



AGENDA REPORT

Meeting Date: September 20, 2016

Item Number: D-6

To: Honorable Mayor & City Council

From: Laurence S. Wiener, City Attorney

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING HEAVY VEHICLES AND AMENDING THE DEFINITION OF LIMOUSINE

Attachments: 1. Ordinance

RECOMMENDATION

It is recommended that the City Council move to waive the full reading and adopt the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING HEAVY VEHICLES AND AMENDING THE DEFINITION OF LIMOUSINE."

INTRODUCTION

At its meeting of September 6, 2016, the City Council conducted a first reading of this ordinance and introduced it.

DISCUSSION

This ordinance will amend the Municipal Code to provide for an exemption from the street vehicle weight limits for passenger stage corporations whose certificate from the California Public Utilities Commission specifically provides for travel on the streets with weight limits. This change will be more in line with the language in the California Vehicle Code. The Municipal Code will also be amended to reinstate Wilshire Boulevard as a street designated for heavy vehicle usage.

The ordinance will also amend the City's definition of "Limousine" to include "sport utility vehicles", which will mirror the California Vehicle Code definition: "A motor propelled sedan or sport utility vehicle of either standard or extended length, with a lawful seating capacity of not more than ten (10) passengers, including the driver, and used in the transportation of passengers for hire on a prearranged basis." The definition of Limousine is not intended to

apply to Transportation Network Companies such as Uber and Lyft. This area of law is still developing and the California Public Utilities Code has now defined a "Transportation Network Company" as "an organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity operating in California that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers using a personal vehicle." If in the future, parking restrictions applying to Limousines are also to be imposed upon Transportation Network Companies, staff recommends amending the Municipal Code so that it is clear that such parking restrictions apply to Transportation Network Companies.

FISCAL IMPACT

The ordinance will have no significant budget or fiscal impacts to the City.



Laurence S. Wiener, City Attorney

Attachment 1

ORDINANCE NO. 16-O-_____

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL
CODE REGARDING HEAVY VEHICLES AND
AMENDING THE DEFINITION OF LIMOUSINE**

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. The city council hereby amends and restates Section 7-2-201 (“HEAVY VEHICLES RESTRICTED TO CERTAIN STREETS”) of the Beverly Hills Municipal Code to read as follows:

7-2-201: HEAVY VEHICLES RESTRICTED TO CERTAIN STREETS:

A. No person shall operate any vehicle having a gross weight, including the vehicle and its load, of three (3) tons or more on any street in the city except on those streets designated in section 7-2-203 of this article or unless authorized by permit issued pursuant to subsection 8-2-3D of this code.

B. The provisions of subsection A of this section shall not apply to the following:

1. Any passenger stage corporation, regulated by sections 1031 through 1046 of the California Public Utilities Code, whose certificate from the California Public Utilities Commission specifically provides for travel on the streets prohibited by subsection A;
2. Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility;
3. Any vehicle operated by the city, or any employee thereof, in the course of regular or official city business;
4. Any vehicle of the military or naval forces of the United States or the duly authorized militia of the state in the proper performance of their duties.

Section 2. The city council hereby amends subsection A of Section 7-2-203 (“STREETS DESIGNATED FOR HEAVY VEHICLE USAGE”) of the Beverly Hills Municipal Code to add Wilshire Boulevard to the list of streets designated for use by vehicles having a gross weight, including the vehicle and its load, of three (3) tons or more.

Section 3. The city council hereby amends and restates the definition of "LIMOUSINE" contained in Section 7-2-206 ("DEFINITIONS") of the Beverly Hills Municipal Code as follows.

7-2-206: DEFINITIONS:

LIMOUSINE: A motor propelled sedan or sport utility vehicle of either standard or extended length, with a lawful seating capacity of not more than ten (10) passengers, including the driver, and used in the transportation of passengers for hire on a prearranged basis.

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the city within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the city Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this city.

Section 6. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

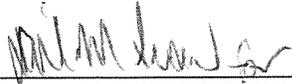
Adopted:
Effective:

JOHN A. MIRISCH
Mayor of the City of Beverly Hills

ATTEST:

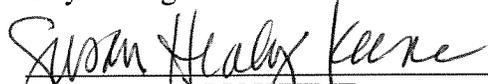
(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

MAHDI ALUZRI
City Manager


SUSAN HEALY KEENE
Director of Community Development