

CITY OF LOS ANGELES

CALIFORNIA



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

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>

Frank T. Martinez

City Clerk
jr



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TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

TRANSPORTATION

COMMITTEE

reports as follows:

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

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

Report
ADOPTED

OCT 11 2005

Ordinance
ADOPTED

OCT 18 2005

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

ARL
#041474.wpd
9-26-05

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