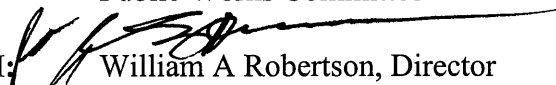


CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: May 11, 2007

TO: The Honorable Bill Rosendahl, Chair
Public Works Committee

FROM:  William A. Robertson, Director
Bureau of Street Services

SUBJECT: **CF# 07-0699 SIDEWALK/PARKWAY MAINTENANCE ENFORCEMENT PROGRAM**

SUMMARY:

The City Council referred to the Public Works Committee a Motion (Smith-LaBonge), Council File. No. 07-0699, regarding the feasibility of creating an administrative enforcement program to address the maintenance of parkways and overgrown vegetation by property owners. This Motion requested that the Bureau of Street Services report back on the necessary changes to the Los Angeles Municipal Code (LAMC) to facilitate administrative enforcement with a monetary penalty.

The Bureau recommends amending LAMC Section 56.08 to impose a graduated penalty of \$50, \$100 and \$150 for each successive violation of the ordinance in a 12 month period. A fourth violation would result in criminal prosecution as misdemeanor violation. The revenue derived from this enforcement would be used to fund illegal dumping surveillance and enforcement by the Bureau of Street Services, Investigation and Enforcement Division.

Recommendations

1. It is recommended that the City Attorney be instructed to prepare an ordinance to incorporate the amendments in attachment "A" amending Section 56.08 of the L.A.M.C. to include Subsection e and f as it pertains to parkway maintenance and overgrown vegetation on public property.
2. REQUEST that 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 Bureau of Street Services.

Background

Pursuant to Los Angeles Municipal Code Section 56.08(a) and (c) the adjacent property owner or the 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, if they fail resolve the issue, the only recourse is to proceed to a criminal filing with the City Attorney

The criminal process while in some cases appropriate is not the most efficient or effective means of combating this City-wide problem. The administrative method ensures that only the most persistent and flagrant violators are prosecuted in criminal court.

As City services are utilized to maximum capacity, it is imperative that community stakeholders take responsibility for their part in keeping the right-of-way clean. To deter this prevalent quality of life crime and encourage active community involvement in the process of making our streets safe and clean, an administrative overgrown vegetation enforcement program is recommended. Several local municipalities have effectively decreased blight and recovered enforcement costs by using the administrative penalty program.

The amendments proposed create a graduated administrative system with the first violation resulting in a warning or a \$50.00 fine. In a calendar year, once a business or individual has received one monetary fine the next violation is punishable by a fine of \$100.00. A third fine is \$150.00 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 Attorneys Office unless the hearing is appealed or the violator is flagrant and must be charged for more than three calendar year violations.

The proposed amendment includes authorization for the Board of Public Works to set an additional processing fee to recover the costs of the program. It is recommended that this initial fee is set at \$50.00 per citation. The Department of Public Works does not currently employ Administrative Hearing Examiners. The City does employ Hearing Officers in the Department of Transportation to adjudicate parking citations. To comply with the administrative hearing process as mandated by California Government Code Section 53069, a hearing system would need to be established within the Department of Public Works or agreement established with the Los Angeles Department of Transportation to hold administrative hearings for the parkway violations. The administrative fee would be used to offset LADOT costs related to these administrative hearings if it is decided this is preferable.

This program will improve the appearance of City streets, reduce blight and enhance the quality of life through effective targeted enforcement that focuses on fixing "broken windows." If you have any questions or concerns please contact me or Nazario Saucedo, Assistant Director at (213) 847-3333.

WAR:gh

Attachment A

SEC. 56.08. SIDEWALKS -STREETS -OBSTRUCTIONS. *(Amended language in bold and italics)*

(a) No person owning, leasing, occupying, having charge or control of any lot or premises, shall allow, keep or maintain any tree, bush or vegetation growing upon any lot or premises abutting any street or sidewalk or upon any street or sidewalk so that the limbs, twigs, leaves or parts of such tree, bush or vegetation interfere with or obstruct the free passage of pedestrians or vehicles along or upon said streets or sidewalks.

