PLUMBING INSPECTORS, INSPECTIONS AND TESTS.
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ARTICLE 6. HOUSE SEWERS.
ARTICLE 7. PLUMBING. GAS FITTING AND GAS METERS.
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ARTICLE 9. GAS APPLIANCES. DEFINITIONS. LICENSES. PERMITS. FEES AND INSPECTIONS.
ARTICLE 10. GAS APPLIANCES. GENERAL.
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ARTICLE 12. GAS APPLIANCES. VENTILATION. MISCELLANEOUS.

ARTICLE 1.

PLUMBING DEFINITIONS. GENERAL PROVISIONS.

SEC. 8-1.01 DEFINITIONS. For the purposes of the provisions of this Chapter pertaining to plumbing certain words and phrases are defined and certain provisions shall be construed as in this Article set out unless it shall be more specifically provided, or shall be apparent from their context that a different meaning is intended.

SEC. 8-1.02 "PLUMBING INSPECTOR" OR "INSPECTOR" is any representative of the Plumbing Department of the City of Oakland duly authorized to make inspection.

SEC. 8-1.03 "PLUMBING" is the art or trade of putting into buildings, or the premises thereabout the pipes, fixtures and fittings for conveying gas and water, wastes, vents and sewage, including the installation of the drainage system and the changing of, or replacing of, any part of the drainage system of any buildings or the premises thereabout.

SEC. 8-1.04 "DRAINAGE SYSTEM" is the system of pipes and fittings within or without a building composing the complete installation of the soil, waste, vent, leader and sewer pipes of such building, including the connection with the main sewer or septic tank.

SEC. 8-1.05 "BUILDING" is an architectural structure covered by one roof and enclosing walls.

SEC. 8-1.06 "BUILDING COURT" is an arrangement of dwellings constructed on a parcel of land having only one street frontage and the access to which is gained through a common entrance way.

SEC. 8-1.07 "SOIL PIPE" is any pipe which conveys the discharge of water closets or other fixtures served by traps three inches (3") in size or larger.

SEC. 8-1.08 "WASTE PIPE" is any pipe which conveys the discharge of any fixtures served by traps two inches (2") in size or smaller.

SEC. 8-1.09 "HOUSE DRAIN" is that part of the horizontal piping of a house drainage system beneath the level of the first floor which receives the discharge of soil, waste and other drainage lines within the walls of any building.

SEC. 8-1.10 "VENT PIPE" is a pipe proceeding from a fixture opening in a drainage system provided for the purpose of ventilating said system and to prevent syphonage and back pressure.

SEC. 8-1.11 "MAIN VENT" is a vent pipe proceeding from a fixture opening and terminating at the roof.

SEC. 8-1.12 "BRANCH VENTS" are single or combined vents which terminate in a main vent.

SEC. 8-1.13 "RETURN VENTS" are inverted emergency vents which are carried back to a point of connection with the horizontal run of waste from fixture served.

SEC. 8-1.14 "TRAP" is a fitting so constructed as to prevent the passage of air or gas through a waste or soil pipe into a room where a plumbing fixture is located.

SEC. 8-1.15 "LEADERS" are pipes which carry off storm wastes from roof to house drain, house sewer, yard or street.

SEC. 8-1.16 "PLUMBING FIXTURES" are water closets, basins, baths, sinks, wash trays, urinals, drinking fountains, dental wastes, showers, refrigerators, and lightwell, deck, surface, cellar, floor and sump drains or any other device the connection of which with a drainage system is required.

SEC. 8-1.17 "SMALL FIXTURES" are fixtures served by a trap two inches (2") in size or smaller.

SEC. 8-1.18 "BATTERY OF FIXTURES" is a permissible arrangement of waste or soil piping for fixtures where such fixtures are designed to be set along the same wall line, or along a common wall and in adjacent rooms, whereby it will not be required to separately vent each trap.

SEC. 8-1.19 "VERTICAL PIPE" is any line of pipe rising from a level at an angle the same as, or greater than, that developed by the use of 60^{0}, 1-6 bends or like fittings. Heights of vertical lines of pipe shall be computed by a line projected perpendicularly from the point of connection with the house drain or house sewer to any required level.

SEC. 8-1.20 "HORIZONTAL PIPE" is any line of pipe rising from a level at an angle less than that developed by the use of 60^{0}, 1-6 bends or like fittings.

SEC. 8-1.21 "SOIL OR WASTE STACK" is a line of pipes consisting of soil or waste and vent pipes extending from the house drain to roof and serving fixtures on more than one floor.

SEC. 8-1.22 "HOUSE SEWER" is the horizontal piping of a drainage system beginning two and one-half ($2\frac{1}{2}$) feet from foundation wall of building and ending at its connection with the main sewer or septic tank.

SEC. 8-1.23 "SEPTIC TANK" is a watertight compartment into which raw sewage is discharged in order that the more solid materials may be liquified, largely deodorized and rendered less dangerous, preparatory to final disposition.

SEC. 8-1.24 "HOUSE GAS PIPING" is any run of gas piping or fittings installed on any premises or in any building on the outlet side of the gas meter, beginning within thirty inches (30") of the meter location or extending from gas pipes anywhere beyond said location, and ending at the capped or plugged outlets ready to connect with gas fixtures or gas appliances, but does not include the connection of the gas fixtures, gas appliances or gas meter or any portion of the gas service piping from the street mains.

SEC. 8-1.25 "ROUGH INSPECTION" is the inspection of the workmanship and the materials used in the plumbing work of a building, made before any piping is concealed, and before such piping is put into use through the connection of any fixtures.

SEC. 8-1.26 "FINAL INSPECTION" is the inspection of the plumbing work of a building, made after all plumbing fixtures have been set and connected, and after all gas and water piping has been completed.

SEC. 8-1.27 "MASTER PLUMBER" is a person, who, himself, or, in the case of a firm or corporation, then a bona fide member of the firm or corporation, is skilled in the planning, superintending, and practical installation of plumbing and who shall have successfully passed the required examination and received a license as a Master Plumber.

SEC. 8-1.28 "JOURNEYMAN PLUMBER" is one who is skilled in the trade or work of plumbing and labors as such mechanic, and has successfully passed the required examination and received a license as a Jounneyman Plumber.

SEC. 8-1.29 "APPRENTICE PLUMBER" is one who is a learner or beginner and who is working to perfect himself at the trade of plumbing. An Apprentice Plumber, when working with a Master Plumber or a Journeyman Plumber on any work subject to the requirements of this chapter, shall not be required to be licensed. Not more than one Apprentice Plumber shall work with a Master Plumber or a Journeyman Plumber at any one time.

SEC. 8-1.30 "SIDE SEWER CONTRACTOR" is one who is specially licensed to lay or construct house sewers of vitrified clay pipe, or septic tanks.

SEC. 8-1.31 "LIGHTWELL" is an open space within a building, which space is entirely surrounded by walls.

SEC. 8-1.32 APPLICATION. USE OF BUILDINGS WHERE REQUIREMENTS NOT COMPLIED WITH. It shall be unlawful for any person to cause or permit any plumbing to be done, or any plumbing equipment, installation or system, including drainage systems, sewers, septic tanks, soils, wastes, gas fittings, fixtures, pipes, ventilation systems, and the installation, extension, connection and disconnection thereof, to be done, to be maintained, or to exist, on any premises in the City of Oakland, unless the same fully complies in all respects with the provisions and requirements of this chapter, or to knowingly use, occupy, inhabit, or to let, or lease or sell for the purpose of occupancy or inhabitation, any building or premises in which any such non-compliance exists, and every day's continuation of any such non-compliance shall be a separate offense.

ARTICLE 2.

PLUMBING LICENSES, BOARD OF EXAMINERS, PERMITS AND FEES.

Amended by O. #850 C.M.S.

SEC. 8-2.01 LICENSE REQUIRED. It shall be unlawful for any person to engage in, carry on, or conduct the business of, or to labor or perform services as, a Master Plumber, Journeyman Plumber or as a Side Sewer Contractor in the City of Oakland until he shall have first obtained a license from the City of Oakland authorizing him to carry on such business or labor as such mechanic.

SEC. 8-2.02 APPLICATION FOR LICENSE. Each applicant for a license to do business as, or labor as, a Master Plumber or as a Journeyman Plumber or as a Side Sewer Contractor, must file an application in writing with the Health Department, on an application blank furnished by the Health Department.

SEC. 8-2.03 ISSUANCE OF LICENSE. A Master Plumber's license or a Journeyman Plumber's license may be issued to any person over 21 years of age upon the payment of the fees as required by this chapter, and after an examination of the applicant has been made by the Board of Plumbing Examiners, and its certificate made to the applicant that he has passed the examination and is qualified to receive a license; provided, that no person who was licensed as a Master Plumber, or as a Journeyman Plumber, in the City of Oakland on or after January 1, 1926, will be required to be examined, as required in this Chapter, such license being sufficient evidence of previous examination. A Master Plumber's license shall entitle the owner thereof to all the rights and privileges of a Journeyman Plumber.

SEC. 8-2.04 REVOCATION AND SUSPENSION OF LICENSES. Every license issued hereunder shall be subject to revocation or suspension by the Council for violation, by the holder of such license or by his agent or employee, of any provision or requirement of this chapter pertaining to plumbing, or of any ordinance of the City of Oakland pertaining thereto, or of the rules and regulations hereunder established, or ordinances amendatory hereof, or for the making of any false statement in the application for such license, or for any other cause which the City Council shall deem to be good and sufficient. When the license of any person shall have been revoked, no succeeding license shall be issued to such person without the approval and consent of the Council. Upon revocation of any license, all permits outstanding under such license shall thereupon become void and shall be cancelled. When any

license shall have been suspended, no permit shall be issued to the holder of such license, and no new work for which a permit is required shall be undertaken by such holder during the period of such suspension; but this shall not be construed to prohibit the performance of any work duly authorized under permits issued under such license prior to the date of suspension thereof. The penalties of revocation and suspension prescribed in this section shall not be a bar to or affect any other remedy or penalty prescribed in this Chapter, but shall be cumulative and in addition to such other remedies or penalties.

Such revocation or suspension shall be made only upon a hearing granted the person subjected thereto, and written notice of such hearing shall be given at least five (5) days prior to the date of such hearing.

SEC. 8-2.05 DISPLAY OF REGISTERED NAME. Every Master Plumber shall display, by a sign in a conspicuous location at his place of business, his full registered name and the word "plumbing" or "plumber", and no unlicensed person shall display any like sign. Amended by O. #850 Ccus.

SEC. 8-2.06 LENDING OF LICENSE PROHIBITED. Any Master Plumber lending his license to any person or persons or taking out permits at the office of the Board of Health in his name for the use of any person or persons not regularly licensed, shall have his license suspended or revoked as in this Chapter provided.

SEC. 8-2.07 LICENSE CARD. At the time of issuance of a license to a Master Plumber or to a Journeyman Plumber, it shall be the duty of the Health Department to issue to the licensee a card certifying that he has passed the examination given by the Board of Plumbing Examiners and that a license has been issued to him to conduct the business of, or labor as, a Master Plumber, or Journeyman Plumber, as the case may be. This card shall contain upon its face the name, address, type of license, license number and signature of the licensee, and shall be carried for identification purposes at all times when working subject to the regulations of this Chapter. Said card must be produced and exhibited when required by an officer so authorized under the provisions of this Chapter.

SEC. 8-2.08 BOARD OF PLUMBING EXAMINERS CREATED. A Board of Plumbing Examiners shall be appointed by the City Manager and shall hold office at his pleasure. This Board shall consist of a licensed Master Plumber, a licensed Journeyman Plumber and the Plumbing Inspector.

SEC. 8-2.09 BOARD OF PLUMBING EXAMINERS. DUTIES. MEETINGS. It shall be the duty of the Board of Plumbing Examiners to examine each applicant for a Master Plumber or Journeyman Plumber license upon his qualifications and ability to conduct such business and to labor as a licensed plumber, and shall certify to the Plumbing Inspector the names of all applicants who successfully pass the examinations conducted by the said Board.

The Board of Plumbing Examiners shall meet in the rooms of the Health Department, and at such times and other places as may be determined by a majority of the Board.

SEC. 8-2.10 ELIGIBILITY FOR EXAMINATION. Should an applicant for a Master Plumber's or a Journeyman Plumber's license fail to pass the examination given by the Board of Examiners, he shall not be eligible to take such examination again within a period of six months. An unsuccessful applicant wishing to take the examination again shall make a new application and pay the fees as herein required for an original application.

SEC. 8-2.11 BOARD OF PLUMBING EXAMINERS. COMPENSATION. Excepting the Plumbing Inspector, the members of the Board of Examiners shall receive as compensation for their services the sum of Five Dollars ($5.00) for each meeting of the Board; provided, however, that no member of the Board shall receive more than Ten Dollars ($10.00) in any one month.

SEC. 8-2.12 LICENSE FEES. Every Master Plumber and every Side Sewer Contractor shall pay such license as may be required by this Code or by any ordinance of the City of Oakland. Every Journeyman Plumber shall pay a license of Fifty cents ($.50) per year, payable in advance.

Amended By O #850 cccs

SEC. 8-2.13 EXAMINATION FEE. Every applicant desiring to be examined by the Board of Plumbing Examiners for a Master Plumber's license or a Journeyman Plumber's license shall pay an examination fee to the Bureau of Permits and Licenses of Ten Dollars ($10.00) for each time such applicant takes the examination given by said Board.

amend by #2419 cmc. 3/27/47

SEC. 8-2.14 PLUMBING PERMIT FEES. For every plumbing permit issued a fee for such permit and inspection incidental thereto shall be paid in advance, computed from the number of fixtures proposed to be provided for in the whole or part of a drainage system, or the number of old fixtures proposed to be replaced with new fixtures without a change in a drainage system, as shown in the application for permit to install or alter any plumbing or drainage system, as follows:

Minimum fee	$1.00
First twelve (12) fixtures	.75 cents per fixture
Next thirty-eight (38) fixtures	50 cents per fixture
Next fifty (50) fixtures.	25 cents per fixture
All over one hundred (100) fixtures	15 cents per fixture

amend by #2419 cmc 3/27/47

SEC. 8-2.15 GAS PIPING PERMIT FEES. For every gas piping permit issued a fee shall be paid in advance as follows:

Minimum fee	$1.00
For each gas outlet	.25

amend Ord #2419 cmc 3/27/47

SEC. 8-2.16 PERMIT AND INSPECTION FEES. The following permit and inspection fees shall be charged:

Every house sewer complete	$2.50
Every building court connection to main sewer.	$2.50
Every septic tank outfit complete.	$2.50
Every building court house connected to building court main	$1.50
Every sewer extension	$1.50
Every side sewer replacement.	$1.50

Sec. 8-2.161 Add. by O #1178 cccs

SEC. 8-2.17 REFUNDING FEES, PROHIBITED. No license fee or examination fee paid under this Chapter shall be remitted or refunded under any circumstances.

Amended By O #850 cccs.

SEC. 8-2.18 PERMITS REQUIRED. It shall be unlawful to install or alter, or cause to be installed or altered, any plumbing or drainage system, sewer, septic tanks or gas piping of any building without first obtaining a permit from the Health Department so to do. Provided, that all permits for house sewers which will require the opening of any street or public right of way will be issued in accordance with the requirements of the Street Department of the City of Oakland and of the provisions of this Code appertaining thereto.

SEC. 8-2.19 PERMITS, APPLICATION FOR AND GRANTING OF. Permits shall be issued for the installation or alteration of any plumbing work, plumbing fixtures, drainage system, sewer, septic tanks,, or gas piping, when application on forms provided by the Health Department for such permit, shall have been made to and approved by the Plumbing Inspector, and the required fees paid.

SEC. 8-2.20 PERMITS, PLUMBING, CONTENTS OF. Plumbing permits shall show the total number of plumbing fixtures proposed to be installed, as indicated by the number of fixture outlets provided for, or the number of old fixtures to be replaced and also the amount of fee paid. Permits for alterations in a drainage system where no new fixture outlets are to be installed shall be issued upon payment of the minimum fee.

SEC. 8-2.21 PERMITS. GAS PIPING. Permits for gas piping shall show the total number of gas outlets to be provided for and such other information as may be required by the Health Department.

SEC. 8-2.22 LAPSE OF PERMIT. COMMENCEMENT OF WORK. If work under a permit be not commenced within six months from the date of issuance, or if, after partial completion, the work be discontinued for a period of one year, the permit shall thereupon become void and no work shall be done at the premises until a new permit shall have been secured. A new fee shall be paid upon the issuance of the said new permit.

(Amended by O = 850 Cncl

SEC. 8-2.23 OWNER'S PERMIT. The Plumbing Department may issue to an individual not licensed hereunder a special owner's permit authorizing said individual to install, alter, change or repair plumbing equipment in, on, or about a building of which said individual is owner, provided, however, that no plumbing work authorized under any such special owner's permit shall be done, nor shall the owner holding such permit allow any work to be done, except personally by the owner to whom the permit is issued, or by a member of his immediate family living and residing with him and designated in the application; and if this or any other provision hereof shall be violated by the holder of such special owner's permit, or if any false statement shall be made in the application for such permit, such permit shall be subject to immediate cancellation by the Plumbing Inspector, and the holder thereof shall be liable to the penalty provided for violation of this Chapter.

SEC. 8-2.24 SPECIAL PERMITS. APPLICATION FOR. Every individual desiring to obtain any owner's permit under the provisions of this Chapter appertaining to plumbing shall first file an application for registration, sworn to before a Notary Public or the City Clerk, which application shall set forth the location of the premises where the work is proposed to be done, that the applicant is the owner of said premises, the person who shall do such work, and such other information as may be required by the Plumbing Inspector. After approval of said application by the Plumbing Inspector, such permit shall be granted upon payment of the fees herein provided, and otherwise subject to the provisions of this Chapter.

ARTICLE 3.

PLUMBING INSPECTORS, INSPECTIONS AND TESTS.

SEC. 8-3.01 ROUGH INSPECTION. TIME. NOTICE. Upon completion of the drainage system, gas or water supply piping in any building, and prior to the concealment thereof, the Plumbing Department shall be notified that said work is ready for the rough inspection, and furnished with the permit number therefor, whereupon the Plumbing Inspector will inspect the same within forty-eight (48) hours thereafter; and, provided further, that where the bottom of the first floor joists are within thirty inches (30") of the ground, no flooring shall be laid until the rough inspection has been made.

