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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R10-0413

REPORT RE:

DEC 01 2010

**A FISCAL YEAR 2010-11 DRAFT ORDINANCE AMENDING SECTION 89.60,
CHAPTER VIII, DIVISION W OF THE LOS ANGELES MUNICIPAL CODE TO
UPDATE THE CIVIL PARKING PENALTIES APPLICABLE TO PARKING
VIOLATIONS IN THE CITY OF LOS ANGELES BY AN ADDITIONAL \$3 TO OFF-SET
THE SURCHARGE IMPOSED BY THE STATE RESULTING FROM THE PASSAGE
OF STATE SENATE BILL 857**

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

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the attached draft ordinance approved as to form and legality. The draft ordinance would amend in its entirety Section 89.60, Chapter VIII, Division W, of the Los Angeles Municipal Code (LAMC) to update the civil parking penalties applicable to parking violations in the City of Los Angeles. The draft ordinance will add an additional \$3 to all parking fines to off-set the \$3 parking surcharge imposed by the State of California resulting from the passage of State Senate Bill 857. The exact language of the bill is as follows:

This bill would provide, commencing 60 days after the enactment of the Budget Act of 2010, and until July 1, 2013, that for each parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of \$3 shall be included in

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the total penalty, fine or forfeiture, as specified. This bill would require the county treasurer to transmit the penalty to the Treasurer for deposit in the Trial Court Trust Fund, as specified.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Rule 38, to the Office of the Mayor, the City Administrative Officer, and the General Manager of the Department of Transportation, asking that they make any comments that they may have directly to you when you consider this matter.

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

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:MN:lee
Transmittal

ORDINANCE NO. _____

An Ordinance amending Section 89.60, Chapter VIII, Division W of the Los Angeles Municipal Code in its entirety to increase fines and late penalty fees imposed for violation of any regulation governing the standing or parking of a vehicle under the California Vehicle Code or other State law, Federal law, and the provisions of the Los Angeles Municipal Code and the Los Angeles Administrative Code.

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

Section 1. Section 89.60, Chapter VIII, Division W of the Los Angeles Municipal Section is amended in its entirety to read as follows:

SEC. 89.60. AUTHORITY.

Pursuant to the authority of State law, a schedule of civil parking penalties is hereby established for the violation of any regulation governing the standing or parking of a vehicle under the California Vehicle Code or other State law, any Federal law, and provisions of the Los Angeles Municipal Code or of the Los Angeles Administrative Code. The following fines and late payment penalties are hereby established:

LOS ANGELES MUNICIPAL CODE

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
80.25(b)	PARKING NEAR EMERGENCY VEH.	\$58	\$116	\$141
80.49	WRONG SIDE/NOT PARALLEL - OVER 18" FROM CURB	\$58	\$116	\$141
80.51(a)	PARKING ON LEFT SIDE OF ROADWAY	\$53	\$106	\$131
80.53	PARKING WITHIN A PARKWAY	\$58	\$116	\$141
80.54(h)1	OVERNIGHT PARKING WITHOUT PERMIT	\$63	\$126	\$151
80.55(a)1	HAZARDOUS AREA	\$53	\$106	\$131
80.55(a)2	30 FEET OF INTERSECTION – BUSINESS DISTRICT	\$53	\$106	\$131
80.55(a)3	25 FEET CROSSWALK	\$53	\$106	\$131
80.56(e)1.	PASSENGER ZONE (WHITE)	\$53	\$106	\$131
80.56(e)2.	LOADING ZONE (YELLOW)	\$53	\$106	\$131
80.56(e)3.	SHORT TIME LIMIT ZONE (GREEN)	\$53	\$106	\$131

80.56(e)4	NO STOPPING ZONE (RED)	\$88	\$176	\$201
80.58(l)	PREFERENTIAL PARKING	\$63	\$126	\$151
80.58.1	CARSHARE PARKING	\$63	\$126	\$151
80.61	ALLEY - STANDING IN	\$63	\$126	\$151
80.66.1(d)	RESTRICTED ZONES	\$63	\$126	\$151
80.69(a)	STOPPING OR STANDING PROHIBITED	\$88	\$176	\$201
80.69(b)	PARKING PROHIBITED/STREET CLEANING	\$68	\$136	\$161
80.69(c)	PARKING TIME LIMITS	\$53	\$106	\$131
80.69(d)	PARKING OF VEHICLES MORE THAN SIX FEET HIGH	\$53	\$106	\$131
80.69.1(a)	PARKING TRAILER - VEHICLE CAPABLE OF TOWING	\$73	\$146	\$171
80.69.1(c)	UNHITCHED TRAILER:			
	FOR FIRST VIOLATION	\$73	\$146	\$171
	FOR SECOND VIOLATION WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$98	\$196	\$221
	FOR THIRD AND SUBSEQUENT VIOLATIONS WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$128	\$256	\$281
80.69.2	COMMERCIAL VEHICLE AND TRAILERS PARKED IN RESIDENTIAL AREA:			
	FOR FIRST VIOLATION	\$73	\$146	\$171
	FOR SECOND VIOLATION WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$98	\$196	\$221
	FOR THIRD AND SUBSEQUENT VIOLATIONS WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$128	\$256	\$281
80.69.4	PARKING OF OVERSIZE VEHICLES:			
	FOR FIRST VIOLATION	\$68	\$136	\$161
	FOR SECOND VIOLATION WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$93	\$186	\$211

