AGENDA REPORT

Meeting Date: August 20, 2013

Item Number: E-2

To: Honorable Mayor & City Council

From: Chad Lynn, Director of Parking Operations

Subject: ORDINANCE OF THE CITY OF BEVERLY HILLS CHANGING REFERENCES TO "COMMUNITY DEVELOPMENT DEPARTMENT" TO "CITING DEPARTMENT" IN THE CODE VIOLATIONS SECTION OF THE BEVERLY HILLS MUNICIPAL CODE; AND FURTHER DEFINING UNLAWFUL USE OF DISABLED PLACARD

Attachments:

1. Ordinance
2. Beverly Hills Municipal Code: Title 1, Chapter 3: Code Violations
3. Beverly Hills Municipal Code: Title 7, Chapter 3: Standing, Stopping, Parking

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RECOMMENDATION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the Ordinance entitled "ORDINANCE OF THE CITY OF BEVERLY HILLS CHANGING REFERENCES TO 'COMMUNITY DEVELOPMENT DEPARTMENT' TO 'CITING DEPARTMENT' IN THE CODE VIOLATIONS SECTION OF THE BEVERLY HILLS MUNICIPAL CODE; AND FURTHER DEFINING UNLAWFUL USE OF DISABLED PLACARD" be introduced and read by title only.

INTRODUCTION

The Beverly Hills Municipal Code currently references the "Community Development Department" regarding citations for code violations. The ordinance proposes to amend the code to change the references from "Community Development Department" to "Citing Department".

This amendment would allow the Citing Department the ability to establish full accountability of the issuance, processing procedure, archival documentation, payment routing and follow up adjudication of each administrative citation by the issuing officer.

The Municipal Code currently prohibits the use of a disabled placard that is reported as lost, stolen, surrendered, canceled, revoked or expired; or was issued to a person that has been deceased for more than 60 days. This Ordinance would also amend Beverly Hills Municipal Code Section 7-3-117, "Unlawful Use of Invalid Disabled Placard" to prohibit the use of a disabled placard that is, counterfeit, forged, altered or mutilated or that is being used on a vehicle that is not being used to transport and is not in reasonable proximity of, the person to whom the placard was issued.

DISCUSSION

Staff seeks Council approval of amendments to the Beverly Hills Municipal Code as presented.

FISCAL IMPACT

The ordinance will have no fiscal impact on the City.

Don Rhoads
Finance Approval

Mahdi Aluzri
Approved By

Attachment 1

ORDINANCE NO. 13-O- _____

ORDINANCE OF THE CITY OF BEVERLY HILLS CHANGING REFERENCES TO "COMMUNITY DEVELOPMENT DEPARTMENT" TO "CITING DEPARTMENT" IN THE CODE VIOLATIONS SECTION OF THE BEVERLY HILLS MUNICIPAL CODE; AND FURTHER DEFINING UNLAWFUL USE OF DISABLE PLACARD

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

Section 1. Citing Department. The definition of "CITING DEPARTMENT" is hereby added to Section 1-3-302 ("DEFINITIONS") of Article 3. ("Administrative Penalties") of Chapter 3 ("CODE VIOLATIONS") of Title 1 ("GENERAL PROVISIONS") of the Beverly Hills Municipal Code to read as follows:

"CITING DEPARTMENT: The City department that issued the citation pursuant to section 1-3-201 of this chapter."

Section 2. Payment of Administrative Fine. The City Council hereby amends and restates Section 1-3-312 ("PAYMENT OF ADMINISTRATIVE FINE") of Article 3. ("Administrative Penalties") of Chapter 3 ("CODE VIOLATIONS") of Title 1 ("GENERAL PROVISIONS") of the Beverly Hills Municipal Code to read as follows:

"The administrative fine shall be paid to the Citing Department within twenty (20) days from the date of service of the administrative citation. If, after a hearing requested pursuant to section 1-3-313 of this article, the hearing officer determines that the administrative citation should be canceled, the administrative fine shall be refunded in accordance with section 1-3-320 of this article."

Section 3. Request for Administrative Hearing. The City Council hereby amends and restates Section 1-3-313 ("REQUEST FOR ADMINISTRATIVE HEARING") of Article 3. ("Administrative Penalties") of Chapter 3 ("CODE VIOLATIONS") of Title 1 ("GENERAL PROVISIONS") of the Beverly Hills Municipal Code to read as follows:

"A. Any responsible person to whom an administrative citation is issued may contest the citation by: 1) completing a request for hearing form and returning it to the Citing Department; and 2) either depositing the administrative fine with the Citing Department or providing notice that a request for an advance deposit hardship waiver has been filed pursuant to section 1-3-314 of this article. A request for hearing form may be obtained from the Citing Department.

B. The Citing Department must receive a completed request for hearing form and the administrative fine or completed hardship waiver form pursuant to section 1-3-314 of this article within twenty (20) days from the date of service of the administrative citation. If not, the responsible person waives the right to a hearing.

C. The citing official shall notify the person requesting the hearing by regular mail in accordance with section 1-3-303 of this article of the time and place of the hearing at least ten (10) days before the date of the hearing. The citing official shall serve any documentation, other than the administrative citation, that the citing official has submitted or will submit to the hearing officer on the person requesting the hearing by regular mail in accordance with section 1-3-303 of this article at least five (5) days before the date of the hearing."

Section 4. Advance Hardship Waiver Deposit. The City Council hereby amends and restates Section 1-3-314 ("ADVANCE HARDSHIP WAIVER DEPOSIT") of Article 3. ("ADMINISTRATIVE PENALTIES") of Chapter 3 ("CODE VIOLATIONS") of Title 1 ("GENERAL PROVISIONS") of the Beverly Hills Municipal Code to read as follows:

"A. Any responsible person who requests a hearing to contest an administrative citation and who is financially unable to deposit the administrative fine required in section 1-3-312 of this article may file a request for an advance deposit hardship waiver. The request shall be filed with the Citing Department on an advance deposit hardship waiver application form, available from the Citing Department, no later than twenty (20) days after service of the administrative citation. The Citing Department's failure to receive a completed form with all supporting documents within twenty (20) days after service of the administrative citation shall constitute a waiver of the right to receive a hardship waiver.

