



AGENDA REPORT

Meeting Date: November 20, 2007
Item Number: F-6
To: Honorable Mayor & City Council
From: Laurence S. Wiener, City Attorney
Subject: ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING CERTAIN CONDUCT ON PUBLIC PROPERTY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE
Attachments: Ordinance

RECOMMENDATION

It is recommended that the City Council adopt the ordinance.

INTRODUCTION

This ordinance is part of the City's CLASP (Changing Lives and haring Places) program that establishes standards of conduct on public property.

DISCUSSION

At the City Council meeting of November 13, 2007, the City Council conducted a first reading of this ordinance.

FISCAL IMPACT

There are no costs associated with the adoption of this ordinance.

Laurence S. Wiener, City Attorney



Approved By

ORDINANCE NO. 07-0-

AN ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING CERTAIN CONDUCT ON PUBLIC PROPERTY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

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

Section 1. The City of Beverly Hills is committed to taking a holistic approach to addressing the causes of, as well as deterring, certain public conduct on public property. The City has made arrangements with shelter facilities to make such facilities available for homeless persons in Beverly Hills who wish to avail themselves of such facilities. For those who wish to avail themselves of these facilities, transportation will also be made available. The City has engaged in, and will continue to engage in, outreach efforts to communicate with homeless individuals regarding facilities available to address their basic needs and avoid violating the provisions of this ordinance. Finally, in adopting the following provisions into its Municipal Code, the City Council also directs that members of the police department or other appropriate officials offer those alternatives to any person who appears to be homeless before arresting or citing that person for a violation of these provisions.

Section 2. Article 13 of Chapter 6 of Title 5 of the Beverly Hills Municipal Code is hereby amended by adding new Sections 5-6-1307, 5-6-1308 and 5-6-1309 to read as follows:

“5-6-1307: **HUMAN WASTE:** No person shall urinate or defecate on public property except in a facility intended for accepting human waste located in a public restroom.

5-6-1308: **ACCESS TO CITY-OWNED PARKING STRUCTURES:**

A. No person may be present in a City-owned parking structure unless he or she is engaged in one of the following activities or accompanying someone who is so engaged:

1. Parking or unparking a vehicle or riding in a vehicle that is being parked or unparked.
2. Departing from or returning to a vehicle that is parked in the parking structure.
3. Using or going to or from a public restroom located in the parking structure.
4. Operating or maintaining the parking structure as an employee or contractor of the City.

B. The term “City-owned parking structure” means the following structures, excepting retail or commercial space:

1. Beverly North, located at 345 N. Beverly Drive, Beverly Hills.
2. Beverly South, located at 216 S. Beverly Drive, Beverly Hills.
3. Beverly-Canon, located at 439 N. Beverly Drive and 438 N. Canon Drive, Beverly Hills.
4. Brighton, located at 9510 Brighton Way, Beverly Hills.
5. Camden, located at 440 N. Camden Drive, Beverly Hills.
6. Bedford, located at 461 N. Bedford Drive, Beverly Hills.
7. Rexford, located at 450 N. Rexford Drive, Beverly Hills.
8. Beverly Hills Gardens, located at 241 N. Canon Drive, Beverly Hills and 240 N. Beverly Drive, Beverly Hills.
9. La Cienega, located at 321 S. La Cienega Boulevard, Beverly Hills.
10. Crescent North, located at 333 N. Crescent Drive, Beverly Hills.
11. Crescent South, located at 221 N. Crescent Drive, Beverly Hills.
12. Dayton, located at 9361 Dayton Way, Beverly Hills.
13. SM-1, located at 485 N. Beverly Drive, Beverly Hills.
14. SM-2, located at 485 N. Rodeo Drive, Beverly Hills.
15. SM-3, located at 485 N. Camden Drive, Beverly Hills.
16. SM-4, located at 485 N. Bedford Drive, Beverly Hills.
17. SM-5, located at 485 N. Roxbury Drive, Beverly Hills.

5-6-1309: **OCCUPANCY OF PUBLIC RESTROOM:** No person shall occupy a City-owned public restroom more than 20 minutes per hour, and no person shall occupy a City-owned public restroom at any time such facility has been closed to the public. This provision shall not apply to persons maintaining a City-owned public restroom as an employee or contractor of the City.”

5-6-1310: **BATHING IN PUBLIC FOUNTAIN OR PUBLIC RESTROOM:** No person shall bathe, wash or make other contact with the water in a public fountain, other than a drinking fountain. No person shall use any city-owned

public restroom to wash any portion of their body other than their arms, neck and face.

Section 3. Section 5-6-1404 of Article 14 of Chapter 6 of Title 5 of the Beverly Hills Municipal Code is hereby amended to read as follows:

“5-6-1404: **UNLAWFUL SOLICITATION; LOCATION:** No person shall solicit in any of the following places:

- A. Within fifteen feet (15’) of any automated teller machine or parking pay station;
- B. Within fifteen feet (15’) of any designated bus stop, taxi stand or similar location;
- C. In any public bus or similar public transportation vehicle;
- D. At the pedestrian entrance/exit or elevator lobby of a City-owned parking structure. For purposes of this provision, “City-owned parking structure” shall have the meaning set forth in Section 5-6-1308(B) of this Code.
- E. Within fifteen feet (15’) of an open air dining area.”

Section 4. Chapter 6 of Title 5 of the Beverly Hills Municipal Code is hereby amended by adding a new Article 15 to read as follows:

“ARTICLE 15. CAMPING OR STORING PERSONAL PROPERTY
ON PUBLIC PROPERTY

5-6-1501: **DEFINITIONS:** Unless the context otherwise requires, the definitions contained in this Section shall govern the meaning of words and phrases used in this Article.

CAMP: To pitch or occupy camp facilities; to use camp paraphernalia.

CAMP FACILITIES: Shall include, but not be limited to, tents, huts or temporary shelters.

CAMP PARAPHERNALIA: Shall include, but not be limited to, tarpaulins, cots, beds, sleeping bags, hammocks or non-City provided cooking facilities and similar equipment.

CITY-OWNED PARKING STRUCTURE: A City-owned parking structure designated in Section 5-6-1308(B) of this Code.

PARK: A public park designated in Section 8-1-01 of this Code.

STORE: To put aside for use when needed; to put for safekeeping; to leave in a location for later retrieval.

5-6-1502: **UNLAWFUL CAMPING:** No person shall camp, occupy camp facilities or use camp paraphernalia in the following areas:

- A. Any park.
- B. Any street.
- C. Any City-owned parking structure.
- D. Any other City owned or operated property.

5-6-1503: **UNLAWFUL STORAGE OF PERSONAL PROPERTY:** No person shall store personal property, including without limitation camp facilities and camp paraphernalia, in the following areas:

- A. Any park.
- B. Any street.
- C. Any City-owned parking structure.
- D. Any other City owned or operated property.

If property is placed in a location for such a length of time as to cause visible damage to grass or other landscaping, or to interfere with regular maintenance activities, then such damage or interference shall be evidence that the property has been stored in violation of this section.”

Section 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 6. 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 California Government Code Section 36933, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

Section 7. 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:

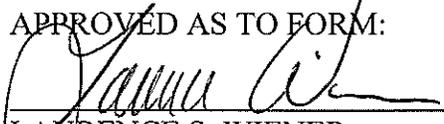
CITY OF BEVERLY HILLS
A Municipal Corporation

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:

RODERICK J. WOOD
City Manager