	FOR THIRD AND SUBSEQUENT VIOLATIONS WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$123	\$246	\$271
80.70	PARKING IN ANTI-GRIDLOCK ZONE	\$158	\$316	\$341
80.71.3	PARKING IN FRONT YARD:			
	FOR FIRST VIOLATION	\$63	\$126	\$151
	FOR SECOND VIOLATION WITHIN ONE YEAR OF FIRST VIOLATION	\$88	\$176	\$201
	FOR THIRD AND SUBSEQUENT VIOLATIONS WITHIN ONE YEAR OF FIRST VIOLATION	\$138	\$276	\$301
80.71.4	PARKING ON PRIVATE DRIVEWAY OR PROPERTY	\$63	\$126	\$151
80.72	PARKING ON RED FLAG DAY	\$63	\$126	\$151
80.72.5	PARKING ON PRIVATE STREET	\$88	\$176	\$201
80.73(a)	PEDDLING VEHICLES	\$63	\$126	\$151
80.73(b)2.A. (3), (4), (5)	CATERING VIOLATION - DISTANCE LIMITATIONS	\$63	\$126	\$151
80.73(b)2.F.	CATERING VIOLATION - TIME LIMITS:			
	FOR FIRST VIOLATION	\$68	\$136	\$161
	FOR SECOND VIOLATION WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$118	\$236	\$261
	FOR THIRD AND SUBSEQUENT VIOLATIONS WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$168	\$336	\$361
80.73(d)	"FOR HIRE" WITHOUT PERMIT	\$63	\$126	\$151
80.73(f)	VIOLATING PROVISIONS OF PERMIT TO PARK	\$63	\$126	\$151
80.73.1	STORING VEHICLES IN THE STREET	\$88	\$176	\$201
80.73.2	USE OF STREET FOR STORAGE OF VEHICLES	\$63	\$126	\$151
80.74	CLEANING VEHICLE IN STREET	\$48	\$96	\$121
80.75.1	AUDIBLE STATUS INDICATOR	\$53	\$106	\$131
85.01	REPAIRING VEHICLE IN STREET	\$48	\$96	\$121
87.54	ADVERTISING PROHIBITED - OTHER PARKED VEHICLE	\$88	\$176	\$201

88.03(a)	PARKING OUTSIDE SPACE INDICATED	\$53	\$106	\$131
88.13(a)	METER - FAILURE TO PAY	\$58	\$116	\$141
88.13(b)	OVERTIME USE OF METER SPACE	\$58	\$116	\$141
88.53	OFF-STREET PARKING OUTSIDE SPACE INDICATED	\$53	\$106	\$131
88.63(a)	OFF-STREET METER - FAILURE TO PAY	\$53	\$106	\$131
88.63(b)	OFF-STREET OVERTIME USE OF METER SPACE	\$53	\$106	\$131
88.64(a)	FAILURE TO OBEY OFF-STREET PARKING SIGNS	\$58	\$116	\$141
88.64(b)	OFF-STREET PARKING - TIME LIMITS	\$58	\$116	\$141

LOS ANGELES MUNICIPAL CODE- AIRPORTS

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
89.35.5(a)	FAILURE TO PAY METER	\$58	\$116	\$141
89.35.5(b)	FAILURE TO REMOVE VEHICLE WHEN METER EXPIRES	\$58	\$116	\$141
89.35.5(c)	OVERTIME USE OF METER SPACE	\$58	\$116	\$141
89.36	NO STOPPING - RED CURB	\$88	\$176	\$201
89.37	PARKING AT GREEN CURB	\$53	\$106	\$131
89.38	PARKING AT YELLOW CURB	\$53	\$106	\$131
89.39	PARKING AT WHITE CURB	\$53	\$106	\$131
89.39.1(a)	STOPPING OR STANDING PROHIBITED	\$88	\$176	\$201
89.39.1(b)	PARKING PROHIBITED	\$63	\$126	\$151
89.39.1(c)	PARKING TIME LIMITS	\$53	\$106	\$131
89.39.2	PARKING RESTRICTED TO HOTEL-MOTEL VEHICLES	\$53	\$106	\$131
89.40(a)	PARKING OUTSIDE PAINTED LINES	\$53	\$106	\$131
89.40(b)	USING MORE THAN ONE SPACE	\$53	\$106	\$131
89.42	PARALLEL PARKING - RIGHT WHEELS 18" FROM CURB	\$58	\$116	\$141

