



## AGENDA REPORT

**Meeting Date:** August 31, 2010  
**Item Number:** E-1  
**To:** Honorable Mayor & City Council  
**From:** Chad Lynn, Director of Parking Operations   
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO INCLUDE THE ISSUANCE, PAYMENT AND ADJUDICATION OF ADMINISTRATIVE VIOLATIONS FOR TAXICAB AND VALET PARKING PERMIT ENFORCEMENT

**Attachments:** 1. Ordinance

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### RECOMMENDATION

Staff recommends that the City Council move to waive full reading of the ordinance and that the ordinance entitled: "Ordinance of the City of Beverly Hills amending the Beverly Hills Municipal Code to include the issuance, payment and adjudication of administrative violations for taxicab and valet parking permit enforcement" be introduced and read by title only.

### INTRODUCTION

The City of Beverly Hills regulates taxicab operations through the issuance of permits for both the taxicab vehicles and drivers pursuant to Title 7, Chapter 4 of the Beverly Hills Municipal Code. The purposes of these regulations are to ensure safe and proper use of the public right-of-way, mitigate potential impacts to residents' quality of life, and protect the public interest for those using such services, including businesses, residents and visitors to the City of Beverly Hills.

Parking Control Officers (PCO) within the Parking Services Division of the Department of Public Works and Transportation are the primary enforcement arm of the City related to taxicab and valet parking permit violations. The proposed amendment to the Beverly Hills Municipal Code will provide authority for the collections of fines and adjudication of administrative violations for staff authorized to enforce violations of the Beverly Hills Municipal Code (BHMC), both criminally and through the new addition of civil administrative actions, related to taxicab and valet parking operations in the City of Beverly Hills.

## **DISCUSSION**

In March 2010, in response to concerns related to the declining level of service provided by taxicabs throughout Beverly Hills, the City redeployed enforcement staff with a greater focus on taxi service. During that enforcement, it became apparent that enforcement officers required additional options and enforcement tools, including non-criminal violations, for the most effective and efficient enforcement of the BHMC and associated permit conditions related to both the City's taxicab and valet parking programs.

The options currently available for this type of enforcement are through the issuance of infraction or misdemeanor violations, using a Notice-to-Appeal, or through the administrative process of suspending/revoking the operator's permit. Notices-to-Appeal are processed through the Superior Court, and each violation requires a prosecutor on behalf of the City and members of the defense and their counsel, including public defenders. PCOs, and even judges, are often burdened with the social impacts associated with issuance or conviction of criminal violations for even the most pedestrian of offenses, such as failure to properly display identification or a worn out informational notice posted in the taxicab. The Parking Services Division is faced with the same burden as the judicial system when considering suspension/revocation of permits for minor offenses. The impacts of such actions are further exacerbated when taking into consideration the effects upon customers and local businesses attempting to utilize these services. While staff is committed to upholding the highest standards and levels of service for our community, staff does not believe that burdening the criminal justice system or individuals with criminal convictions for minor violations is the most effective manner in which to protect the public interest.

Although not specific to taxicab violations, the Traffic and Parking Commission (TPC) has been working with staff to update and enhance the City's Valet Parking Permit Program. As part of the valet program, the TPC recommended the use of civil administrative actions, including escalating fines, in August 2009, and information related to the use of such violations has been discussed before the City Council related to valet and taxicab permits on December 15, 2009 and April 22, 2010.

The use of civil administrative actions is already established in the BHMC and is routinely used for Code Enforcement and enforcement of the City's water conservation regulations, and employees of the Parking Enforcement Division are authorized to issue such violations. The proposed amendment provides for the specific violations for taxi and valet programs and updates the payment and adjudication of such violations. As currently enacted in Title 1 of the BHMC, escalating fines have been established in the amount of \$100 for the first violation, \$200 for the second violation, and \$500 for each additional violation of the same provision of code.

## **FISCAL IMPACT**

This is expected to be a financially self-sustaining program, with fines from violations used to fund the additional expenses associated with the issuance and adjudication of the violations.

Meeting Date: August 31, 2010

Proceeds from fines are estimated at \$19,200 annually. Staff estimates additional costs of \$10,000 per year for the adjudication of violations that require hearings and/or court appearances. Additional expenses for this program have been accounted for in the current General Fund. No additional budget allocation or appropriate is necessary.