SEC. 8-3.02 GENERAL INSPECTION. NOTICE TO REPAIR. ABATING NUISANCES. The Plumbing Inspector shall have the authority to inspect the plumbing drainage system, sewer, septic tank or gas fitting of any building now or hereafter efected, and in case he finds any of the plumbing therein in an unsanitary condition and dangerous to the public health, he shall notify the owner or agent of the building in writing to make the necessary repairs to said plumbing work immediately, under penalty of having the building condemned as a public nuisance. In case such repairs are not made, or commenced and prosecuted in good faith within ten days after notice as aforesaid, such building shall be declared unfit for human habitation and a public nuisance; and it shall be the duty of the City Attorney to take the necessary legal proceedings at once for the abatement of said nuisance, after being directed by the City Council to commence such action.

SEC. 8-3.03 ALL WORK AND MATERIALS TO BE TESTED. METHODS. A Plumbing Inspector shall examine and test all work and materials regulated under the provisions of this Chapter, and for that purpose all openings in a drainage system lying within a building shall be closed and the pipes filled with water. Any material found defective shall be removed. All joints shall be water-tight. Under extraordinary conditions, and if deemed necessary by the Plumbing Inspector, the smoke or peppermint test may be applied. Wooden plugs will not be permitted to be used as testing plugs.

SEC. 8-3.04 TESTING SYSTEMS IN SECTIONS. Drainage systems may be tested in sections; provided that when all sections are finally connected together another test be made by filling the entire system with water to a height of ten feet (10') above the highest point of connection.

SEC. 8-3.05 WATER SUPPLY PIPING. TESTS. Water supply piping shall be subjected to a test by applying the pressure in the city mains continuously for a period of twenty-four (24) hours, or applying a hydrostatic pressure of 125 pounds per square inch for a period of one-half hour. All joints shall be watertight. Any piping found defective shall be removed.

SEC. 8-3.06 GAS SUPPLY PIPING. TESTS. Gas supply piping shall be subjected to an air pressure test equal to that of the weight of a column of mercury eight inches (8") in height applied continuously for fifteen minutes. All necessary tools and appurtenances for such a test shall be furnished by the person to whom the permit was issued for the installation.

SEC. 8-3.07 SEWER INSPECTION. TESTS. Upon the completion of the house sewer and its connection with the main sewer or septic tanks, as the case may be, and before any portion of the same is covered, the Plumbing Inspector shall be notified that the said work is ready for inspection and the permit number shall be furnished, whereupon the Plumbing Inspector will inspect the same. If, in the opinion of the Plumbing Inspector, it be deemed necessary to test the same, it may be tested by being filled with water to a point above the inlet. Any defective pipe or materials shall be removed and replaced in a workmanlike manner with materials that will pass the aforesaid test.

SEC. 8-3.08 ROUGH INSPECTION CARD. Upon the inspection and passage of the workmanship and materials furnished in the drainage system and the gas and water supply piping, as described above, the Plumbing Inspector shall issue a rough inspection card which shall be posted in the meter box and kept there until after the final inspection as in this Chapter provided.

SEC. 8-3.09 FINAL INSPECTION. CERTIFICATE. NOTICE TO GAS COMPANY. Immediately upon the completion of the plumbing, drainage system, gas or water piping, the Plumbing Department shall be notified that said plumbing work is ready for final inspection and it shall be furnished with the permit number thereof. The Plumbing Inspector shall then make a final inspection of such work within forty-eight (48) hours after receiving said notice and if he finds the same to conform to the provisions of this Chapter, a certificate of final inspection shall be issued by him to the Master Plumber performing such work. If such final inspection be of gas piping, a copy of the certificate of final inspection shall be issued to the gas company supplying gas to the premises, notifying it that such building and gas piping has been found satisfactory and ready for the setting of a gas meter or meters, and it shall be unlawful for any gas company or person to set or cause to be set or connected, any gas meter or meters with any gas pipe until such certificate of final inspection, as herein provided, shall have been given.

ARTICLE 4.

PLUMBING, MATERIAL AND WORKMANSHIP STANDARDS.

SEC. 8-4.01 MATERIAL STANDARDS: GENERAL. Whenever under this Chapter reference is made to any of the following types of material, they shall be deemed to be of such quality, weight and construction as are, in the judgment of the Plumbing Inspector, generally known to the trade.

Standard cast iron soil pipe and fittings.
Medium cast iron soil pipe and fittings.
Extra heavy cast iron soil pipe and fittings.
Cast iron or brass drainage fittings.
Galvanized and black malleable fittings.
Lead pipe, bends and traps of weight and quality known as "E".
Brass pipe to be iron pipe size.
Brass tubing and traps.
Vitrified clay pipe to be of No. 1 grade.

SEC. 8-4.02 MATERIALS: QUALITY. All materials must be of good quality and free from defects.

SEC. 8-4.03 STANDARD CAST IRON SOIL PIPE. STandard cast iron soil pipe and fittings of like type may be used for all house sewer, house drain, soil, waste, vent or leader pipes except as otherwise provided in this Chapter.

SEC. 8-4.04 EXTRA HEAVY CAST IRON PIPE. WHERE REQUIRED. Except as otherwise specifically provided in this Article, in every building of four stories or more in height, extra heavy cast iron pipe and fittings shall be used for all house drain, soil and waste pipes when the same lie under the ground or whenever cast iron pipe and fittings are used for the house sewer, house drain, soil or waste pipes in buildings of this type. When cast iron pipe is used for the house sewer, that portion extending from the property line to the main sewer in the street shall in all cases be constructed of extra heavy cast iron pipe and fittings. All extra heavy pipe and fittings shall have cast thereon the words "Extra Heavy" or "EXHY." The number of stories of a building shall be determined as defined in the Building Code.

SEC. 8-4.05 GALVANIZED WROUGHT PIPE AND CAST IRON DRAINAGE FITTINGS. Galvanized wrought pipe and cast iron drainage fittings may be used for any house drain, soil, waste, vent or leader pipes except where any waste pipe one and one-half inches (1½") or smaller runs horizontally; provided, that a horizontal extension of this material, not to exceed twenty-four inches (24") in length measured from the water seal of the fixture trap to where it connects with the waste or soil pipe, may be used as an extension from a fixture trap to a waste line, except that in the case of a dental cuspidor the horizontal extension as aforementioned may be three feet (3') provided, however, that galvanized wrought iron or galvanized steel pipe shall not be run horizontally under the ground, and except further, as provided in Section 8-4.51 of this Chapter.

Amended By Ord # 850 C.M.S.
* SEC. 8-4.06 PIPE AND FITTINGS FOR WATER PIPING. GAlvanized wrought iron or galvanized steel pipe and galvanized malleable fittings shall be used for all water piping work, except that brass pipe may be used in lieu thereof.

Amended By Ord # 298 C.M.S.
SEC. 8-4.07 PIPE AND FITTINGS FOR GAS PIPING. Galvanized or black wrought pipe and malleable fittings or brass pipe and brass fittings may be used for gas piping subject to the requirements of Section 8-7.04 of this Chapter.

* Sec. 8-4.06 Added by Ord # 850 C.M.S. To S-4.069 inc. and S-4.069 Amended by Ord # 2412 C.M.S. Re: P-4.062 Suggestions

SEC. 8-4.08 LEAD PIPE. Lead pipe may be used for waste or vent pipes, provided that the extreme length of any vent does not exceed five feet (5'). Lead soil pipe (or bends) not to exceed two feet (2') in length may be used for branch connections for slop sinks, toilets, leaders or other like fixtures. All bends or intersections shall be at angles corresponding to sanitary "Ts, Ys, 1/16, 1/6, or 1/8" bend. All joints shall be wiped in a workmanlike manner and all connections of lead pipe with either cast iron or wrought iron pipe must be made with brass ferrules of the same size as the receiving opening, and be connected to the same by a wiped joint, and be properly caulked with oakum and molten lead; provided however, combination lead bends or lead ferrules may be used. No lead pipe or lead bends shall be installed in concrete or under the ground.

SEC. 8-4.09 BRASS PIPE. Brass pipe with cast iron drainage fittings may be used for any portion of a drainage system.

SEC. 8-4.10 BRASS TUBING FOR EXTENSIONS. Brass tubing may be used for extension from a trap of like material, provided the extension be made as follows: Extensions or changes in direction on the waste side of trap shall be made by means of a swaged joint, or an exterior brass sleeve, or solder elbow, all joints to be well soldered. Extensions on the inlet side of trap may be made in like manner or by means of slip joint fittings.

SEC. 8-4.11 VITRIFIED CLAY PIPE. Vitrified clay pipe may be used for house sewer or drain lines wherever the center line of said pipe lies at a distance of two and one-half feet (2½') or more outside the foundation wall of any building. Such pipe shall be laid at a depth whereby the top of pipe shall be not less than twelve inches (12") below finished grade.

SEC. 8-4.12 INTERMEDIATE SECTIONS OF DIFFERENT KINDS. WHERE PROHIBITED. The use of intermediate sections of different kinds or types of pipe or fittings will not be allowed on any soil, waste, or leader pipe or in any house drain.

SEC. 8-4.13 CHANGES IN DIRECTION. BRANCHES. All changes in direction or branches in a drainage system shall be made with combination Y and 1/8 bends, Ys, 1/16, 1/4, 1/5, 1/6, or 1/8 bends, except that one-quarter (1/4) bends shall not be used where connection is made with a horizontal line of pipe if the connecting vertical soil or waste pipe extends more than one floor above the point of connection. Connection with a house drain between the vertical and the horizontal and extensions of cleanouts when necessary to be extended up to a floor level shall be made at an angle not less than that produced by a 1/6 bend. Single or double sanitary Ts may be used on vertical lines except as provided for in Section 8-4.14 of this Article.

SEC. 8-4.14 SANITARY Ts. Sanitary Ts when installed horizontally may be used for vertical vent branches, Sanitary Ts, three inches (3") in size or larger, with two inch (2") branch openings may be used when in a horizontal run of pipe, to receive the discharge from a waste pipe.

SEC. 8-4.15 CLEANOUTS. All cleanouts shall be a separate fitting and shall be installed at the end of each horizontal line of the house drain, where the run of pipe and fittings is five feet (5') in length or longer, and wherever a rain-water leader is connected to the drainage system excepting as provided in Section 8-4.57 of this Chapter.

SEC. 8-4.16 CLEANOUTS. SIZE AND MATERIAL. Cleanouts up to and including four inches (4") in size shall be not less in size than the pipe which they serve. For use in drainage fittings they shall be brass iron pipe size plugs; for use in cast iron soil pipe they shall be constructed of brass or cast iron bodies with tapped tops not less than one-fourth of an inch (1/4") in thickness and tapped with not less than six full iron pipe-size threads and with spigot ends, and shall be of a size as shown in the following table. Provided, however,

no cleanout need be larger than four inches (4") in size.

Size	Tapped
2"	1½
3"	2½
4"	3½

Cleanout plugs shall be of brass and not less than one-eighth inch (1/8") in thickness with a head not less than one inch (1") square and one inch (1") in height; provided, that where counter sunk or inverted type of head is desired such type may be used.

SEC. 8-4.17 CLEANOUTS. LOCATION. Cleanouts shall be placed in an accessible location, the plug of which shall not be set closer than twelve inches (12") to any obstruction. They may be extended through a wall, provided they project not less than two inches (2") beyond the finish line of wall. If impractical to install in the horizontal line they may be placed in a vertical line by means of a Y branch and bend at a point not greater than two feet (2') from the point of connection with the house drain.

SEC. 8-4.18 FLOOR CONNECTIONS. Floor connections for slop sinks, slop hoppers, closets and other like fixtures where cast iron pipe or cast iron bends are used shall be made by means of an approved slotted floor flange not less than one quarter inch (1/4") in thickness. If threaded, such flange shall be of brass and shall have at least four (4) threads, standard iron pipe size. If to be caulked such flange shall be of cast brass or cast iron and shall be at least two inches (2") in depth and one-quarter inch (1/4") in thickness. Connection between fixtures and said flange may be made by means of a pure linseed oil putty or any approved gasket, and the fixture shall be held securely in place by means of brass bolts.

SEC. 8-4.19 BENDS, SQUARE CROSSES, UNIONS, ETC. PROHIBITED. All bends, square crosses or tees, unions, saddle fittings, cleanouts cast integral in fittings, and bell traps are prohibited.

SEC. 8-4.20 OUTLETS. Side outlets in one-quarter bends shall not receive the discharge from any soil or waste pipe. Heel outlets in one-quarter bends shall not receive the discharge from any soil or waste pipe except when same is in a vertical position. Side outlets or high heel 4" by 2" one-quarter bends may be used in a horizontal position when the two-inch outlet is to be used as a vent, provided that the bottom of the 2" outlet opening is higher than the top level of the four inch (4") receiving part of the fitting.

SEC. 8-4.21 DOUBLE HUB FITTINGS. INVERTED JOINTS. Double hub fittings or inverted joints shall not be used in sewer, soil, drain, leader or waste pipes.

SEC. 8-4.22 EXTENSIONS AND RECONNECTION OF DRAINAGE SYSTEMS. Where an extension to any existing drainage system is desired, and where the piping of such existing drainage system is in good condition, then such extension may be made of materials of the same type, kind and quality as was originally used, provided all other requirements of this Chapter as to installation, size of soil or waste piping and number of fixtures allowed be adhered to; provided further, that no extensions of vitrified clay or terra cotta pipe shall be allowed within a building other than that which may be required for special chemical wastes. When a building is moved or raised, the existing soil or waste pipes may be reconnected to the house drain or sewer, provided that they are in good condition and that the plumbing fixtures are trapped and vented to protect them from syphonage. All plumbing fixtures not permissible to be installed under this Chapter must be removed. The venting of toilets, all new installations and all other provisions of this Chapter must be complied with.

SEC. 8-4.23 WORKMANSHIP GENERALLY. All plumbing and drainage work must be done in a thorough and workmanlike manner and subject to the approval of the Plumbing Inspector.

SEC. 8-4.24 DRAINAGE SYSTEM, TO BE DIRECT. FALL. The drainage system must be arranged in as direct a manner as possible and shall have a continuous fall of not less than one-quarter inch (1/4") to the foot.

SEC. 8-4.25 DRAINAGE SYSTEM FASTENED TO BUILDING. The drainage system, except where same lies on or in the ground, shall be securely fastened to the building frame with heavy bands, straps or hooks. Cast iron pipe shall be fastened at intervals not exceeding five feet (5'). Wrought pipe shall be fastened at intervals not exceeding ten feet (10').

SEC. 8-4.26 DEVIATION FROM REQUIREMENTS. Where, because of architectural construction, it is not feasible, in the sound discretion of the Plumbing Inspector, to comply strictly with the requirements of this Chapter pertaining to plumbing, such slight deviations therefrom as may be required may be permitted by the Plumbing Inspector.

SEC. 8-4.27 JOINTS IN CAST IRON. ENDS OF WROUGHT PIPE. All joints in cast iron pipe and fittings must be made with a packing of oakum, and run full with molten lead properly caulked. All ends of wrought pipe shall be thoroughly reamed.

SEC. 8-4.28 DRAINAGE SYSTEM NOT TO BE BUILT INTO MASONRY. No portion of the drainage system shall be built into any brick, stone or concrete wall. When necessary to conceal such pipes they must be run in suitable recesses.

SEC. 8-4.29 OPENINGS THROUGH WALLS TO BE FILLED. Wherever any pipe passes through any foundation wall or partition, the surrounding space shall be filled with the same material of which the foundation wall or partition is constructed, or a suitable metal flashing or collar shall be fitted around such pipes in order to prevent the entrance of vermin into the premises.

Amended By Ord # 850 Cms

SEC. 8-4.30 HOUSE SEWER. HOW FAR TO EXTEND. In order that the house sewer may be laid to connect with the main sewer or septic tank in a direct line, all soil and waste pipes or house drains shall be extended to the front, side or rear of the building, as the case may require, and shall extend not less than two feet (2') beyond the foundation wall.

SEC. 8-4.31 HOUSE SEWERS TO BE DIRECT. House sewers shall be laid in a direct line from the main sewer to their connection with soil, waste or house drain pipes. No bends will be allowed except to connect with main sewer or with soil, waste or house drain pipe.

Amd. By #654 Cms

SEC. 8-4.32 JOINTS IN VITRIFIED CLAY PIPE. Joints in vitrified clay pipe shall be made by means of an approved type of bitumen jointing material. The bells and spigots shall be centered by means of an oakum gasket well caulked into place, and the bell shall be filled with the jointing material run hot to a depth not less than one and one-half inches (1½").

SEC. 8-4.33 SOIL AND DRAIN PIPES. SIZE. Soil pipes where horizontal, or house drains, when serving fixtures requiring outlets three inches (3") or larger shall not be of smaller size than shown in the following table, provided that water closets shall not be served with a soil pipe less than four inches (4") in diameter. Other fixtures requiring floor connections may be served with soil pipe not less than three inches (3") in diameter, except as provided in Section 8-4.55.

3" soil pipe for 8 fixtures.
4" soil pipe for 16 fixtures.
5" soil pipe for 40 fixtures.
6" soil pipe for 80 fixtures.
8" soil pipe no limit.

Vertical soil pipes may have the number of fixtures increased one-half the number allowed by the above table.

SEC. 8-4.34 WASTE PIPES. SIZE. Waste pipes receiving the discharge from "small fixtures" shall not be of a smaller size than shown in the following table:

1½" pipe for 3 fixtures
2" pipe for 8 fixtures
2½" pipe for 16 fixtures
3" pipe for 30 fixtures
4" pipe no limit

SEC. 8-4.35 TRAPS. FIXTURES SEPARATELY TRAPPED. MATERIALS. Except as otherwise provided, all plumbing fixtures shall be separately and effectively trapped. Traps may be constructed of cast or tubular brass, cast iron, vitreous china, porcelain or lead.

SEC. 8-4.36 TRAPS. CONNECTIONS. Traps shall be firmly and substantially connected to a fixture and the trap seal shall be within one foot (1') of the fixture outlet. Excepting as provided in Sections 8-5.09 and 8-5.11 of this Chapter, a trap of one fixture shall not discharge into another trap or fixture. All traps shall be set true to their seal.

SEC. 8-4.37 TRAPS. SIZE. Except as provided in Section 8-4.51 of this Chapter, when a trap two inches (2") or smaller in diameter is installed, the total fall between the waste level of the trap and the vent shall not exceed the depth of the trap seal. No trap, waste pipe, or vent pipe from any plumbing fixture shall be less than one and one-half inches (1½") in diameter, except that a trap from a basin or drinking fountain may be one and one-quarter inches (1¼").