B. The director of the Citing Department or designee may issue an advance deposit hardship waiver only if the person requesting the waiver submits a sworn affidavit, together with any supporting documents, demonstrating to the satisfaction of the director or designee the person's financial inability to deposit with the city the full amount of the fine in advance of the hearing. The director or designee shall issue a written decision specifying the reasons for issuing or not issuing the waiver. The decision shall be served upon the person requesting the waiver as specified in section 1-3-303 of this article. If the director or designee determines that the waiver is not warranted the person shall remit the full amount of the fine to the Citing Department within ten (10) days of receipt of the director's written decision. The director or designee's decision whether to issue a hardship waiver shall be final."

Section 5. Time for Administrative Hearing. The City Council hereby amends and restates Section 1-3-315 ("TIME FOR ADMINISTRATIVE HEARING") of Article 3. ("ADMINISTRATIVE PENALTIES") of Chapter 3 ("CODE VIOLATIONS") of Title 1 ("GENERAL PROVISIONS") of the Beverly Hills Municipal Code to read as follows:

"Only after a request for hearing form is received by the Citing Department within the required period, and the responsible person requesting the hearing has either deposited the administrative fine in full or obtained an advance deposit hardship waiver (hereinafter a "perfected appeal"), shall the city set the date and time for the administrative hearing. The hearing shall be set for a date not less than fifteen (15) days, nor more than sixty (60) days after a perfected appeal."

Section 6. Appeal of Decision of Administrative Hearing Officer. The City Council hereby amends and restates Section 1-3-324 ("APPEAL OF DECISION OF ADMINISTRATIVE HEARING OFFICER") of Article 3. ("ADMINISTRATIVE PENALTIES") of Chapter 3 ("CODE VIOLATIONS") of Title 1 ("GENERAL PROVISIONS") of the Beverly Hills Municipal Code to read as follows:

"Within twenty (20) days after service of the administrative hearing officer's decision upon the responsible person, the responsible person may seek review of the administrative hearing officer's decision by filing a notice of appeal with the Los Angeles superior court, 11701 S. La Cienega Blvd., Los Angeles, CA 90045. The responsible person shall serve a copy of the notice of appeal either in person or by first class mail upon the Citing Department. If the

responsible person fails to timely file a notice of appeal, the administrative order shall be deemed confirmed."

Section 7. Unlawful Use of Invalid Disabled Placard. The City Council hereby amends and restates paragraph A of Section 7-3-117 ("UNLAWFUL USE OF INVALID DISABLED PLACARD") of Article 1. ("GENERAL STANDING, STOPPING, AND PARKING PROVISIONS") of Chapter 3 ("STANDING, STOPPING, PARKING") of Title 7 ("TRAFFIC, PARKING, AND PUBLIC TRANSPORTATION") of the Beverly Hills Municipal Code to read as follows:

"A. No person shall park or stand a vehicle upon any street, highway or in a parking stall or space of an off-street parking facility when the vehicle displays, in order to obtain special parking privileges, a disabled placard and: (1) the department of motor vehicles record for the identification number assigned to such placard indicates that such placard either (a) has been reported as lost, stolen, surrendered, canceled, revoked or expired; or (b) was issued to a person who has been reported as being deceased for a period exceeding sixty (60) days; (2) the placard is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or (3) the placard is counterfeit, forged, altered or mutilated."

Section 8. 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 9. 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 10. 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

ATTEST:

_____ (SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

_____
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
JEFFREY C. KOLIN
City Manager

Attachment 2

Chapter 3

CODE VIOLATIONS

Article 1. Offense And Punishment

1-3-101: Misdemeanors, Infractions, And Administrative Remedies
1-3-102: Continuing Violations
1-3-103: Public Nuisance
1-3-104: Aiding And Abetting
1-3-105: Responsibility
1-3-106: Punishment
1-3-107: Violations Of Conditions

1-3-101: MISDEMEANORS, INFRACTIONS, AND ADMINISTRATIVE REMEDIES:

A. No person shall violate or fail to comply with any provision or requirement of this code. Any person who shall violate or fail to comply with any provision or requirement of this code, or a condition of any permit issued pursuant to this code, shall be guilty of a misdemeanor, unless: 1) such a violation or failure is designated as an infraction or is subsequently prosecuted as an infraction, in which case such person is guilty of an infraction; or 2) such a violation or failure is prosecuted as a civil administrative action pursuant to article 3 of this chapter. Any person who fails to pay an administrative fine or to comply with an administrative order is guilty of a misdemeanor as provided for in article 3 of this chapter.

B. Any violation of any provision of this code may be prosecuted as a misdemeanor, as an infraction, or as a civil administrative action in the discretion of the city attorney or city prosecutor. (1962 Code § 1-4.01; amd. Ord. 00-O-2356, eff. 11-3-2000)

1-3-102: CONTINUING VIOLATIONS:

It shall constitute a new and separate offense for each and every day during any portion of which a violation of, or failure to comply with, any provision or requirement of this code is committed, continued, or permitted by any person and shall be punished accordingly. (1962 Code § 1-4.02)

1-3-103: PUBLIC NUISANCE:

In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this code shall be deemed a public nuisance and may be summarily abated as such by the city, and each day such condition continues shall constitute a new and separate offense. (1962 Code § 1-4.03)

1-3-104: AIDING AND ABETTING:

Whenever any act or omission is prohibited by any provision of this code, such prohibition shall be

deemed also to prohibit the causing, permitting, aiding, abetting, suffering, or concealing of such act or omission, and any person who shall cause, permit, aid, abet, suffer or conceal such act or omission shall be guilty of a violation of this code and shall be punishable in accordance with the punishment prescribed for such act or omission. (1962 Code § 1-4.04)

1-3-105: RESPONSIBILITY:

The occupant of any premises upon which a violation of any provision of this code is apparent, the owner of any object or material placed or remaining anywhere in violation of any provision of this code, or the occupant of any premises served by any excavation or structure made or erected in violation of any provision of this code shall be deemed prima facie responsible for the violation and subject to the penalties provided therefor. (1962 Code § 1-4.05)

1-3-106: PUNISHMENT:

Unless otherwise specifically provided in this code, any person guilty of a misdemeanor under a provision of this code shall be punished by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment.

