



OFFICE OF THE CITY ATTORNEY  
ROCKARD J. DELGADILLO  
CITY ATTORNEY

REPORT NO. RO8-0440  
NOV 20 2008

REPORT RE:

**DRAFT ORDINANCE ADDING SUBSECTION (a) TO SECTION 62.118.2 OF THE LOS ANGELES MUNICIPAL CODE REQUIRING ANY RESTAURANT WISHING TO ENGAGE IN DINING ACTIVITIES WITHIN THE DEDICATED PUBLIC RIGHT-OF-WAY TO OBTAIN A REVOCABLE PERMIT FROM THE BOARD OF PUBLIC WORKS, AS ADMINISTERED BY THE BUREAU OF ENGINEERING, AND TO PAY A FEE IN ADDITION TO THE REVOCABLE PERMIT FEE**

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

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 adds Subsection (a) to Section 62.118.2 of the Los Angeles Municipal Code (LAMC) requiring any restaurant wishing to engage in dining activities within the dedicated public right-of-way to obtain a revocable permit from the Board of Public Works (Board), as administered by the Bureau of Engineering, and to pay a fee in addition to the revocable permit fee to cover the inspection and administrative costs for ensuring compliance with the revocable permit conditions for sidewalk dining. The fee for inspection and administrative costs shall be collected every two (2) years beginning two (2) years after initial permit issuance.

Council Rule 38

In accordance with the requirements of Council Rule 38, this office has forwarded the draft ordinance to the Bureau of Engineering and requested that any comments that it may have, be addressed directly to the City Council when you consider this matter.

PUBLIC WORKS

NOV 20 2008

If you have any questions regarding this matter, please contact Assistant City Attorney Christopher M. Westhoff at (213) 978-8158. He or another member of this office will be available when you consider this matter in order to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By

A handwritten signature in black ink, appearing to read "D. Michaelson", written over a horizontal line.

DAVID MICHAELSON  
Chief Assistant City Attorney

DM:CMW:fa  
Transmittal

**ORDINANCE NO. \_\_\_\_\_**

An ordinance adding Subsection (a) to Section 62.118.2 of the Los Angeles Municipal Code (LAMC) requiring any restaurant wishing to engage in dining activities within the dedicated public right-of-way to obtain a revocable permit from the Board of Public Works (Board), as administered by the Bureau of Engineering, and to pay a fee in addition to the revocable permit fee to cover the inspection and administrative costs for ensuring compliance of the revocable permit conditions for sidewalk dining. The inspection and administrative fees shall be collected every two (2) years beginning two (2) years after initial permit issuance.

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

Section 1. Section 62.118.2 of the Los Angeles Municipal Code is hereby amended by adding Subsection (a) thereto, to read:

(a) Every restaurant wishing to engage in sidewalk dining activities within the dedicated public right-of-way must obtain a revocable permit from the Board, as administered by the Bureau of Engineering, as described in LAMC Section 62.118.2. The Board shall adopt, from time to time, as it deems necessary, policies setting forth the requirements and conditions under which the Board, through the Bureau of Engineering, may grant revocable permission for sidewalk dining activities.

1. Every restaurant in possession of a revocable permit to engage in sidewalk dining activities within the public right-of-way pursuant to LAMC Section 62.118.2 (a) shall also be responsible for an Inspection and Administrative Fee to cover the City's cost to inspect the location and verify compliance with permit conditions. The Inspection and Administrative Fee shall be paid once every two (2) years, beginning two (2) years after issuance of the sidewalk dining permit. The Board shall set such fees at an amount that recovers the City's cost of inspection and permit administration and adopt such fees as permitted by the Los Angeles Municipal Code. This fee shall also apply to all existing revocable permits which have been previously issued by the Board for sidewalk dining activities at the time this ordinance is effective. As such, the restaurants with previously issued sidewalk dining permits shall pay the required Inspection and Administrative Fee once every two (2) years, beginning two (2) years after the date this ordinance becomes effective. The Inspection and Administrative Fee shall be paid to the City no later than 30 days prior to the expiration date displayed on the sidewalk dining permit. Non-payment of the Inspection and Administrative Fee will result in revocation of the sidewalk dining permit.

Sec. 2. 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 \_\_\_\_\_.

KAREN E. KALFAYAN, City Clerk

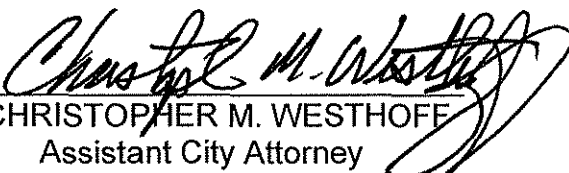
By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By   
CHRISTOPHER M. WESTHOFF  
Assistant City Attorney

Date 10/27/08

File No. \_\_\_\_\_