

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

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

06-2688

Office of the
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CLAUDIA M. DUNN
Chief, Council and Public Services Division
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May 17, 2007

City Administrative Officer
Chief Legislative Analyst
City Attorney (w/blue sheet)
Department of Transportation
Board of Transportation Commissioners
Bureau of Street Services

Los Angeles Bicycle Coalition
634 S. Spring Street #821
Los Angeles, CA 90014

RE: ESTABLISHING CIVIL PENALTIES FOR BLOCKING BIKE LANES AND VIOLATING OVERNIGHT
AND OVERHEIGHT PARKING RESTRICTIONS

At the meeting of the Council held MAY 2, 2007, the following action was taken:

Attached report adopted	_____
Attached motion (-) adopted	_____
Attached resolution adopted	_____
FORTHWITH	_____
Motion adopted to approve communication recommendation(s)	X _____
Ordinance adopted	X _____
Ordinance number	178794 _____
Publication date	05/21/07 _____
Effective date	06/21/07 _____
Mayor approved	05/14/07 _____

City Clerk
vdw



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COMMUNICATION

File No. 06-2688

TO: LOS ANGELES CITY COUNCIL

**FROM: WENDY GREUEL, CHAIR
TRANSPORTATION COMMITTEE**

COMMUNICATION FROM THE CHAIR AND MEMBER, TRANSPORTATION COMMITTEE AND ORDINANCE relative to establishing civil penalties for blocking bike lanes and violating overnight and overheight parking restrictions.

Recommendations for Council action, **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. **FIND** that there is an urgent need to adopt an Ordinance establishing civil penalties for blocking bike paths and lanes in violation of California Vehicle Code (CVC) Section 21211(b), parking vehicles over six feet in height within 100 feet of an intersection in violation of Los Angeles Municipal Code (LAMC) Section 80.69(d), and parking vehicles without permits in Overnight Parking Districts (OPD) in violation of LAMC Section 80.54, in the interest of traffic safety and the deterrence of public nuisances.
2. **PRESENT** and **ADOPT** the accompanying **ORDINANCE**, subject to City Attorney approval as to form and legality, amending Sections 80.76 and 89.60 of Chapter VIII of the LAMC to add LAMC Section 80.54 to the list of civil penalties and establish penalty provisions for violation of LAMC Section 80.54, LAMC Section 80.69(d), and CVC Section 21211(b).
3. **NOT PRESENT** and **ORDER FILED** the accompanying **ORDINANCE** amending Sections 80.76 and 89.60 of Chapter VIII of the LAMC to add LAMC Section 80.54 to the list of civil penalties and establish penalty provisions for violation of LAMC Section 80.54, LAMC Section 80.69(d), and CVC Section 21211(b).
4. **DIRECT** the City Clerk to publish the accompanying **ORDINANCE**, as described above in Recommendation No. 2, in some daily newspaper printed and published in the City of Los Angeles.
5. **DIRECT** the Department of Transportation (DOT) to report to Council with an implementation strategy for enforcing the laws applicable to blocking bike paths and bike lanes.

Fiscal Impact Statement: The DOT reports that adoption of the proposed Ordinance will establish civil penalties for parking violations of CVC Section 21211(b) and LAMC Sections 80.54 and 80.69(d). Once the Ordinance is in effect, the City may gain additional General Fund revenue from the issuance of parking citations to violators of these three parking prohibitions.

Summary:

On April 2, 2007, the Chair and one member of the Transportation Committee considered a March 21, 2007 DOT report relative to amending the LAMC to add a section establishing civil penalties

for blocking bike lanes and violating overnight and overheight parking restrictions. According to the DOT, on November 22, 2006 Council directed the DOT to report to Council on the need to amend the LAMC to add a section that would explicitly prohibit a motor vehicle from parking in a bike lane in the City. DOT staff reviewed the LAMC and CVC and determined that CVC Section 21211(b) already prohibits parking throughout the State of California of any vehicle "...upon any bikeway..., which impedes or blocks the normal and reasonable movement of any bicyclists unless the placement or parking is necessary for safe operation or otherwise in compliance with the law."

