



AGENDA REPORT

Meeting Date: October 21, 2014

Item Number: D-6

To: Honorable Mayor & City Council

From: Laurence S. Wiener, City Attorney

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING TRANSACTIONS IN WHICH COMPENSATION IS PAID FOR THE PURPOSE OF FACILITATING A CHANGE IN THE OCCUPANCY OF A PUBLICLY OWNED PARKING SPACE.

Attachments: 1. Ordinance

RECOMMENDATION

Staff recommends that the City Council move to waive the full reading and adopt the ordinance, entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING TRANSACTIONS IN WHICH COMPENSATION IS PAID FOR THE PURPOSE OF FACILITATING A CHANGE IN THE OCCUPANCY OF A PUBLICLY OWNED PARKING SPACE".

INTRODUCTION

This ordinance prohibits the payment or receipt of compensation (whether monetary, in-kind, or in any other form) for reserving or vacating any public parking space in the City of Beverly Hills and prohibits the facilitation of such transactions..

DISCUSSION

At its meeting of October 7, 2014, the City Council conducted a first reading and introduced this ordinance.

FISCAL IMPACT

There is no significant fiscal impact anticipated at this time.



Laurence S. Wiener, City Attorney

Attachment 1

ORDINANCE NO. 14-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
PROHIBITING TRANSACTIONS IN WHICH COMPENSATION
IS PAID FOR THE PURPOSE OF FACILITATING A CHANGE
IN THE OCCUPANCY OF A PUBLICLY OWNED PARKING
SPACE

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

Section 1. A new section 7-3-416 is hereby added to Article 4 (Parking Meter Zones and Fees) of Chapter 3 (Standing, Stopping, Parking) of Title 7 (Traffic, Parking, and Public Transportation) of the Beverly Hills Municipal Code to read as follows:

“Section 7-3-416. Sale of Parking Opportunities Prohibited.

A. It shall be unlawful for any person to facilitate or participate in a transaction by any means (including, but not limited to, via a mobile application), in which any form of compensation is paid for the purpose of facilitating a change in the occupancy of a publicly owned parking space or in which compensation is contingent on the occupancy of a publicly owned parking space by a specified individual or vehicle.

B. This section shall not apply to any transaction that occurs in connection with an automobile parking and shuttle service operating pursuant to a valid valet parking permit issued pursuant to title 4, chapter 2, article 15 of this code during any time when such service is authorized to operate valet parking operations.”

Section 2. 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 decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections,

subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 3. CEQA Findings. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. This Ordinance preserves the status quo and will not result in any changes to the physical environment. This Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 4. 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 5. 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.

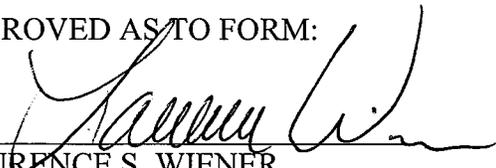
Adopted:
Effective:

LILI BOSSE
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