

ORDINANCE NO. _____

An ordinance adding a new Section 80.73.3 to Chapter VIII, Division N of the Los Angeles Municipal Code to prohibit the selling, leasing, reserving or facilitating the reserving of any street, way, alley, highway, road, parkway, parking space or other public space in the City of Los Angeles without written authorization from the City.

The City finds and declares the following:

WHEREAS, the use of mobile technology has increased in recent years and is now widely used for everyday transactions, including parking transactions;

WHEREAS, the City welcomes the use of innovative technology to improve residents' and visitors' experiences in using public ways in the City;

WHEREAS, the Los Angeles Department of Transportation and the Los Angeles Police Department have the authority to regulate street traffic and movement, stopping or standing of vehicles on, and their exclusion from, any and all public ways, including parking spaces, under the control of the City;

WHEREAS, the City must ensure that all residents and visitors have equal and fair access to the use of public ways; and

WHEREAS, the City has determined that the selling, leasing, reserving or facilitating the reserving of any portion of the public ways, including parking spaces, under the City's control by any person or entity not authorized by the City could impede such equal and fair access.

NOW, THEREFORE,

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

Section 1. A new Section 80.73.3 is added to Chapter VIII, Division N of the Los Angeles Municipal Code to read as follows:

**SEC. 80.73.3. SELLING, LEASING, RESERVING OR FACILITATING THE
RESERVING OF PUBLIC WAYS – PROHIBITED.**

No person or entity other than the City of Los Angeles and any of its departments or designees shall have the authority to sell, lease, reserve or facilitate the reserving of any street, way, alley, highway, road, parkway, parking space or other public space in the City of Los Angeles without written authorization from the City. For purposes of this section, a parking space is an area not exceeding 22 feet in length that accommodates parking for one vehicle. Each attempt to sell, lease, reserve or facilitate the reserving of a parking space, or the completion of the transaction, on any street, section of a street

or other public ways set forth in this section shall constitute a separate and distinct violation of this section.

(a) **Penalties.** Any person violating this section shall be subject to the following penalties:

1. **First violation.** A first violation of this section shall be an infraction punishable by a fine in the amount of \$250.

2. **Second and subsequent violations.** A second violation and all subsequent violations shall be subject to the provisions of Section 11.00 of the Los Angeles Municipal Code, including prosecution as an infraction punishable by a fine in the amount of \$500, or prosecution as a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

3. **Violations.** The following constitutes a violation for purposes of this section: a conviction for violation of this section, a conviction under Penal Code Section 853.7 for failure to appear in court to contest a citation for violations of this section, or a forfeiture of bail.

4. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of this section is committed, continued or permitted by that person, and shall be punishable accordingly.

(b) **Severability.** If any subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

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, 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 1/5/2015

File No. _____