

CITY OF LOS ANGELES

CALIFORNIA

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When making inquiries  
relative to this matter,  
please refer to the Council  
File No.

08-1122

August 15, 2008

Office of the Mayor  
City Administrative Officer  
Chief Legislative Analyst  
City Attorney (W/Blue sheet)  
Controller, Room 300  
Accounting Division, F&A  
Disbursement Division

Board of Public Works  
cc. Department of Public Works  
Bureau of Street Services

RE: AMENDING LOS ANGELES MUNICIPAL CODE SECTION 66.25 TO AUTHORIZE ADMINISTRATIVE  
PENALTIES FOR THE ILLEGAL DUMPING OF RUBBISH ON THE PUBLIC RIGHT-OF-WAY

At the meeting of the Council held AUGUST 6, 2008, the following action was taken:

Attached report adopted as amended .....	_____
Attached motion (-) adopted .....	_____
Attached motion (-) adopted .....	_____
FORTHWITH .....	_____
Mayor concurred .....	_____
To the Mayor FORTHWITH .....	_____
Motion adopted to approve committee report recommendation(s) .....	X _____
Motion adopted to approve communication recommendation(s) .....	_____
Ordinance adopted .....	_____
Ordinance number .....	_____
Posted date .....	_____
Effective date .....	_____
Mayor approved .....	_____
Mayor failed to act – deemed approved .....	_____
Findings adopted .....	_____
Negative Declaration adopted .....	_____
Categorically exempt.....	_____
Generally exempt.....	_____

City Clerk  
kw

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

Your

**PUBLIC WORKS COMMITTEE**

**reports as follows:**

PUBLIC WORKS COMMITTEE REPORT relative to amending Los Angeles Municipal (LAMC) Section 66.25 to authorize administrative penalties for the illegal dumping of rubbish on the public right-of-way.

Recommendations for Council action:

1. REQUEST the City Attorney to PREPARE and PRESENT an ORDINANCE to amend LAMC Section 66.25 to add Subsections (B) and (C) to authorize administrative penalties for the illegal dumping of rubbish on the public rights-of-way.
2. ESTABLISH a new revenue source code in the General Fund to identify all penalties collected.

Fiscal Impact Statement: The Board of Public Works (Board) reports that penalties collected should cover all administrative costs for this program.

SUMMARY

On July 30, 2008, your Committee considered an April 2, 2008 Board report relative to amending LAMC Section 66.25 to authorize administrative penalties for the illegal dumping of rubbish on the public right-of-way. Additionally, the Board is recommending the establishment of a new revenue source code in the General Fund to identify all penalties collected.

According to the Board, illegal dumping is the most frequently committed environmental crime in California, and its proliferation continues to increase the City expenditures to mitigate this public safety problem. The Bureau of Street Services (BOSS) has aggressively enforced illegal dumping ordinances and seeks a new tool to improve the efficiency and effectiveness of illegal dumping enforcement. Currently when dumpers are observed in the commission of the violation, they can be cited for a misdemeanor violation of the LAMC and applicable State laws.

In addition to catching violators in the act, Investigators from the BOSS routinely search through illegally dumped piles of trash to find evidence that leads to the person responsible for the debris. The violator is cited to an administrative hearing and attempt is made to recover City cleanup costs and investigative fees. While this has had some impact, an ordinance creating an administrative violation with monetary penalties for occasion where illegal dumping has not been observed as is required for criminal prosecution but there is evidence recovered from the illegal dumping to prove ownership of the trash.

The BOSS proposes amending LAMC Section 66.25 to add subsection (b) and (c) that provides that any document found in the trash that clearly shows a name and address is sufficient proof that the person identified by the evidence is responsible for the illegal dumping and subject to a monetary fine in addition to any cleanup and investigative costs. The BOSS recommends amending LAMC

Section 66.25 to impose a graduated penalty of \$500, \$750 and \$1000 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 BOSS, Investigation and Enforcement Division.

Pursuant to LAMC Section 66.25 it is illegal to dispose of any rubbish on public property without a permit from the Board. Investigators perform surveillance and cite or arrest violators caught in the act of dumping. However, the problem is so pervasive that arrests alone cannot stop the occurrence of illegal dumping Citywide. Additionally, in regard to proactive enforcement of criminal laws, there is a need to hold accountable those that are not observed and cannot be prosecuted through conventional methods. The use of an administrative remedy in these situations ensures that the all violators are held accountable. 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 enforcement program is recommended.

The amendments proposed create a graduated administrative system with the first violation resulting in a warning. or a \$500 fine. In a calendar year, once a business or individual has received one monetary fine the next violation is punishable by a fine of \$750. A third fine is \$1000 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.

The proposed amendment includes authorization for the Board to set an additional processing fee to recover the costs of the program. It is recommended that this initial fee is set at \$50 per citation. The Department of Public Works (DPW) does not currently employ Administrative Hearing Examiners. The City does employ Hearing Officers in the Department of Transportation (DOT) 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 DPW or agreement established with the DOT to hold administrative hearings for the parkway violations. The administrative fee would be used to offset DOT costs related to these administrative hearings if it is decided this is preferable.

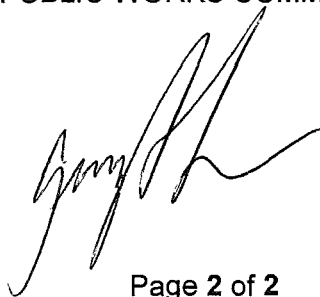
After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendations as contained in the April 2, 2008 Board report. This matter is now submitted to Council for its consideration.

Respectfully submitted,

PUBLIC WORKS COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
ROSENDAHL:	YES
ALARCÓN:	YES
SMITH:	YES

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**ADOPTED**  
MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION  
AUG 06 2008

**LOS ANGELES CITY COUNCIL**