



OFFICE OF THE CITY ATTORNEY

ROCKARD J. DELGADILLO

CITY ATTORNEY

REPORT NO. R 0 6 - 0 1 3 1

MAY 0 5 2006

REPORT RE:

AN ORDINANCE AMENDING CHAPTER VIII, SECTION 80.73.2, OF THE LOS ANGELES MUNICIPAL CODE CONCERNING THE PARKING OF VEHICLES ON CITY STREETS FOR LONGER THAN 72 CONSECUTIVE HOURS

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 amending Los Angeles Municipal Code Section 80.73.2, concerning the parking of vehicles on City streets for longer than 72 consecutive hours.

The proposed amendment arises as a result of a recent federal court decision in the case of *Lone Star Security & Video v. City of Los Angeles*, Case No. CV 03-5346, in which the court ruled that Los Angeles Municipal Code Section 80.73.2 is, in part, was inconsistent with California Vehicle Code section 22651 (k), which enables the City to enforce its 72-hour restrictions. The court instructed the City to amend the local statute to conform to the state law. The attached draft ordinance ensures that the local statute exactly replicates the language of the California Vehicle Code.

The Los Angeles City Department of Transportation and the Los Angeles Police Department each have been forwarded copies of the attached draft ordinance, pursuant to Council Rule 38 and we have requested that they respectively transmit any comments directly to you when this ordinance is considered.

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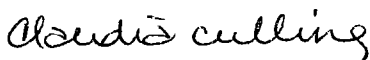
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If you have any questions, please contact Assistant City Attorney Shelley I. Smith at 213-978-8147. Either she or another member of this Office will be available when you consider this matter to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By 
CLAUDIA CULLING
Special Counsel – Municipal

SIS

M:GC:Shelley Smith:Rep re LAMC 80.73.2 & Lone Star

ORDINANCE NO _____

An ordinance amending Los Angeles Municipal Code Section 80.73.2 to prohibit the parking of vehicles on City streets for 72 consecutive hours or longer.

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

Section 1. Section 80.73.2 of the Los Angeles Municipal Code is amended to read:

**SEC. 80.73.2. USE OF STREET FOR STORAGE OF
VEHICLES – GENERALLY -- WHEN PROHIBITED.**

It shall be unlawful for any person who owns or who has possession, custody or control of any vehicle to park that vehicle or leave it standing upon any highway, street or alley for 72 or more consecutive hours.

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 _____.

FRANK T. MARTINEZ, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By Shelley I Smith
SHELLEY I SMITH
Assistant City Attorney

Date 5/5/06

File No. _____

M:GC:SS:LAMC 80.73.2 Ord