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07-0699

CITY OF LOS ANGELES CALIFORNIA



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May 23, 2007

Office of the Mayor
Councilmember Smith
Councilmember LaBonge
Board of Public Works
City Attorney (with blue sheet)
City Administrative Officer
Chief Legislative Analyst
Controller, Room 300
Accounting Division, F&A
Disbursement Division
Bureau of Engineering
Bureau of Street Services

RE: DEFINING RESIDENTS' RESPONSIBILITY FOR MAINTAINING SIDEWALK AND PARKWAYS AND
AMENDING THE LOS ANGELES MUNICIPAL CODE TO CREATE "SIDEWALK AND PARKWAY
MAINTENANCE PROGRAM

At the meeting of the Council held May 22, 2007, the following action was taken:

Attached report adopted	_____ X _____
Attached motion () adopted	_____
Attached resolution adopted	_____
Ordinance adopted	_____
FORTHWITH	_____
Motion adopted to approve communication recommendation(s)	_____

City Clerk
jr



**TO THE COUNCIL OF THE
CITY OF LOS ANGELES**

Your

PUBLIC WORKS

Committee

reports as follows:

PUBLIC WORKS COMMITTEE REPORT relative to defining residents' responsibility for maintaining sidewalk and parkways and amending the Los Angeles Municipal Code (LAMC) to create "Sidewalk and Parkway Maintenance Program."

Recommendations for Council action, as initiated by Motion (Smith - LaBonge):

1. REQUEST the City Attorney to PREPARE and PRESENT an ORDINANCE to incorporate the amendments, as detailed in Attachment A of the May 11, 2007 Bureau of Street Services (BOSS) report and attached to the Committee report, amending Section 56.08 of the Los Angeles Municipal Code (LAMC) to include Subsections e and f in said report as it pertains to parkway maintenance and overgrown vegetation on public property.
2. REQUEST the Controller to create a NEW REVENUE SOURCE CODE in the General Fund called Right-of-Way Maintenance Enforcement Program to identify fees collected to enforce illegal dumping laws by the BOSS.

Fiscal Impact Statement: None submitted by the BOSS. Neither the City Administrative Officer (CAO) nor the Chief Legislative Analyst (CLA) has completed a financial analysis of this report.

SUMMARY

At its regular meeting on May 16, 2007, the Public Works Committee considered a Motion (Smith - LaBonge) relative to defining residents' responsibility for maintaining sidewalk and parkways and amending the LAMC to create "Sidewalk and Parkway Maintenance Program." According to the Motion, currently LAMC Section 56.08(c) states, part that "no person having charge or control of any lot or premises shall allow any soil, rubbish, trash, garden refuse, tree trimmings, ashes, tin cans, or other waste...to remain upon any sidewalk, parkway or...upon any street abutting...or adjacent to such lot or premises....which will interfere with, or obstruct the free passage of pedestrians or vehicles..."

The BOSS- Investigation and Enforcement Division, has the authority to cite violators, but there is no monetary penalty or fine for non-compliance unless a criminal complaint is filed with the City Attorney's Office. Under the existing process, the Investigation and Enforcement Division will issue a: 1) warning notice; 2) Hearing Notice to Appear (for non-compliance of warning notice); and 3) Criminal Complaint Filing with the City Attorney if the problem is not abated. This process is time-consuming and has very little effect in getting the attention of those who violate the law and ignore the citations issued.

According to the BOSS, LAMC Sections 56.08(a) and 56.08(c) mandate that the adjacent property owner or person in control of the premises is responsible for maintaining clean, obstruction-free and passable sidewalks. Often parkways are not properly maintained by adjacent property owners or vegetation from private property is allowed to grow onto the public right-of-way. The current enforcement process requires the issuance of a warning notice to the property owner. If no compliance is gained, the property owner is issued a Notice to Appear at Hearing. After the

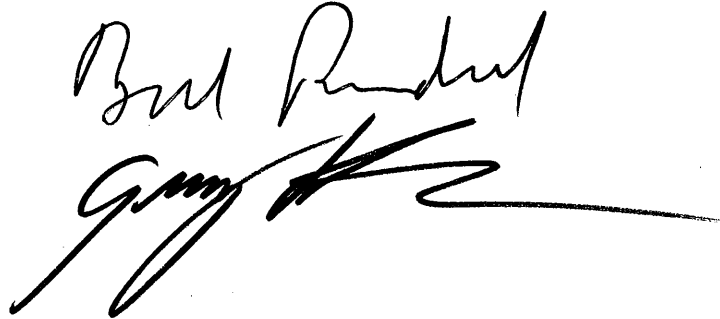
hearing, they are given additional time to comply and if they fail to resolve the issue, the only recourse is to proceed to a criminal filing with the City Attorney. The criminal process, while in some cases is appropriate, is not the most efficient or effective means of combating this Citywide problem. The administrative method ensures that only the most persistent and flagrant violators are prosecuted in criminal court.

The proposed amendments to the LAMC, as detailed in Attachment A to the May 11, 2007 BOSS report, create a graduated administrative system with the first violation resulting a warning or \$50 fine. In a calendar year, once an individual or business has received one monetary fine, the next violation is punishable by a fine of \$100. A third violation is punishable by a fine of \$150 and a fourth violation is treated as a criminal misdemeanor. The violator has the right to appeal all fines through an administrative hearing. The findings of the hearing officer serve as the City's testimony if the matter is appealed to civil court. There is no involvement of the City Attorney's Office unless the hearing is appealed or the violator is flagrant and must be charged for more than three calendar year violations.

After further consideration and having provided an opportunity for public comment, the Committee moved to recommend requesting the City Attorney to prepare and present an Ordinance amending LAMC Section 56.08 to include Subsections e and f as detailed in the May 11, 2007 BOSS report. Additionally, the Committee moved to recommend requesting the Controller to create a NEW REVENUE SOURCE CODE in the General Fund called Right-of-Way Maintenance Enforcement Program to identify fees collected to enforce illegal dumping laws by the BOSS. This matter is now submitted to Council for its consideration.

Respectfully submitted,

PUBLIC WORKS COMMITTEE

Handwritten signatures of committee members, including one that appears to be 'Bob Rosendahl' and another that is more stylized.

<u>MEMBER</u>	<u>VOTE</u>
ROSENDAHL:	YES
LABONGE:	ABSENT
SMITH:	YES

ARL
5/17/07
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ATTACHMENTS

Report
ADOPTED

MAY 22 2007

LOS ANGELES CITY COUNCIL