

CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 11 - 0 2 1
JUN 1 6 2011

REPORT RE:

**DRAFT ORDINANCE AMENDING VARIOUS PROVISIONS OF THE
LOS ANGELES MUNICIPAL CODE TO AUTHORIZE THE EXECUTIVE
DIRECTOR OF THE BOARD OF POLICE COMMISSIONERS TO GRANT
CERTAIN POLICE PERMITS**

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

Council File No. 10-2311


Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This ordinance would amend Section 103.01 and 103.29, and add Section 103.29.01, of Division 6, of Article 3 of the Los Angeles Municipal Code, to authorize the Executive Director of the Board of Police Commissioners to grant certain permits under specified conditions. Amendments to existing Code sections were necessary in order provide definitions of terms used in the newly added provision, and to ensure consistency between the newly added provision and existing provisions governing the time within which action must be taken on permit applications.

If you have any questions regarding this matter, please contact Deputy City Attorney Julie Raffish at (213) 978-8395. She or another member of this Office will be available when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:JSR:pg
Transmittal

ORDINANCE NO. _____

An ordinance amending Sections 103.01 and 103.29, and adding Section 103.29.01 of Division 6 of Article 3 of the Los Angeles Municipal Code to authorize the Executive Director of the Board of Police Commissioners or his or her designee to grant permits on behalf of the Board under certain enumerated circumstances.

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

Section 1. Section 103.01 of the Los Angeles Municipal Code is amended to include the following definitions, incorporated into the existing list in alphabetical order, as follows:

SEC. 103.01. DEFINITIONS.

Department means the Los Angeles Police Department.

Executive Director means the Executive Director of the Board of Police Commissioners.

Sec. 2. Section 103.29 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 103.29. TIMING OF ACTION ON APPLICATION.

(a) **Decision on Application.** Subject to Section 103.29.01, the Board shall act to either grant a Police Permit or deny an application pursuant to the grounds set forth in Section 103.31:

(1) within 45 calendar days from receipt of a complete application for permits issued pursuant to Sections 103.101.1, 103.102 and 103.109;

(2) within 90 calendar days of receipt of a complete application for all other permits;

(3) if a hearing is requested, the time period in which the Board shall act is extended for a period of 15 calendar days.

(b) **Time Extension.** The time periods set forth above may be extended if mutually agreed upon by the Board and the applicant, or if a temporary permit has been issued.

Sec. 3. Section 103.29.01 of the Los Angeles Municipal Code is added to read as follows:

SEC. 103.29.01. EXECUTIVE DIRECTOR ACTION ON APPLICATION.

The Executive Director is authorized to act on behalf of the Board to grant a Police Permit, except for applications made pursuant to Sections 103.101.1, 103.102 and 103.109, pursuant to the following:

- (a) If the recommendation of the Department is to grant a Police Permit without conditions, or with conditions to which the applicant agrees, the Executive Director, or his or her designee, may grant the permit.
- (b) If the recommendation of the Department is to grant a Police Permit with conditions over which the applicant disagrees, the permit application and a report prepared by the Department shall be forwarded to the Executive Director or his/her designee for review. If the Executive Director or designee concurs with the Department's recommendation, the application and Department report shall be forwarded to the Police Permit Review Panel for action. If the Executive Director or designee does not concur with the Department's recommendation, he or she may grant the permit without conditions.
- (c) If the recommendation of the Department is to deny the permit application, the permit application and Department report setting forth the basis for the recommended denial shall be forwarded to the Executive Director or his or her designee, for review. If the Executive Director or designee concurs with the Department's recommendation, the application and Department report shall be forwarded to the Police Permit Review Panel for action. If the Executive Director or designee does not concur with the Department's recommendation, he or she may grant the permit.

Sec. 4. 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 
JULIE S. RAFFISH
Deputy City Attorney

Date JUNE 1, 2011

File No. _____