

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: March 21, 2007

To: The Honorable City Council
c/o City Clerk, Room 395, City Hall
Attention: Honorable Wendy Greuel, Chair, Transportation Committee

From: Gloria J. Jeff, General Manager
Department of Transportation



Subject: **ORDINANCE ESTABLISHING CIVIL PENALTIES FOR BLOCKING BIKE LANES AND VIOLATING OVERNIGHT AND OVERHEIGHT PARKING RESTRICTIONS, C.F. NO. 06-2688**

RECOMMENDATIONS

That the City Council:

1. FIND that there is an urgent need to adopt an ordinance establishing civil penalties for blocking bike lanes in violation of California Vehicle Code Section 21211(b), parking vehicles over six feet in height within 100 feet of an intersection in violation of LAMC Section 80.69(d), and parking vehicles without permits in Overnight Parking Districts in violation of Los Angeles Municipal Code (LAMC) Section 80.54, in the interest of traffic safety and the deterrence of public nuisances.
2. ADOPT the attached draft ORDINANCE, subject to City Attorney approval as to form and legality, amending Sections 80.76.2 and 89.60 of Chapter VIII of the Los Angeles Municipal Code 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 California Vehicle Code Section 21211(b).
3. DIRECT the City Clerk to publish the attached ordinance, once approved by the City Attorney as to form and legality, in some daily newspaper printed and published in the City of Los Angeles.

ORDINANCE _____

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 to the list of civil penalties and establish penalty provisions for violation of Section 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 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 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 _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By _____
SHELLEY I. SMITH
Assistant City Attorney

Date _____

File No. _____

DISCUSSION

On November 22, 2006, the Council adopted a motion (Greuel/LaBonge, CF No. 06-2688) directing the Department of Transportation (DOT) to report to the Council on the need to amend the Los Angeles Municipal Code (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 California Vehicle Code (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 bicyclist unless the placement or parking is necessary for safe operation or is otherwise in compliance with the law". LAMC Section 89.60 establishes a schedule of civil parking penalties for the violation of any regulation governing the standing or parking of a vehicle under the California Vehicle Code, any Federal statute, and provisions of the Los Angeles Municipal Code or of the Los Angeles Administrative Code. Although the schedule of civil penalties does not include an amount for violation of CVC Section 21211(b), LAMC Section 89.60 states 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 late penalty of \$80".

CVC Section 21211(b) makes it a violation of State law to park blocking a bike lane, and LAMC Section 89.60 establishes a default civil penalty of \$40 for each violation of CVC Section 21211(b). However, DOT staff has concluded that explicitly including CVC Section 21211(b) in the schedule of civil parking penalties and increasing the penalty amount will aid both in enforcement and achieving compliance with the law. Since the traffic safety consequences of parking blocking a bike lane is similar to blocking a regular traffic lane in violation of LAMC 80.69(a), the Department recommends that the civil penalty for violation of CVC Section 21211(b) also be established at \$70.

Civil Penalties for Other Parking Violations

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 Overnight Parking Districts in violation of Los Angeles Municipal Code (LAMC) Section 80.54. The Department has prepared a draft of a recommended ordinance (copy attached) establishing a new civil penalty for violation of CVC Section 21211(b) and correcting the oversights relative to the civil penalties for violations of LAMC Sections 80.54 and 80.69(d). The draft of the proposed ordinance attached to this report is currently being processed for approval as to form and legality by the City Attorney's Office.

FISCAL IMPACT STATEMENT

Adoption of the attached 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 form the issuance of parking citations to violators of these three parking prohibitions.

AEW:

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Attachment