SEC. 8-4.38 BRASS TRAPS. Brass traps may be connected to a threaded waste pipe by means of a brass iron pipe size threaded hexagon nut, the same to be soldered to trap end, but the flange covering same shall in no case be soldered to trap; or by means of an exposed slip joint iron pipe size nut connection set at least one inch (1") from the finished wall line.

SEC. 8-4.39 SINGLE TRAP SERVING TWO FIXTURES. Two sinks, two dental cuspidors, or a sink and a wash tray, when set adjacent in the same room may be served with one trap.

SEC. 8-4.40 DRUM TRAPS. Drum traps shall be not less in size than 4" x 8" and shall be fitted with cast brass iron pipe size threaded cleanout not less than three inches (3") in size with either raised or countersunk square heads. They shall be so set that the cleanout will at all times be accessible.

SEC. 8-4.41 DEEP SEAL TRAPS. Deep seal traps shall be of size not less than one and one-half inches (1½") and shall be so constructed that the waste inlet of trap shall be wholly immersed in the seal of the trap. The body of trap shall be not less than three inches (3") in diameter. The cleanout of such trap shall be so arranged that the body of the trap may be screwed apart for cleaning purposes within the line of the water seal.

SEC. 8-4.42 TRAPS FOR CATCH BASINS. Traps for use in connection with cement or similar catch basins may be constructed by the use of a three-inch (3") or larger sanitary tee set horizontally with side outlet turned down vertically and a cleanout caulked into horizontal hub. Such traps shall at all times be set in the catch basin to facilitate cleaning.

SEC. 8-4.43 VENTS REQUIRED. To provide adequate air circulation in the drainage system and to prevent syphonage or back pressure except as otherwise provided in this Chapter, all traps shall be provided with vent pipes of a bore not less in size than, and within thirty inches (30") of, the trap served. (See Section 8-4.37). Two fixtures of the same kind, set back to back or side by side within the prescribed distance may have a common soil or waste pipe and common vent.

SEC. 8-4.44 VENTS. INSTALLATION. LOCATION. Vent pipes shall be carried up to and through the roof one foot (1'). No vent shall terminate within a point three feet (3') above or twelve feet (12') from any door, window or other opening or any water supply tank. No vent shall terminate within the line of and beneath an eave or overhang of any roof. In case a building has more than one roof level, and a vent pipe would emerge through a roof level within the limits prohibited above, then said vent pipe must be extended to the wall supporting the higher roof and carried up to and through this roof one foot (1'). All vent pipes shall be so graded and connected as to drain condensation into soil or waste lines.

SEC. 8-4.45 SOIL STACKS. WASTE STACKS. Every soil stack serving fixtures on or above the second floor must continue full bore to a point one foot (1') above the roof. Every waste stack beginning on or below the first floor serving fixtures on or above the fourth Floor must continue full bore to a point one foot (1') above the roof.

SEC. 8-4.46 BRANCH VENTS. SIZE. LOCATION. Branch vents may be used if the branch be made at an angle of less than 90° and provided the pipe size conforms to the following tables:

Branch vent sizes for vents from "small fixtures" shall be of pipe sizes as set forth in table No. 1. Branch vent sizes from fixtures served by traps larger than two inches (2") may be of pipe sizes as set forth in table No. 2. Branch vent sizes for fixtures as set forth in tables No. 1 and No. 2, when combined, shall be of pipe sizes as computed on the basis that two fixtures under table No. 1 shall equal one fixture under table No. 2.

TABLE NO. 1

1½" pipe for 3 fixtures
2" pipe for 8 fixtures
2½" pipe for 16 fixtures
3" pipe for 30 fixtures
4" pipe no limit

TABLE NO. 2

2" pipe for 4 fixtures
2½" pipe for 8 fixtures
3" pipe for 15 fixtures
4" pipe no limit

Branch vents shall not be made at a point less than three feet six inches (3'6") above the floor level of the fixture or fixtures served.

SEC. 8-4.47 VENTS. SIZE. WHERE TOILET IS INSTALLED. Every building in which a toilet is installed shall have at least one four inch (4") vent from the toilet, except that where a private garage is to be used in conjunction with a residence and is connected to the same sewer, a toilet in the garage on the first floor may be served with a vent pipe not less than two inches (2") in diameter. Where more than one house sewer serves any building, such additional sewer shall be ventilated by at least one two inch (2") vent pipe.

SEC. 8-4.48 BATH FACILITY, TRAPS AND VENTS. VENT SIZES. A shower bath must be served with a trap not less in size than two inches (2") in diameter. A bathtub may be served with a trap two inches (2") in diameter. The traps in either of the above cases may be vented with a one and one-half inch (1½") pipe, subject to the requirements of Section 8-4.45. A water closet or other plumbing fixture served with a trap larger than two inches (2") located in a basement, first or mezzanine floors, may be vented with a two inch (2") pipe, provided the length of such vent is not greater than thirty-five feet (35'). Where more than thirty-five feet (35') in length, the pipe of such vent shall be increased one-half inch (1/2") *in size for each succeeding* thirty feet (30'), subject to the requirements of Sections 8-4.45 and 8-4.47.

A fixture served by a trap two inches (2") in diameter may be vented with a one and one-half inch (1½") pipe, provided, however, that where a two inch (2") trap is so vented not more than two small plumbing fixtures shall be vented by a one and one-half inch (1½") pipe.

SEC. 8-4.49 VENTS TO RISE VERTICALLY. Wherever practicable, vent pipes shall rise vertically from the point of connection with any waste pipe for a distance not less than eighteen inches (18").

SEC. 8-4.50 BATTERIES OF FIXTURES. INSTALLATION. VENTS. Batteries of fixtures shall be installed as follows: Waste or soil pipe lines shall have a fall not greater than one-quarter inch (1/4") to one foot (1') within the limits of the required vent pipes. Vent pipes for such batteries shall be of same size of pipe as the soil or waste pipe served and shall be installed, one at the high end of such waste or soil pipe after the opening for the first fixture, and one beyond the opening for the last fixture in such waste or soil pipe line. When a battery of plumbing fixtures require that the branches of the soil or waste pipe within the battery have a high point at both ends of the battery, then the main soil or waste pipe at the point of intersection of the two branches must also be extended full bore through the roof. Not more than eight (8) fixtures will be permitted between the limits of any such vent pipes. An exposed cleanout shall be installed at the high point of such waste or soil pipe line.

SEC. 8-4.51 BATTERIES OF SMALL FIXTURES. INSTALLATION. Except as herein provided, batteries of "small fixtures" shall not have their waste pipe openings a greater distance apart than three feet six inches (3'6"), and the fall from the trap of the fixture to where it connects to the horizontal waste line of the battery shall not exceed seven and one-half inches (7½"), measuring perpendicularly from the center of the outlet of the fixture trap to the center of the horizontal waste line of the battery. When exposed, such waste pipe may be constructed of galvanized wrought iron pipe. Fixture openings shall be made by means of Y or TY branches. Batteries of water closets or other fixtures requiring floor connections shall not have their soil pipe openings a greater distance apart than five feet (5'); except that floor drains or fixtures served by traps two inches (2") in size may be installed at a greater distance apart than above mentioned, provided that the waste or soil pipe be of a size larger than that of the trap served. "Small fixtures" may be branched into a soil pipe battery provided they be properly vented.

SEC. 8-4.52 VENTS FOR STORE FIXTURES. Where a building already constructed is of more than one story in height and it is desired to install one or more plumbing fixtures on the mezzanine, first floor or basement of a store in such a building, then such fixture or fixtures may be vented by a return vent to the waste or soil pipe line, provided that said vent shall be returned from a point not lower than three feet six inches (3'6") above the floor line of said fixture or fixtures so vented, and that the vent shall be of the size as required in this Chapter, except where soil pipe is used to serve a fixture or fixtures, then the vent must be the same size as the soil pipe. And provided further, that in a store on the first floor or basement of a building already erected, and where such store does not open into a living apartment, sinks, wash basins and drinking fountains may be installed without a vent pipe, provided the fixture be served with a trap of the Drum Pattern, or a deep seal trap, the body of the trap to be not less than three inches (3") in diameter, and provided further, however, where grease traps are required the same must be vented.

SEC. 8-4.53 LIGHTWELL DRAINS. Lightwell drains shall be of a size not less than two inches (2") in diameter and shall be trapped, vented and a cleanout provided adjacent to the trap and shall be supplied with water through an accessible hose-bibb.

SEC. 8-4.54 SURFACE DRAINS. Surface drains shall have an effective trap of not less than three inches (3") in diameter and need not be vented. When catch basins are desired, they shall be constructed of cast iron, vitrified clay or cement. If of cast iron, they shall be of size and type as described in Section 8-4.57 of this Chapter. If of vitrified clay they shall be of a size not lessthan fourteen inches (14") inside diameter and eighteen inches (18") deep. If cement is used the same shall be at least 16" x 18" deep, and the walls and bottom at least six inches (6") thick. When vitrified clay or cement catch basins are installed they shall be provided with a trap as described in Section 8-4.42 and a suitable cast iron strainer.

When traps other than those described above are used, they shall be fitted with a cast iron or brass catch basin and frame not less in size than 9" x 9" with suitable cast brass strainer. Such catch basin shall be connected to the trap by means of a caulked bell or screw joint. Surface drains shall be supplied with water through an accessible hose-bibb.

SEC. 8-4.55 CELLAR DRAINS. FLOOR DRAINS. Cellar drains, or floor drains, on the first floor, shall have an effective trap of not less than three inches (3") in diameter and need not be vented, provided, however, a trap two inches (2") in diameter may be used in a cellar or on the first floor, but must be vented.

For all floor drains above the first floor, the trap shall be not less in size than two inches (2") in diameter and shall be vented.

Cellar or floor drains shall be fitted with cast iron or brass catch basins with suitable cast brass strainers which shall connect to the trap by means of a caulked bell or screw joint; provided, however, in a basement a cleanout may be used in place of a strainer. All cellar or floor drains shall be supplied with water through an accessible hose-bibb. Where a basement is below the level of the house sewer, water from a basement floor drain may be wasted into a watertight sump, and may be discharged into the house drain or house sewer by means of an ejector, provided a swing check valve of the same size as the discharge pipe is installed.

SEC. 8-4.56 TOILET FLOOR DRAINS. For the purpose of this Chapter a Public Toilet Room is defined as any toilet room open for the accommodation of the public.

In all public toilet rooms, and any toilet room where two (2) or more toilets are installed, said rooms shall be provided with floor drains. If wall type urinals are installed in the above toilet rooms, the floor drain must be located beneath the urinal. If stall type urinals are used, and the floor is pitched or sloped to drain to such stalls, the floors need not have a separate floor drain. A hose-bibb shall be provided for washing of said floors or replenishing of water in said floor drain.

SEC. 8-4.57 FLOOR DRAINS. GARAGES. CATCH BASINS. To prevent sand, grease, oil or other objectionable matter entering the drainage system, floor drains in or adjacent to private garages or washracks shall be provided with cast iron, cement or vitrified clay catch basins. When catch basins are constructed of cast iron the size of catch basins shall not be less than 12" x 16" and 18" deep. Such catch basins may have trap cast integral, cast iron gratings, and shall have exposed accessible cleanout plugs. If constructed of vitrified clay, they shall be of a size not less than fourteen inches (14") in diameter, inside measurement, and not less than eighteen inches (18") deep. If cement is used, the same shall be of a size not less than 16" x 16" x 18" deep. The walls and bottom shall be at least six inches (6") thick, same to have a cast iron grating. When cement or vitrified clay catch basins are installed they shall be provided with a trap as described in Section 8-4.42.

Public garages and washracks shall have a drain of not less than four inches (4") in diameter, and catch basins of sizes to be approved by the Plumbing Inspector. Garage or oil service pits shall not be connected to any drainage system. Garage floor drains or washracks above the ground floor shall be provided with suitable wrought iron (not steel) or cast iron catch basins.

SEC. 8-4.58 DRAINAGE SYSTEMS BELOW SEWER LEVEL. SUMPS. Any portion of a drainage system lying below the level of the house sewer shall be drained into a sump, constructed of cast iron or wrought iron (not steel) one quarter of an inch (1/4") in thickness, which shall be imbedded in a concrete pit, the wall and floor of which shall be constructed of fine aggregate concrete not less than six inches (6") in thickness. Provided, however, a waste pipe from a wash-tray may be wasted into an approved watertight sump not less in size than fourteen inches (14") in diameter and twenty-four inches (24") in depth. Such sump shall be served with an approved electric discharge pump. A swing check valve not less in size than the discharge pipe shall be installed. All sumps must be installed in a sanitary manner satisfactory to the Health Department.

SEC. 8-4.59 SUMPS FOR DISCHARGE OF SIXTEEN OR LESS FIXTURES. DISCHARGING PUMPS. Up to and including the discharge of sixteen (16) fixtures into a sump, the inside diameter of such sump shall be not less than thirty inches (30") and of sufficient depth to provide a storage chamber of not less than thirty inches (30"), approximately ninety (90) gallons, below the lowest inlet pipe. An electric self-acting pump with a discharging capacity of not less than sixty (60) gallons per minute shall be installed in such sump, and the motor and all electrical connections therefor shall be located above the level of the floor of the basement or room in which such pump is located.

SEC. 8-4.60 SUMPS FOR DISCHARGE OF MORE THAN SIXTEEN FIXTURES. Sumps receiving the discharge of more than sixteen fixtures shall be installed and fitted in a like manner as above, except that, for each additional ten fixtures discharging into such sump the depth of storage chamber shall be increased six inches (6") approximately forty (40) gallons, and a pump capacity equal to four (4) gallons per minute discharge for each fixture discharging into sump shall be supplied. A certificate of the manufacturer of such pump will be required certifying to such capacity.

SEC. 8-4.61 SUMP VENTS. Sumps shall be provided with a vent and shall extend to the roof. Said vent shall be of a size not less than the inlet pipe to the sump, provided, however, no vent need be larger than three inches (3") in diameter. An all brass swing check valve shall be installed in the discharge line before entry into the house drain or sewer.

SEC. 8-4.62 RAIN WATER LEADER CONNECTION WITH SANITARY DRAIN PROHIBITED. No rain water leader shall be connected with any sanitary drain, except by permission of the City Engineer.

SEC. 8-4.63 LEADERS NOT TO BE USED FOR OTHER PURPOSES. Leaders shall not be used as soil, waste or vent pipes, nor shall soil, waste or vent pipes be used as rain water leaders.

SEC. 8-4.64 LEADER CONSTRUCTION. Except as provided in Section 8-4.67, leaders shall be constructed subject to the same requirements as if they were soil or waste pipes. When the leader is within the building it shall be of cast iron or galvanized wrought iron or galvanized steel pipe and shall be tested. When a leader is connected to the drainage system, and in the ground, that portion of the leader in the ground shall be cast iron or galvanized wrought iron pipe.

SEC. 8-4.65 ROOF CONNECTIONS BETWEEN LEADERS. Roof connections between cast iron or galvanized wrought iron leaders shall be made by means of a combination lead and iron ferrule screwed or caulked to the leader and firmly soldered to the outlet box.

SEC. 8-4.66 LEADERS TO BE PROVIDED WITH TRAPS. Leaders connected to the drainage system shall be provided with a trap. An accessible cleanout must be provided for each trap, such trap to be located as near the point of connection with the house drain or house sewer as practicable; provided that where the roof outlet of a leader is at a point twelve feet (12') from any adjoining property line or where the roof outlet is above, or twelve feet (12') distant from all water tanks, doors, windows or other openings, then said trap may be omitted, provided however, that when the trap is omitted the leaders shall be constructed of cast iron or galvanized wrought iron pipe as provided in Section 8-4.64.

SEC. 8-4.67 LEADERS. PLACE OF DISCHARGE. CONSTRUCTION. The running of roof or surface water on a public sidewalk is prohibited. Leaders may discharge into the street gutters through cast iron pipe, galvanized wrought iron pipe or vitrified clay pipe, provided that vitrified clay pipe shall not be used between the property line and the curb. Exterior leaders may be constructed of galvanized sheet metal or copper subject to Section 8-4.66. An exterior leader constructed of galvanized iron or copper on a building, when said leader abuts on the street line, shall be constructed of cast iron or galvanized wrought iron pipe five feet (5') above the curb level to and under the sidewalk to the street gutter. When connected to the house sewer or house drain, the same must have a cast iron trap with cleanout, and be connected at a point five feet (5') above the ground level with cast iron pipe or galvanized wrought iron pipe.

ARTICLE 5.

PLUMBING FIXTURES, TYPES, ETC.

SEC. 8-5.01 GENERAL DESIGN AND CONSTRUCTION. Every plumbing fixture, including all the appurtenances thereof, hereafter installed shall be of a design and construction approved by the Bureau of Standards of the Plumbing and Heating Industries Bureau and every such fixture shall be marked or labeled with a distinctive trademark or name as a means of identification and determination of the quality or standard of said fixture.

SEC. 8-5.02 SECOND HAND FIXTURES. The requirements of Section 8-5.01 shall not be construed as applying to the installation of any second hand fixture; provided however, that every second hand fixture hereafter installed shall be approved by the Plumbing Inspector as to its fitness for use, and every such second hand fixture shall be distinctly marked as a second hand fixture and such mark shall only be removed by the person for whom said fixture was installed or by their authorized representative.

SEC. 8-5.03 WATER SUPPLY. CONSTRUCTION MATERIAL. Except as otherwise provided all plumbing fixtures shall be directly supplied with running water and shall be constructed of porcelain, vitreous china or enameled iron. Laundry trays may be constructed of cement or glazed earthenware. The use of pan, plunger, common hopper, flush rim hopper effect, off-set and washout closet bowls are prohibited.

SEC. 8-5.04 CLOSETS. All closet bowls shall be of types commonly known as Washdown, Reverse Trap or Syphon Jet. Water supply may be by means of either individual tank supply or by flushometer type valves. Bowls having one and one-quarter inch (1¼") flushing inlets and tank supply shall be supplied with a tank the bottom of which shall not be set closer than five and one-half (5½) feet from the floor level upon which the bowl is set.