As prescribed in section 36900 of the Government Code of the state and section 42001 of the Vehicle Code of the state, any person who has committed an infraction shall be punished for a first violation by a fine not exceeding one hundred dollars ($100.00), and for committing the same offense a second time within one year by a fine not exceeding two hundred dollars ($200.00), and for committing the same offense a third or any subsequent time within one year, by a fine not exceeding five hundred dollars ($500.00). (1962 Code § 1-4.06)

1-3-107: VIOLATIONS OF CONDITIONS:

Any violation of a condition of any permit or approval issued pursuant to this code shall constitute a violation of this code. (Ord. 00-O-2356, eff. 11-3-2000)

Article 2. Citation Procedure

1-3-201: Issuance Of Citations By Designated Employees

1-3-201: ISSUANCE OF CITATIONS BY DESIGNATED EMPLOYEES:

A. Those officers and employees of the building and safety department, city manager's office, fire department, public works department, and recreation and parks department, as determined and designated from time to time by the city manager or directors of those departments, shall have the power, authority, and immunity, as set forth in section 836.5 of the Penal Code of the state, to issue citations and make arrests without a warrant whenever such officers or employees have reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor violation of an ordinance of the city or state statute which such officers or employees have the duty to enforce, and the violation has been committed in the presence of such officers or employees.

B. In any case in which a person is arrested pursuant to this authority and the person arrested does not demand to be taken before a magistrate, the officer or employee making the arrest shall

prepare a written notice to appear and release the person on the promise to appear, as prescribed by chapter 5(c), commencing with section 853.5, of the Penal Code of the state.

C. The officers and employees identified in subsection A of this section shall have the concurrent authority to issue administrative citations, as well as any other persons designated to do so by the city manager.

D. Nothing in this section shall affect any proceedings described in article 3 of this chapter. (1962 Code § 1-5.01; amd. Ord. 95-O-2244, eff. 9-1-1995; Ord. 00-O-2356, eff. 11-3-2000; Ord. 09-O-2576, eff. 1-15-2010)

Article 3. Administrative Penalties

1-3-301: Scope
1-3-302: Definitions
1-3-303: Procedure For Service
1-3-304: Responsibility Of Cited Party
1-3-305: Compliance Order
1-3-306: Content Of Compliance Order
1-3-307: Compliance Order Satisfied
1-3-308: Failure To Comply With Compliance Order
1-3-309: Administrative Citation
1-3-310: Content Of Administrative Citation
1-3-311: Administrative Fine; Citations And Compliance Orders
1-3-312: Payment Of Administrative Fine
1-3-313: Request For Administrative Hearing
1-3-314: Advance Hardship Waiver Deposit
1-3-315: Time For Administrative Hearing
1-3-316: Request For Continuance Of Hearing
1-3-317: Appointment Of Administrative Hearing Officer
1-3-318: Procedures At Administrative Hearing
1-3-319: Failure To Attend Administrative Hearing
1-3-320: Decision Of Administrative Hearing Officer
1-3-321: Administrative Costs
1-3-322: Late Payment Charges
1-3-323: Collection Of Administrative Fines And Costs; Lien Procedure
1-3-324: Appeal Of Decision Of Administrative Hearing Officer
1-3-325: Failure To Comply With Administrative Order

1-3-301: SCOPE:

This article provides for an administrative remedy for any violation of this code, including continuing violations related to building, plumbing, electrical, or other similar structural or zoning issues that do not create an immediate danger to health or safety. This remedy may be exercised in place of, or in addition to, any administrative, criminal, civil, or equitable remedy allowed by law. The city attorney or city prosecutor shall have sole discretion to determine whether a violation will be prosecuted criminally. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-302: DEFINITIONS:

ADMINISTRATIVE CITATION OR CITATION: A written notice to a responsible person issued by the citing official that a violation of this code has occurred.

ADMINISTRATIVE COMPLIANCE ORDER OR COMPLIANCE ORDER: A written notice to a responsible person issued by the citing official that there exists a continuing violation of this code related to building, plumbing, electrical, or other similar structural or zoning issues.

CITING OFFICIAL: Any officer or employee authorized to issue citations pursuant to section 1-3-201 of this chapter.

LEGAL INTEREST: Any ownership interest of any person as hereafter defined in real or personal property as evidenced by title or ownership documents or instruments recorded with the Los Angeles County recorder's office or on file with, or in possession of, any other governmental entity. "Legal interest" shall also include the property interest of lessees or tenants of real property, as well as all sublessors thereof.

RESPONSIBLE PERSON: Any person whom a citing official determines is responsible for causing, maintaining, permitting, or allowing a violation of this code. The term "responsible person" includes, but is not limited to: any person who has an ownership or possessory interest in real or personal property; any agent thereof with actual or apparent authority, possession, or control of real or personal property; or any other person, who creates, maintains, permits, or allows a violation of this code. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-303: PROCEDURE FOR SERVICE:

Except as provided below, the citing official may issue an administrative compliance order, citation, or other notice to a responsible person on a form approved by the city manager using either of the following methods:

A. Personal Service: The citing official may issue the administrative compliance order, citation, or other notice by personal delivery to a responsible person. The citing official shall attempt to obtain the signature of the responsible person on the administrative compliance order or citation. If the responsible person or person served refuses or fails to sign the administrative compliance order or citation, the failure or refusal to sign shall not affect the validity of the compliance order or citation or of any subsequent proceedings.

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B. Mail: The citing official may mail the administrative compliance order, citation, or other notice to the responsible person by first class mail, postage prepaid, return receipt requested, addressed to the owner, agent of the owner, lessee, occupant, or person in possession of the premises described at such person's last known address. If no address is known or made known to the citing official, then the citing official may mail the administrative compliance order, citation, or other notice to the owner's last known address as the name appears on the latest equalized assessment roll.

Service is effective when personally served or when deposited into the United States mail. The citing official must complete a declaration of service. Failure to receive any notice does not affect the validity of the proceedings conducted under this article. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-304: RESPONSIBILITY OF CITED PARTY:

Upon service of an administrative compliance order or citation, the responsible person shall do the following:

A. Pay the administrative fine no later than twenty (20) days from the date of service of the administrative citation. Payment of the fine shall not excuse or discharge the failure to correct the violation, nor shall it bar further enforcement action by the city.

B. Comply with the compliance order to remedy the violation within the time specified on the compliance order. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-305: COMPLIANCE ORDER:

Whenever the citing official determines that there exists a continuing violation of any provision of this code related to building, plumbing, electrical, or other similar structural or zoning issues that does not create an immediate danger to health or safety, the citing official shall issue or cause to be issued a written compliance order to any responsible person. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-306: CONTENT OF COMPLIANCE ORDER:

A compliance order shall contain all of the following information:

A. The date and location of the violation and the approximate time the violation occurred.

B. The city code section violated and a description of the violation.

C. The action required to correct the violation and the date by which such action must be completed. Except as otherwise provided in this section, the date for compliance shall not be less than twenty (20) days from the date the compliance order is served.

