

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

04-1474

November 4, 2005

Office of the Mayor
Councilmember Zine
Department of Transportation
Board of Transportation Commissioners
City Administrative Officer
Chief Legislative Analyst
City Attorney

RE: AMENDING SECTIONS 80.69.1, 80.76.2 AND 89.60 OF CHAPTER VIII OF THE
LOS ANGELES MUNICIPAL CODE TO REGULATE THE PARKING OF UNHITCHED
TRAILERS IN THE CITY

At the meeting of the Council held October 11, 2005, the following action
was taken:

Attached report adopted.....	<u>X</u>
Ordinance adopted.....	<u>10-18-05</u>
Ordinance number.....	<u>177086</u>
Date posted.....	<u>11-01-05</u>
Effective date.....	<u>12-11-05</u>
Mayor concurred and approved.....	<u>10-31-05</u>

PLACE IN FILES

NOV 10 2005

DEPUTY

Frank T. Martinez

City Clerk

jr *FF*

2
11/9/05



OFFICE OF THE MAYOR
 RECEIVED
 Mayor's Time Stamp
 2005 OCT 21 AM 8:35
 CITY OF LOS ANGELES

TIME LIMIT FILES
 ORDINANCE

RECEIVED
 CITY CLERK'S OFFICE
 City Clerk's Time Stamp
 2005 OCT 21 AM 8:33
 CITY CLERK
 BY _____
 DEPUTY

COUNCIL FILE NUMBER 04-1474 COUNCIL DISTRICT _____ **OCT 31 2005**
 COUNCIL APPROVAL DATE October 18, 2005 LAST DAY FOR MAYOR TO ACT _____
 ORDINANCE TYPE: ___ Ord of Intent ___ Zoning ___ Personnel ___ General
 ___ Improvement xx LAMC ___ LAAC ___ CU or Var Appeals - CPC No. _____

SUBJECT MATTER: ORDINANCE AMENDING SECTIONS 80.69.1, 80.76.2 AND 89.60 OF CHAPTER VIII OF THE LOS ANGELES MUNICIPAL CODE TO REGULATE THE PARKING OF UNHITCHED TRAILERS IN THE CITY

	APPROVED	DISAPPROVED	BY
PLANNING COMMISSION	_____	_____	CITY CLERK DEPUTY
DIRECTOR OF PLANNING	_____	_____	
CITY ATTORNEY	<u>X</u>	_____	
CITY ADMINISTRATIVE OFFICER	_____	_____	
TRANSPORTATION COMMITTEE	<u>X</u>	_____	

RECEIVED
 CITY CLERK'S OFFICE
 2005 OCT 31 PM 4:29

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO: 10-31-05
 *VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b)(c)

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR OCT 31 2005 ORDINANCE NO. 177086
 DATE PUBLISHED _____ DATE POSTED NOV 01 2005 EFFECTIVE DATE DEC 1 1 2005
 ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____

ORDINANCE FOR DISTRIBUTION: Yes [] No []

NOV 02 2005

OFFICE OF THE MAYOR
Mayor's Time Stamp

2005 OCT 21 AM 8:36

CITY OF LOS ANGELES

RECEIVED
CITY CLERK'S OFFICE
City Clerk's Time Stamp

2005 OCT 21 AM 8:33

CITY CLERK

BY _____ DEPUTY

SUBJECT TO THE CONCURRENCE OF THE MAYOR

COUNCIL FILE NO. 04-1474

COUNCIL DISTRICT NO. _____

COUNCIL APPROVAL DATE October 11, 2005

RE: INCLUSION IN THE CITY'S LEGISLATIVE PROGRAM SPONSORSHIP AND/OR SUPPORT
OF STATE LEGISLATION TO ADDRESS HITCHED AND UNHITCHED TRAILERS

RECEIVED
CITY CLERK'S OFFICE
2005 OCT 31 PM 4:29
CITY CLERK
DEPUTY

OCT 31 2005

LAST DAY FOR MAYOR TO ACT _____
(10 Day Charter requirement as per Charter Section 231(h))

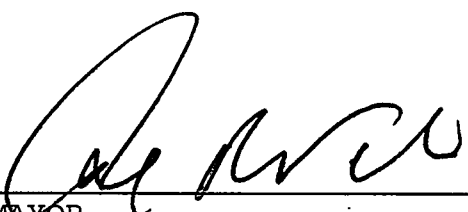
DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY

APPROVED

*DISAPPROVED

*Transmit objections in writing
pursuant to Charter Sec. 231(h)

DATE OF MAYOR APPROVAL OR DISAPPROVAL OCT 31 2005



MAYOR

ORDINANCE NO. 177086

An ordinance amending sections 80.69.1, 80.76.2, and 89.60 of Chapter VIII of the Los Angeles Municipal Code to regulate the parking of unhitched trailers in the City of Los Angeles.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 80.69.1 of Chapter VIII of the Los Angeles Municipal Code is amended to add a new subsection (c) to read as follows:

SEC. 80.69.1. PARKING OF TRAILERS AND SEMITRAILERS

(c) Notwithstanding the provisions of subsection (b) of this section, no person shall park or leave standing, when authorized signs are in place giving notice thereof, any unhitched trailer upon any major highway, secondary highway, or collector street in the City.

Sec. 2. Section 80.76.2 of the Los Angeles Municipal Code is amended to add the following in numerical order:

SEC. 80.76.2. CIVIL PENALTIES

SECTION DESCRIPTION

80.69.1 (c) PARKING UNHITCHED TRAILER

Sec. 3. Section 89.60 of the Los Angeles Municipal Code is amended to add the following tiered penalty provisions in numerical order:

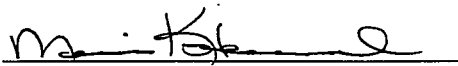
SEC. 89.60. AUTHORITY

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
80.69.1(c)	PARKING UNHITCHED TRAILER FOR FIRST VIOLATION	\$50	\$100	\$110
	FOR SECOND VIOLATION WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$75	\$150	\$160
	FOR THIRD AND SUBSEQUENT VIOLATIONS WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$105	\$210	\$220

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board at the Main Street entrance to Los Angeles City Hall; one copy on the bulletin board at the Main Street entrance to Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles of October 11, 2005, and was passed at its meeting of OCT 18 2005

FRANK T. MARTINEZ, City Clerk


By 
Deputy

Approved OCT 31 2005


Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
SHELLEY I. SMITH
Assistant City Attorney

Date 7/26/05

File No. 04-1474

AT #52896

DECLARATION OF POSTING ORDINANCE


I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 177086 - Amending Sections 80.69.1, 80.76.2 and 89.60 of Chapter VIII of the Los Angeles Municipal Code to regulate the parking of unhitched trailers in the City of Los Angeles - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on Oct. 18, 2005, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on Nov. 1, 2005, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) One copy on the bulletin board at the Main Street entrance to Los Angeles City Hall; 2) one copy on the bulletin board at the Main Street entrance to Los Angeles City Hall East; 3) one copy on the bulletin board at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on Nov. 1, 2005 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1st day of November 2005 at Los Angeles, California.



Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: Dec. 11, 2005 Council File No. 04-1474

16

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

TRANSPORTATION

COMMITTEE

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments	XX	

TRANSPORTATION COMMITTEE REPORT AND ORDINANCE relative to amending Chapter VIII of the Los Angeles Municipal Code (LAMC) to regulate the parking of unhitched trailers in the City.

Recommendations for Council action, pursuant to Motion (Zine - Villaraigosa) and SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE to amend Sections 80.69.1, 80.76.2 and 89.60 of Chapter VIII of the LAMC to regulate the parking of unhitched trailers in the City.
2. RESOLVE to include in the City's Legislative Program SPONSORSHIP and/or SUPPORT of State legislation to address hitched and unhitched trailers.
3. DIRECT the Department of Transportation (DOT) to develop administrative policies to provide exceptions to the Ordinance described above in Item No. 1 for film production conducted under City permit.

Fiscal Impact Statement: Neither the City Administrative Officer (CAO) nor the Chief Legislative Analyst (CLA) have completed a financial analysis of this report.