SEC. 8-5.05 URINALS. Urinal fixtures shall be supplied with water by means of individual tank supply or by flushometer type valves. Provided, that two or more urinals when set up in group form may be supplied from one tank, the capacity of a discharge from which shall be not less than one gallon for each urinal at each discharge. Except as otherwise provided, the floors, walls and partitions about a urinal and for a distance of two feet (2') in every direction therefrom shall be *constructed of either sheet* lead, glass, slate, marble, ceramic tile or cement; provided that when vitreous china or porcelain stall type urinals are used, then

the floor only in front of the urinal and for a distance of eighteen inches (18") out need be constructed of ceramic tile or cement and the stall shall be so set that this tile or cement floor so required will drain into the urinal. Stall type urinals shall be served with a trap not smaller than three inches (3") in diameter. Wall type urinals must be served with a waste not smaller than two inches (2") in diameter, but may be served with a one and one-half inch (1½") trap, provided, that where wall type urinals are installed a floor drain must be placed under the urinal.

SEC. 8-5.06 BATH TUBS. No bath tub shall be built into any corner or recess location unless the fixture is provided with a suitable extension shoulder or lip to engage the wall surfacing so as to prevent water leakage into the closed-in area. Plain roll rim bath tubs are forbidden to be installed as a built-in fixture.

SEC. 8-5.07 DENTAL CUSPIDORS. Dental cuspidors shall be supplied with a drum trap with the cleanout plug accessible. The inlet side of this trap may be extended to a distance of not more than six feet (6') by means of a one and one-quarter inch (1¼") pipe to the fixture location.

SEC. 8-5.08 INDUSTRIAL AND OTHER FIXTURES. Fixtures for special industrial, restaurant, or other uses may be constructed of sheet metal or stoneware. Wood may be used when required for chemical laboratories. Such fixtures shall be connected to a drainage system in a manner satisfactory to the Plumbing Inspector.

SEC. 8-5.09 WASTE PIPES FROM FOOD RECEPTACLE. In no case shall a waste pipe from a refrigerator, ice box, ice cream cabinet, icing or cooling fixture or any other receptacle where food is kept, be connected direct to the drainage system, but may be connected indirectly in the drainage system if connected in the following manner: It shall discharge into a drip funnel not less than six inches (6") in diameter constructed of copper or brass of not less in weight than sixteen (16) ounces per square foot, to which shall be securely soldered a threaded brass pipe extension. Such drip funnel shall be fitted with a suitable protective screen, and shall be securely screwed to the trap serving the fixture. The same shall be served with a drum trap which shall be located as closely as practicable to the fixture, or it may be drained into a cast iron hopper not less than eight inches (8") in height, securely screwed or caulked to the trap. The top rim of the hopper shall not be less than one inch (1") above the floor. When located on a basement or a first floor such traps need not be vented. When located above the first floor such trap shall be vented as in this Chapter required, except that where more than one such trap is served, they may be branched into a common waste pipe and need not be served with independent vent pipes; provided, that the waste pipe from the trap located at the highest level be extended full bore to the roof, and, further provided, that such waste pipe shall discharge into an open plumbing fixture.

SEC. 8-5.10 DRINKING FOUNTAINS. When a drinking fountain is installed and it is not within or attached to the building it may be installed without a vent, provided that a deep seal, drum trap, or three inch (3") cast iron trap is used.

SEC. 8-5.11 GREASE TRAPS. Sinks or other fixtures in restaurants, hotels, boarding houses and other public cooking places where greasy waste is discharged shall be connected to a grease trap the capacity of which shall not be less than three gallons and shall be vented. Two sinks or a sink and dishwasher may be connected to one grease trap, provided the distance from the outlet of the furthest fixture does not exceed six feet (6'). Sinks or other fixtures in slaughter houses, packing houses, lard rendering establishments, or other like establishments where greasy waste is discharged, shall be connected to a suitable grease trap the capacity of which shall be of such volume as may be found necessary by the Plumbing Inspector for each such establishment, and shall be of such material as the Inspector may require in order to prevent grease and sediment from entering the City sewer.

SEC. 8-5.12 STORE FIXTURES. Sinks in bakeries, creameries, butcher shops or fish markets shall be provided with a trap of the Drum pattern as described in Section 8-4.40 of this Chapter.

SEC. 8-5.13 STEAM EXHAUST. No steam exhaust shall connect to any part of a drainage system. The drainage of a steam condenser may be connected to a drainage system, provided the method of connection be approved by the Plumbing Inspector.

SEC. 8-5.14 CHEMICAL SINKS OR DRAINS. The drainage system from buildings where chemicals are used which would tend to disintegrate, corrode or damage materials ordinarily required under this Chapter, shall be installed in such a manner as to meet the approval of the Plumbing Inspector.

ARTICLE 6.

HOUSE SEWERS.

SEC. 8-6.01 PLUMBING FIXTURES TO BE CONNECTED WITH MAIN SEWER. Every building in which plumbing fixtures are installed shall be separately and independently connected with a main sewer or a septic tank, except as otherwise provided herein.

SEC. 8-6.02 TWO BUILDINGS ON SINGLE LOT. Where there are two buildings, one in the front and one in the rear, on an interior lot that has but one street frontage, then the same may serve both buildings; provided, that in all cases this Chapter shall be in all other respects complied with.

SEC. 8-6.03 SERVICE BUILDINGS. Service buildings, such as a garage, servants' quarters, power house or other like building, where required as an adjunct to, and to be used in connection with, a residence, public building, or commercial plant, may be connected to the house sewer serving the main building.

SEC. 8-6.04 TEMPORARY CAMPS. Buildings in a temporary public camp need not be separately and independently connected with the main sewer during the existence of such temporary camp.

SEC. 8-6.05 SIZE OF HOUSE SEWERS. FALL. House sewers shall not be less in size than the pipe they serve, and shall have a continuous fall of not less than one-quarter of an inch (1/4") to the foot; provided, that the house sewer from the street main to the property line shall not be less in size than five inches (5").

SEC. 8-6.06 CONNECTION TO MAIN SEWER. When a house sewer is connected to a main sewer in the street, that portion of the house sewer from the curb to the main must be at least three feet (3') below the curb grade; provided, that when a house sewer in a street is less than three feet (3') below a curb grade the same must be covered with at least six inches (6") of concrete to protect the same from breakage.

All house sewer connections to the main sewer shall be made with a piece of pipe not more than one foot (1') in length and must be tightly fitted to the opening in main sewer and heavily cemented.

SEC. 8-6.07 USE OF OLD SEWERS. Old house sewers may be used in connection with new plumbing work when upon examination by the Plumbing Department they are found to be in good condition.

SEC. 8-6.08 REPLACING VITRIFIED CLAY PIPE. When either an old or new building is placed upon a lot which has a vitrified clay pipe house sewer within the line of any part of the foundation walls, said sewer must be replaced with cast iron pipe to comply with the provisions of this Chapter.

When an addition to a building is constructed over any vitrified clay pipe house sewer, then the vitrified clay pipe must be replaced with cast iron pipe to comply with the provisions of this Chapter.

SEC. 8-6.09 PERMITS. WHEN NOT REQUIRED. A permit will not be required for the purpose of removing stoppages or repairing leaks in any house sewer, except when it is necessary to replace house sewers or any portion thereof with other or different material, or when excavations are made necessary outside the property lines.

SEC. 8-6.10 BUILDING COURT COMMON CONNECTION. House sewers from a building court may be connected to a main sewer through a common pipe; provided that such common pipe be not less in size than six inches (6") in diameter, and that it shall be run in a direct line to the main sewer. A lamp hole of the requirements and specifications of the Street Department shall be placed within two and one-half feet (2½') of the point of connection of the house sewer located the farthest from the main sewer. Such house sewers connecting to this common pipe shall be laid under the same requirements as if they were to connect directly to a main sewer.

SEC. 8-6.11 TILE DRAINS. Tile drains placed under cellar or basement floors, or around the outer walls of a building, may be made of field drain tile or earthenware pipe, and discharged into the street gutter. When a tile drain is connected to a house sewer the drain must discharge into a sump, or a handhole, or similar trap, with the handhole opening extended up to the ground level and the opening covered and protected with a suitable cast iron cover.

SEC. 8-6.12 PERMISSION TO CROSS LOTS. When there is not a main sewer in the street, alley or avenue upon which the lot abuts, and the construction of such main sewer is impracticable, and it becomes necessary to extend a sewer across a lot or lots, permission so to do may be granted by the owner of such last mentioned lot or lots, upon also granting to the City of Oakland an easement, satisfactory to the City Engineer, for public sewer purposes across such lot or lots and along the route of such sewer.

Septic tanks amended by O.C. 807 C.M.S. 6/28/37

SEC. 8-6.13 SEPTIC TANKS WHEN NO SEWER FACILITIES. Where there is no available main sewer within five hundred feet (500'), measured along streets, alleys, avenues, or public right-of-ways upon which a lot abuts, the house sewer shall be connected with septic tanks as hereinafter provided; and, provided further, that whenever a main sewer is extended to a point within the five hundred foot limit as described above, then the aforesaid septic tank must be abandoned, removed or broken up, and the house sewer connected with the main sewer.

SEC. 8-6.14 SEPTIC TANKS. CONSTRUCTION. COMPARTMENTS. Septic tanks, where permitted, may be constructed on the premises. They shall be in the form of three (3) compartments, and, excepting waste pipes from sinks and wash trays, all soil and waste pipes shall discharge through three (3) compartments. Waste pipes from sinks and wash trays shall discharge through two (2) compartments only. They shall be constructed of fine aggregate concrete. Each compartment shall have a manhole not less than eighteen inches (18") in size. Plans and specifications as required for septic tanks are on file in the office of the Plumbing Inspector.

SEC. 8-6.15 SEPTIC TANK CONNECTIONS. All connections with and between each septic tank shall be made by means of Ts set vertical, and so installed that the surface of the water content shall not be greatly disturbed when water is flowing through the tank.

SEC. 8-6.16 SEPTIC TANK DISCHARGE FACILITIES. The discharge from septic tanks shall be conducted through field tile drain of a size not less than that of the pipe entering the tanks, and of length hereinafter specified.

SEC. 8-6.17 MANUFACTURED SEPTIC TANKS. Manufactured septic tanks, approved by the Health Officer and the Plumbing Inspector, may be used if the capacities as herein required are satisfied.

SEC. 8-6.18 SEPTIC TANK FOR TOILETS. CAPACITIES. Septic tanks receiving the discharge of not more than two toilets therein may be of size not less in capacity than one hundred (100) gallons in each compartment, and shall be served with a field tile drain of not less than one hundred feet (100') in length. For

each and every additional toilet to be served, such capacity shall be increased twenty-five (25) gallons, and shall be served with additional field tile drains of not less than twenty-five feet (25') in length.

SEC. 8-6.19 SEPTIC TANK FOR SMALL FIXTURES. CAPACITIES. Septic tanks receiving the discharge of not more than five (5) small fixtures may be of size not less in capacity than one hundred (100) gallons, and shall be served with a field tile drain of not less than one hundred feet (100') in length. For each additional five (5) fixtures, or fraction thereof, to be served, such capacity shall be increased fifty (50) gallons, and such increase in capacity shall be served with additional field tile drain of not less than twenty-five feet (25') in length.

SEC. 8-6.20 FIELD TILE DRAINS. HOW LAID. Field tile drains shall be laid not less than eighteen inches (18") below the surface level of the ground. They shall be covered with loose rock, and shall be so laid that seventy-five feet (75') of each one hundred feet (100') of such drain shall have a fall of not more than one-eighth of an inch (1/8") to one foot.

ARTICLE 7.

PLUMBING, GAS FITTING AND GAS METERS.

SEC. 8-7.01 GAS PIPING. SCOPE. STANDARDS. Gas piping under this Article shall include all that piping, installed for the conveyance of gas for any purpose, beginning at the meter location, and continuing to and including that point where the outlets are left capped or plugged.

The regulations hereinafter in this Article set out shall be the standard for the construction and installation of house gas piping work.

SEC. 8-7.02 GAS PIPING FOR FUEL AND INDUSTRIAL PURPOSES. REQUIREMENTS. For fuel and industrial purposes the diameter of house gas piping installed in any building, the number of lineal feet, and the number of openings allowed shall be in conformity with the following table:

NUMBER AND SIZE OF OPENINGS ALLOWED.

Length Allowed	Pipe Size	½"	¾"	1"	1¼"	1½"	2"	2½"	3"	4"
20'	½"	1								
100'	¾"	3	1							
125'	1"	5	2	1						
150'	1¼"	8	4	2	1					
175'	1½"	10	7	4	2	1				
250'	2 "	18	14	7	3	2	1			
300'	2½"	28	22	12	5	3	2	1		
350'	3 "	60	41	20	9	6	3	2	1	
400'	4 "	140	86	43	20	12	6	4	2	1

SEC. 8-7.03 COMPUTING PIPE SIZES. For the computing of pipe sizes set forth in the table in Section 8-7.02 the following equivalents of one-half inch (½") pipe outlets will govern:

Each kitchen outlet, to include range and a water heater with inlet pipe not larger than one-half inch (½")--3 outlets.

Each other outlet for gas appliances having inlet pipe not larger than one-half inch (½") including illuminating outlets--1 outlet.

Provided, that outlets designed to serve gas appliances shall be not less in size than the inlet pipes to such appliances. The total number of outlets allowed in the above mentioned table for such pipe size shall be used for computing the size of the house gas piping.

Ord # 298 C.M.R.

amended By Ord. #298 C.M.R.

SEC. 8-7.04 TYPE OF PIPES. Galvanized wrought pipe and malleable fittings or brass pipe and brass fittings shall be used for all house gas piping when said pipes are used on the exterior of a building, underground, when embedded in concrete or masonry or where exposed to unusual damp conditions.

SEC. 8-7.05 PIPE INSTALLATION. All gas pipes shall be well secured to the building and shall be graded toward the meter wherever possible. Vertical pipe risers shall have placed at the bottom of each riser a tee plugged with a long nipple and cap the same size as the vertical pipe to serve as a dirt pocket.

SEC. 8-7.06 DRIP PIPES. Piping trapped by a change of grade shall be provided with a suitable drip pipe. Said drip pipe must be of the same size as the pipe it serves, the outlet of such drip pipe to be carried to an exposed accessible location.

SEC. 8-7.07 PIPE BRANCHES. All branches must be taken from sides or top of horizontal runs.

SEC. 8-7.08 PIPE SUPPORTS. All gas piping must be rigidly supported by straps or hooks in such a manner as to prevent moving.

SEC. 8-7.09 CENTER OUTLETS OR DROPS. Where practicable, all center outlets or drops must be square bend and securely fastened, and where straight drops are necessary, straps must be soldered thereto and securely fastened.

SEC. 8-7.10 METERS INSTALLED BY SUPPLY COMPANY. LOCATION. APPROVAL. All meters, when owned or under control of the person supplying gas, shall be installed by the person supplying the gas. All gas meter locations must be approved by the Plumbing Inspector or his deputies and shall be located as near as practicable to the point where the service pipe enters the property.

SEC. 8-7.11 SEVERAL METERS TO BE AT ONE LOCATION. Where more than one meter is set in a building they must all be set at one location, and so placed as to be at all times accessible for inspection, reading and testing and shutting off gas supply.

SEC. 8-7.12 METER LOCATION WHERE TWO BUILDINGS. When one building is in the rear of another building on an interior lot, the location of the meters will be determined by the Plumbing Inspector or his deputies.

SEC. 8-7.13 LOCATION OF METER PIPING. The house gas piping must start within thirty inches (30") of the proposed location of the gas meter, and where it is necessary to set more than one gas meter, the ends of such house gas pipes must be eighteen inches (18") apart, horizontally, at the meter location. If more than one horizontal line of meter openings be required, then the vertical distance between such horizontal lines shall be not less than thirty inches (30"), and the outlets shall be so arranged as to terminate at the right of the inlet location of the gas meter.

SEC. 8-7.14 GAS METERS IN CERTAIN LOCATIONS PROHIBITED. Gas meters shall not be located under show windows or in engine, boiler, heater, or electric rooms, under stairways or under outside stairways when building is more than one (1) story in height. Access to all gas meters must be through an opening or door not less than 18" x 24" long.

SEC. 8-7.15 TAGS DESIGNATING SECTION SUPPLIED. House gas piping at the meter location shall be plainly marked with tags to designate the section of the building supplied.

SEC. 8-7.16 METER OPENINGS. HEIGHT REQUIRED. On each house gas piping run of 29 outlets or less, the opening at the meter location shall terminate at a height of not less than thirty inches (30") above the floor, and when there are more than 29 outlets the said opening shall terminate at a height of not less than forty eight inches (48") above the floor.

SEC. 8-7.17 EXPOSED METERS. When a gas meter is located outside of a building, or when the same is exposed, the same must be protected against the weather.

SEC. 8-7.18 CERTIFICATE TO BE EXHIBITED TO SUPPLY COMPANY. Before making any connection to supply gas to any building that has not already been supplied with gas, the person about to furnish gas thereto shall ascertain whether a certificate be supplied, and for that purpose may demand the production and exhibition of such certificate by the owner, tenant or occupant of the building in which such house gas piping or gas fitting is located before supplying gas therefor.

SEC. 8-7.19 PERMIT FOR TEMPORARY SUPPLY. When temporary use of gas is desired, the Plumbing Inspector may grant a permit for such use for a period not to exceed thirty (30) days; provided, that the gas piping which it is desired to be used be given a test equal to that required as a final inspection.

SEC. 8-7.20 CAPPING OUTLET UPON REMOVAL OF FIXTURE. It shall be unlawful to remove or disconnect any gas fixture or gas appliance without capping or plugging with a screwed joint fitting the outlet from which said fixture or gas appliance was removed. All outlets to which fixtures or gas appliances are not connected shall be left capped gas tight on any piping system being installed, altered, extended or repaired.

SEC. 8-7.21 EXTENSIONS AND BRANCH CONNECTIONS. An extension or branch connection may be made to connect one gas fixture or gas appliance in a building already supplied with gas, where the proposed extension or branch connection does not exceed twenty feet (20') measuring from the point where the branch connection or extention begins to where it connects to the inlet of the gas fixture or gas appliance.

SEC. 8-7.22 PIPING IN MASONRY, ETC. WALLS. No gas piping shall be built in brick, stone, masonry or concrete walls. When necessary to conceal pipe in this manner it must be run in suitable recesses.

SEC. 8-7.23 STOPPING AND LOCATING LEAKS. No acid, cement or any other composition shall be used for the purpose of repairing or stopping leaks. Water shall not be used for the location of leaks.

SEC. 8-7.24 RUNNING THREAD JOINTS PROHIBITED. No running thread joints shall be used.