D. The consequences of failing to correct the violation, including a description of the administrative hearing procedure and appeal process.

E. The time period after which administrative fines will begin to accrue if there is no compliance with the order.

F. The amount of the fine that will be imposed if there is no compliance with the order.

G. The name and signature of the citing official. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-307: COMPLIANCE ORDER SATISFIED:

If the citing official determines that all violations specified in the compliance order have been corrected within the time set forth in the order, no further action shall be taken against the responsible person regarding the violations. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-308: FAILURE TO COMPLY WITH COMPLIANCE ORDER:

If the responsible person fails to fully comply with the compliance order within the time specified in the compliance order, the citing official may issue an administrative citation as provided in this article. The issuance of the administrative citation does not obviate the responsible person's obligation to fully comply with the compliance order. The administrative citation shall be served by the applicable method set forth in section 1-3-303 of this article. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-309: ADMINISTRATIVE CITATION:

Any person violating any section of this code that is subject to this article may be issued an administrative citation by a citing official as provided in this article. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-310: CONTENT OF ADMINISTRATIVE CITATION:

An administrative citation shall contain all of the following information:

A. The date and location of the violation and the approximate time the violation occurred or was detected.

B. The code section violated and a description of the violation.

C. The amount of the fine imposed for the violation, and the time within which and the place at which the fine shall be paid.

D. An order prohibiting another occurrence of the code violation.

E. A description of the administrative citation review process, including the time within which to contest the administrative citation and the place from which to obtain a request for hearing form to contest the administrative citation.

F. The name and signature of the citing official. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-311: ADMINISTRATIVE FINE; CITATIONS AND COMPLIANCE ORDERS:

A. For any violation of this code for which the violation would otherwise be an infraction, the administrative fine shall be one hundred dollars ($100.00) for a first violation; two hundred dollars ($200.00) for a second violation of the same provision of this code within a twelve (12) month period; and five hundred dollars ($500.00) for each additional violation of the same provision of this code within a twelve (12) month period. For any violation of this code for which there is no specific administrative fine established in this code, the fine imposed shall be that set forth in a resolution adopted by the city council.

B. Because a new and separate offense occurs under section 1-3-102 of this chapter each day during which a violation of any provision or requirement of this code is committed, continued, or permitted, the citing official may further assess a fine according to the schedule set forth in

subsection A of this section for each day from the date for compliance specified in the compliance order until the date the violation is fully corrected as determined by the citing official. The administrative citation shall specify the date by which the fine must be paid.

C. Administrative fines assessed for failing to fully comply with a compliance order or administrative citation is a debt owed to the city.

D. If the responsible person provides written notice to the citing official that the violation has been corrected, and if the citing official finds compliance, the citing official shall deem the date the written notice was postmarked or personally delivered to the citing official to be the date the violation was corrected. If, however, a final inspection confirmed compliance before mailing or personal delivery of a written notice, or if no written notice is provided, the date of final inspection shall be deemed to be the date the violation was corrected. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-312: PAYMENT OF ADMINISTRATIVE FINE:

The administrative fine shall be paid to the community development department within twenty (20) days from the date of service of the administrative citation. If, after a hearing requested pursuant to section 1-3-313 of this article, the hearing officer determines that the administrative citation should be canceled, the administrative fine shall be refunded in accordance with section 1-3-320 of this article. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-313: REQUEST FOR ADMINISTRATIVE HEARING:

A. Any responsible person to whom an administrative citation is issued may contest the citation by: 1) completing a request for hearing form and returning it to ~~the community development department~~ the issuing City Department pursuant to section 1-3-201: A of this article; and 2) either depositing the administrative fine with the ~~community development department~~ issuing City Ddepartment pursuant to section 1-3-201: A of this article or providing notice that a request for an advance deposit hardship waiver has been filed pursuant to section 1-3-314 of this article. A request for hearing form may be obtained from the ~~community development department~~ issuing City Ddepartment pursuant to section 1-3-201: A of this article.~~.~~

B. The ~~community development department~~ issuing City Ddepartment pursuant to section 1-3-201: A of this article must receive a completed request for hearing form and the administrative fine or completed hardship waiver form pursuant to section 1-3-314 of this article within twenty (20) days from the date of service of the administrative citation. If not, the responsible person waives the right to a hearing.

C. The citing official shall notify the person requesting the hearing by regular mail in accordance with section 1-3-303 of this article of the time and place of the hearing at least ten (10) days before the date of the hearing. The citing official shall serve any documentation, other than the administrative citation, that the citing official has submitted or will submit to the hearing officer on the person requesting the hearing by regular mail in accordance with section 1-3-303 of this article at least five (5) days before the date of the hearing. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-314: ADVANCE HARDSHIP WAIVER DEPOSIT:

A. Any responsible person who requests a hearing to contest an administrative citation and who is financially unable to deposit the administrative fine required in section 1-3-312 of this article may file a request for an advance deposit hardship waiver. The request shall be filed with the ~~community development department~~ issuing City Ddepartment pursuant to section 1-3-201: A of this article on an advance deposit hardship waiver application form, available from the ~~community development department~~ issuing City Ddepartment pursuant to section 1-3-201: A of this article.)., no later than twenty (20) days after service of the administrative citation. The ~~community development department's~~ issuing City Ddepartment pursuant to section 1-3-201: A of this article failure to receive a completed form, with all supporting documents, within twenty (20) days after service of the administrative citation, shall constitute a waiver of the right to receive a hardship waiver.