89.43	PARKING IN CROSSWALK	\$63	\$126	\$151
89.44(c)	VIOLATION OF EMERGENCY RULES OR SIGNS	\$53	\$106	\$131
89.45	PARKING "FOR HIRE" VEHICLES	\$53	\$106	\$131
89.46	PARKING RESTRICTED TO "FOR HIRE" VEHICLES	\$53	\$106	\$131
171.04(c)	RESTRICTED/PRIVATE PARKING AREA	\$88	\$176	\$201
171.04(h)	LOADING/UNLOADING ONLY	\$88	\$176	\$201

LOS ANGELES MUNICIPAL CODE- HARBOR

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
87.02	NO PARKING NEAR FIRE HYDRANT	\$63	\$126	\$151
87.03	PARALLEL PARKING REQUIRED	\$53	\$106	\$131
87.04	PARKING TIME LIMITED - SPECIFIED STREETS	\$53	\$106	\$131
87.05	PARKING PROHIBITED - SPECIFIED STREETS	\$63	\$126	\$151
87.06	PARKING PROHIBITED - CERTAIN STREETS	\$63	\$126	\$151
87.09(a)	WITHIN 6 FEET OF RAILROAD TRACK	\$58	\$116	\$141
87.09(b)	NO PARKING OR STANDING - POSTED AREAS	\$88	\$176	\$201
87.09(c)	EXCESS OF TIME LIMIT	\$53	\$106	\$131
87.09(d)	LOADING ZONES	\$53	\$106	\$131
87.09(e)	TEMPORARY NO PARKING	\$63	\$126	\$151
87.09(h)	PARKING IN MORE THAN ONE ALLOCATED SPACE	\$53	\$106	\$131
87.09(k)	PARKING OTHER THAN BETWEEN PAINTED LINES	\$53	\$106	\$131
87.11	RECREATION VEHICLE OVERNIGHT	\$88	\$176	\$201

LOS ANGELES MUNICIPAL CODE– PARKS

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
63.44 k.2.	NO PARKING BETWEEN POSTED HOURS	\$63	\$126	\$151
63.44 k.7.	NO PARKING EXCEPT WITHIN STALLS – PARKING SLOT	\$53	\$106	\$131
63.44 k.8.	SIGNS POSTED - NO PARKING	\$63	\$126	\$151
86.03	PARKING IN PROHIBITED AREA	\$63	\$126	\$151
86.06	NO PARKING OTHER THAN POSTED AREA	\$53	\$106	\$131

CALIFORNIA VEHICLE CODE

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
4000(a)(1)	NO EVIDENCE OF CURRENT REGISTRATION	\$50	\$135	\$145
4152.5	FAILURE TO APPLY FOR REGISTRATION – FOREIGN VEHICLE	\$25	\$66	\$76
4454(a)	FAILURE TO MAINTAIN REGISTRATION CARD WITH VEHICLE	\$25	\$66	\$76
4462(b)	REGISTRATION PRESENTED FOR WRONG VEHICLE	\$25	\$66	\$76
5200	LICENSE PLATE DISPLAY SPECIFIED	\$25	\$66	\$76
5201	PLATES IMPROPERLY POSITIONED	\$25	\$66	\$76
5202	PERIOD OF DISPLAY OF PLATE SPECIFIED	\$25	\$66	\$76
5204(a)	CURRENT TAB IMPROPERLY ATTACHED	\$25	\$66	\$76
21113(a)	UNLAWFUL DRIVING OR PARKING ON PUBLIC GROUNDS	\$58	\$116	\$141
21210	BICYCLE PARKED - IMPEDING PEDESTRIAN TRAFFIC PROHIBITED	\$48	\$96	\$121