SEC. 8-7.25 UNION. COUPLINGS. BUSHINGS. Where necessary ground joint union or right and left couplings may be used. Bushings shall not be used in concealed work.

SEC. 8-7.26 INSTALLATION BY APPLIANCE DEALER. A gas appliance dealer may install the necessary piping to connect gas appliances sold by himself, with gas meter or gas pipes of any building, provided the requirements of this Chapter for the installation of the piping are complied with, the required permits secured, and the necessary fees paid.

ARTICLE 8.

PLUMBING MISCELLANEOUS.

SEC. 8-8.01 CONNECTING SEWERS FROM WITHOUT THE CITY. It shall be unlawful for any person, without having first obtained the permission of the Council of the City of Oakland so to do, to directly or indirectly discharge, deposit or introduce from without the City of Oakland any sewage, drainage or garbage matter in or into

any sewer within the City of Oakland, or in or into any sewer extension, sewer branch or sewer connection connecting therewith.

Outside sewers, for the purposes of this section, are those lying outside the City of Oakland. The use or connection, or continuance of the use or connection, of any outside sewer in conjunction or connection with any sewer extension or sewer pipe which connects with any sewer within this City, by which outside sewer use or connection, or the continuance of either, any sewage, drainage or garbage matter is allowed or caused, directly or indirectly, to be introduced or conveyed into any sewer within this City, is and shall be deemed a violation of this section, unless before such outside use is begun or continued, or before such outside connection is made or maintained, permission of said Council to enter upon or continue such use or to make or maintain such connection, shall have first been obtained.

SEC. 8-8.02 STORM WATERS, INTRODUCTION INTO SEWER. It shall be unlawful for any person to introduce any storm, flood or rain water into any sewer in the City of Oakland, which at any point between the place of such introduction and the outlet of said sewer at tide water has a capacity of less than seven (7) gallons per minute for each acre of territory drained, or served, by said sewer; it shall be unlawful to connect the drain pipes leading from the roof of any house, building or dwelling with any such sewer, or to maintain any such connection.

It is hereby made the duty of the City Engineer of the City of Oakland, upon request from any person interested, to estimate the capacity of any sewer in any territory within the City of Oakland coming within the class described in this section and to furnish a statement to such person clearly indicating whether or not the sewer in regard to which such person requests information, comes within the terms of this section. In preparing such estimate, the City Engineer shall give due regard to inside dimensions of sewer, hydraulic grade of sewer with the surface of tide water assumed to be at an elevation of one foot below Oakland City Base, and the area of territory drained, or served, by such sewer.

SEC. 8-8.03 PRIVY OR VAULT TOILETS. PERMIT REQUIRED. It shall be unlawful for any person to construct any privy or vault toilet without having first obtained a permit therefor from the Chief Plumbing Inspector. The said permit shall be in the following words:

PERMIT FOR PRIVY OR VAULT TOILET.

ISSUED BY THE PLUMBING DEPARTMENT AND SUBJECT TO THE RULES AND REGULATIONS OF THE HEALTH DEPARTMENT.

This permit is issued to _____ to construct and maintain a privy vault toilet at _____, said premises being owned by _____. Said privy or vault toilet must comply with all rules and regulations of the Health Department and the provisions of the Oakland Municipal Code.

Date of issue _____.
Chief Plumbing Inspector.
Tack this up on inside of privy or vault toilet.

SEC. 8-8.04 PRIVY OR VAULT TOILETS. PERMIT FEE. EXHIBITING PERMIT. No person shall be granted a permit to construct or maintain a privy or vault toilet until a fee of $1.00 has been paid therefor. Said permit shall be securely and permanently fixed to an inside wall of said privy or vault toilet, and subject to inspection at any time.

SEC. 8-8.05 PRIVY OR VAULT TOILET. ABANDONMENT. A privy or vault toilet constructed under a permit issued pursuant to this Article shall be destroyed and the vault covered with at least two feet of dirt within five days after a toilet on the premises has been connected with the sewer.

ARTICLE 9. (Amended By Ord. #300 C.M.S.)

GAS APPLIANCES. DEFINITIONS. LICENSES. PERMITS. FEES AND INSPECTION.

SEC. 8-9.01 Ordinances 4328 N.S. and 4329 N.S. of the City of Oakland, regulating the installation, maintenance and repair of gas appliances and warm-air furnaces, are not affected by this Code other than as may be specifically provided herein. (Articles 10-11-12 - added By Ord #300 C.M.S.)
Sec. 8-9.20 - Amnd by Ord. 244 CMS - 3/27/47

CHAPTER 9.

ELECTRICAL CODE.

ARTICLE 1. DEFINITIONS AND CONSTRUCTION.
ARTICLE 2. LICENSES AND DEPOSITS.
ARTICLE 3. PERMITS, INSPECTIONS AND FEES.
ARTICLE 4. REGULATIONS AND PRACTICES.
ARTICLE 5. ADMINISTRATION AND ENFORCEMENT.

ARTICLE 1.

DEFINITIONS AND CONSTRUCTION.

SEC. 9-1.01 DEFINITIONS. For the purposes of this Chapter, certain words and phrases are defined, and certain provisions shall be construed, as herein set out, unless it shall be apparent from their context that a different meaning is intended.

SEC. 9-1.01 (a) "APPROVED" means approved in writing by the Electrical Department.

SEC. 9-1.01 (b) "BUILDING" means and includes any edifice, structure, or enclosure, whether roofed or unroofed, temporary or permanent, public, quasi-public or private, and alsoincludes any signboard, bill-board and similar structure.

SEC. 9-1.01 (c) "ELECTRICAL DEPARTMENT" means the Electrical Department of the City of Oakland.

SEC. 9-1.01 (d) The terms "EQUIPMENT" and "ELECTRICAL EQUIPMENT", when used without any class designation or other expressed limitation, mean and include any and all electrical machinery, apparatus, appliances, devices, fixtures, fittings, materials, wires, cables, conductors, poles, and pole lines for the generation, transmission, distribution, or utilization of electric power or energy for lighting, heating, power, mechanical, electro-chemical, signaling, communication, ornamental, advertising, or other purposes.

SEC. 9-1.01 (e) The term "ELECTRICAL EQUIPMENT OF CLASS 1" means and includes any and all electrical equipment as hereinbefore defined in Section 9-1.01 (d), with the following exceptions: (1) Equipment used exclusively for signaling or communication purposes (excepting equipment used for radio communication purposes) which operates at not more than 48 volts to ground or between any two points of the circuit, and which generates, transmits, or utilizes not more than 250 watts; (2) Miscellaneous other equipment, not included under (1) above, which operates at not more than 48 volts to ground or between any two points of the circuit, and which generates, transmits, or utilizes not more than 250 watts, and which is not connected directly or indirectly to any light, heat, or power circuit.

SEC. 9-1.01 (f) The term "ELECTRICAL EQUIPMENT OF CLASS 2" means and includes any and all electrical equipment hereinbefore excepted in Section 9-1.01 (e) as not being included within the meaning of the term "electrical equipment of Class 1".

SEC. 9-1.01 (g) The term "ELECTRICAL WORK", when used without any class designation or other expressed limitation, means and includes the installation, construction, erection, connection, alteration, and repair of any and all electrical equipment; and the term shall be broadly construed to include also the electrical equipment with respect to which the term is used.

SEC. 9-1.01 (h) The term "ELECTRICAL WORK OF CLASS 1" means electrical work, as hereinbefore defined in Section 9-1.01 (g), restricted to electrical equipment of Class 1.

SEC. 9-1.01 (i) The term "ELECTRICAL WORK OF CLASS 2" means electrical work, as hereinbefore defined in Section 9-1.01 (g), restricted to electrical equipment of Class 2.

SEC. 9-1.01 (j) The term "HOLDER", when used with reference to any license or permit, means the lawful holder; the person to whom the license or permit is lawfully issued or lawfully transferred.

SEC. 9-1.01 (k) The phrase "IN, ON, OR ABOUT", as applied to any building, means and includes in, on, under, over, attached to, connected to, or supported by or from.

SEC. 9-1.01 (l) The terms "ELECTRICAL INSPECTOR" and "INSPECTOR" mean any representative of the Electrical Department duly authorized to make inspections.

SEC. 9-1.01 (m) The term "INSPECTED" means inspected by a duly authorized representative of the Electrical Department.

SEC. 9-1.01 (n) The term "LICENSEE" means any person duly licensed under the provisions of this Chapter.

SEC. 9-1.01 (o) The term "BRANCH CIRCUIT" means and includes every circuit for the particular protection of which an individual cut-out or set of fuses, is installed or required to be installed.

SEC. 9-1.01 (p) The term "OUTLET" means and includes every point on a circuit or system of wiring where current is, or is intended to be, issued from such circuit or system of wiring, or where current or a circuit or portion thereof, is, or is intended to be, controlled.

Sec 9-1.01 (q) Certificate of Competency, defining, Add by O #368 C.M.S.

SEC. 9-1.02 CONSTRUCTION. MINIMUM REQUIREMENTS. DEVIATIONS. The requirements prescribed in Sections 9-4.07 to 9-4.28, inclusive, of this Chapter shall be deemed the minimum requirements upon which the rules and regulations provided for in Section 9-4.06 shall be based, but shall not be deemed to constitute complete requirements in respect to the safety of electrical work and equipment as required by said Section. The Superintendent of the Electrical Department may, for good cause or when the public interest may require, permit deviation from the requirements of Sections 9-4.08, 9-4.09, 9-4.11, 9-4.22 and 9-4.23.

SEC. 9-1.03 INTERPRETATION OF RULES AND REGULATIONS. In the matter of any dispute as to the interpretation or application of any rule or regulation established under the provisions of this Chapter with respect to electrical work, or as to any decision made pursuant to any such rule or regulation by any Inspector, the decision of the Superintendent of the Electrical Department shall be final.

SEC. 9-1.04 APPLICATION TO PUBLIC UTILITIES. The provisions of Sections 9-2.01 and 9-3.01 of this Chapter shall not apply to any electrical work performed by any electrical corporation, telephone corporation, telegraph corporation, railroad corporation or street railroad corporation on or with electrical equipment owned or controlled and operated or used by, and for the exclusive benefit of, such corporation in the conduct of its business as a public utility, or to any other work which any such corporation may be entitled, under the Constitution or any law of the State of California, to perform without

payment of any municipal tax; but all other provisions of this Chapter shall apply, insofar as they may consistently be applicable, to all electrical work performed by all such corporations; provided, however, that nothing herein shall be construed to allow any such corporation to perform electrical work for the public, or to engage in the business of electrical contracting, as described in Section 9-2.01 of this Chapter, except under and in compliance with all provisions and requirements of this Chapter. The terms "electrical corporation", "telephone corporation", "telegraph corporation", "railroad corporation", and "street railroad corporation" are used in this section as said terms are defined in the Public Utilities Act of the State of California.

SEC. 9-1.05 CERTAIN PROVISIONS NOT TO APPLY TO CERTAIN WORK. The provisions of Sections 9-2.01 and 9-3.01 of this Chapter shall not be construed to require a license or permit--(1) for the manufacture or repair of electrical equipment by a person regularly engaged in conducting, or carrying on the business of such manufacture or repair, provided all electrical work incident thereto shall be confined to the particular building or premises wherein or whereon such business is regularly established and conducted; or (2) for the attachment of portable devices which, together with their portable cables and appurtenances, are approved for attachment to appropriate fixed parts of permanently installed wiring or other electrical equipment, provided such permanent wiring or other electrical equipment shall have been inspected and approved for the attachment of such portable devices thereto; or (3) for the display or demonstration of electrical apparatus or appliances in the regular place of business of a dealer in such apparatus or appliances, provided the wiring or other electrical equipment to which such apparatus or appliances are attached or connected shall have been inspected and approved for the attachment or connection of such apparatus or appliances thereto; or (4) for experimental electrical work in laboratories of recognized educational institutions of college rating; or (5) for the installation, repair, or maintenance of electrical equipment for messenger call, watchman's clock, or fire or burglar alarm systems, or similar systems, provided such work be performed by a person operating such system under authority of a general permit or franchise granted by the City of Oakland; or (6) for the installation, alteration, or repair of amateur radio communication equipment which uses not more than 50 watts of primary power, and which is supplied with primary power from a battery, and which has no outdoor antenna more than 45 feet in length or elevated more than 25 feet above ground at the highest point, and which has no antenna or other wires supported above or crossing over any light, heat, or power wires; pr (7) for any electrical work of Class 2; provided, however, that all provisions and requirements of this Article, other than those of said Sections 9-2.01 and 9-3.01 shall, so far as applicable and not inconsistent with the foregoing provisions of this section, apply to all electrical work and all electrical equipment above mentioned in this section.

SEC. 9-1.06 STEAM VESSELS AND MOTOR VEHICLES. Nothing contained in this Chapter shall apply to the electrical equipment of any steam vessel or other water craft operated, or intended to be operated, under the navigation or inspection laws of the United States or of any foreign country. Nothing contained in this Chapter shall apply to electrical equipment on any motor vehicle.

SEC. 9-1.07 APPLICATION TO CITY DEPARTMENTS. No provision of this Chapter with respect to licenses, cash deposits, or fixing or payment of fees for permits or inspections, shall apply to any electrical work performed for any department board, or office of the City of Oakland by any employee carried on the pay roll of any such department, board, or office; but all other provisions of this Chapter, including requirements as to obtaining permits and inspections, shall apply, insofar as the same may be applicable, to all such electrical work performed by any of said departments, boards, or offices.

ARTICLE 2.

LICENSES AND DEPOSITS.

Amended by O.# 368 C.M.S.

SEC. 9-2.01 LICENSE REQUIRED. It shall be unlawful for any person to engage in, conduct, or carry on the business of installing, altering, repairing, or maintaining electrical equipment of Class 1, in, on, or about any building except under and in accordance with an electrician's license duly granted to such person as in this Article provided.

Except as otherwise in this Chapter expressly provided, it shall be unlawful for any person to install, alter, or repair any electrical equipment of Class 1, in, on, or about any building except a person holding an electrician's license, to him duly granted as in this Article provided, or a person who is an immediate and bona fide employee of, and who is working for and under the supervision and direction of, a person holding such a license; provided, that this shall not be construed to require any person owning, operating, or using an established installation of electrical equipment to hold a license for the operation, use, or ordinary care and maintenance of such installation; but such work of care and maintenance performed without a license shall not cover or include any additions to, or alterations or changes in, any electrical equipment of Class 1, or any repairs to, or replacement of, any electric wiring for any electrical equipment of Class 1, in, on or about any building unless the same shall have been authorized under a special permit issued in accordance with the provisions of Section 9-3.05, 9-3.06, or 9-3.081 of this Chapter.

SEC. 9-2.02 APPLICATION FOR LICENSE. Every application for an electrician's license shall be made in writing in such form and detail as shall be prescribed by the Electrical Department. Every application shall, in addition to such other information as may be required by the Electrical Department, set forth: (1) The name under which the business is to be conducted, which shall be the name in which the application is made and in which the license is to be issued; (2) If a corporation, the names of the President, Vice-President, Secretary, and Manager thereof; (3) If a firm, the name of every member thereof; (4) That the applicant has an established place of business in the State of California; (5) Location and address of main office or principal place of business in the State of California; (6) Name and business address of duly authorized agent or representative in the City of Oakland, if any; (7) That the applicant agrees that, in the conduct of the business, and in the performance of all electrical work undertaken by him, he will be subject to and will faithfully comply with all provisions and requirements of this Chapter and of all ordinances, rules, and regulations of the City of Oakland pertaining to such business and such electrical work; (8) That the individual signing the application is a lawful representative of the applicant and is authorized and empowered to act for him.

Every such application shall be accompanied by a certificate subscribed by the individual signing the application, stating that all facts and matters in said application set forth are true and correct.

SEC. 9-2.03 BUSINESS LICENSE TAX. Every electrician shall pay such license as may be required by the provisions of Chapter 5 of this Code or by any other ordinance of the City of Oakland. No license shall be issued until the application therefor shall have been approved as correct in form by the Superintendent of the Electrical Department, nor uhtil the applicant shall have deposited the sum of $100.00 with the Bureau of Permits and Licenses as required by Section 9-2.05 of this Article. The Council may, for good cause, prohibit the issuance of a license to any applicant therefor.

Every person obtaining a license hereunder shall immediately present the same at the office of the Electrical Department for registration and shall thereafter immediately notify said Department in writing of any and every change of his business address.

SEC. 9-2.04 RIGHTS AND RESPONSIBILITIES OF LICENSEE. An electrician's license when duly issued and registered under and in accordance with the provisions of this Article shall entitle the holder thereof for the period of one year, unless sooner revoked or suspended, to engage generally for all lawful purposes in the business described in Section 9-2.01 of this Article; subject, however, to compliance by the holder, his agents and employees, with all provisions, requirements, and restrictions contained in this Chapter and in all ordinances, rules, and regulations of the City of Oakland pertaining to such business and to any work performed in connection therewith. The holder of a license shall be responsible for all work done and acts performed thereunder.

SEC. 9-2.05 CASH DEPOSIT REQUIRED. DEPOSIT FUND. Every person obtaining a license under the provisions of this Article shall deposit and shall maintain an deposit with the Bureau of Permits and Licenses, subject to the provisions in this Chapter contained, the sum of one hundred dollars ($100.00) in cash as a guaranty for the payment of all fees for permits and inspections that may become due and be owed by said person to the City of Oakland, and as a further guaranty that all electrical work done under the authority of said license will be done in compliance with all the provisions and requirements of this Chapter and of the rules and regulations established under the provisions of this Chapter.

The Bureau of Permits and Licenses shall receive the deposits aforesaid and shall cause the same to be placed in the City Treasury in a special trust fund to be known as the "Electrical Inspection Deposit Fund", which fund is hereby established.

SEC. 9-2.06 WITHDRAWALS FROM DEPOSIT. Whenever in pursuance of any provision of this Chapter it shall become necessary to deduct from the deposit made by any licensee the amount of any fees or other charges which shall be due and owing to the City of Oakland by such licensee, the Superintendent of the Electrical Department shall draw a check against the said deposit payable to the proper bureau, department, or officer of the City of Oakland and, upon approval of said check by the City Auditor, the City Treasurer shall pay the same out of the deposit against which it is drawn.

