

CITY OF LOS ANGELES
CALIFORNIA

JUNE LAGMAY
City Clerk

Office of the
CITY CLERK

HOLLY L. WOLCOTT
Executive Officer



Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
General information - (213) 978-1133
Fax: (213) 978-1040

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

ANTONIO R. VILLARAIGOSA
MAYOR

SHANNON HOPPES
Council and Public Services
Division

www.cityclerk.lacity.org

June 11, 2012

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File No. 12-0605,
at its meeting held June 6, 2012.

City Clerk
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TIME LIMIT FILES
ORDINANCES

Mayor's Time Stamp
RECEIVED
2012 JUN -6 PM 3: 24
CITY OF LOS ANGELES

City Clerk's Time Stamp
CITY CLERK'S OFFICE
2012 JUN -6 PM 3: 21
CITY CLERK
BY _____
DEPUTY

FORTHWITH

COUNCIL FILE NUMBER 12-0605 COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE JUNE 6, 2012 LAST DAY FOR MAYOR TO ACT JUN 18 2012

ORDINANCE TYPE: Ord of Intent Zoning Personnel General

Improvement LAMC LAAC CU or Var Appeals - CPC No. _____

SUBJECT MATTER: AMENDING LOS ANGELES MUNICIPAL CODE (LAMC) SECTIONS 63.44 B14(C) AND 63.44 D4 TO PROHIBIT PERSONS FROM ENTERING, REMAINING, STAYING, OR LOITERING WITHIN DESIGNATED CITY PARKS AND TO FURTHER DEFINE AND RESTRICT CAMPING AND LODGING WITHIN A CITY PARK AND PROHIBIT THE USE OF TENTS WITHIN ALL CITY PARKS

	APPROVED	DISAPPROVED	BY _____ CITY CLERK DEPUTY	RECEIVED CITY CLERK'S OFFICE 2012 JUN - 7 PM 4: 20
PLANNING COMMISSION	_____	_____		
DIRECTOR OF PLANNING	_____	_____		
CITY ATTORNEY	_____	_____		
CITY ADMINISTRATIVE OFFICER	_____	_____		
OTHER	_____	_____		

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO JUN 07 2012
(*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 JUN - 7 2012 ORDINANCE NO. 182153

DATE PUBLISHED _____ DATE POSTED JUN - 8 2012 EFFECTIVE DATE JUL 18 2012

ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____

ORDINANCE FOR DISTRIBUTION: YES NO

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your ARTS, PARKS, HEALTH, AND AGING COMMITTEE

reports as follows:

ARTS, PARKS, HEALTH, AND AGING COMMITTEE REPORT and ORDINANCE relative to amending Los Angeles Municipal Code (LAMC) Sections 63.44 B14(c) and 63.44 D4 to prohibit persons from entering, remaining, staying, or loitering within designated City parks and to further define and restrict camping and lodging within a City park and prohibit the use of tents within all City parks.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE amending LAMC Section 63.44 B14 (c) to prohibit persons from entering, remaining, staying, or loitering within designated City Parks with special operating hours, when those parks are closed; and Section 63.44 D4 to further define and restrict camping and lodging within a City park and to prohibit the use of tents within all City Parks.
2. AMEND the accompanying ORDINANCE as described above in Recommendation No. 1 as follows:

Subdivision 4 of Subsection D of LAMC Section 63.44 is amended to read as follows:

4. (a):

(v) Cots, beds, sleeping bags, hammocks, bedrolls, or other sleeping-type equipment could be indicative of camping but that law enforcement officers should use their discretion in enforcing LAMC Section 63.44 et al.

Fiscal Impact Statement: Neither the City Administrative Officer or the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

(This matter was referred to the Arts, Parks, Health and Aging Committee on May 15, 2012)

SUMMARY

On May 29, 2012 your Committee considered a May 4, 2012 City Attorney report, Ordinance, and May 1, 2012 Arts, Parks, Health, and Aging (APHA) Committee report relative to amending LAMC Section 63.44 B14 (c) to prohibit persons from entering, remaining, staying, or loitering within designated City Parks with special operating hours, when those parks are closed; and Section 63.44 D4 to further define and restrict camping and lodging within a City park and to prohibit the use of tents within all City Parks. According to the City Attorney, the majority of City-owned parks have set operational hours between 5:30 am and 10:30 pm as codified in Paragraphs (a) and (b) of Subdivision 14 of Subsection 8 of Section 63.44 of the LAMC, Certain City parks and their facilities have special hours of operation, designated in Paragraph (c) of

Subdivision 14 of Subsection B of Section 63.44 of the LAMC, Subsections (a) and (b) ban entering or remaining in City parks with set hours when those parks are closed.

