



AGENDA REPORT

Meeting Date: October 18, 2010
Item Number: D-1
To: Honorable Mayor & City Council
From: Chad Lynn, Director of Parking Operations
Shawn McCormick, Parking Services Manager
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
ADOPTING A PARKING PENALTY FOR VIOLATION OF BEVERLY
HILLS MUNICIPAL CODE SECTION 7-1-5(B)
Attachments: 1. Resolution

RECOMMENDATION

Staff recommends that the City Council adopt a resolution adopting a parking penalty for violation of Beverly Hills Municipal Code Section 7-1-5(b) citation charges for fiscal year 2010/2011.

INTRODUCTION

Residents of the City of Beverly Hills are impacted several times a year by events that take place both within the City of Beverly Hills and in neighboring communities. These events may create impacts generated from pass through traffic to residential neighborhoods and resident's quality of life.

The City has utilized various efforts to address the potential impacts of these events through posting of temporary parking restrictions and impounding vehicles parked in violation of the temporary postings. These efforts are often undermined by lack of available manpower and additional vehicles being parked following enforcement activities.

DISCUSSION

Events that take place outside the City boundaries that impact the parking in residential areas. Attendees of these events often disregard posted restrictions, both permanent and temporary, which have been put in place for both public safety and neighborhood quality of life. Currently, vehicles may be impounded as part of the event enforcement and in some cases these impounds have been overturned due to removal of temporary

signage, resulting in direct expenses to the City. Additionally, once a vehicle is removed and impounded, it reopens the parking space for another vehicle to park in violation of the posted regulations, a result which is not effectively reducing the impact to the adjacent neighborhoods.

Beverly Hills Municipal Code 7-1-5 (b) states: *Whenever the police chief shall determine that any emergency congestion may result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, the police chief shall have the power and authority to order temporary signs posted prohibiting the operation, parking or stopping of vehicle on such streets or alleys.*

While the above referenced section is used to implement the parking restriction, there has not been a specific fine adopted for this violation. Therefore, fines associated with this violation currently carry the same \$90 fine that is associated with any other No Stopping/Tow Away zone without regard to the additional demand or impacts associated with the special event.

Staff is proposing a fine in the amount of \$285 to be associated with this violation to address situation in which towing is not available or practical, create a greater deterrent and to recover the costs of both posting and enforcing the impacts of special events in our neighborhoods.

This proposal is expected to reduce the number of vehicles and pedestrians in neighborhood parking areas, as a single vehicle with a \$285 parking violation accompanying signage giving notice of the violation may serve as a greater deterrent than an open space that was previously occupied by a towed vehicle. If multiple vehicles are towed from a single space, multiple pedestrians will be returning to this neighborhood in search of their vehicle. The proposed fine for this regulation would not preclude the towing and impounding of vehicles, and the City would engage in towing/impounding where such actions are appropriate and effective.

The Traffic & Parking Commission (TPC) reached consensus to forward the addition of a specific fine for this violation. Staff responded to the suggestion of the TPC to increase the violation amount from the originally proposed \$200 to more accurately reflect similar fines already in effect. The current proposed violation of \$285 reflects violations similar in nature, including Tour Bus in Residential Area restrictions. In order that the City Council may act on this item before the end of October, the TPC was not able to take formal action for recommendation.

FISCAL IMPACT

Based on the current penalty of \$90 for No Stopping/Tow Away and the proposed "event" penalty of \$200, it is estimated that the violations would generate an additional \$7,300 annually. These revenues would offset costs associated with enforcement already being borne by the City.



Scott Miller
Finance Approval



David Gustavson
Approved By

Attachment 1

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
ADOPTING A PARKING PENALTY FOR VIOLATION OF BEVERLY HILLS
MUNICIPAL CODE SECTION 7-1-5(B)

Section 1. California Vehicle Code Section 40203.5 provides that parking penalties for parking violations and late payment penalties be established by the governing body of the jurisdiction where the notice of violation is issued.

Section 2. The City Council desires to establish a parking penalty for violation of Beverly Hills Municipal Code Section 7-1-5(B), which states that whenever the Chief of Police determines that any emergency congestion may result from the holding of public or private assemblages, gatherings or functions, or for other reasons, the police chief has the power and authority to order temporary signs posted prohibiting the operation, parking or stopping of vehicles on specified streets and alleys in the City.

NOW, THEREFORE, the City Council of the City of Beverly Hills does hereby resolve, find and determine as follows:

Section 1. A parking penalty, late payment fee and supplemental late charges are hereby established for violation of Beverly Hills Municipal Code Section 7-1-5(B) as follows:

Parking Penalty.....\$285
Late Fee.....\$250*
Supplemental Late Charge.....**

*Late fees are applied 21 days (or more) after the issuance of citation

** Supplemental Late Charges are an additional late charge applied 90 days (or more) after issuance of a citation equal to the amount of the fee that is charged the City upon assignment as a delinquent account for Special Collection proceeding—a DMV process fee s of \$3.00 and 25% of the outstanding balance at the time of assessment.

Section 2. The City Clerk shall certify to the adoption of this and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

JIMMY DELSHAD
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



DAVID D. GUSTAVSON
Director of Public Works & Transportation