The Superintendent of the Electrical Department shall notify the licensee of every such deduction or withdrawal from his deposit, and within five days thereafter the said licensee shall again deposit with the Bureau of Permits and Licenses a sufficient sum to replenish his deposit and bring the same up to the required amount of one hundred dollars ($100.00). The Bureau of Permits and Licenses shall immediately notify the Electrical Department when any such deficiency in any deposit has been made good.

No permit required under the provisions of this Chapter shall be issued to any licensee while the cash deposit of said licensee is less than the specified amount of one hundred dollars ($100.00).

SEC. 9-2.07 RETURN OF DEPOSITS. When any person, having obtained a license and made cash deposit as in this Article provided, shall have ceased to carry on all business and perform all work for which a license is by this Chapter required, and when all work under permits issued to said person shall have been completed, inspected and approved, and when all fees and other charges due and owing to the City of Oakland by said person shall have been paid, and if no charges shall be then pending against said person for any violation of this Chapter, or any ordinance, rule, or regulation of the City of Oakland pertaining to electrical work, then said person shall be entitled to have returned to him the said deposit of one hundred dollars ($100.00), or such portion thereof as may then remain to his credit after deduction therefrom as in this Chapter specified.

SEC. 9-2.08 ASSIGNMENT AND TRANSFER OF LICENSE. No license issued under this Article shall be assignable or transferable without the approval of such assignment or transfer endorsed on the license in writing by the Superintendent of the Electrical Department; nor shall any such approval be given by said Superintendent until evidence shall have been presented to his satisfaction that there are bona fide and reasonable grounds for such assignment or transfer other than a mere trade or sale of the license, nor until the person to whom such assignment or transfer is made shall have filed an application as provided in Section 9-2.02 of this Article with respect to an original licensee and shall have deposited with the Bureau of Permits and Licenses the sum of one hundred dollars ($100.00) as provided in Section 9-2.05 of this Article, nor until such person shall have accepted in writing all liability and responsibility under this Chapter and the ordinances, rules, and regulations of the City of Oakland for all uncompleted and unapproved work performed by the original licensee and for all fees and other charges due and to become due to the City of Oakland by said original licensee. Every assignment and transfer of a license shall be registered with the Bureau of Permits and Licenses. Permits standing in the name of the original licensee, and covering work not completed or not approved on the date of transfer of any license, shall be transferred to the new holder of the license.

SEC. 9-2.09 REVOCATION AND SUSPENSION OF LICENSE. Every license issued under this Chapter shall be subject to revocation or suspension by the Council for violation by the holder of such license or by his agent or employee, of any provision or requirement of this Chapter or of the rules and regulations hereunder established, or of any ordinance, rule, or regulation of the City of Oakland pertaining to electrical work, or for the making off any false statement in the application for such license, or for any other cause which the Council shall deem to be good and sufficient. When the license of any person shall have been revoked, no succeeding license shall be issued to such person without the approval and consent of the Council. Upon revocation of any license, all permits outstanding under such license shall thereupon become void and shall be cancelled. When any license shall have been suspended, no permit shall be issued to the holder of such license and no new work for which a permit is required shall be undertaken by such holder during the period of such suspension; but this shall not be construed to prohibit the performance of any work duly authorized under permits issued under such license prior to the date of suspension thereof. The penalties of revocation and suspension prescribed in this section shall not be a bar to or affect any other remedy or penalty prescribed in this Code, but shall be cumulative and in addition to such other remedies or penalties.

SEC. 9-2.10 UNLAWFUL TO LEND LICENSE OR PERMIT. It shall be unlawful for any person licensed under the provisions of this Chapter to lend his license or any permit issued thereunder to any other person; or knowingly to allow any person, other than his immediate and bona fide employee working for him and under his supervision and direction, to do any electrical work under any permit issued to him; or to authorize, give consent to, or knowingly allow any other person in any manner to use his license or his name or any permit issued to him, for the purpose of aiding such person or any other person in evading, directly or indirectly, any provision or requirement of this Chapter or of any other ordinance or of any rule or regulation of the City of Oakland pertaining to electrical work. In any prosecution for violation of this section, if it shall be proved that any person, as principal or representing himself as principal, did enter into any contract or agreement, oral or written, express or implied, to perform any electrical work for which a permit is herein required; and that no permit was issued to said person for said electrical work; and that said person did himself perform or did employ another person under contract of hire for personal service to perform or assist in performing, said electrical work, or any part thereof, in the carrying out or execution of said contract or agreement; and that permit for said electrical work was issued to and in the name of a person licensed hereunder; and that said licensee to whom said permit was issued did not appear as one of the principal parties to the said contract or agreement and was not known as such principal party by the other principal party thereto, then such proof of facts as aforesaid shall be prima facie evidence of a violation of this Chapter by the said licensee to whom the said permit shall have been issued, and by the said person who shall have entered into the said contract or agreement to perform the said electrical work.

Sec 9-2.11 to 9-2.19 Add by O. #368 CMS.

ARTICLE 3.

PERMITS. INSPECTIONS AND FEES.

SEC. 9-3.01 UNLAWFUL TO DO CERTAIN WORK WITHOUT PERMIT. It shall be unlawful for any person to install, alter, repair, add to, or change any electrical equipment of Class 1 in, on, or about any building without first having obtained from the Electrical Department a permit authorizing said person to do said work.

Provided, however, that in cases where an emergency or urgent necessity can be shown to exist and to prevent obtaining permit prior to beginning work, such work may be begun prior to issuance of permit by a person who is licensed hereunder and who is then entitled to obtain permits; provided said person shall give notification thereof by telephone or otherwise to the Electrical Department immediately upon beginning said emergency work, or as soon thereafter as the office of the Electrical Department shall be open for business, and further provided that in every such case a permit shall be obtained within 24 hours (exclusive of Sundays and holidays) after such emergency work shall have been begun, and if the person doing said work shall fail to give such notification or to obtain a permit within the time above specified, then the fees to be charged under permit subsequently issued for said work shall be increased as provided in Section 9-3.15 of this Article, and the person doing the work shall be subject to the penalty provided for violation of this Chapter.

Provided further, that this section shall not be construed to require a permit to be obtained for minor repairs which are necessary and incident to the ordinary maintenance in good operating condition of apparatus, appliances, or devices of an established installation; provided, however, that such minor repairs shall not cover or include the installation, addition, alteration, or change of any electrical equipment of Class 1, or any repairs to, or replacement of, any electric wiring for any electrical equipment of Class 1.

SEC. 9-3.02 APPLICATIONS FOR PERMITS. All applications for permits shall be made in writing and shall be in such form and detail, and shall give such relevant information, as shall be prescribed and required by the Electrical Department. When in any case deemed necessary by the Superintendent of the Electrical Department, plans, diagrams, and specifications, giving such details of the proposed work as may be required, shall be filed before permit is issued; provided, however, that plans shall not be required for small jobs that can be fully and adequately described in writing.

The Superintendent of the Electrical Department may in any case refuse to issue a permit if it shall for any reason appear that the proposed work will not be done in compliance with, or that the work when completed will not comply with, all provisions of this Chapter, and rules and regulations thereto pertaining.

SEC. 9-3.03 PERMITS, GENERAL PROVISIONS CONCERNING. Every permit shall be issued in such form and detail as shall be prescribed by the Electrical Department; shall specify the geographical location of the premises whereon the work authorized thereby is to be done; shall be conspicuously posted by the holder thereof on said premises; and shall be valid only for the location so specified. If the work authorized by any permit shall be continuously suspended for a period of 90 days, such permit shall thereupon and thereafter be null and void. No permit shall be assignable or transferable except under and in accordance with such restrictions and rules as shall be prescribed by the Electrical Department.

SEC. 9-3.04 PERMITS. TO WHOM ISSUED. Except as otherwise in this Chapter expressly provided, no permit to install, alter, repair, add to, or change any electrical equipment of Class 1, in, on, or about any building shall be issued by the Electrical Department to any person not duly licensed hereunder, nor to any such licensee unless he shall then have on deposit with the City Treasurer the sum of one hundred dollars ($100.00), as required by Section 9-2.05 of this Chapter.

SEC. 9-3.05 SPECIAL ANNUAL PERMIT. A special annual permit may be issued by the Electrical Department to a person not holding any license under this Chapter, but owning or managing, and operating or using, a then established plant or installation of electrical equipment of Class 1; as, for example, in manufacturing plants, mercantile establishments, hotels, etc.; provided, that such special annual permit shall only be construed to authorize the holder thereof and his bona fide employees to maintain and make repairs to the said installation of electrical equipment operated or used by him and located only on such premises as shall be definitely specified in the permit, and to make such minor alterations and changes therein and such minor additions thereto as shall be incident to the regular conduct of the business or industry carried on or conducted on the premises whereon the said installation of electrical equipment is located; but no such special annual permit shall be construed to authorize any extensive new electrical work of Class 1, which shall be done only under the authorization of a license and regular permits as hereinbefore in this Chapter provided; provided further, that the holder of every such special annual permit shall have regularly in his employ a person properly qualified to perform, in compliance with this Chapter and the ordinances, rules, and regulations of the City of Oakland thereto pertaining, all electrical work done under the authorization of such permit; provided further, that the holder of every such special annual permit shall keep a record of all permanent alterations, changes, and additions made thereunder, which record shall be open to inspection at all times by any duly authorized representative of the Electrical Department; provided further, that every such special annual permit shall be subject to cancellation and revocation by the Superintendent of the Electrical Department if the holder thereof shall persistently violate or fail to comply with the provisions of this Chapter or of the rules and regulations hereunder established.

A fee of twelve dollars ($12.00) shall be paid annually in advance for every special annual permit issued hereunder, which fee and permit shall be in lieu of all other fees and permits for work done under, and within the authority granted by, said special annual permit. The Superintendent of the Electrical Department shall, at such intervals as may in his discretion be necessary or advisable, cause inspections to be made on the premises covered by every such special annual permit.

SEC. 9-3.06 SPECIAL OWNER'S PERMIT. The Electrical Department may issue to an individual not licensed under this Chapter, a special owner's permit authorizing said individual to install, alter, change, or repair electrical equipment in, on, or about a building of which said individual is owner, but not elsewhere. Provided, that no electrical work authorized under any such special owner's permit shall be done, nor shall the owner holding any such permit allow any such work to be done, except personally by the owner to whom the permit is issued, or by a member of his immediate family living and residing with him; and if this or any other provision of this Chapter shall be violated by the holder of such special owner's permit, such permit shall be subject to immediate cancellation by the Superintendent of the Electrical Department, and the holder thereof shall be liable to the penalty provided for violation of this Chapter.

SEC. 9-3.07 APPLICATION FOR SPECIAL OWNER'S PERMIT. Every individual desiring to obtain any special permit under the provisions of Section 9-3.06 of this Article shall first file an application for registration, which application shall set forth the location of the building where the work is proposed to be done, and that the applicant is the owner of said building, and such other information as may be required by the Electrical Department. After approval of said application by the Superintendent of the Electrical Department, and before issuance of any permit, the applicant shall deposit with the Bureau of Permits and Licenses the sum of twenty-five dollars ($25.00) in cash, as a guaranty for the payment of fees for permits and

inspections and as a further guaranty that all electrical work done, under the authority of any permit issued to the applicant will be done in compliance with all provisions of this Chapter and of the rules and regulations hereunder established. Said cash deposit shall be subject to all the provisions and conditions, including return of deposit after completion of the work, as prescribed in Section 9-2.06 of this Chapter with respect to similar cash deposits made by licensees.

SEC. 9-3.08 FEES UNDER SPECIAL OWNER'S PERMIT. Fees to be charged for special owner's permits issued hereunder, and for inspection of work performed under such special permits, and the payment of such fees, shall be determined in accordance with, and be subject to all conditions and provisions contained in, Section 9-3.15 to 9-3.18, both inclusive, of this Article.

Amd. by O. #1119 CMS

SEC. 9-3.081 SPECIAL FURNACE DEALER'S PERMIT. The Electrical Department may issue a special furnace dealer's permit to any person not licensed under this Chapter but duly licensed by theCity of Oakland to engage in the business of installing gas heating furnaces and/or appliances; provided, that each such special furnace dealer's permit shall be issued subject to the following limitations and conditions; (1) each such special permit shall only authorize the holder thereof and his bona fide employees to install approved electric ignition devices or appliances of rated capacity not exceeding 100 watts, together with the necessary secondary wiring therefor and the necessary branch circuit extension for supplying such devices or appliances from an existing wiring system; (2) each such special permit shall cover and be valid for work only on the premises at one location; (3) each such special permit, the holder thereof, and the work performed thereunder shall be subject to and shall comply with all applicable provisions and requirements of this Chapter which are not in conflict with any expressly stated provision or requirement of this section; (4) every person desiring to obtain such special permits shall deposit and maintain on deposit with the Bureau of Permits and Licenses the sum of $25.00 in cash, which cash deposit shall be subject to all the provisions and conditions, including return of deposit after completion of the work, as prescribed in Section 9-2.05 of this Chapter with respect to similar cash deposits made by licenseesunder this Chapter; (5) fees to be charged for such special permits and for inspections of work performed thereunder, and the payment of such fees, shall be in accordance with and shall be subject to all conditions and provisions contained in Sections 9-3.15 to 9-3.18, both inclusive, of this Chapter.

SEC. 9-3.09 NOTICE REQUIRED WHEN WORK IS READY FOR INSPECTION. Within 24 hours, exclusive of Sundays and holidays, after completion of the installation or other work covered by any permit issued under this Chapter, and also at such other times and as often during the progress of the work as may be necessary for proper inspection thereof, the person to whom said permit was issued shall give notice to the Electrical Department, in manner and form as prescribed by that Department, that the said installation or other work is ready for inspection.

SEC. 9-3.10 INSPECTION OF WORK COVERED BY PERMITS. As soon as is reasonably practicable after receipt of any notice in due form as in Section 9-3.09 of this Article provided, and also at such other times and as often during the progress of the work as may, in the discretion of the Superintendent of the Electrical Department, be advisable, the Electrical Department shall cause an inspection to be made of the said installation or other work. If the Electrical Department shall find that said work has not been done in compliance with, or that said installation or other work does not then conform to, the provisions of this Chapter and of the ordinances, rules, and regulations thereto pertaining, or that said installation or other work is not ready or in condition for inspection as in this Chapter required, said Department shall condemn the same or withhold approval thereof, as the case may require, and shall give notice of such action to the holder of the permit, which notice shall state wherein or why the said installation or other work is unsatisfactory.

SEC. 9-3.11 CORRECTION OF DEFECTS IN WORK. Within ten days after such notice as is provided for in Section 9-3.10 of this Article, or within such further reasonable length of time thereafter as may be prescribed by the Superintendent of the Electrical Department, said holder of the permit shall correct the said installation of other work in all particulars wherein or with respect to which it shall have been found unsatisfactory, and he shall immediately notify the Electrical Department when such corrections shall have been made.

If any person shall fail, neglect, or refuse to correct, within ten days after notification by the Electrical Department, or within such further reasonable length of time thereafter as may be prescribed by the Superintendent of the Electrical Department, any defect, error, or deficiency in any electrical work performed by or under the control of said person, such failure, neglect, or refusal shall be deemed sufficient cause for the Superintendent of the Electrical Department to refuse, and said Superintendent is hereby authorized and empowered to refuse, to issue any further permit to said person until said electrical work shall have been corrected and inspected and found to conform in all particulars with the provisions of this Chapter and of all ordinances, rules, and regulations thereto pertaining.

SEC. 9-3.12 PLUMBING AND OTHER WORK TO BE COMPLETED BEFORE WIRING IS INSPECTED. Before the electric wiring in any building is inspected and approved, and before any such wiring shall be deemed ready for inspection, all gas, steam, water, sewer, furnace, and other piping and tubing, which are to be located in any portion of the building in which any of said wiring is located, shall be installed in place; the building shall be roofed; and, wherever any of said wiring is to be concealed, all lathing strips, furring, bridging, backing, and headers shall be in place.

SEC. 9-3.13 UNLAWFUL AFTER INSPECTION TO INTERFERE WITH OR CHANGE ANY EQUIPMENT, OR TO PLACE METAL WORK ADJACENT TO WIRING, WITHOUT DUE AUTHORITY. Whenever any electric wiring or other electrical equipment shall have been inspected and approved, it shall thereafter be unlawful for any person to damage or interfere with the same without due authority; and it shall likewise thereafter be unlawful for any person, whether working under authority of the original or of any new permit, in any manner to change or alter such wiring or other electrical equipment without reporting such changes or alterations to the Electrical Department for re-inspection.

Whenever the electric wiring in, on, or about any building shall have been inspected and approved, it shall thereafter be unlawful for any person to place any sheet metal, pipe, or other metal work within five inches of any electrical conductor of any so-called cancelled knob and tube system of wiring, or within two inches of any so-called open wiring, without having been authorized so to do by the Electrical Department; and then only when such conductors are protected in such manner as shall be prescribed by said Department.

SEC. 9-3.14 UNLAWFUL TO CONCEAL WIRING OR OTHER EQUIPMENT BEFORE INSPECTION. It shall be unlawful for any person to lath over, seal, or in any manner cover or conceal, or to cause to be lathed over, sealed, or in any manner covered or concealed, any wiring or other electrical equipment, for installation of which a permit is herein required, until such wiring or other electrical equipment shall have been inspected and approved by the Electrical Department. The Electrical Department shall have the power to remove, or require the removal of, any obstruction that prevents proper inspection of any electrical equipment.

SEC. 9-3.15 FEES FOR PERMITS AND INSPECTIONS. Every person to whom any permit is issued under the provisions of this Chapter, shall be charged and shall pay to the City of Oakland fees therefor and for inspection of work performed thereunder in accordance with the schedule hereinafter in this Article fixed and prescribed; provided, however, that if any electrical work for which a permit is herein required shall be commenced by any person before such permit has been issued, then fees for permit and inspections greater in amount by fifty per cent than the fees hereinafter prescribed shall be charged to and shall be paid by such person for any permit subsequently issued to him for such work, and for inspection thereof, unless the same

shall have been commenced under stress of emergency and notice thereof shall have been given the Electrical Department and permit shall have been applied for and issued within 24 hours, exclusive of Sundays and holidays, as provided in Section 9-3.01 of this Article, but the payment of any such greater fees shall not be construed as being in lieu of, or as relieving any person of, the penalty prescribed for a violation of this Chapter.