Summary:

On July 23, 2004 a Motion (Zine - Villaraigosa) was introduced relative to requesting that the City Attorney prepare and present an ordinance amending the appropriate portions of Section 80.69 through 80.75, and/or any other appropriate section of the LAMC to prohibit the parking of all types of trailers, as defined in the State vehicle code, on all major highway, secondary highway, collector street and on any local street within 100 feet of an intersection with a major highway, secondary highway or collector street. Additionally, the Motion also moved to exempt semi-trailers, as defined in State law, parked in manufacturing and commercial zones for the purpose of loading and unloading. Finally, the Motion also moved that said proposed ordinance will also amend LAMC Section 80.69.1, or any other appropriate code section, to permit the immediate impounding of semi-trailers parked on public streets in violation of such code section(s).

At its September 21, 2005 meeting, your Committee considered an August 4, 2005 City Attorney report and Ordinance to amend Chapter VIII of the LAMC to regulate the parking of unhitched trailers in the City. According to the City Attorney, in order to legally enforce this Ordinance, the City will have to follow fairly rigorous guidelines in respect to the sign posting requirements and that based on current court opinions, the City will have to post at least one sign on each block. The DOT then noted that the only signage standard in the State vehicle code is for street cleaning which specifies that there be at least one sign at the entrance to a block (i.e. motorists would have to pass this sign as they traveled into the block). The DOT proposes to use this standard in respect to posting signage regulating unhitched trailers parked on City streets. Finally, the DOT stated that the proposed Ordinance will allow the DOT to post signs in specific areas that have an identified

problem with parked unhitched trailers.

The Committee then noted that the signage standards, as described by the City Attorney and DOT, is an onerous burden because of the high volume of signs that would need to be posted and that it would be desirable to sponsor legislation at the State level to create a more liberal standard. The City Attorney also noted that in a recent State court case involving the City of Santa Barbara, the Court ruled that the City of Santa Barbara could regulate the parking of unhitched trailers but that it has to post enforcement signs and markings in such a way that people would have to view them, no matter from what direction they might approach a specific street. Finally, the City Attorney stated that while the State vehicle code expressly gives local jurisdictions the authority to enact rules and regulations in respect to parking but there are absolute signage and notice requirements.

Finally, the City Attorney stated that motor vehicles are regulated by the State vehicle code and as such, the vehicle code expressly preempts Cities' authority to regulate vehicles unless authority is explicitly given. Over the years, Cities have been successful in winning legislative initiatives to expand local authority to regulate vehicles and this is an area that the City should pursue further because it would make it easier to enforce ordinances such as the proposed unhitched vehicles Ordinance currently under consideration.

The Committee then expressed concern that the proposed unhitched trailer Ordinance would negatively impact film production because production companies often park unhitched trailers in neighborhoods in the course of film productions covered by City-issued permits. Specifically, the Committee questioned the City Attorney if there would be a way that an exception for film production being conducted under City permit could be written into the proposed Ordinance. In response, the City Attorney stated that this issue can be addressed through the development of administrative policy and enforcement.

After further consideration and having provided an opportunity for public comment, the Committee moved to recommend that Council present and adopt the Ordinance to Amend Chapter VIII of the LAMC, direct the DOT to formulate administrative policies to exempt film production from the provisions of the Ordinance and resolve to include in the City's Legislative Program sponsorship and/or support of State legislation to address the issue of hitched and unhitched trailers.

This matter is now forwarded to the Council for its consideration.

Respectfully submitted,

TRANSPORTATION COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
GREUEL:	YES
PARKS:	YES
SMITH:	YES

Report
ADOPTED

OCT 1 1 2005

Ordinance
ADOPTED

OCT 1 8 2005

ARL
#041474.wpd
9-26-05

LOS ANGELES CITY COUNCIL
Ordinance over One Week to October 18, 2005
Page 2 of 2

LOS ANGELES CITY COUNCIL

COUNCIL VOTE

Oct 18, 2005 10:26:13 AM, #2

Items for Which Public Hearings Have Been Held - Items 10-23
Voting on Item(s): 12, ~~14~~¹⁵-16, 18-20, 23
Roll Call

14 - Reconsidered

CARDENAS	Absent
GARCETTI	Yes
*GREUEL	Yes
HAHN	Yes
LABONGE	Yes
PARKS	Yes
PERRY	Yes
REYES	Yes
ROSENDAHL	Yes
SMITH	Yes
WEISS	Yes
ZINE	Yes
PADILLA	Absent
VACANT	Absent
VACANT	Absent

