



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R09-0055

FEB 11 2009

REPORT RE:

**A DRAFT ORDINANCE ADDING A NEW SECTION 80.58.1 TO AND OTHERWISE
AMENDING CHAPTER 8 OF THE LOS ANGELES MUNICIPAL CODE TO
AUTHORIZE AND ESTABLISH A CAR SHARE VEHICLE PROGRAM
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

Honorable Members:

This office has prepared and now transmits, approved as to form and legality, an ordinance adding a new Section 80.58.1 and amending Sections 80.76.2 and 89.60 of Chapter VIII of the Los Angeles Municipal Code to authorize and establish a Car Share Vehicle Program in the City of Los Angeles. The draft ordinance is presented in response to the Council's on-going support for such a program and in response to the enactment by the California State Legislature of California Vehicle Code Section 22507.1, at the City's behest, which now provides the legislative authorization for local car share vehicle programs. The Department of Transportation has reviewed and approved the proposed draft, thus fulfilling the requirements of Council Rule 38.

Should you have any questions, please contact Assistant City Attorney Shelley I. Smith at (213) 978-8147. 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

DM:SIS:fa
Transmittal

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ORDINANCE NO. _____

An ordinance adding a new Section 80.58.1 and amending Sections 80.76.2 and 89.60 of Chapter VIII of the Los Angeles Municipal Code to authorize the designation of certain streets or portions of streets for the exclusive parking privilege of motor vehicles participating in a car share vehicle program, to authorize the issuance of permits that allow vehicles participating in a city's car share vehicle program to park in the exclusive designated parking areas, and to authorize the removal of vehicles parked in violation of restrictions posted pursuant to this ordinance.

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

Section 1. Division L of Chapter VIII of the Los Angeles Municipal Code is amended to add a new section 80.58.1 to read:

SEC. 80.58.1. PARKING OF CARSHARE VEHICLES.

(a) **Definitions:** For the purpose of this Section, the following words and phrases are defined and shall be construed as hereinafter set out, unless it shall be apparent from the context that they have a different meaning:

1. A Carshare Vehicle shall mean a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

2. The City's Carshare Program shall mean a program whereby the Department of Transportation designates parking spaces for the exclusive use of vehicles displaying Department-issued Carshare Permits.

3. A Carshare Permit shall mean a permit issued by the Department of Transportation to a Carshare Vehicle meeting the requirements of this section, which exempts the vehicle from the parking restrictions posted pursuant to this section.

4. An Eligible Carshare Organization shall mean a public or private company or organization satisfying the criteria of this section.

(b) **Designation of Spaces:** The Department of Transportation is hereby authorized to designate streets, or portions thereof, upon which parking is reserved for the exclusive use of City-permitted Carshare Vehicles. No person shall park, when authorized signs are in place giving notice thereof, any vehicle or motor vehicle in a place designated for the exclusive parking of motor vehicles participating in the City's Carshare Program. Only vehicles that have a properly displayed, City-issued Carshare Permit are exempt from this restriction.

Sec. 4. Section 89.60 of the Los Angeles Municipal Code is amended to add the following penalty provisions in numerical order:

SEC. 89.60 AUTHORITY

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
80.58.1	CARSHARE PARKING	\$50	\$100	\$110

(c) **Eligibility Criteria for Carshare Organizations:** Participation in the City's Carshare Program is limited to carshare companies or organizations that meet the following criteria:

1. Vehicle reservations are processed and paid for using an online system.
2. Carshare vehicles can be accessed where they are parked without having to go to a different physical location to execute a contract and/or pick up the keys.
3. The Carshare Organization was selected as part of a competitive process.

(d) **Vehicle Requirements:** Carshare Vehicles participating in the City's Carshare Program shall not be more than 72 inches in height.

(e) **Issuance of Permits:** The Department of Transportation is hereby authorized to issue Carshare Permits to qualifying vehicles of Eligible Carshare Organizations participating in the City's Carshare Program.

(f) **Posting of Carshare Vehicle Parking Spaces:** Upon Department of Transportation designation of streets or portions of streets to be reserved for the exclusive parking of Carshare Vehicles, the Department shall cause appropriate signs to be erected in said streets, indicating prominently thereon the parking limitation and stating that motor vehicles with valid permits shall be exempt from the restrictions. The Department is further authorized to include notice, on any sign installed pursuant to this section, that vehicles left standing in violation of such sign may be removed. The provisions of this section shall not apply until signs or markings giving adequate notice thereof are in place.

Sec. 2. This ordinance shall remain in effect only until midnight on December 31, 2010, and as of that date is repealed.

Sec. 3. 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

80.58.1 CARSHARE PARKING

Sec. 5. 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 _____.

KAREN E. KALFAYAN, 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 1/23/09 _____

File No. _____