Chapter 2.34 - IDENTIFICATION CARDS

Sections:

2.34.010 - Identification cards.

A. When requiring members of the public to provide identification, each city department shall accept as valid identification of the person a photo identification card issued by another country to its citizens or nationals, if the card meets the following requirements:

   1. The issuing country authorizes the use of the card as an alternative to a passport for re-entry into the issuing country; and

   2. The card has a photograph of the person and the person's date of birth; and

   3. The card meets standards established by the City Manager to ensure that (1) the applicant was required to provide reliable identifying information in order to obtain the card and (2) the card has features reasonably designed to protect against fraud and counterfeit reproduction.

B. The City Manager shall compile and make readily available to city departments a list of the identification cards and the issuing countries that the City Manager has determined meet the requirements of this section. Any city department and any member of the public may request the City Manager to review an identification card for compliance with the requirements of this section.

C. The City Manager may issue a waiver from the requirements of this section based on security considerations.

D. The requirements of this Section do not apply under circumstances where (1) a federal or state statute, administrative regulation or directive, or court decision requires the city to obtain different identification, (2) a federal or state statute or administrative regulation or directive preempts local regulation of identification requirements, or (3) the city would be unable to comply with a condition imposed by a funding source, which would cause the city to lose funds from that source.

E. Nothing in this section is intended to prohibit city departments from asking for additional information from individuals in order to verify a current address or other facts that would enable the department to fulfill responsibilities.

F. No city department is required to accept the identification required by this section if it has reasonable grounds for determining that the identification card provided by an individual is counterfeit, altered, improperly issued to the cardholder, or otherwise not accurate identification.

G. The head of each department shall issue appropriate notification and instruction to members of the department of the requirements of this section.

H. Where there is a conflict between this section and any provision of a city ordinance or implementing regulation in effect at the time that this section is approved, the provisions of this section shall prevail.

I. In undertaking the adoption and enforcement of this ordinance, the city is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Ord. 12403 § 1, 2002)

2.34.020 - Municipal identification cards—Definitions.

For purposes of Sections 2.34.020 through 2.34.090, the following definitions shall apply:

"City" shall mean the City of Oakland, or any department, board, commission or agency thereof.

"Municipal identification card" shall mean an identification card issued by the City that shall display, including but not limited to, the cardholder's name, photograph, address, date of birth, and an expiration date.

"Program Administrator" shall mean the City Clerk or such other City department or agency that the City Administrator may designate.

"Resident" shall mean a person who can demonstrate that he or she has been present in the City of Oakland for at least 15 continuous days and who presents "proof of residency" as specified in Subsection 2.34.040 A.2.

(Ord. No. 12937, § 2, 6-16-2009)

2.34.030 - Issuance and purpose of municipal identification cards.

A. Upon request, the Program Administrator shall issue a municipal identification card to any resident who meets the application requirements set forth below in Section 2.34.040 and pays the applicable fee. The card shall bear the seal of the City, and the Program Administrator shall cause the card to be produced in a form intended to thwart replication or counterfeiting. Cards shall be valid for a maximum of two years from the date of issuance as long as residence in the City is maintained during that time. Card holders shall surrender their municipal identification card upon moving residence out of the City.

B. It is the City's intent that municipal identification cards will provide residents with a means of proving their residency in the City, for the purpose of accessing City programs, services and activities, and providing identification to law enforcement.

(Ord. No. 12937, § 2, 6-16-2009)

2.34.040 - Applications.

A. To obtain a municipal identification card, a resident shall complete an application, under penalty of perjury, requiring proof of identity and proof of residence within the City. Upon receipt of both the proof of identity and residency that this section specifies, and the applicable fee, the Program Administrator shall issue a card to the applicant.

1. Proof of Identity. In order to establish identity, each applicant must present either:

    a. One of the following documents containing both the applicant's photograph and date of birth: a U.S. or foreign passport; a U.S. driver's license; a U.S. state identification card; a U.S. Permanent Resident Card (commonly known as a "green card"); a consular identification ("CID") card; or a photo identification card issued by another country to its citizens or nationals that meets the requirements of Subsection 2.34.010 A. Notwithstanding the above, if the applicant is 13 years of age or younger, he or she, as an alternative, may present a certified copy of a U.S. or foreign birth certificate to establish identity under this subsection; or

    b. Two of the following documents, provided that at least one form of identification shall display the applicant's photograph and date of birth: a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign military identification card; a current visa issued by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter; an identification card issued by a California educational institution, including elementary, middle, secondary, and post-secondary schools; a certified copy of a U.S. or foreign birth certificate; a court order issued by a state or federal court to verify a person's identity; or a Social Security card. Notwithstanding the above, where the applicant is aged 13 or under, he or she may in the alternative present an official medical record and/or official school record to establish identity under this subsection, provided that at least one of the two forms of identification presented shall display the applicant's date of birth.