Present: 11, Yes: 11 No: 0

COUNCIL ROLL CALL

ITEM(S) # 22

- Noticed Pub Hrg
- Pub Hrg Held
- Pub Hrg Not Held

- CLOSED SESSION
- Beginning
- Reconvene

COMMUNICATION(S) ORD(S)
1st/2nd

COMMITTEE REPORT(S) *Mayor*

CITY ENGR/B&S REPORT(S)

TRACT MAP(S) # _____ CD _____

PARCEL MAP(S) # _____ CD _____

WITHDRAWN FROM AGENDA
REFERRED TO:

MOTION AMENDING SUBSTITUTE

CONTINUED TO:

10 VOTES TO CONSIDER: PUB HRG
CLOSED

ITEM(S) # 22

COMMENTS
Five-unhitched trailers

	YES	NO
CARDENAS.....		
GARCETTI.....		
<i>5</i> GREUEL.....		
HAHN.....		
LABONGE.....		
PARKS.....		
PERRY.....		
REYES.....		
ROSENDAHL.....		
SMITH.....		
WEISS.....		
<i>4</i> ZINE.....		
PRES. PADILLA.....		
TOTALS.....	10	-

U.V. ADOPTED FAILED

FORTHWITH TO MAYOR

ORD OVER DATE: 10-18

OCT 11 2005

TRANSPORTATION COMMITTEE
SUGGESTED NOTIFICATION OF COUNCIL ACTION

Council File No. 04-1474

- Petitioner/Communicant _____
- Council Member(s) 3 _____
- Board of Transportation Commissioners
- Office of the Mayor (w/o file)
- City Administrative Officer (CAO)
- Chief Legislative Analyst (CLA)
- Los Angeles County Metropolitan Transportation Authority
- City Attorney (~~w/ Bluesheet~~) (w/o Bluesheet)
- Controller
- Department of Transportation (DOT)
- DOT _____
- _____
- _____
- _____
- _____
- _____



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R05-0279
AUG 0 4 2005

REPORT RE:

**A DRAFT ORDINANCE AMENDING CHAPTER VIII OF THE LOS ANGELES
MUNICIPAL CODE TO REGULATE THE PARKING
OF UNHITCHED TRAILERS IN THE CITY OF LOS ANGELES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 04-1474

Honorable Members:

Transmitted herewith, approved as to form and legality, is an ordinance adding a new subsection (c) to Section 80.69.1, and amending Sections 80.76.2 and 89.60 of the Los Angeles Municipal Code, to regulate the parking of unhitched trailers on certain streets in the City of Los Angeles. A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Transportation, and all comments have been incorporated into the ordinance.

Should you have any questions, please contact Assistant City Attorney Shelley I. Smith at (213) 978-8147. Either she or another member of this office will be available when you consider this matter and to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By

DAVID MICHAELSON
Chief Assistant City Attorney

AUG 0 5 2005

TRANSPORTATION

DM:SIS:sa
Transmittal


AT #52896



041474

RECEIVED
CITY CLERK'S OFFICE

2005 AUG -5 AM 11:06

CITY CLERK
BY:  DEPUTY

11:06 AM
AUG 5 2005

ORDINANCE NO. _____

An ordinance amending sections 80.69.1, 80.76.2, and 89.60 of Chapter VIII of the Los Angeles Municipal Code to regulate the parking of unhitched trailers in the City of Los Angeles.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 80.69.1 of Chapter VIII of the Los Angeles Municipal Code is amended to add a new subsection (c) to read as follows:

SEC. 80.69.1. PARKING OF TRAILERS AND SEMITRAILERS

(c) Notwithstanding the provisions of subsection (b) of this section, no person shall park or leave standing, when authorized signs are in place giving notice thereof, any unhitched trailer upon any major highway, secondary highway, or collector street in the City.

Sec. 2. Section 80.76.2 of the Los Angeles Municipal Code is amended to add the following in numerical order:

SEC. 80.76.2. CIVIL PENALTIES

SECTION DESCRIPTION

80.69.1 (c) PARKING UNHITCHED TRAILER

Sec. 3. Section 89.60 of the Los Angeles Municipal Code is amended to add the following tiered penalty provisions in numerical order:

SEC. 89.60. AUTHORITY

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
80.69.1(c)	PARKING UNHITCHED TRAILER FOR FIRST VIOLATION	\$50	\$100	\$110
	FOR SECOND VIOLATION WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$75	\$150	\$160
	FOR THIRD AND SUBSEQUENT VIOLATIONS WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$105	\$210	\$220