21211(b)	BLOCKING A BIKE PATH OR BIKE LANE	\$88	\$176	\$201
22500(a)	PARKING WITHIN INTERSECTION	\$63	\$126	\$151
22500(b)	PARKING ON CROSSWALK	\$63	\$126	\$151
22500(c)	PARKING/SAFETY ZONE AND CURB	\$63	\$126	\$151
22500(d)	PARKING FIRE STATION ENTRANCE	\$63	\$126	\$151
22500(e)	BLOCKING DRIVEWAY	\$63	\$126	\$151
22500(f)	PARKING ON SIDEWALK	\$63	\$126	\$151
22500(g)	PARKING ALONG EXCAVATION	\$63	\$126	\$151
22500(h)	DOUBLE PARKING	\$63	\$126	\$151
22500(i)	PARKING IN BUS ZONE	\$288	\$371	\$396
22500(j)	PARKING IN TUNNEL	\$63	\$126	\$151
22500(k)	PARKING ON BRIDGE	\$63	\$126	\$151
22500(l)	BLOCKING DISABLED ACCESS RAMP	\$353	\$386	\$411
22500.1	STOPPING IN DESIGNATED FIRE LANE	\$58	\$116	\$141
22502(a)	PARKING 18" FROM CURB	\$58	\$116	\$141
22502(e)	CURB PARKING ONE-WAY ROADWAY	\$58	\$116	\$141
22504(a)	UNINCORPORATED AREA STOPPING	\$58	\$116	\$141
22505(b)	UNAUTHORIZED STOPPING ON STATE HIGHWAY PROHIBITED	\$58	\$116	\$141
22507.8(a)	*HANDICAPPED PARKING ON STREET	\$353	\$386	\$411
22507.8(b)	*HANDICAPPED PARKING OFF-STREET	\$353	\$386	\$411
22507.8(c)	HANDICAPPED PARKING BOUNDARIES	\$353	\$386	\$411
22510	PARKING IN SNOW REMOVAL AREAS	\$58	\$116	\$141
22511.56(b)	MISUSE OF DISABLED PERSON PARKING PRIVILEGES	\$353	\$386	\$411
22513(b)(c)	TOW CARS - PARKING ON FREEWAY RESTRICTED	\$58	\$116	\$141
22514	FIRE HYDRANTS	\$63	\$126	\$151
22515	UNATTENDED VEHICLE	\$58	\$116	\$141
22520.5(a)	VENDING ON FREEWAY RIGHT-OF-WAY PROHIBITED	\$58	\$116	\$141
22520.6(a)	UNAUTHORIZED ACTIVITIES AT HIGHWAY REST AREA/VISTA POINT PROHIBITED	\$58	\$116	\$141

22521	PARKING ON RAILROAD TRACKS	\$58	\$116	\$141
22522	PARKING NEAR SIDEWALK ACCESS RAMP	\$353	\$386	\$411
22523(a)(b)	VEHICLE ABANDONMENT PROHIBITED	\$138	\$276	\$301
22526	BLOCKING INTERSECTION OR RAIL TRANSIT CROSSING (GRIDLOCK) PROHIBITED			
	FOR FIRST VIOLATION	\$88	\$176	\$201
	FOR SECOND VIOLATION WITHIN ONE YEAR OF FIRST VIOLATION	\$138	\$276	\$301
	FOR THIRD AND SUBSEQUENT VIOLATIONS WITHIN TWO YEARS OF FIRST VIOLATION	\$353	\$386	\$411
22951	PARKING LOT - STREET AND ALLEY PARKING	\$58	\$116	\$141
23333	VEHICULAR CROSSING - UNAUTHORIZED STOPPING OR STANDING	\$58	\$116	\$141
25300(b)(c)(e)	WARNING DEVICE ON DISABLED VEHICLES SPECIFIED	\$25	\$66	\$76
31303(d)	PARKING HAZARDOUS WASTE CARRIER IN RESIDENTIAL AREA	\$378	\$566	\$591

* Citation may be cancelled with proof of valid placard per CVC § 40226 and payment of a \$25 administrative fee.

CALIFORNIA CODE OF REGULATION– TITLE 14

DEPARTMENT OF PARKS AND RECREATION

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
4326	VIOLATION OF POSTED ORDERS	\$63	\$126	\$151

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 \$58 and with late penalty of \$116 and a second late payment penalty of \$141.

The parking fines and late payment penalties listed here for a section shall apply to all unlisted subsections.

A parking fine shall be increased by a late payment penalty if payment is received more than 14 days from the mailing date of a notice of delinquent parking violation. For the purposes of this schedule, the penalties are added to the original fine and included under the "fine with late penalty" amounts listed above.

The second late payment penalty will be applied only if payment is received more than 58 days from the date of issuance. For purposes of this schedule, the second penalty is added to the fine with penalty amount.

Any surcharges or assessments, including any penalties or other fees, mandated by State law for a violation and not included in the fine and late penalties shall be added to the fine for the violation.

A parking fee shall be increased by the current DMV charge when a hold vehicle registration renewal is placed with the Department of Motor Vehicles.

A parking fine shall be increased by the amount of the fee that is charged to the City upon assignment as a delinquent account for Special Collection processing and/or if the City assigns to an outside collection agency or independent third party collectors.

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 _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
MICHAEL NAGLE
Deputy City Attorney iv

Date 11/30/2010

File No. _____