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CITY ATTORNEY

REPORT NO. R 1 3 - 0 2 7 1
SEP 1 2 2013

REPORT RE:

DRAFT ORDINANCE AMENDING SECTION 80.69.4 OF THE LOS ANGELES MUNICIPAL CODE TO ALLOW THE CITY COUNCIL TO AUTHORIZE BY RESOLUTION THE STREETS UPON WHICH THE PARKING OF OVERSIZE VEHICLES SHALL BE RESTRICTED BETWEEN 2:00 A.M. AND 6:00 A.M.

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

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Section 80.69.4 of the Los Angeles Municipal Code to allow Council to authorize by resolution, instead of by ordinance, the streets upon which the parking of oversized vehicles shall be restricted between 2:00 a.m. and 6:00 a.m.

If you have any questions regarding this matter, please contact Deputy City Attorney Michael D. Nagle at (213) 978-8141. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:MDN:fa
Transmittal

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ORDINANCE NO. _____

An ordinance amending Section 80.69.4 of the Los Angeles Municipal Code to allow City Council to authorize by resolution, instead of by ordinance, the streets upon which the parking of oversize vehicles shall be restricted between 2:00 a.m. and 6:00 a.m.

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

Section 1. Section 80.69.4 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 80.69.4. PARKING OF OVERSIZE VEHICLES.

(a) No person shall stop, stand or park, when authorized signs are in place giving notice of the restriction, any oversize vehicle, defined as a motor vehicle in excess of 22 feet in length or over 84 inches in height, between 2:00 a.m. and 6:00 a.m. The registered owner of the oversize vehicle or other person having control of the oversize vehicle shall also be in violation of this section if he or she has knowledge that the oversize vehicle had been so parked and the person parking had the express or implied permission to operate the oversize vehicle.

(b) Oversize vehicle restricted areas or streets may be established in either of the following manners:

(1) The Council may authorize, by resolution, the streets upon which the parking of oversize vehicles shall be restricted between 2:00 a.m. and 6:00 a.m., except for those oversize vehicles displaying a valid permit issued pursuant to the provisions of Subsection (c) of this section. Upon Council action designating streets with oversize vehicles parking restrictions, the Department of Transportation shall cause appropriate signs to be erected in those streets, indicating the parking limitation prominently on the sign and stating that motor vehicles with valid permits shall be exempt from the restrictions.

(2) A Councilmember representing the district in which fewer than six street segments are impacted by the unrestricted parking of oversize vehicles may request the Department of Transportation to investigate and make a determination whether or not the parking of oversize vehicles on those street segments between 2:00 a.m. and 6:00 a.m. is adversely impacting the visibility of oncoming traffic, creating constrictions in the traveled way, or substantially reducing the availability of parking for residents and businesses. For the purpose of this section, a street segment consists of both sides of a street between two adjacent intersecting streets. To make this request, the Councilmember shall send a letter to the Department of Transportation identifying the street segments to be included in the restricted area, the reasons for the request, and verifying

receipt of petitions showing support for the restriction by a substantial number of affected community residents.

Upon receiving a written request from a Councilmember pursuant to this subdivision, the Department of Transportation shall conduct an investigation to determine whether or not the parking of oversize vehicles between 2:00 a.m. and 6:00 a.m. on the designated street segments is adversely impacting the visibility of oncoming traffic, creating constrictions in the traveled way, or substantially reducing the availability of parking for residents and businesses. In making its determination, the Department shall consider all relevant factors, including without limitation, the location of driveways relative to parked oversize vehicles, the width of oversize vehicles when compared to other parked vehicles, the existing availability of parking, the impact the oversize vehicles are having on parking availability for residents and businesses, the effectiveness of restricting oversize vehicle parking in alleviating any adverse impact on the visibility of oncoming traffic, constrictions of the traveled way and reduced parking supply, and whether signs may be erected on the street segments in a manner that provides adequate notice of the restriction. The Department of Transportation shall report the results of its investigation and determination to the City Council. The City Council may, by resolution authorize the street segments upon which the parking of oversize vehicles shall be restricted between 2:00 a.m. and 6:00 a.m., except for those oversize vehicles displaying a valid permit issued pursuant to the provisions of Subsection (c) of this section. Upon Council action designating street segments with oversize vehicle parking restrictions, the Department of Transportation shall cause appropriate signs to be erected in those street segments, indicating the parking limitation prominently on the sign and stating that motor vehicles with valid permits shall be exempt from the restrictions.

(c) Notwithstanding the above, the parking of oversize vehicles, as defined in Subsection (a) of this section, shall be allowed in areas established pursuant to the provisions of Subsection (b) of this section, provided that the oversize vehicle properly displays a valid permit that was issued in advance by the Department of Transportation. The permit shall be issued for a fee of \$10.00 per day and for a period not to exceed three consecutive days. The use of this permit shall be limited to the purchasing resident's street segment, or adjacent street segment if authorized by the Department. A permit issued pursuant to this subsection shall not guarantee or reserve to the holder an on-street parking space.

Sec. 2. 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 _____.

HOLLY L. WOLCOTT, Interim City Clerk


By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
MICHAEL D. NAGLE
Deputy City Attorney

Date 9/11/2013

File No. _____