

ORDINANCE NO. 181817

An ordinance adding Article 5.10 to Chapter IV of the Los Angeles Municipal Code to prohibit harassment of bicyclists because of their status as bicyclists.

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

Section 1. A new Article 5.10 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

**ARTICLE 5.10
PROHIBITION AGAINST HARASSMENT OF BICYCLISTS**

SEC. 45.96.00. FINDINGS AND PURPOSE.

After public hearings and receipt of testimony, the City Council finds and declares:

That the City of Los Angeles wants to encourage people to ride bicycles rather than drive motor vehicles in order to lessen traffic congestion and improve air quality;

That harassment of bicyclists on the basis of their status as bicyclists exists in the City of Los Angeles;

That existing criminal and civil laws do not effectively prevent the unlawful harassment of bicyclists because of their status as bicyclists;

That riding a bicycle on City streets poses hazards to bicyclists, and that these hazards are amplified by the actions of persons who deliberately harass and endanger bicyclists because of their status as bicyclists; and

That because people have a right to ride a bicycle in the City of Los Angeles and should be able to do so safely on City streets, it is against the public policy of the City of Los Angeles to harass a bicyclist upon the basis of the person's status as a bicyclist.

SEC. 45.96.01. DEFINITIONS.

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section. Words and phrases not defined herein shall be construed as defined in Section 12.03 of this Code, if defined therein.

A. Bicycle. A device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, and having one or more wheels.

B. Bicyclist. A person riding a bicycle.

SEC. 45.96.02. PROHIBITED ACTIVITIES.

A person shall not do or attempt to do any of the following:

A. Physically assault or attempt to physically assault a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.

B. Threaten to physically injure a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.

C. Intentionally injure, attempt to injure, or threaten to physically injure, either by words, vehicle, or other object, a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.

D. Intentionally distract or attempt to distract a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.

E. Intentionally force or attempt to force a Bicyclist off a street for purposes unrelated to public safety.

SEC. 45.96.03. REMEDIES.

A. Any aggrieved person may enforce the provisions of this Article by means of a civil lawsuit.

B. Any person who violates the provisions of this Article shall be liable for treble the actual damages with regard to each and every such violation, or \$1,000, whichever is greater, and shall be liable for reasonable attorneys' fees and costs of litigation. In addition, a jury or a court may award punitive damages where warranted.

C. Notwithstanding Section 11.00(m) of this Code, violations of any of the provisions of this Article shall not constitute a misdemeanor or infraction, except where such actions, independently of this Article, constitute a misdemeanor or infraction.

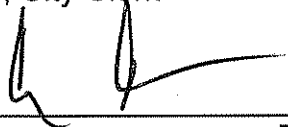
D. The remedies provided by the provisions of this Article are in addition to all other remedies provided by law, and nothing in this Article shall preclude any aggrieved person from pursuing any other remedy provided by law.

Sec. 2. Severability. If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

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 JUL 20 2011 _____.

JUNE LAGMAY, City Clerk


By  Deputy

Approved JUL 25 2011 _____

 Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
JUDITH E. REEL
Deputy City Attorney

Date June 1, 2011 _____

File No. CF 09-2895 _____

DECLARATION OF POSTING ORDINANCE

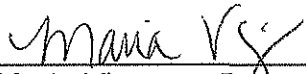
I, MARIA VIZCARRA, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 181817 – Adding Article 5.10 to Chapter IV of the Los Angeles Municipal Code to prohibit harassment of bicyclists because of their status as bicyclists - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **July 20, 2011**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **July 27, 2011** I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **July 27, 2011** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **27th** day of **July 2011** at Los Angeles, California.



Maria Vizcarra, Deputy City Clerk

Ordinance Effective Date: **September 5, 2011**

Council File No. **09-2895**