SEC. 9-3.16 COMPUTATION OF FEES. Fees for electric wiring shall be determined by and computed on the number of branch circuits and number of outlets, and the wiring fees so determined and computed shall cover and include, on new work, the service wires, meter cabinet, main switch-board, feeder panels, and distribution panels when said equipment is installed under the same permit with the wiring system with which said equipment is to be used. Said wiring fees shall be in addition to the fee for permit and shall be in addition to the fees as separately prescribed for such machines, apparatus, fixtures, and devices as may be supplied by or used in connection with such wiring system.

Amend. by O *1119 cmcs - (Amend by Ord #2419 cmcs 3/27/47)

SEC. 9-3.17 SCHEDULE OF FEES. The fees required under the provisions of Sections 9-3.15 and 9-3.16 of this Article shall be in amount as follows:

(1) Permits, issuing and filing, each . . . . . .$ .50

(2) Branch circuits for lighting, heating, power, signaling, or other purposes, each . . . . . $ .05

(3) Outlets of not over 1320 watts rated capacity for lighting, heating, power, signaling, or other purposes, and for which fees are not herein specially prescribed, each . . . . . $ .05

Outlets for main service switches, service meters, main switchboards, feeder panels, or distribution panels are not to be counted.

(4) Outlets of more than 1320 watts rated capacity for lighting, heating, power, signaling, or other purposes, and for which fees are not herein specially prescribed each . . . . . .$ .10

Outlets for main service switches, service meters, main switchboards, feeder panels, or distribution panels are not to be counted.

(5) Outlets, including attached receptacles, when installed not more than 24 inches apart, for border, strip, or footlights or for outline, decorative, display, or group lighting, elsewhere than on electric signs; each . . . . . $ .02

(6) Outlets, including attached receptacles, for temporary festoon or decorative lighting or for temporary working lights for use in building construction; each . . . . . $ .01

(7) Fees for inspection of alterations and changes in existing wiring shall be determined on the same basis as fees for new wiring. . . . . .

(8) Changes in existing service or entrance wires, or changes in wiring necessitated by change in location of service meter or main service switch; for each installation so changed . . . . . $ .25

(9) Switches, when not attached to or included with apparatus for which fee is herein specially prescribed, each . . . . . $ .05

Main service switches and switches on switchboards, distribution panels, and motor control panels are not to be included under this item.

(10) Lighting fixtures, brackets, pendants, and cord drops, when not herein specially classified, each . . . . . $ .05

(11) Receptacles, wall sockets, and similar fixtures not herein specially classified, each . . . . . .$ .05

(12) Ranges, heaters (air, water, and other kinds), furnaces, and welding machines; each as follows:

For each rated kw. or kv-a, and fraction of either, up to and including 20 kw. or kv-a . . . . . .$ .10

For each kw. or kv-a, and fraction of either by which the rating exceeds 20 kw. or kv-a . . . . . .$ .05

Provided, that the maximum fee for any one such appliance or machine shall be . . . . . .$ 7.50

(13) Motors, including starting and controlling apparatus therefor and wiring between same and motor, each as follows:

For each rated h.p. and fraction thereof up to and including 20 h.p. . . . . .$ .10

For each h.p. and fraction thereof by which the rating of the motor exceeds 20 h.p. . . . . .$ .05

Provided, that the maximum fee for any one motor shall be . . . .$ 7.50

When motors are temporarily installed for use in the construction or repair of buildings, the fees therefor shall be fifty percent of those above prescribed.

When a motor and the controlling apparatus therefor are installed under two separate permits, fifty per cent of the fees as above prescribed shall be charged under each permit; but if there be no permit of record for the motor, the person under whose permit the electrical connections are made to the motor shall be responsible for the total amount of the fees for such motor, as above prescribed.

(14) Generators, including switchboard and controlling apparatus therefor and wiring between same and generator, each as follows:

For each rated kw. or kv-a, and fraction of either up to and including 20 kw. or kv-a . . . . . .$ .10

For each kw. or kv-a, and fraction of either by which the rating exceeds 20 kw. or kv-a . . . . . .$ .05

Provided, that the maximum fee for any one generator shall be. . .$ 7.50

(15) Motor-generator sets, balancer sets, dynamotors and converters, including controlling apparatus therefor and wiring between same and machine, each as follows:

For each rated kw. or kv-a, and fraction of either, up to and including 20 kw. or kv-a . . . . . .$ .15

For each kw. or kv-a, and fraction of either by which the rating exceeds 20 kw. or kv-a . . . . . .$ .05

Provided, that the maximum fee for any one such machine shall be. .$10.00

(16) Transformers and balance coils, when not embodied in or included with apparatus for which fee is herein specially prescribed, each as follows:

For each rated kv-a, and fraction thereof up to and including 10 kv-a . . . . . .$ .10

For each kv-a, and fraction thereof by which the rating exceeds 10 kv-a. . . . . .$ .04

Provided, that the maximum fee for any one transformer shall be . .$ 5.00

(17) Motion picture machines, including operating motor, if any, each . . . . . .$ .75

(18) Arc lamps, stereopticon lamps, vapor lamps, flood lighting projectors, and spot lights, each . . . . . .$ .10

(19) Rectifiers (mercury arc, vibrating, and electrolytic) each as follows:

For each kw. and fraction thereof of maximum rated output up to and including 10 kw. . . . . .$ .10

For each kw. and fraction thereof by which the maximum rated output exceeds 10 kw. . . . . $ .05

Provided, that the maximum fee for any one such rectifier shall be . . . . . .$ 7.50

(20) Electric signs, minimum fee each. . . . . .$ 1.50

(21) Wireless telegraph outfits, each . . . . . $ .50

(22) Miscellaneous machines, apparatus, and appliances not herein specifically provided for, each as follows:

For each rated kw. or kv-a, and fraction of either, up to and including 10 kw. or kv-a . . . . . .$ .10

For each kw. or kv-a, and fraction of either by which the rating exceeds 10 kw. or kv-a . . . . . .$ .05

Provided, that the maximum fee for any one such machine, piece of apparatus or appliance shall be. . . . . .$ 5.00

(23) Repairs. For minor repairs to equipment which repairs do not involve any alterations or changes in or additions to any existing wiring, and which can be inspected in one visit, no fee will be charged other than the fee for the permit. If more than one inspection is necessary under any such permit, a fee of 25 cents will be charged for each additional inspection.

(24) When extra inspections are made necessary by reason of deficient or defective work, or otherwise through fault or error on the part of the holder of the permit or on the part of his employees, only one such extra inspection shall be made under the regular fees as herein prescribed; and for each and every further extra visit of inspection for which the holder of the permit or his employee is entirely responsible, a fee of 50 cents shall be charged.

(25) Fee for special annual permit to be as prescribed in Section 9-3.05 of this Article.

Sec. 9-3.171 to 9-3.179 Add by O #1119 cms
" " " Amend by O #2419 cms 3/27/47

SEC. 9-3.18 PAYMENT OF FEES. Whenever the Electrical Department shall render to any person obtaining any permit under the provisions of this Chapter any bill or statement specifying the amount of the fees then due by and charged to such person, payment in full of such fees shall be made to the Bureau of Permits and Licenses within fifteen days thereafter. Any such bill or statement shall be deemed to have been duly rendered when deposited in the U.S. mail, postage prepaid, directed to the person for whom intended at the address registered by him with the Electrical Department. If the fees included in any such bill or statement be not paid in full within the said period of fifteen days, no further permit shall thereafter be issued to such person until payment in full of such fees shall have been made. If the fees included in any such bill or statement shall not be paid in full before the expiration of thirty days from and after the date on which such bill or statement shall have been rendered, then without further notice the Superintendent of the Electrical Department shall as provided in Section 9-2.06 of this Chapter deduct the amount of such fees, together with any additional charges which shall have accrued against such person, from the cash deposit theretofore made by such person. Fees for permits shall be due and chargeable upon issuance of permit. Fees for inspection shall be due and chargeable when first inspection of the work or equipment covered thereby shall have been made.

SEC. 9-3.19 CERTIFICATE OF INSPECTION. When the electrical work covered by any permit shall have been completed, inspected, and approved, the Electrical Department shall, upon request therefor, issue to the holder of the permit a certificate of such inspection and approval. Such certificate shall specify the installation or other work covered thereby and the date of last inspection thereof; may be final or preliminary and may or may not authorize the use of electric current in the equipment covered thereby, as the circumstances and conditions of the case may determine; shall be subject to cancellation for good and sufficient cause; and shall automatically become null and void if any alteration, change, or addition not duly authorized by permit shall be made in or to the equipment covered thereby; provided, however, that the Electrical Department may in any case refuse to approve, to issue certificate of inspection of, or to authorize the use of electric current in, any installation or other work if the holder of the permit for such installation or other work shall be then indebted to the City of Oakland for any fees for permits or inspections under the provisions of this Chapter, and said Department may continue such refusal until such fees shall have been paid in full.

ARTICLE 4.

REGULATIONS AND PRACTICES.

SEC. 9-4.01 UNLAWFUL TO MAKE SERVICE CONNECTION WITHOUT APPROVAL OF ELECTRICAL DEPARTMENT. RESPONSIBILITY FOR UNLAWFUL CONNECTIONS. It shall be unlawful for any person engaged in the distribution or sale of electrical energy to connect his distribution system, or any live supply or service conductor or conductors from said distribution system, to any electrical equipment in, on or about any building, or to cause or allow any such connection to be made, until the Electrical Department shall have inspected said electrical equipment and shall have authorized such connection to be made thereto. Every person engaged in the distribution or sale of electrical energy, and owning or operating any electrical distribution system, shall be held responsible for all supply or service connections from such distribution system owned or operated by him; and in any prosecution for violation of this section, if it shall be proved that any electrical distribution system, or any live supply or service conductor therefrom, was connected to any electrical equipment in, on, or about any building before such connection had been authorized as in this Chapter provided, such proof shall be prima facie evidence of a violation of this section by the person owning or operating the said distribution system.

SEC. 9-4.02 REQUIRING DISCONNECTION OF UNLAWFUL CONNECTION. Whenever the Electrical Department shall find any electrical distribution system, or any live supply or service conductor therefrom, to have been connected to any electrical equipment in, on, or about any building without authority therefor as in this Chapter required, the Superintendent of the Electrical Department shall be authorized and empowered to cause such system or conductor to be disconnected from said electrical equipment, or to order and require the same to be disconnected by the person owning or operating said distribution system.

SEC. 9-4.03 POWER COMPANIES TO NOTIFY ELECTRICAL DEPARTMENT OF METER INSTALLATIONS, SERVICE CONNECTIONS, AND CHANGES OF SERVICE. Whenever any person engaged in the distribution or sale of electrical energy shall set or install, or re-set or re-install, in, on, or about any building, any meter for the measurement of electrical energy; or shall connect or re-connect supply or service to any installation of electrical equipment in, on, or about any building; or shall change the nominal voltage of supply or service to any installation of electrical equipment, in, on, or about any building; or shall change any such supply or service from 2-wire to 3-wire or vice versa, or from single phase to polyphase or vice versa, or from direct current to alternating current or vice versa, said person shall, within two (2) days thereafter, exclusive of Sundays and holidays, give written notice to the Electrical Department of such meter installation or re-installation, or of such supply or service connection, or re-connection, or of such change of supply of service, which notice shall specify the location and address of the installation affected; and for failure, neglect, or refusal to give such notice within the time above specified, said person shall be subject to the penalty provided for violation of this Chapter; provided, however, that said notice need not be given with respect to any such meter installation or reinstallation, or any such supply or service connection or reconnection, or any such change of supply or service, which shall have been expressly approved and authorized by the Electrical Department within thirty (30) days previous to the date on which said meter installation or reinstallation, or said supply or service connection or reconnection, or said change of supply or service, is made; provided further, that the Superintendent of the Electrical Department may, at his discretion, waive temporarily or permanently any or all requirements of this section, by giving notice in writing of such waiver to all persons engaged in the distribution or sale of electrical energy; and said Superintendent may likewise at any time revoke such waiver by notice in writing to all such persons.

SEC. 9-4.04 UNLAWFUL TO CONNECT OR USE CERTAIN EQUIPMENT WITHOUT APPROVAL OF ELECTRICAL DEPARTMENT. It shall be unlawful for any person to connect, or cause to be connected, to any source of electrical energy any electrical equipment for installation of which a permit is in this Chapter required, or to use electric current in, through, or by means of any such electrical equipment, until such connection and use shall have been authorized by the Electrical Department.

SEC. 9-4.05 TEMPORARY SERVICE CONNECTION. The Superintendent of the Electrical Department may, at his discretion, previous to final inspection and approval of any electrical equipment or at other times, grant permission for temporary supply of electrical energy to, and temporary use of, said electrical equipment if, in his judgment, said electrical equipment is in such condition that current may be used therein without danger to life or property and if there exists a reasonably urgent necessity for such temporary use. Such permission shall be subject to revocation at any time and shall automatically expire at the termination of the period of time for which it is granted.

SEC. 9-4.06 SAFETY OF ELECTRICAL WORK AND EQUIPMENT REQUIRED. RULES AND REGULATIONS. All electrical work shall be so performed, and all electrical equipment shall be so constructed, installed, protected, operated, repaired, and maintained that said electrical work and electrical equipment will be, to such extent as is reasonably possible, safe and free from risk or danger of accident or injury by fire, shock, or otherwise, to either person or property; and the Superintendent of the

Electrical Department is hereby authorized and empowered to prescribe and establish from time to time, and to enforce such rules and regulations with respect to electrical work and the materials, fittings, and appliances used therein, and with respect to the construction, installation, protection, operation, repair, and maintenance of electrical equipment, as he may deem proper or necessary for carrying out and enforcing the foregoing requirements of this section, a copy of which rules and regulations shall be kept on file in the office of the Electrical Department. The Superintendent of the Electrical Department is hereby authorized and empowered to furnish copies of said rules and regulations to persons performing or having supervision of electrical work in the City of Oakland.

SEC. 9-4.07 CONSTRUCTION OF RULES AND REGULATIONS. Nothing that may be contained in the rules and regulations provided for in Section 9-4.06 of this Article shall be construed to waive or set aside, but said rules and regulations shall be supplementary to and in addition to, any provision or requirement with respect to electrical work, or the construction, installation, protection, operation, repair or maintenance of electrical equipment, that may be contained in any law of the State of California, or in any order, rule, or regulation of the Railroad Commission or of the Industrial Accident Commission, or in any other order, rule, or regulation made pursuant to the provisions of any law of the State; and the requirements of such State laws and of such orders, rules, and regulations as may be made pursuant to the provisions thereof, shall determine and establish, and they are hereby declared to be, the minimum requirements of the City of Oakland with respect to the particular electrical work, and with respect to the particular construction, installation, protection, operation, repair, or maintenance of electrical equipment, to which said State Laws, orders, rules, and regulations shall, by act of the Legislature, expressly apply.

SEC. 9-4.08 NATIONAL ELECTRICAL CODE. All electrical work and equipment shall comply with the requirements of the National Electrical Code of the National Board of Fire Underwriters, as supplemented, amended, and interpreted by the rules and regulations hereinbefore provided for in Section 9-4.06.

SEC. 9-4.09 APPROVED MATERIALS. When there are obtainable for any given purpose materials, fittings, devices, or appliances that have been examined by a properly qualified and authorized body and approved, listed, or labeled as conforming to the standards of the Underwriter's Laboratories, the United States Bureau of Standards, or other similar institution of recognized standing, then such materials, fittings, devices, or appliances shall be used in preference to others which have not been so examined and approved, listed, or labeled. The use of all materials, fittings, devices, and appliances shall in all cases be subject to the rules and regulations established under the provisions of this Chapter.

SEC. 9-4.10 DEFINITIONS. For the purposes of Section 9-4.11 to 9-4.28 (inclusive) of this Article, the following definitions shall apply: "Frame building" means a frame building as defined and intended in the Building Code of the City of Oakland. "Dwelling", "apartment house", and "hotel" means a dwelling, apartment house, or hotel as defined in the State Housing Act. The terms "wiring" and "electric" wiring" mean and include all fixed wiring for light, heat, or power purposes and all fixed wiring for other purposes which is in direct electrical connection with any light, heat, or power circuit, excepting wiring in or on a power station at substation controlled and operated by and located on the premises of, a power company or railway company.

SEC. 9-4.11 CONDUITS. PRECEDENCE OF NATIONAL ELECTRICAL CODE. All electric wiring hereafter installed in or on any building shall be installed in approved rigid metal conduit, except as otherwise provided in subsequent Sections of this Chapter; provided, that where any special requirement of this Chapter or of the aforesaid National Electrical Code expressly prescribes or prohibits any particular wiring method or methods for any special purpose, condition, or location (as, for example, for servicing certain motors, high-potential systems, theatres, hoistways, and hazardous locations), then such special requirement shall take precedence over any general exceptions or provisions of this Chapter in any point of apparent conflict or inconsistency therewith.

SEC. 9-4.12 FLEXIBLE METAL CONDUITS. Approved flexible metal conduit may be used as a substitute for rigid metal conduit or other wiring methods in buildings of any type or class of construction, subject to the following restrictions: (1) Unless the conductors contained therein are lead-covered, flexible metal conduit shall not be installed where exposed to the weather or otherwise exposed to excessive moisture, as in portions of such places as canneries, meat packing plants, dairies, and the public laundries, or where exposed to oil, corrosive vapors, or other substances that have a rapidly injurious effect on the conductors or their insulation. (2) Flexible metal conduit shall not be fished into any concealed space in which concealed knob and tube wiring is installed, unless it can first be definitely determined that the conduit will not come in contact with the existing knob and tube wiring or unless such existing wiring is permanently disconnected from all source of supply.

SEC. 9-4.13 ARMOURED CABLE CONDUITS. Subject to the restrictions hereinafter prescribed, approved armoured cable may be used as a substitute for rigid metal conduit or other wiring methods in the following places: (1) In frame buildings. (2) In existing buildings of other than frame construction where the cable is fished into concealed locations or used in wiring show windows, show cases, display cabinets, or similar store fixtures, or used in making approved under-plaster extensions to existing lighting or appliance branch circuits, or, by special permission, in other locations where the use of rigid conduit is impracticable.

SEC. 9-4.14 ARMOURED CABLE: INSTALLATION. The installation of armoured cable shall be subject to the following restrictions in and on all buildings: (1) Armoured cable shall not be installed where the voltage between any two conductors exceeds 300 volts or where the voltage between any conductor and ground exceeds 150 volts or where the surrounding temperature exceeds 120 degrees Fahrenheit. (2) Armoured cable shall not be fished into any concealed space in which concealed knob and tube wiring is installed, unless it can first be definitely determined that the cable will not come in contact with the existing knob and tube wiring or unless such existing wiring is permanently disconnected from all source of supply. (3) Armoured cable containing more than two conductors shall not be installed except in branch circuits.