B. The director of ~~community development~~ the issuing City Ddepartment pursuant to section 1-3-201: A of this article or designee may issue an advance deposit hardship waiver only if the person requesting the waiver submits a sworn affidavit, together with any supporting documents, demonstrating to the satisfaction of the director or designee the person's financial inability to deposit with the city the full amount of the fine in advance of the hearing. The director or designee shall issue a written decision specifying the reasons for issuing or not issuing the waiver. The decision shall be served upon the person requesting the waiver as specified in section 1-3-303 of this article. If the director or designee determines that the waiver is not warranted the person shall remit the full amount of the fine to the ~~community development department~~ issuing City Ddepartment pursuant to section 1-3-201: A of this article within ten (10) days of receipt of the director's written decision. The director or designee's decision whether to issue a hardship waiver shall be final. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-315: TIME FOR ADMINISTRATIVE HEARING:

Only after a request for hearing form is received by the ~~community development department~~ issuing City Ddepartment pursuant to section 1-3-201: A of this article within the required period, and the responsible person requesting the hearing has either deposited the administrative fine in full or obtained an advance deposit hardship waiver (hereinafter a "perfected appeal"), shall the city set the date and time for the administrative hearing. The hearing shall be set for a date not less than fifteen (15) days, nor more than sixty (60) days after a perfected appeal. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-316: REQUEST FOR CONTINUANCE OF HEARING:

The responsible person requesting a hearing may request one continuance, and the city may continue the hearing on its own initiative, but in no event may the hearing begin later than ninety (90) days after the request for hearing form is filed, and the administrative fine is deposited with the city or an advance deposit hardship waiver is issued. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-317: APPOINTMENT OF ADMINISTRATIVE HEARING OFFICER:

The city manager or his designee shall establish procedures for the selection of an administrative hearing officer. Administrative hearing officers shall be selected in a manner that avoids the potential for pecuniary or other bias. In no event shall the administrative hearing officer be the citing official. The compensation, if any, of the administrative hearing officer shall be paid by the city. Compensation shall not be directly or indirectly conditioned upon whether or not administrative citations are upheld by the administrative hearing officer. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-318: PROCEDURES AT ADMINISTRATIVE HEARING:

Administrative hearings are informal, and formal rules of evidence and discovery do not apply. Each party shall have the opportunity to present evidence in support of that party's case and to cross examine witnesses. The city bears the burden of proof at an administrative hearing to establish a violation of this code. The administrative citation and any additional reports submitted by the citing official shall constitute prima facie evidence of the facts contained in those documents. The administrative hearing officer must use preponderance of evidence as the standard of review in deciding the issues. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-319: FAILURE TO ATTEND ADMINISTRATIVE HEARING:

If the responsible person fails to attend the scheduled hearing, the hearing will proceed without the responsible person, and the responsible person will be deemed to have waived the right to an administrative hearing and any further appeals as set forth in this article. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-320: DECISION OF ADMINISTRATIVE HEARING OFFICER:

A. Issuance Of Decision: No later than thirty (30) days after the date on which the administrative hearing concludes, the administrative hearing officer shall issue a written decision. The decision shall set forth the reasons for the decision along with notice of the right to appeal pursuant to section 1-3-324 of this article. The administrative hearing officer's decision shall be final. The decision shall be served by first class mail in accordance with section 1-3-303 of this article and shall be deemed to be served on the date the decision is deposited with the United States postal service. The failure of the responsible person to receive a properly addressed decision shall not invalidate the administrative citation, compliance order or the administrative hearing officer's decision.

B. Administrative Citation: The administrative hearing officer shall issue a written decision to uphold or cancel the administrative citation. If the administrative hearing officer upholds the administrative citation, the city shall retain the fine deposited by the responsible person. If the administrative hearing officer upholds the administrative citation and the fine has not been deposited pursuant to an advance deposit hardship waiver, the administrative hearing officer shall specify in the decision a payment schedule for the fine. If the administrative hearing officer cancels the administrative citation, any fine deposited with the city shall be promptly refunded. The administrative hearing officer's decision is final.

C. Compliance Order: With regard to a compliance order, the administrative hearing officer's written decision shall be entitled "administrative order". The administrative hearing officer shall make findings within the administrative order regarding the existence of the violation(s) specified in the compliance order, and regarding whether the responsible person took the required corrective action within the time period set forth in the compliance order. If the administrative hearing officer concludes that the violation continues to exist, the administrative order shall set forth a schedule for correction. In addition, the administrative order shall impose administrative fines as provided in section 1-3-311 of this article, and administrative costs as provided in section 1-3-321 of this article. The administrative order shall set a deadline for compliance with its terms in the event that the responsible person fails to file an appeal. If the administrative hearing officer determines that the violation(s) set forth in the compliance order did not exist, or that the violation(s) was (were) timely corrected, all proceedings regarding the violation(s) shall immediately cease and the administrative citations shall be canceled. If the administrative hearing officer cancels the administrative citation, any fine deposited with the city shall be promptly refunded. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-321: ADMINISTRATIVE COSTS:

The administrative hearing officer shall assess against the responsible person administrative costs for any violation found to exist, or for any violation which was not timely corrected. The administrative costs include any and all costs incurred by the city in connection with prosecuting the violation, including, but not limited to, investigation costs, staffing costs for preparing and conducting the administrative hearing, and costs for all inspections necessary to enforce the compliance order and the administrative order. The administrative order shall specify the date by which the costs must be paid to the city. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-322: LATE PAYMENT CHARGES:

Any person who fails to pay to the city on or before the due date any administrative fine imposed pursuant to the provisions of this article shall be liable for the payment of late payment charges as follows:

A. For payments received within thirty (30) days after the due date, a late fee in the amount of fifty percent (50%) of the administrative fine due.

B. For payments received more than thirty (30) days after the due date, a late fee in the amount of fifty percent (50%) of the administrative fine due, plus an additional ten percent (10%) of the overdue administrative fine for each month the payment is overdue. The maximum late fee shall be one hundred percent (100%) of the overdue administrative fine. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-323: COLLECTION OF ADMINISTRATIVE FINES AND COSTS; LIEN PROCEDURE:

A. If the responsible person fails to satisfy in full the assessed administrative fines and costs by the time specified in the administrative hearing officer's decision or the administrative order, and no timely appeal of the administrative officer's decision has been filed with the Los Angeles superior court (west district/Beverly Hills branch), the city may recover the outstanding fines and costs by imposing a lien against the real property on which the violation occurred.

B. Prior to the recording of the lien with the Los Angeles County recorder's office, the city council shall conduct a hearing to hear any protest or objection to the lien. The citing official shall serve notice of the hearing upon the owner of record of the real property, based on the last equalized assessment roll or the supplemental roll, whichever is more current. The notice of hearing shall include the time, date, and place of the hearing, and shall be served upon the owner of record by regular mail in accordance with section 1-3-303 of this article at least ten (10) days before the date of the hearing.