Unlike Subsections (a) and (b), Subsection (c) lacks a similar restriction prohibiting persons from entering, remaining, staying or loitering in the City parks with special hours when those parks are closed. Accordingly, enforcement of park closing hours for parks with special hours can be challenging. In an effort to create uniform rules and clarity about closing hours for all City Parks, and to be consistent with the prohibitions already promulgated in Paragraphs (a) and (b) of LAMC Section 63.44 814, the draft ordinance adds enforcement words to Subsection (c), namely: "no person shall enter, remain, stay or loiter" in all City parks with specially designated hours of operation.

LAMC Section 63.44 04 currently prohibits camping in City parks, except in areas designated for camping. Unregulated camping or lodging is contrary to the public interest because it causes visual clutter and blight in City parks and unregulated camping or lodging in City parks creates unnecessary and excessive safety concerns, which is detrimental to public health, welfare and safety. Finally, unregulated camping also harms nearby residents, and diminishes the public's enjoyment and use of all City parks for recreational purposes. The proposed Ordinance clarifies the definition of camping to prohibit the use of specified camping equipment in City parks for the purpose of lodging or living accommodation.

Additionally, the draft ordinance bans the use of tents and certain other temporary shelters in City parks, consistent with the ban on tents at City beaches. Unregulated use of tents is contrary to the public interest because it causes unnecessary, excessive and blighted activity in City parks, which is detrimental to the public health, welfare and safety. Unregulated use of tents also creates concerns for law enforcement who cannot maintain unobstructed views of activities or persons within tents and it diminishes the public's enjoyment and use of all City parks for recreational purposes.

The Committee then further questioned the Department of Recreation and Parks (RAP) in regard to various aspects of the operating hours of the various parks operated by the RAP. Specifically, the Committee expressed its desire to direct the RAP to report back to the APHA Committee in regard to:

- a. A specific definition of the Civic Center area.
- b. Hours of operation that are recommended for City parks in said Civic Center area.

Additionally, the Committee expressed its support for ensuring that the proposed operating hours for all City parks in the Civic Center area are consistent. Finally, the Committee Chair indicated that he intends to introduce the above recommendation in the form of a separate Motion in Council rather than make it an additional recommendation on this Committee report.

After further consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the Ordinance as amended in Recommendation No. 2.

This matter is now forwarded to Council for its consideration.

Respectfully submitted,

ARTS, PARKS, HEALTH, AND AGING COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
ALACON:	YES
LABONGE:	YES
REYES:	ABSENT

ARL
5/29/12
12-0605_rpt_apha_5-29-12
CD 9

Not Official Until Council Acts

ADOPTED
* as amended
JUN 6 2012
see attached Motion
LOS ANGELES CITY COUNCIL

TO THE MAYOR FORTHWITH

MOTION

I HEREBY MOVE that Council ADOPT the accompanying SUBSTITUTE ORDINANCE (1-A), SUBJECT TO THE APPROVAL OF THE MAYOR, amending Paragraph (c) of Subdivision 14 of Subsection B of Section 63.44 of Chapter VI of the Los Angeles Municipal Code to prohibit persons from entering, remaining, staying or loitering within designated City parks with special operating hours, when those parks are closed, consistent with the restrictions already promulgated in Paragraphs (a) and (b) of Subdivision 14 of Subsection B of Section 63.44 of the Los Angeles Municipal Code; and amending Subdivision 4 of Subsection D of Section 63.44 of Chapter VI of the Los Angeles Municipal Code to further define and prohibit camping and lodging within a City park except in locations designated for such purposes, and to restrict the use of tents within all City parks.

PRESENTED BY _____

RICHARD ALARCON
Councilmember, 7th District

SECONDED BY _____

DENNIS ZINE
Councilmember, 3rd District

June 6, 2012

CF 12-0605

ADOPTED

JUN 6 2012

LOS ANGELES CITY COUNCIL

TO THE MAYOR FORTHWITH