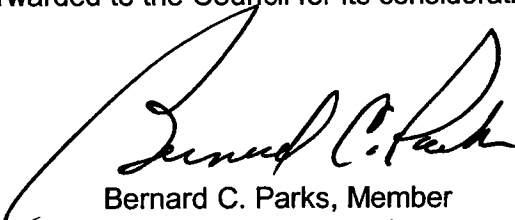
LAMC Section 89.60 establishes a schedule for civil parking penalties for the violation of any regulation governing the standing or parking of a vehicle under the CVC, any Federal statute, and provisions of the LAMC or the Los Angeles Administrative Code (LAAC). Although the schedule of civil penalties does not include an amount for violation of CVC Section 21211(b), LAMC Section 89.60 stated that "any federal, state or local standing or parking regulation constituting a violation for which no provision is made in this schedule shall have a fine of \$40 and with the late penalty of \$80."

Additionally, the DOT stated the in the process of reviewing the LAMC with regard to penalties for blocking bike lanes, DOT staff discovered that civil penalties had never been established for parking vehicles over six feet in height within 100 feet of an intersection in violation of LAMC Section 80.69(d) and for parking vehicles without permits in OPDs in violation of LAMC Section 80.54.

After further consideration and having provided an opportunity for public comment, the Committee Chair moved to recommend amending the LAMC establishing civil penalties for blocking bike lanes and violating overnight and overheight parking restrictions. Additionally, the Committee Chair moved to amend the proposed Ordinance to expanding its scope to also including penalties for blocking bike paths. Finally, the Committee Chair moved to recommend directing the DOT to report back to Council with an implementation plan for enforcing the prohibitions against parking in bike lanes and bike paths. This matter is now forwarded to the Council for its consideration.

Respectfully submitted,


Wendy Greuel, Chair
Transportation Committee


Bernard C. Parks, Member
Transportation Committee

ADOPTED
MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS
MAY 02 2007

LOS ANGELES CITY COUNCIL
ORD. ADOPTED

<u>MEMBER</u>	<u>VOTE</u>
GREUEL:	YES
PARKS:	YES
LABONGE:	ABSENT
WESSON:	ABSENT
ROSENDAHL:	ABSENT

ARL
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4/3/07

ORDINANCE NO. 178794

An ordinance adding amending Sections 80.76.2 and 89.60 of Chapter VIII of the Los Angeles Municipal Code to add Section 80.54 (regarding various vehicular parking matters) to the list of civil penalties and to establish penalty provisions applicable to Sections 80.54, 80.69(d), and California Vehicle Code Section 21211(b).

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

Section 1. 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

80.54(h)1 OVERNIGHT PARKING WITHOUT PERMIT

Sec. 2. 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

LOS ANGELES MUNICIPAL CODE

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
80.54(h)1	OVERNIGHT PARKING WITHOUT PERMIT	\$45	\$90	\$100
80.69(d)	PARKING OF VEHICLES MORE THAN SIX FEET HIGH	\$35	\$70	\$80

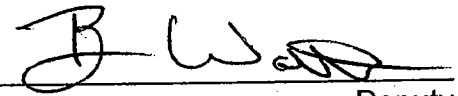
CALIFORNIA VEHICLE CODE

21211(b)	BLOCKING A BIKE PATH OR BIKE LANE	\$70	\$140	\$150
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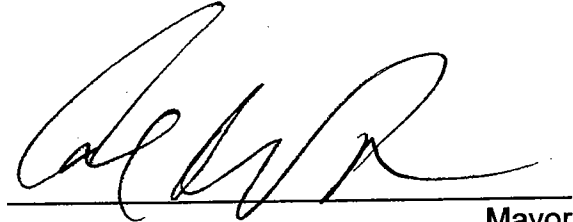
Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the 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 this ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAY 02 2007

FRANK T. MARTINEZ, City Clerk

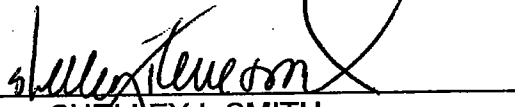
By 
Deputy

Approved MAY 14 2007


Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
SHELLEY I. SMITH
Assistant City Attorney

Date 4/10/07

File No. CF 06-2688