

11-0061

JAN 11 2011

PUBLIC WORKS

### MOTION

In recent years, Council adopted two motions (CF 07-1535 and CF 09-2235) relative to regulating the placement and enforcement of dumpsters and large storage containers placed in the public right-of-way throughout the City. The motions called attention to various issues arising from the proliferation of non-permitted dumpsters or containers including: impediments to emergency response vehicle access to hillside areas with high fire danger, traffic problems, and the cost to the City to remove illegally placed containers. The motions request amendments to the Los Angeles Municipal Code to mitigate identified problems and to implement a dumpster enforcement program.

Currently, the Bureau of Street Services investigates and enforces all actions within the public right-of-way, however, full regulation of the containers does not occur because the City lacks a comprehensive enforcement program. Furthermore, there is no dedicated City staff to effectuate the removal of illegally placed dumpsters and, as a result, the City uses outside contracts to remove them at substantial cost.

Since the time the motions were introduced the City continues to experience an increase in the placement of containers in the public right-of-way, such as portable on demand storage (PODS) containers, yet a dumpster enforcement program has not been established.

**I THEREFORE MOVE** that the City Council, subject to approval of the Mayor, and the City Attorney as to form and legality, adopt the attached draft ordinance amending the Los Angeles Municipal Code to further regulate illegally placed dumpsters and storage containers placed in the public right-of-way throughout the City.

PRESENTED BY: Tony Cardenas  
TONY CARDENAS  
Councilman 6th District

SECONDED BY: [Signature]  
[Signature]  
Seward C. Park

ORIGINAL

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

An ordinance amending Sections 62.45 and 62.55 of the Los Angeles Municipal Code to regulate the placement of dumpsters, trash bins, and storage bins in the public right-of-way within the City of Los Angeles and to establish regulatory fees.

**WHEREAS**, there is a proliferation of non-permitted bins or dumpsters on City streets causing public safety issues such as emergency vehicles with limited access to narrow roads or hillside areas with high fire danger; and

**WHEREAS**, the City of Los Angeles desires to establish a dumpster regulatory program and an impound system for illegally placed bins to improve public safety, lessen civil liability and reduce the inconvenience of the public from improperly placed bins.

**NOW THEREFORE,**

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

Section 1. Subsection (a) of Section 62.45 of the Los Angeles Municipal Code is amended by adding a definition for the term "Dumpster" in proper alphabetical order to read:

Dumpster. A steel container designed for receiving, transporting and dumping solid waste material, transported on the back of a hydraulic trailer bed. The terms bin, low boy, roll-off bin, and roll-off container may be used interchangeably when referencing a dumpster. The term dumpster may also apply to a temporary storage container. Temporary storage container shall mean any container, storage unit, shed-like container, "Portable on-demand storage structures (PODS)," or other portable structure that can be or is used for the storage of personal property of any kind and is placed on any public street, roadway or alley.

Sec. 2. Subdivision 3 of Subsection (b) of Section 62.45 of the Los Angeles Municipal Code is amended to read:

3. No person shall place any Dumpster in the public right-of-way within the City of Los Angeles without first becoming an Authorized Dumpster Provider, making and filing a written permit application with the Board, receiving a permit therefrom so to do, and paying to the Board a fee as set forth in Subsection (d) of this Section to cover all costs of processing the application for permit and inspection. All Authorized Dumpster Providers shall register with the City of Los Angeles and pay an annual registration fee as determined by the Board. Prior to issuance of an Authorized Dumpster Provider permit, an applicant shall provide

with the rules established by the Board. Dumpsters shall be delivered and maintained in good condition, free from rodents, insects, graffiti, vulgar and/or pornographic words or pictures. It shall be the responsibility of the property owner or occupant and the Authorized Dumpster Provider to maintain the portable storage containers or roll-off trash containers in accordance with the provisions of this Section.

Sec. 3. A new Subdivision 4 is added to Subsection (b) of Section 62.45 of the Los Angeles Municipal Code to read:

4. The Board may, by any such permit, require compliance with special conditions to safeguard the public and protect the public street and sidewalk or other public improvements. Any building material or equipment of any kind left on the public right-of-way without a permit shall be impounded.

Sec. 4. Subdivision 3 of Subsection (d) of Section 62.45 of the Los Angeles Municipal Code is amended to read:

3. A permit fee shall be paid to the City for each Dumpster placed in the public right-of-way. Each time a Dumpster is placed at a new location, a new permit shall be obtained, and is renewable upon expiration by applying for a new permit. The Board may establish fines related to violations by Authorized Dumpster Providers and the impound of illegal Dumpsters.

Sec. 5. Subsection (d) of Section 62.45 of the Los Angeles Municipal Code is amended by redesignating existing Subdivisions 3 and 4 as 4 and 5 respectively, and to similarly redesignate any such designated references within those subdivisions

Sec. 6. Section 62.55 of the Los Angeles Municipal Code is amended to read:

Permits granted pursuant to this Section for construction activity may be valid for up to 30 days. Permits may be renewed for periods up to 30 days. Permits issued for temporary storage containers are valid for a maximum of 7 days and may be renewed for an additional 7 day period. Temporary storage container placement on the public right-of-way shall under no circumstances exceed 14 days. Only one Dumpster or temporary storage container unit may be placed pursuant to a permit and permits shall not be granted so as to run either concurrently or consecutively except in the case of an extension. The street use permits issued pursuant to this Section shall not be construed as a permit for waste handling or hauling services permitted by the City Bureau of Sanitation. The fee required for this permit shall be in addition to any other fee, permit or license required by any ordinance of the City or applicable State or Federal law.

Sec. 7. The City Clerk shall certify the passage of this ordinance and have it published in accordance with the 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