C. If the city council determines that the lien should be imposed, the responsible person will have forty five (45) days to satisfy the assessed administrative fines and costs in full. If after that time

the assessed administrative fines and costs are not paid in full, the citing official shall then prepare and file with the city clerk a report stating the amount due and owing.

D. After the report is filed with the city clerk, the citing official may cause the lien to be recorded with the county recorder. Once recorded, the lien shall have the force and effect and priority of a judgment lien governed by the provisions of section 697.340 of the Code of Civil Procedure, or its successor, and may be extended as provided in sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure, or their successors.

E. The remedies set forth in this section are not exclusive and may be used in addition to those set forth elsewhere in this code or by law. The city may collect any past due fines and costs by use of any available legal means. (Ord. 07-O-2516, eff. 6-29-2007)

1-3-324: APPEAL OF DECISION OF ADMINISTRATIVE HEARING OFFICER:

Within twenty (20) days after service of the administrative hearing officer's decision upon the responsible person, the responsible person may seek review of the administrative hearing officer's decision by filing a notice of appeal with the Los Angeles Ssuperior Ccourt, 11701 S. La Cienega Blvd., Los Angeles, CA 90045 ~~(west district/Beverly Hills branch)~~. The responsible person shall serve a copy of the notice of appeal either in person or by first class mail upon the issuing City Department pursuant to section 1-3-201: A of this article ~~community development department.~~ If the responsible person fails to timely file a notice of appeal, the administrative order shall be deemed confirmed. (Ord. 07-O-2516, eff. 6-29-2007)

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1-3-325: FAILURE TO COMPLY WITH ADMINISTRATIVE ORDER:

Failure to comply with an administrative order after it becomes final is a misdemeanor. Filing a criminal misdemeanor action does not preclude the city from using any other legal remedy available to gain compliance with the administrative order. (Ord. 07-O-2516, eff. 6-29-2007)

Attachment 3

Article 1. General Standing, Stopping, And Parking Provisions

7-3-101: Color Designation For Restricted Parking And Stopping Areas
7-3-102: Parking Or Stopping In Violation Of Posted Signs
7-3-103: Parking On Grades
7-3-104: Parking Prohibited On Nonpaved Surface
7-3-105: Parking Prohibited On Private Property
7-3-106: Unauthorized Parking On Public Premises Prohibited
7-3-107: Unauthorized Parking In Public Parking Facilities
7-3-108: Movement Of Vehicles To Circumvent Posted Parking Restrictions Prohibited
7-3-109: Parking Within Designated Markings
7-3-110: Successive Parking Violations For Extended Illegal Parking
7-3-111: Class I Parking Permits
7-3-112: Stopping In Alleys
7-3-113: Removal Of Vehicles
7-3-114: Removal Of Vehicles; Spaces Used By Authorized Automobile Parking Service
7-3-114.1: Removal Of Vehicles; Tour Bus Loading And Staging Zones
7-3-115: Vehicle Parking Permits Denied If Outstanding Parking Penalties
7-3-116: Requirement Of Paying Posted Rate In Municipal Parking Facilities
7-3-117: Unlawful Use Of Invalid Disabled Placard
7-3-118: Parking Of Limousines In Residential Zones Prohibited
7-3-119: Limousine Staging Zones Establishment And Restrictions
7-3-120: Temporary Parking Restrictions Authorized
7-3-121: Parking Prohibited In Antigridlock Zones
7-3-122: Parking Prohibited In Very High Fire Hazard Severity Zone And Removal Of Vehicles
7-3-123: Parking Of Oversized Vehicles Prohibited In Residential Zones

7-3-101: COLOR DESIGNATION FOR RESTRICTED PARKING AND STOPPING AREAS:

No vehicle shall be stopped or parked in violation of designated curb markings which shall have the following restrictions and prohibitions:

A. Red shall prohibit stopping at all times, except a bus may stop in a red zone which is designated as a bus stop.

B. Yellow shall prohibit parking on each day Monday through Saturday from seven o'clock (7:00) A.M. to six o'clock (6:00) P.M. of each day. During such time, stopping shall be permitted as follows:

1. For a period not to exceed three (3) minutes for the purpose of loading or unloading passengers or baggage or for the purpose of commercial pick up or delivery.

2. For a period not to exceed twenty (20) minutes for commercial vehicles while loading or unloading materials for commercial purposes.

C. Yellow with distinguishing signage shall prohibit parking each day during the hours as posted. During such time, stopping shall be permitted, for a period not to exceed the time limit as posted, for the purpose of loading or unloading passengers and baggage or customer loading and unloading of goods, including pick up and delivery and other customer needs. These zones shall be identified by signage indicating that customer loading is permitted for the prescribed time period.

D. White shall prohibit stopping at all times except for a period not to exceed three (3) minutes for the purpose of loading or unloading passengers, or for the purpose of depositing mail in an adjacent mailbox.

E. Green shall prohibit parking in excess of twenty (20) minutes each day Monday through Saturday from seven o'clock (7:00) A.M. to six o'clock (6:00) P.M.

F. Blue shall prohibit parking except for vehicles of physically handicapped persons as defined in sections 22511.5 and 22511.9 of the Vehicle Code and which have prominently displayed while parked a handicapped license plate or placard issued by the state.

G. White with distinguishing signage shall prohibit parking each day during the days and hours as posted. During such time, stopping shall be permitted for a prescribed time period, not to exceed twenty (20) minutes, for the purpose of loading or unloading passengers or for the purpose of depositing mail in an adjacent mailbox. (1962 Code §§ 3-6.1202, 3-6.1203, 3-6.1204, 3-6.1205; amd. Ord. 97-O-2284, eff. 11-17-1997; Ord. 03-O-2435, eff. 1-2-2004)

7-3-102: PARKING OR STOPPING IN VIOLATION OF POSTED SIGNS:

A. No vehicle shall be parked or stopped in violation of posted signs which restrict or prohibit the parking or stopping of such vehicle.

B. No vehicle shall be parked for a period in excess of the time permitted by the posted sign.

C. In order to facilitate street cleaning, no vehicle shall be parked or left standing during the hours and on the day or days indicated by the posted sign.

