

CITY OF LOS ANGELES  
CALIFORNIA

**JUNE LAGMAY**  
City Clerk

**HOLLY L. WOLCOTT**  
Executive Officer

When making inquiries relative to  
this matter, please refer to the  
Council File No.



**ANTONIO R. VILLARAIGOSA**  
MAYOR

Office of the  
CITY CLERK

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Council and Public Services  
Division

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February 28, 2013

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File No. 12-0417,  
at its meeting held February 19, 2013.

City Clerk  
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TIME LIMIT FILES  
ORDINANCES

Mayor's Time Stamp  
OFFICE OF THE MAYOR  
RECEIVED  
2013 FEB 19 PM 4:03  
CITY OF LOS ANGELES

City Clerk's Time Stamp  
CITY CLERK'S OFFICE  
2013 FEB 19 PM 4:01  
CITY CLERK  
BY \_\_\_\_\_  
DEPUTY

FORTHWITH

COUNCIL FILE NUMBER 12-0417 COUNCIL DISTRICT \_\_\_\_\_

COUNCIL APPROVAL DATE February 19, 2013 LAST DAY FOR MAYOR TO ACT MAR 01 2013

ORDINANCE TYPE:  Ord of Intent  Zoning  Personnel  General  
 Improvement  LAMC  LAAC  CU or Var Appeals - CPC No. \_\_\_\_\_

SUBJECT MATTER: PERMITTING THE CITY TO SEIZE AND IMPOUND VEHICLES USED IN THE COMMISSION OR ATTEMPTED COMMISSION OF PIMPING, PANDERING, ILLEGAL DUMPING OF WASTE, OR SOLICITATION OF PROSTITUTION

	APPROVED	DISAPPROVED
PLANNING COMMISSION	_____	_____
DIRECTOR OF PLANNING	_____	_____
CITY ATTORNEY	<u>X</u>	_____
CITY ADMINISTRATIVE OFFICER	_____	_____
OTHER	_____	_____

RECEIVED  
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2013 FEB 25 PM 3:10  
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DATE OF MAYOR APPROVAL, DEEMED APPROVED OR \*VETO FEB 25 2013  
(\*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b) (c))

**(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)**

DATE RECEIVED FROM MAYOR FEB 25 2013 ORDINANCE NO. 182459

DATE PUBLISHED \_\_\_\_\_ DATE POSTED MAR - 1 2013 EFFECTIVE DATE MAR - 1 2013

ORD OF INTENT: HEARING DATE \_\_\_\_\_ ASSESSMENT CONFIRMATION \_\_\_\_\_

ORDINANCE FOR DISTRIBUTION: YES  NO

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

File No. 12-0417

Your **PUBLIC SAFETY COMMITTEE**

reports as follows:

PUBLIC SAFETY COMMITTEE REPORT and ORDINANCE relative to permitting the City to seize and impound vehicles used in the commission or attempted commission of pimping, pandering, illegal dumping of waste, or solicitation of prostitution.

Recommendation for Council action, as initiated by Motion (LaBonge – Garcetti), SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT accompanying ORDINANCE repealing Los Angeles Municipal Code (LAMC) Sections 41.70 and 41.70.3 and replacing Section 41.70 with language to conform with California Vehicle Code Section 22659.5, which permits the City to declare a motor vehicle to be a public nuisance subject to seizure and an impoundment period up to 30 days when the motor vehicle is used in the commission or attempted commission of an act that violates California Penal Code Section 266(h) (pimping), or 266(i) (pandering), or 374.3(h) (illegal dumping of waste), or 647(b), (solicitation of prostitution) if the owner or operator of the vehicle has had a prior conviction for the same offense within the past three years.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

#### SUMMARY

On March 21, 2012, Council considered Motion (LaBonge – Garcetti) relative to permit the City to seize and impound vehicles used in the commission or attempted commission of pimping, pandering, illegal dumping of waste, or solicitation of prostitution. Motion states that effective January 1, 2010, California Vehicle Code Section 22659.5 allows a city or a county to adopt an ordinance declaring a motor vehicle to be a public nuisance subject to seizure and an impoundment period of up to 30 days when the motor vehicle is used in the commission or attempted commission of acts of prostitution, solicitation, pandering or loitering, if the owner or operator of the vehicle has had a prior conviction for the same offense within the past three years. The impounding of vehicles by individuals who solicit prostitutes would provide a key law enforcement tool to address a growing problem in the City. Such vehicle-seizure measures have been found to be a strong deterrent to people who solicit prostitutes. Motion recommends that Council request the City Attorney to prepare the effectuating ordinance. Council referred Motion to the Public Safety Committee for consideration.

Accompanying a report to Council dated August 15, 2012 (attached to the Council file), the City Attorney presents the requested Ordinance.

At its meeting held February 8, 2013, the Public Safety Committee discussed this matter with representatives of the City Attorney and the Los Angeles Police Department (LAPD). It was stated that the Department is currently prohibited from impounding vehicles used in the commission of any of the nuisance activities listed above. According to the City Attorney, the State rewrote the law regarding impounding of such vehicles. The accompanying Ordinance

modifies the LAMC to conform with the California Vehicle Code and permits LAPD to resume impounding. The Committee recommended that Council approve the accompanying Ordinance.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
ENGLANDER:	YES
PERRY:	ABSENT
BUSCAINO:	YES
KREKORIAN:	ABSENT
ZINE:	YES

JAW  
12-0417\_rpt\_ps\_2-8-2013

**ADOPTED**

FEB 19 2013

**LOS ANGELES CITY COUNCIL**

TO THE MAYOR FORTHWITH

MAYOR WITH FILE