SEC. 9-4.15 SURFACE METAL RACEWAY. Approved surface metal raceway may be used as a substitute for rigid metal conduit or other wiring methods in exposed dry locations in buildings of any type or class of construction; provided, that the use of surface metal raceway shall be subject to all restrictions prescribed in said National Electrical Code.

SEC. 9-4.16 CONCEALED KNOB AND TUBE WIRING. Subject to the restrictions hereinafter in this section prescribed, concealed knob and tube wiring may be used as a substitute for rigid metal conduit or other wiring methods in the following buildings: (1) Buildings used and intended to be used only as dwellings. (2) Frame buildings containing not more than two stories and basement and not used or intended to be used only as dwellings.

Concealed knob and tube wiring shall not be installed under conditions or for the purposes as follows in any building, including those hereinabove mentioned: (1) Where the size of the conductors exceeds No. 8 A.W.G. or where the voltage between any two conductors exceeds 300 volts or where the voltage between any conductor and ground exceeds 150 volts. (2) For service wiring, or for runs from service switches to meter locations, except as herein provided for single family frame dwellings. (3) For motors rated at one horse-power or more, or for feeders or circuits leading to exterior electric signs. (4) In unfinished spaces under buildings; provided, that in unfinished or unceiled basements or other spaces under those buildings in which concealed knob and tube wiring is permitted, open or concealed knob and tube work may be used for grounding conductors and also for short wiring runs (not exceeding 5 feet in length) leading between meter cabinet and wall above, provided such grounding conductors and short runs are adequately protected by location or otherwise from mechanical injury.

SEC. 9-4.17 METALLIC TUBING. Approved electrical metallic tubing may be used as a substitute for rigid metal conduit or other wiring methods for exposed or concealed work in buildings of any type or class of construction, subject to the following restrictions: (1) Electrical metallic tubing shall be installed only in dry locations where during installation or afterwards it will not be subject to severe mechanical injury nor to corrosive vapors; provided, that it may be buried in concrete or other masonry (excepting cinder concrete and cinder fill)if used only with approved water-tight fittings. (2) It shall not be used where the voltage between conductors or to ground exceeds 300 volts, unless the conductors are lead-covered. (3) It shall not be used in sizes larger than 2-inch, nominal trade size, nor for conductors larger than No. 6 A.W.G.

SEC. 9-4.18 UNDERFLOOR RACEWAY. Approved underfloor raceway may be used as a substitute for rigid metal conduit or other wiring methods in buildings of Class A or Class B, as respectively defined in the Building Code of the City of Oakland; provided, that the use of underfloor raceway shall be subject to all restrictions prescribed in said National Electrical Code.

SEC. 9-4.19 BARE BUS-BARS AND RISERS. By special permission obtained in writing and in advance from the Superintendent of the Electrical Department, approved bare bus-bars and risers may be used as substitutes for rigid metal conduit or other wiring methods in buildings of Class A or Class B, as respectively defined in the Building Code of the City of Oakland; provided, that the use of bare bus-bars and risers shall be subject to all restrictions prescribed in said National Electrical Code.

SEC. 9-4.20 METAL GUTTERS. Approved metal gutters may be used as a substitute for rigid metal conduit or other wiring methods for encasing conductors at distribution centers and meter locations and, by special permission, at other locations where the use of rigid conduit is impracticable.

SEC. 9-4.21 OPEN WIRING. Open wiring may be used as a substitute for rigid metal conduit or other wiring methods as follows: (1) Open wiring operating at not over 600 volts may be used for distinctly temporary purposes in building construction or other construction work, in experimental or emergency work, and in the wiring of exhibitions, fairs, and similar celebrations of a temporary nature; but all such temporary open wiring shall be promptly discontinued and removed upon expiration of the period of time for which it is temporarily approved. (2) By special permission obtained in advance, open wiring with suitable special insulation, enclosure, or protection may be installed in locations where corrosive spray, fumes, or vapors exist as in portions of some chemical works, metal refineries, and other industries. (3) Open knob and tube work may be used in unfinished attics and roof spaces of those buildings in which concealed knob and tube wiring is permitted and also for certain wiring in spaces under said buildings as provided in Section 9-4.15 of this Article, which open work shall be subject to the voltage limitations and other restrictions herein prescribed with respect to concealed knob and tube work.

SEC. 9-4.22 SERVICE WIRING. Anything to the contrary in this Chapter notwithstanding, all service wiring in or on any building shall be installed in approved rigid metal conduit or approved lead-covered and steel armoured cable; provided, that the Superintendent of the Electrical Department may permit the installation of concealed knob and tube service wiring in single-family frame dwellings.

SEC. 9-4.23 SERVICE OUTLETS. Service outlets for overhead services shall be located at least 18 feet above ground, height of building permitting, and shall be at or within one foot of the extreme end of building nearest the over-head supply line and in such position that service drops may be attached within approximately 18 inches thereof and maintain required clearances. All service conduit and conduit fittings installed on the exterior of any building shall be galvanized or sherardized. All services operating at more than 600 volts shall be run underground from supply line to building, except buildings used only as power stations or substations of power companies and railway companies.

SEC. 9-4.24 CHANGES, EXTENSIONS AND REPAIRS. (1) When making changes in or extensions to an existing concealed knob and tube installation, wires separately encased in continuous lengths of approved flexible tubing may be substituted for flexible metal conduit or other required wiring method when fished into a permanently dry concealed space in which knob and tube wiring is installed. (2) When making changes in or extensions to other existing installations, a wiring method of the same type as that of the existing installation may be substituted for the method otherwise required by this Chapter when such change or extension does not exceed 5 feet in length. (3) Underplaster extensions to existing lighting or appliance branch circuits may be installed under conditions and in manner as prescribed in the rules and regulations hereinbefore in this Chapter provided for. (4) When repairs to wiring are necessary on account of damage by fire, a wiring method of the same type as that of the existing installation may be substituted for the generally required method, provided the use of such existing wiring method will not result in the continuance of any unsafe or hazardous condition and provided such existing installation was lawfully installed.

SEC. 9-4.25 DECORATIVE LIGHTING. Wiring for temporary interior decorative lighting and for exterior decorative and festoon lighting may be installed under conditions and in manner as prescribed in the rules and regulations hereinbefore in this Chapter provided.

SEC. 9-4.26 CUTOUTS. In new installations, not more than two subfeeder or branch circuit cutouts shall be installed on the load side of any meter in any meter cabinet opening to the exterior of a building. For a larger number of cutouts, distribution center shall be provided at suitable location within the building.

SEC. 9-4.27 APARTMENT HOUSE AND HOTEL LIGHTING. Electricity or gas shall be used for the lights installed in apartment houses and hotels to comply with Section 66 of the State Housing Act, provided electricity or gas is available in the building.

Whenever any dwelling or apartment house hereafter constructed is wired for electric lighting and whenever any existing building is hereafter converted into an apartment house and wired for electric lighting, an approved concealed contact type plug receptacle shall be installed in each living room; parlor, dining room, and kitchen; provided, however, that this shall not apply to dwellings costing less than $1200.00, as evidenced by the building permit. If any such receptacle in a kitchen, dining room, bath room, laundry, breakfast room, or breakfast nook is connected to a branch lighting circuit, no additional plug receptacle shall be connected to such lighting circuit. So far as is reasonably practicable, all manually operated switches shall be of the safety type and all panelboards and substitutes therefor shall be of the protected type.

SEC. 9-4.28 TRANSFORMERS. No transformer operating at more than 600 volts shall be installed on the roof of any building (other than power stations and substations) unless installed in a transformer vault constructed in substantial compliance with the requirements of the National Electrical Code. No such transformer vault shall be constructed on the roof of any building until the Building Inspector shall have approved the structure of the building as being of sufficient strength to carry the additional weight of such vault and the equipment contained therein.

SEC. 9-4.29 WIRING IN DYE WORKS, GARAGES, ETC. In every dye works, in every clothes cleaning establishment, in every public garage irrespective of its size or capacity, and in every apartment house garage and private garage having sufficient floor area to permit the storage therein of more than two automobiles, irrespective of whether such floor area be in one or more rooms or compartments, all electric wiring hereafter installed including wiring in ceilings and in attics and roof spaces, if any, next thereover, shall be installed in approved *metal conduit or armoured cable*, except that wiring in rooms used only as offices or show rooms may be installed in approved metal raceway.

When any dye works, clothes cleaning establishment or public garage, or any other garage having floor area as above specified occupies a portion of a building, the foregoing requirements shall apply to all electric wiring hereafter installed in or under every portion of such building which is in or below the uppermost story thereof used as/or for the purpose of such dye works, clothes cleaning establishment, or garage and which is not entirely separated therefrom by tight unpierced fire walls and fireproof floors.

No building heretofore erected and not now used for a dye works, clothes cleaning establishment, or any type of garage, or hereafter erected for and used for some other purpose, shall hereafter be converted into or occupied for any such purpose until all the requirements hereinabove prescribed shall have been complied with.

SEC. 9-4.30 UNLAWFUL TO CAUSE OR ALLOW WORK TO BE DONE IN VIOLATION OF CODE OR REGULATIONS. It shall be unlawful for any person, either as owner, lessee, occupant, tenant, manager, agent, contractor, architect, engineer, electrician, or otherwise, to cause any electrical work to be unlawfully done without a permit or otherwise in any manner contrary to any provisions of this Code or of any Ordinance, or of the rules and regulations under this Chapter established; or knowingly to allow to be so unlawfully done any electrical work of which he shall be in charge or control, either as owner, lessee, occupant, tenant, manager, agent, contractor, architect, engineer, electrician, or otherwise.

ARTICLE 5.

ADMINISTRATION AND ENFORCEMENT.

SEC. 9-5.01 GENERAL POWERS OF ELECTRICAL DEPARTMENT WITH RESPECT TO ENFORCEMENT OF LAWS, ORDINANCES, ETC., CONCERNING ELECTRICAL WORK. The Electrical Department is hereby authorized and empowered, under the direction of the Superintendent thereof, to enforce all laws and ordinances and all lawful orders, rules, and regulations that are now or may hereafter be in effect with respect to the performance of electrical work and the construction, installation, protection, alteration, repair, operation, maintenance, and use of electrical equipment; to have and to exercise jurisdiction over and supervision of all electrical work and all electrical equipment insofar and to such an extent as may be necessary for the adequate enforcement of such laws, ordinances, orders, rules, and regulations; and to inspect and re-inspect any and all electrical work and electrical equipment at such times and as often as, in the discretion of the Superintendent of the Electrical Department, may be necessary to determine that such laws, ordinances, orders, rules, and regulations shall have been or are being complied with. All electrical equipment now existing, or that may hereafter be installed, shall be subject to such supervision inspection, and re-inspection.

SEC. 9-5.02 CONDEMNATION AND DISCONNECTION OF ELECTRICAL EQUIPMENT. Whenever the Electrical Department shall find any electrical equipment to have been unlawfully installed, changed, or altered, or to be operated or used in a manner or under conditions contrary to the provisions of this Chapter or of any ordinance, rule, or regulation thereto pertaining, or, in the judgment of the Superintendent of the Electrical Department, to be defective or unsafe or dangerous to person or property, the Superintendent of the Electrical Department shall have the authority and power, and he is hereby authorized and empowered, to condemn such unlawfully installed, changed, or altered, or unlawfully operated or used, or defective, unsafe, or dangerous electrical equipment and to prohibit the further use thereof until the said unlawful, defective, unsafe, or dangerous conditions with respect thereto shall have been remedied; and said Superintendent is likewise further authorized and empowered thereupon summarily to disconnect any such electrical equipment from its source of current supply and to place a seal upon such disconnected equipment, or to

disconnect the supply or service wires to the building or premises wherein or whereon such equipment is located and to place a seal thereon, or to order and require the person supplying electrical energy to such equipment to disconnect his supply or service wires and discontinue the supply of electrical energy to such equipment; or said Superintendent may give notice to the person owning or in charge or control of any such condemned electrical equipment directing that the unlawful, defective, unsafe, or dangerous conditions thereof or with respect thereto be remedied or removed within a period of time to be fixed in said notice, and any person who shall fail, neglect, or refuse to comply with any such notice within the time and in the manner therein specified, shall be subject to the penalty provided for violation of this Chapter. In any specific case, the Superintendent of the Electrical Department may take action in any or every manner hereinbefore authorized, as the circumstances and conditions of the case shall, in his discretion, warrant.

SEC. 9-5.03 NOTICE OF CONDEMNATION. Whenever the Electrical Department, pursuant to the provisions of Section 9-5.02 of this Article shall disconnect any electrical equipment, or order and require the same to be disconnected, a notice in writing, stating the reason for such disconnection, shall be given to the person owning or in charge or control of such electrical equipment, or shall be conspicuously posted on the premises whereon the said equipment is located; and whenever the Electrical Department shall likewise disconnect, or order and require the disconnection of, any supply or service wires, notice in writing, stating the reason for such disconnection, shall also be given to the person supplying electrical energy through such supply or service wires.

SEC. 9-5.04 SUPPLY TO BE DISCONNECTED WHEN SO ORDERED. It shall be unlawful for any person supplying electrical energy to any electrical equipment to fail, neglect, or refuse immediately to disconnect his supply or service wires and discontinue the supply of electrical energy to such electrical equipment when notified and directed so to do under and in accordance with the foregoing provisions of this Article.

SEC. 9-5.05 APPROVAL AFTER CORRECTION OF CONDEMNED EQUIPMENT. When any electrical equipment shall have been condemned and disconnected in accordance with the foregoing provisions of this Article, it shall thereafter be unlawful for any person to reconnect such electrical equipment to any source of electrical energy, or to cause it to be so reconnected, or to use any electrical current in, through, or by means of such electrical equipment, or to supply any electrical energy thereto, or to remove or break any seal placed thereon, until the unlawful, defective, unsafe, or dangerous conditions with respect to such electrical equipment shall have been remedied and the Electrical Department shall have inspected and approved the same.

SEC. 9-5.06 RIGHT OF ENTRY. Officials and Inspectors of the Electrical Department shall have the right, and they are hereby authorized and empowered, to enter or go upon any building or premises at any reasonable hour for the purpose of inspecting or witnessing the operation or use of any electrical equipment in, on, or about such building or premises, or for any other purposes in furtherance of the provisions of this Chapter; and they shall be given prompt access to any and all such electrical equipment upon application to the person owning or in charge or control of the same; provided, however, that the Inspector shall, upon request, exhibit a badge or other reasonable evidence of his identity and authority.

SEC. 9-5.07 UNLAWFUL TO INTERFERE WITH INSPECTOR. It shall be unlawful for any person in charge or control of any electrical equipment to refuse any Inspector access to such equipment; and it shall be unlawful for any person in any manner to hinder, molest, or interfere with any Inspector or other duly authorized representative of the Electrical Department in the performance of his lawful duties.

SEC. 9-5.08 NOTICES GIVEN HEREUNDER. Any notice which may, pursuant to any provision of this Chapter, be given by the Electrical Department, or by the Superintendent thereof, to any person holding any license or permit issued hereunder or to any person engaged in the distribution or sale of electrical energy, or to any other person, shall be deemed duly given when deposited in the U.S. Mail, postage prepaid, directed to the person for whom intended at the last known address of said person or at the address, if any, last registered by him with the Electrical Department.

SEC. 9-5.09 CITY NOT LIABLE. Nothing contained in this Chapter shall be construed to relieve from or lessen the responsibility or liability of any person for injury or damage to person or property caused by or resulting from any defect of any nature in any electrical work performed by said person or in any electrical equipment owned, controlled, installed, operated, or used by him; nor shall the City of Oakland, or any officer, agent, or employee thereof, incur or be held as assuming any liability by reason or in consequence of any license, permit, permission, certificate of inspection, inspection, or approval authorized in this Chapter or issued or given as in this Chapter provided, or by reason or in consequence of any things done or acts performed pursuant to any provision of this Chapter.

SEC. 9-5.10 VIOLATIONS A MISDEMEANOR. Any person whether acting as principal, agent, officer manager, superintendent, or in any other capacity, violating, disobeying, or refusing to comply with any provision or requirement of this Chapter or of the rules and regulations hereunder established, or knowingly inducing another so to do, shall be deemed guilty of a misdemeanor.

Adding Art. 6 Sept. 9 - O.M.C. - Regulating [illegible] etc.,
Secs. 9-6.01 - 9-6.12 incl.,
Ord. #2088 cms - 1/15/46

CHAPTER 10.
BUILDING CODE.

SEC. 10-1.01 The ordinances of the City of Oakland regulating building and buildings in the City of Oakland, and sometimes referred to herein as the Building Code, are not affected by this Code other than as may be specifically provided.

Adds by O. # Sec. 10-47.01 to 10-47.67 — Added by O. # 416 cms. Adv. Structures

Article 47 (Added By # 416 cms.)

Adv. Structures — (Sections 10-47.01 to 10-47.67 (Repealing) Ord # 2794 n.s cms 4831 n.s.) Repealed by 416 cms.

Sec. 10-47.41, 10-47.49, 10-47.55 } Amended by ord # 462 cms.
" 10-47.45 } Amd O. 682 cms. Marquise Signs.
" 10-47.38, " 10-47.54, " 10-47.56, " 10-47.57, " 10-47.58 } Adv Structures (Amended) O # 866 cms. May 17-1938
Amend by O #2419 cms 3/27/47

Sec. 10-47.131, 10-47.161, 10-47.271 } Add By Ord # 896 cms
Sec 10.47.38, 10.47.54, 10.47.56, 10.47.57, 10.47.58 } Add by Ord # 866 Cms. Adv St.
" 10.47.43, 10.47.431 } # 973 cms.

~~Ord #973~~

IN COUNCIL, OAKLAND, CAL., December 22, 1932.

PASSED BY THE FOLLOWING VOTE:

AYES—COUNCILMEN BEACH, FITZGERALD, GRESHAM, HOOVER, ~~NEWELL, SLAVICH~~ Miller, SMITH, YOAKUM AND ~~PRESIDENT MORCOM~~. Vice-President Slavich - 8.

NOES— None.

ABSENT— President Morcom - 1.

ATTEST: [signature]
Vice President of the Council and Mayor pro tempore of the City of Oakland, Cal

ATTEST: [signature]
CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLAND, CAL.

FORM O-3