D. No vehicle shall be stopped in violation of the posted signs which prohibit the stopping of such vehicle. (1962 Code § 3-6.1003; amd. Ord. 88-O-2043, eff. 11-10-1988; Ord. 04-O-2442, eff. 2-6-2004)

7-3-103: PARKING ON GRADES:

No vehicle shall be parked or left unattended on any street where the grade exceeds three percent (3%) unless the wheels of such vehicle are blocked by turning the wheels against the curb. (1962 Code § 3-6.1011)

7-3-104: PARKING PROHIBITED ON NONPAVED SURFACE:

It shall be unlawful to park or stand any vehicle on any surface which is not improved to the

minimum surfacing standards set forth in this code; except for construction activities pursuant to a grading or building permit issued by the city, or for an activity performed for or on behalf of the city. (1962 Code § 3-6.1014)

7-3-105: PARKING PROHIBITED ON PRIVATE PROPERTY:

A. It shall be unlawful to stop or park a vehicle on private property without the express or implied consent of the owner or the person in lawful possession of such property where appropriate signs are posted which prohibit parking on such property.

B. The owner or lessee of any vacant lot with an unimproved surface shall post clearly visible signs that parking thereon is prohibited, and violators will be cited pursuant to this section. (1962 Code §§ 3-6.1014, 3-6.1015)

7-3-106: UNAUTHORIZED PARKING ON PUBLIC PREMISES PROHIBITED:

No person shall park or leave standing a motor vehicle in or upon any parkway, public park, public school site, or other off street property of the city, or of the Beverly Hills Unified School District, or of any public utility, except as otherwise provided in this code, unless such person first shall have obtained permission for use of such property. Such permission may be evidenced in writing or by a sign or other physical evidence of invitation or permission to park thereon. (1962 Code § 3-6.2201)

7-3-107: UNAUTHORIZED PARKING IN PUBLIC PARKING FACILITIES:

When council has designated certain property as a public parking facility, or has restricted parking space for parking by permit only, or where parking meters, signs, lines, or other physical evidence indicates the manner in which motor vehicles must be parked thereon, or restricts the time of day or period of time during which motor vehicles may be left standing thereon, any violation of any such signs, lines, parking meters, directions, or notices shall constitute a violation of this code. (1962 Code § 3-6.2201)

7-3-108: MOVEMENT OF VEHICLES TO CIRCUMVENT POSTED PARKING RESTRICTIONS PROHIBITED:

A. Where a vehicle has been parked in an area which restricts parking to a specific time interval, regardless of the time parked in such area, such vehicle shall not be reparked within a distance of five hundred feet (500') of the place initially parked within a period of four (4) hours thereafter.

B. Vehicles used for vending or peddling purposes shall also comply with the parking restrictions of section 4-2-705 of this code. (1962 Code §§ 3-6.1012, 3-6.1101(d))

7-3-109: PARKING WITHIN DESIGNATED MARKINGS:

Where any parking space has pavement markings designating the allotted parking space, vehicles shall be parked entirely within the designated limits of such parking space, unless the length of the vehicle precludes compliance with this section. (1962 Code §§ 3-6.1104, 3-4.104)

7-3-110: SUCCESSIVE PARKING VIOLATIONS FOR EXTENDED ILLEGAL PARKING:

Where a vehicle is cited for a parking violation and remains illegally parked for a successive interval of time which again exceeds the maximum allowable parking interval, this extended parking constitutes a second and separate parking violation subject to the following limitations:

A. The vehicle has been parked a minimum of two (2) hours since issuance of the initial citation; and

B. Not more than two (2) citations may be issued for continuous illegal parking within any twenty four (24) hour period. (1962 Code § 3-6.311)

7-3-111: CLASS 1 PARKING PERMITS:

A. A vehicle which bears a class 1 parking permit and is being used for city business may park:

1. In a parking meter space without the deposit of any coin in the adjacent parking meter.

2. In a parking meter space or in a nonmetered parking space for a period of time in excess of the posted maximum parking time permitted, but not during posted peak hour parking restriction periods.

3. In any preferential parking zone.

4. In any parking lot or structure owned by the city without payment of the required fees and in excess of the maximum permitted time for parking.

B. A class 1 permit shall be issued by the director of public works and transportation only as follows:

1. One permit for each vehicle legally registered to each current and former member of the city council and each current and former city treasurer.

2. One permit for each vehicle legally registered to each current member of the planning, architectural, design review, traffic and parking, human relations, public works, recreation and parks, fine art, health and safety, charitable solicitations and cultural heritage commissions. When a commissioner ceases to be on a commission, the permit issued to the holder under this subsection B2 is deemed void and is invalid for the uses set forth in this section. The permit holder shall return the permit(s) to the director.

3. One permit to the current city manager, current city attorney, current city clerk, and each current executive management employee designated in the city's executive compensation plan. When such persons cease to be an employee of the city or are no longer in the position of city manager, city attorney or city clerk, the permit issued to the holder under this subsection B3 is deemed void and is invalid for the uses set forth in this section. The permit holder shall return the permit(s) to the director.

4. Notwithstanding any other provision in this subsection B, no more than two (2) permits shall be issued per household. For the purposes of this section, "household" shall be defined as all persons who dwell within the same dwelling unit.

C. The city treasurer who is in office as of October 18, 2010, may request that the director of public works and transportation issue a single class 1 permit to a deputy city treasurer designated by the city treasurer to receive such permit. Once the city treasurer makes such designation, the city treasurer has no further authority to request the issuance of additional class 1 permits to the

same or any other deputy city treasurer(s). When the designated deputy city treasurer ceases to be a deputy city treasurer, the permit issued under this subsection is deemed void and is invalid for the uses set forth in this section. The permit holder shall return the permit to the director.

D. Class 1 permits shall be displayed in the lower left corner of the front windshield of the vehicle. (1962 Code § 3-4.107; amd. Ord. 88-O-2023, eff. 6-2-1988; Ord. 89-O-2064, eff. 7-6-1989; Ord. 90-O-2108, eff. 1-11-1991; Ord. 91-O-2112, eff. 4-19-1991; Ord. 92-O-2148, eff. 9-11-1992; Ord. 98-O-2303, eff. 7-2-1998; Ord. 01-O-2364, eff. 2-2-2001; Ord. 01-O-2385, eff. 11-23-2001; Ord. 09-O-2575, eff. 1-15-2010; Ord. 10-O-2595, eff. 12-5-2010; Ord. 12-O-2620, eff. 3-23-2012)

7-3-112: STOPPING IN ALLEYS:

No person shall stop a vehicle in any alley except as provided in this section.