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk


By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By  _____
SHENLEY I. SMITH
Assistant City Attorney

Date 7/26/05 _____

File No. 04-1474

AT #52896

[Back](#)[Edit](#)**File Number**

04-1474

Last Changed Date

08/05/2005

Title

PROBLEM OF PARKED TRAILERS ON STREETS

Initiated by

Zine Mover 2004 / Villaraigosa

Subject

Motion - The growing proliferation of trailers of all kinds including, but not limited to, semi truck trailers, recreational trailers, advertising trailers and others, parked and detached on public streets is reaching the crisis stage. Across the City, unsightly trailers are creating near blight conditions, are easy targets for vandals and block driver's sight-lines creating a serious traffic safety hazard.

The California Vehicle Code, section 22507 provides for local authorities to regulate and restrict the parking of non-motorized vehicles on public streets. However, a state court decision (Superior Court No. 1112384) ruled that this section of state law did not extend such authority to local jurisdictions. In response the City sponsored legislation in Sacramento (AB 1798-Levine) which upon approval would restore such power to local authorities.

The Court of Appeal of the State of California, Second Appellate District in Santa Barbara, recently overturned this ruling, restoring the authority to regulate and restrict parking on public streets to the local jurisdictions. (2d Civil No. B169316).

Clearly Los Angeles needs to address the growing problem of parked trailers on its streets. THEREFORE MOVE, that the City Attorney be requested to prepare and present an ordinance amending the appropriate portions of section 80.69 through 80.75, and / or any other appropriate section, of the Los Angeles Municipal Code, to prohibit the parking of all types of trailers, as defined in the state vehicle code, on all major highway, secondary highway, collector street and on any local street within 100 feet of an intersection with a major highway, secondary highway, collector street.

FURTHER MOVE that semi-trailers, as defined in state law, parked in manufacturing and commercial zones for the purposes of loading and unloading be exempted in the proposed ordinance.

FURTHER MOVE that the proposed ordinance also amend section 80.69.1, or any other appropriate code section, to permit the immediate impounding of semi-trailers parked on public streets in violation of such code section(s).

Council District**Date Received**

07/23/2004

File History

7-23-04 - This day's Council session

7-23-04 - Ref to Transportation Committee

7-23-04 - File to Transportation Committee Clerk

8-5-05 - For ref - Communication from the City Attorney R05-0279, dated August 4, 2005, relative to an ordinance amending Chapter VIII of the Los Angeles Municipal Code to regulate the parking of unhitched trailers in the City of Los Angeles.

Back	Edit
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JUL 23 2004

TRANSPORTATION

MOTION

The growing proliferation of trailers of all kinds including, but not limited to, semi truck trailers, recreational trailers, advertizing trailers and others, parked and detached on public streets is reaching the crisis stage. Across the City, unsightly trailers are creating near blight conditions, are easy targets for vandals and block driver's sight-lines creating a serious traffic safety hazard.

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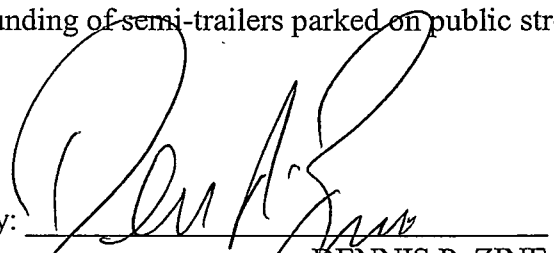
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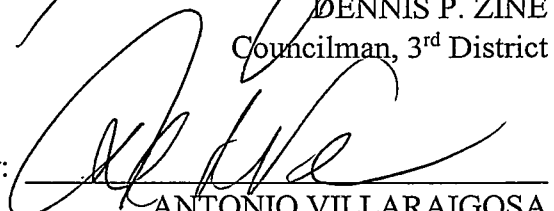
I FURTHER MOVE that the proposed ordinance also amend section 80.69.1, or any other appropriate code section, to permit the immediate impounding of semi-trailers parked on public streets in violation of such code section(s).

Presented by:



DENNIS P. ZINE
Councilman, 3rd District

Seconded by:



ANTONIO VILLARAIGOSA
Councilmember, 14th District

AP

July 23, 2004