  
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Scott Miller  
Finance Approval

  
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David Gustavson  
Approved By

# **Attachment 1**

Ordinance

ORDINANCE NO. 10-O-

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING THE BEVERLY HILLS MUNICIPAL  
CODE TO INCLUDE THE ISSUANCE, PAYMENT  
AND ADJUDICATION OF ADMINISTRATIVE  
VIOLATIONS FOR TAXICAB AND VALET PARKING  
PERMIT ENFORCEMENT

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY  
ORDAINS AS FOLLOWS:

Section 1. Section 7-4-213 of Article 2 of Chapter 4 of Title 7 of the Beverly Hills Municipal Code is hereby amended to add a new paragraph “J” to read as follows:

“J. Any person violating this section shall be subject to an administrative citation as provided by Title 1, Chapter 3, Article 3 of this Code or such other penalties as determined by the City Prosecutor.”

Section 2. Section 7-4-214 of Article 2 of Chapter 4 of Title 7 of the Beverly Hills Municipal Code is hereby amended to add a new paragraph “L” to read as follows:

“L. Any person not in compliance with this section shall be subject to an administrative citation as provided by Title 1, Chapter 3, Article 3 of this Code or such other penalties as determined by the City Prosecutor.”

Section 3. Section 7-4-217 of Article 2 of Chapter 4 of Title 7 of the Beverly Hills Municipal Code is hereby amended to read as follows:

“7-4-217. Authority to Promulgate Rules and Regulations: The transportation official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article and when duly promulgated, such rules and regulations shall be in full force and effect. The holder of the public transportation vehicle permit shall comply with such rules and regulations and any violation shall constitute a violation of this code subject to an administrative citation as provided by Title 1, Chapter 3, Article 3 of this Code or such other penalties as determined by the City Prosecutor.”

Section 4. Section 7-4-311 of Article 3 of Chapter 4 of Title 7 of the Beverly

Hills Municipal Code is hereby amended to read as follows:

“7-4-311. Authority to Promulgate Rules and Regulations: The transportation official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article and when duly promulgated, such rules and regulations shall be in full force and effect. The holder of an operator’s permit shall comply with such rules and regulations and any violation shall constitute a violation of this code subject to an administrative citation as provided by Title 1, Chapter 3, Article 3 of this Code or such other penalties as determined by the City Prosecutor.”

Section 5. Section 4-2-1505 of Article 15 of Chapter 2 of Title 4 of the

Beverly Hills Municipal Code is hereby amended to add a new paragraph “C” to read as follows:

“C. Any person violating this section shall be subject to an administrative citation as provided by Title 1, Chapter 3, Article 3 of this Code or such other penalties as determined by the City Prosecutor.”

Section 6. Section 4-2-1515 of Article 15 of Chapter 2 of Title 4 of the

Beverly Hills Municipal Code is hereby amended to read as follows:

“4-2-1515. Authority to Promulgate Rules and Regulations: The transportation official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article and when duly promulgated, such rules and regulations shall be in full force and effect. The permittee and any person employed by, or engaged in automobile parking and shuttle service operations and who drives a vehicle of a customer, or who handles keys of a vehicle of a customer who is required to obtain an identification card pursuant to Section 4-2-1510, shall comply with such rules and regulations and any violation shall constitute a violation of this code subject to an administrative citation as provided by Title 1, Chapter 3, Article 3 of this Code or such other penalties as determined by the City Prosecutor.”

Section 7. 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 attest and 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 8.     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:

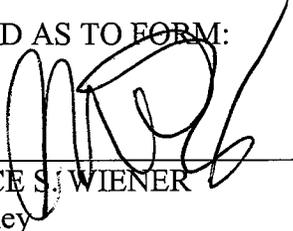
PASSED, APPROVED and ADOPTED this \_\_\_ day of \_\_\_\_\_, 2010.

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JIMMY DELSHAD  
Mayor of the City of  
Beverly Hills, California

ATTEST:

\_\_\_\_\_  
BYRON POPE (SEAL)  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
JEFFREY KOLIN  
City Manager