A. Commercial Alleys: In those alleys that are bordered on one or both sides by commercial property, a person may stop a vehicle as provided in this subsection where there are yellow alley edge markings.

1. Stopping shall be allowed only between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. on Monday through Saturday. Stopping shall not be allowed on Sundays.

2. Stopping shall only be permitted for the purposes of loading or unloading of passengers or baggage, making a commercial delivery or pick up, or loading or unloading materials for commercial purposes.

3. Stopping shall be restricted to a period not to exceed three (3) minutes except that commercial vehicles may stop for a period not to exceed twenty (20) minutes while loading or unloading materials for commercial purposes.

B. Residential Alleys: In those alleys bordered on one or both sides by residential property, a person may stop a vehicle as provided in this subsection where there are no alley edge markings.

1. Stopping shall be allowed only between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

2. Stopping shall only be permitted for the purposes of loading or unloading of passengers, baggage or materials to serve adjacent residential property.

3. Stopping shall be restricted to a period not to exceed three (3) minutes, unless the driver is actively loading or unloading the vehicle as provided in subsection B4 of this section.

4. Stopping shall be restricted to a period not to exceed twenty (20) minutes while the driver is actively loading or unloading a vehicle. For the purposes of this subsection, a driver shall not be considered to be "actively loading or unloading" a vehicle if the driver is away from the vehicle for a period of more than three (3) minutes.

5. Stopping shall only be permitted on the portion of the alley bordering residential property.

C. Obstruction Or Hazard Prohibited: In no event shall any vehicle be stopped in a manner that obstructs traffic or creates a hazard, nor shall this section be construed to limit the authority of the city to remove a vehicle which creates an obstruction or hazard as set forth in Vehicle Code

section 22651(b). (Ord. 88-O-2043, eff. 11-10-1988; amd. Ord. 00-O-2344, eff. 2-18-2000; Ord. 01-O-2369, eff. 3-8-2001)

7-3-113: REMOVAL OF VEHICLES:

A. Any vehicle which is parked or left standing in violation of this code upon a street for seventy two (72) or more consecutive hours from the issuance of a written warning or citation for the violation of this code shall be subject to removal.

B. Any vehicle which is stopped, parked or left standing in an "antigridlock zone" as defined in section 7-3-121 of this article during peak hours in violation of this code shall be subject to removal. (Ord. 06-O-2509, eff. 12-22-2006)

7-3-114: REMOVAL OF VEHICLES; SPACES USED BY AUTHORIZED AUTOMOBILE PARKING SERVICE:

In addition to the grounds for removal specified in the California Vehicle Code, and pursuant to California Vehicle Code section 22651(n), vehicles parked in a space lawfully used by an automobile parking service pursuant to a valid valet parking permit issued pursuant to title 4, chapter 2, article 15 of this code during any time when such automobile parking service is authorized to operate valet parking operations, shall be subject to removal by the city or its authorized agent. (Ord. 92-O-2158, eff. 12-18-1992)

7-3-114.1: REMOVAL OF VEHICLES; TOUR BUS LOADING AND STAGING ZONES:

In addition to the grounds for removal specified in the California Vehicle Code, and pursuant to California Vehicle Code section 22651(n), vehicles unlawfully parked, stopped or standing, in a designated tour bus loading or staging zone are subject to removal by the city. (Ord. 99-O-2323, eff. 2-16-1999; amd. Ord. 02-O-2397, eff. 6-7-2002)

7-3-115: VEHICLE PARKING PERMITS DENIED IF OUTSTANDING PARKING PENALTIES:

Parking permits issued by the city pursuant to this chapter shall not be issued to any applicant unless all outstanding parking penalties and other related fees are paid in full pursuant to the provisions set forth in chapter 5 of this title. (Ord. 93-O-2173, eff. 7-23-1993)

7-3-116: REQUIREMENT OF PAYING POSTED RATE IN MUNICIPAL PARKING FACILITIES:

No vehicle shall be parked in a municipal parking facility and thereafter removed from the facility without paying the parking attendant the posted parking facility rate at the time the vehicle is removed. (Ord. 98-O-2312, eff. 10-23-1998)

7-3-117: UNLAWFUL USE OF INVALID DISABLED PLACARD:

A. No person shall park or stand a vehicle upon any street, highway or disabled person's parking stall or space of an off street parking facility when the vehicle displays, in order to obtain special parking privileges, a disabled placard and the department of motor vehicles record for the identification number assigned to such placard indicates that such placard either: 1) has been reported as lost, stolen, surrendered, canceled, revoked or expired; or 2) was issued to a person who has been reported as being deceased for a period exceeding sixty (60) days; or 3) the placard is counterfeit, forged, altered, or mutilated.

B. For purposes of this section, "disabled placard" means a distinguishing placard issued pursuant to California Vehicle Code section 22511.55.

C. This section is enacted pursuant to the authority conferred by California Vehicle Code section 22511.57. (Ord. 99-O-2334, eff. 10-22-1999; amd. Ord. 05-O-2475, eff. 7-22-2005)

7-3-118: PARKING OF LIMOUSINES IN RESIDENTIAL ZONES PROHIBITED:

No person shall stop, park or leave standing any limousine on any street within a residential zone, except for the immediate loading and unloading of passengers. For purposes of this section and section 7-3-119 of this article, "limousine" shall have the same meaning as set forth in section 7-2-206 of this title. (Ord. 02-O-2418, eff. 1-3-2003)

7-3-119: LIMOUSINE STAGING ZONES ESTABLISHMENT AND RESTRICTIONS:

A. Except as otherwise provided in this section for limousines, no person shall stop, park or leave standing any vehicle in the spaces identified as limousine staging zones during the time period posted.

B. The transportation official is authorized to establish limousine staging zones for any day and period of time on any nonresidential street for a distance of up to twelve (12) metered parking spaces or two hundred forty feet (240'), whichever is less, when the transportation official finds that it is necessary to provide limousines a safe and convenient location from which limousines may stage their limousine operations so as not to interfere with other traffic in the business and residential zones of the city. In all other circumstances, limousine staging zones may be established by resolution of the city council.

C. Limousine operators may utilize staging zones to park their limousines and to wait, as authorized in this section.

D. No limousines shall park in the limousine staging zones for a period in excess of the time posted.

E. A decision of the transportation official may be appealed to the city council. (Ord. 02-O-2418, eff. 1-3-2003