2. Proof of Residency.

a. In order to establish residency, each applicant must present one of the following items, provided that the item includes both the applicant's name and a residential address located within the City: a utility bill dated within the last 30 days; a written verification issued by a homeless shelter that receives City funding confirming at least 15 days residency within the last 30 days; written verification issued by a hospital health clinic, or social services agency that receives City funding, confirming at least 15 days residency within the last 30 days; a local property tax statement or mortgage payment receipt dated within the last 30 days; a bank account statement dated within the last 30 days; proof of a minor currently enrolled in a City school; an employment pay stub dated within the last 30 days; a written ruling, order or notice from the Oakland Rent Adjustment Board dated within the last 30 days; a jury summons or court order issued by a state or federal court dated within the last 30 days; a federal or state income tax or refund statement dated within the last 30 days; or an insurance bill (homeowner's, renter's, health, life or automobile insurance) dated within the last 30 days. If a certified copy of a marriage certificate is presented at the time of application, an applicant may prove residency using documents bearing the name of his or her spouse.

b. The Program Administrator may by regulation provide that if an applicant is 13 years of age or younger, cannot produce any of the items set forth in this subsection A.2. to prove residency, a parent or legal guardian may verify the applicant's residency, provided that the parent or guardian himself or herself would be eligible for a municipal identification card.

3. The Program Administrator may by regulation provide for acceptance of additional forms of proof of identity and/or proof of residency, provided that the Program Administrator determines that such forms of proof are:

a. Issued by a governmental entity;

b. Issued by an entity that takes reasonable steps to verify the identity and/or residency of the individual to whom the item is issued; or

c. Of a type that is normally accepted as proof of identity and/or proof of residency in the ordinary course of business.

B. An application submitted on behalf of a minor must be completed by such minor's parent or legal guardian.

C. The City shall keep confidential to the maximum extent permitted by applicable laws, the name and other identifying information of persons applying for and receiving municipal identification cards. The City shall cause the applications to be produced in a form that allows applicants to state their privacy preferences. The City shall not retain records of applicants' residential addresses.

(Ord. No. 12937, § 2, 6-16-2009)

2.34.050 - Implementation.

The Program Administrator is authorized to adopt rules and regulations not inconsistent with this section, subject to approval as to form and legality by the City Attorney, in order to implement and administer the issuance of municipal identification cards. The City shall require applicants to declare the information provided in their applications under penalty of perjury.

(Ord. No. 12937, § 2, 6-16-2009)

2.34.060 - Fees.

The City shall charge a fee for each application submitted. Such fees shall not exceed the costs reasonably associated with the production of the cards and administration of the program. The Program Administrator shall, by regulation, provide for reduced application fees, up to and including complete waiver of the fee, for low-income applicants who present proof of income status in a form to be determined by the Program Administrator. The fee will be set and published in the master fee schedule.

(Ord. No. 12937, § 2, 6-16-2009)

2.34.070 - Acceptance by City departments.

A. When requiring members of the public to provide identification or proof of residency in the City, each City department shall accept a municipal identification card as valid identification and as valid proof of residency in the City, unless such City department has reasonable grounds for determining that the card is counterfeit, altered, or improperly issued to the card holder, or that the individual presenting the card is not the individual to whom it was issued.

B. Other than requiring the City to accept the card as proof of identification and City residency, this section is not intended to replace any other existing requirements for issuance of other forms of identification in connection with the administration of City benefits and services. The requirements of this section do not apply under circumstances where:

1. A federal or state statute, administrative regulation or directive, or court decision requires the City to obtain different identification or proof of residence;

2. A federal or state statute or administrative regulation or directive preempts local regulation of identification or residency requirements; or

3. The City would be unable to comply with a condition imposed by a funding source, which would cause the City to lose funds from that source.

(Ord. No. 12937, § 2, 6-16-2009)

2.34.080 - City undertaking limited to promotion of general welfare.

In undertaking the adoption and enforcement of this chapter, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Ord. No. 12937, § 2, 6-16-2009)

2.34.090 - Counterfeit and fraudulent cards.

It is a misdemeanor violation of this Code, as specified in Chapter 1.28, for any person or entity to do any of the following acts:

A. To knowingly present false information to the City in the course of applying for a municipal identification card.

B. To alter, copy, or replicate a municipal identification card without the authority of the City.

C. To use the municipal identification card issued to another person, with the intent to cause a third person or entity to believe the holder of the card is the person to whom the card was issued.

(Ord. No. 12937, § 2, 6-16-2009)