(b) Trees or bushes greater than fifteen feet in height growing in or upon any premises or sidewalk shall be deemed to interfere with and obstruct the free passage of pedestrians or vehicles upon said streets and sidewalks withit:1 the meaning of this section unless the lower limbs, twigs or leaves of such trees or bushes are kept removed at all times so as to have a minimum clearance of:

1. 13 feet 6 inches over that portion of State highways and major streets improved, designed or ordinarily used for vehicular traffic;
2. 11 feet over that portion of local streets improved, designed, or ordinarily used for vehicular traffic;
3. 9 feet over the sidewalk and parkway area of all streets. (Amended by Ord. No. 106,987, Eff. 3/24/56.)

(c) 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 or refuse to remain upon any sidewalk, parkway, or in or upon any street abutting on or adjacent to such lot or premises, or which will interfere with or obstruct the free passage of pedestrians or vehicles along any such street, sidewalk or parkway. (Amended by Ord. No. 123,979, Err. 4/20/63.)

(d) No person having charge or control of any lot, building, or premises, shall clean or sweep any dirt, rubbish or refuse from any sidewalk into the street; provided that nothing contained in this section shall prevent such person from cleaning or sweeping any dirt, rubbish, or refuse from any sidewalk and disposing of the same on or in said lot, building or premises, where such disposition does not create a nuisance and is not prohibited by any other ordinance. (Amended by Ord. No. 148,466, Eff. 7/29/76.)

(e) Any person having charge or control of any lot, building, or premises, shall be responsible for maintaining areas adjacent to their property reasonably free and clear of overgrown vegetation as required in Subsection (a). Any person having charge or control of any lot, building, or premises failing to overgrown vegetation from areas adjacent to their property shall be subject to administrative penalties as outlined in Subsection (f).

(f) The first violation of Subsection (c) in a calendar year is subject to warning or an administrative monetary penalty not to exceed \$50.00. Subsequent violations in the same calendar year will result in a second penalty not to exceed \$100.00 for the second violation after receiving the initial \$50.00 penalty. The penalty for the third administrative violation in a calendar year is \$150.00. More than three administrative fines in one calendar year shall result in the violation being charged as a

misdemeanor in Superior Court and subject to all penalties applicable to criminal violations. The Bureau of Street Services is authorized assess a processing fee established by the Board of Public Works for all citations with an administrative monetary penalty. All non-criminal enforcement actions are subject to the administrative hearing process as mandated by California Government Code Section 53069



City of Los Angeles

Department of Public Works

Bureau of Street Services

INVESTIGATION AND ENFORCEMENT DIVISION



KEEP LA BEAUTIFUL

SIDEWALK AND PARKWAY MAINTENANCE FOR PROPERTY OWNERS

It is the legal responsibility (California Streets and Highways Code Section 5610 and Los Angeles Municipal Code Section 56.08) of a property owner to maintain all vegetation around their property including the parkway (the planted area near the curb) and fenced rear areas facing a public street or sidewalk. Removal of the overgrown vegetation from your parkway or from the rear of your property will aid the City in ongoing projects to improve the right-of-way. The goal of this project is to reduce blight while more effectively and efficiently using City resources to maintain roadways

This community effort is also a part of the City's overall approach to "fixing broken windows" and reducing other more serious community concerns. Walkways free of overgrown vegetation are extremely important to the disabled. The Federal American with Disabilities Act requires 48 inches of free and passable sidewalk. Overgrown vegetation poses a problem for some wheelchairs and makes mobility difficult. Overgrown vegetation also offers coverage for certain pests and detracts from the appearance of the neighborhood. Overgrowth on parkways makes safely exiting vehicles difficult and forces passengers to exit in the street increasing the risk of being hit by a passing car.

The improved appearance of our community benefits all community stake holders by improving the quality of life and safety. We appreciate your cooperation in working with us to achieve our goals by removing all overgrown vegetation from the sidewalk or other right-of-way areas adjacent to your property.

We need your help in this important community improvement program to help improve the natural beauty of the City of Los Angeles.

For more information please contact:

City of Los Angeles

Department of Public Works,

Bureau of Street Services

INVESTIGATION AND ENFORCEMENT DIVISION

1149 South Broadway #350, Los Angeles California 90015

(213) 847-6000



CITYWIDE SERVICES DIRECTORY

"One Call to City Hall"