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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 0 - 0 0 2 8
JAN 2 2 2010

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 66.25 OF THE LOS ANGELES
MUNICIPAL CODE TO ADD ADMINISTRATIVE PENALTIES FOR THE
ILLEGAL DEPOSITING OF NONCOMBUSTIBLE RUBBISH**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Council File Number 08-1122

Honorable Members:

Pursuant to your request, this office has prepared and now transmits for your action the attached draft ordinance, approved as to form and legality. This draft ordinance would amend Los Angeles Municipal Code (LAMC) Section 66.25 to authorize administrative penalties for the illegal dumping of rubbish on the public right-of-way.

Summary of Modifications

This ordinance would amend the LAMC to add two new subsections which would create administrative penalties for the illegal disposal of refuse in city streets.

CEQA Exemption

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because ". . . it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." State CEQA Guidelines Section 15061(b) (3). See also City CEQA Guidelines, Article II, (1) General Rule and General Exemption. If the Council chooses to adopt the ordinance, it also should find that it is exempt from the provisions of CEQA pursuant to the above cited section.

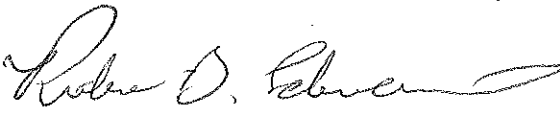
Council Rule 38

In accordance with the requirements of Council Rule 38, this office has forwarded the draft ordinance to affected City departments and instructed them to address any comments that they may have directly to the City Council when you consider this matter.

If you have any questions regarding this matter, please contact Deputy City Attorney Keith W. Pritsker at (213) 978-8141. He or another member of the office will be available when you consider this matter in order to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:KWP:mg
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 66.25 of Article 6, Chapter VI, of the Los Angeles Municipal Code to add administrative penalties for the illegal depositing of noncombustible rubbish.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 66.25 of Article 6, Chapter VI, of the Los Angeles Municipal Code is amended to read:

(a) No person shall deposit or cause to be deposited any combustible or noncombustible rubbish or any refuse of any kind whatsoever upon or in any street, or upon any private premises in this City, or in the Los Angeles River, or in the bed thereof. Noncombustible rubbish may be deposited upon any low ground after the person proposing so to deposit upon same shall have obtained a written permit therefor from the Board and from the owner of the premises upon which it is proposed to deposit such noncombustible rubbish. Any permit granted pursuant to the provisions of this section may be revoked by the Board at any time without notice, and upon such revocation all rights thereunder shall immediately cease.

(b) Any person whose identifying information is found in or who is otherwise responsible for the deposit of rubbish or any refuse of any kind whatsoever, upon or in any street, shall be responsible for depositing it on the public right-of-way and shall be subject to administrative penalties as defined in Subsection (c).

(c) The first violation of Subsection (b) in a calendar year is subject to warning or an administrative monetary penalty not to exceed \$500.00. Subsequent violations in the same calendar year will result in a second penalty not to exceed \$750.00 for the second violation after receiving the initial \$500.00 penalty. The penalty for the third administrative violation in a calendar year is \$1000.00. 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 to assess a processing fee established by the Board of Public Works for all citations with an administrative monetary penalty. All noncriminal enforcement actions are subject to the administrative hearing process as mandated in the California Government Code Section 53069.

Sec. 2. URGENCY CLAUSE. The City Council finds and declares that this ordinance is required for the immediate preservation of the public peace, health and safety for the following reasons. The ordinance would add administrative penalties for the disposal of refuse in the public way. Such disposal has reached epidemic proportions in parts of the City. These penalties will provide City staff with an effective tool to address this problem. Therefore, this ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk


By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
KEITH W. PRITSKER
Deputy City Attorney

Date 1-22-10

File No. 08-1122