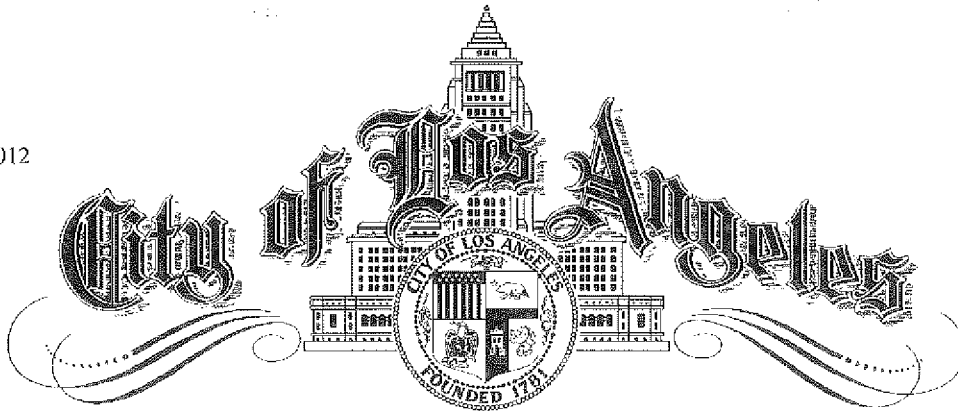


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CARMEN A. TRUTANICH  
City Attorney

REPORT NO. R 1 2 - 0 1 2 6  
MAY 0 4 2012

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 63.44 B14 (c) 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, AND TO AMENDING LOS ANGELES MUNICIPAL CODE 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**

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. 12-0605

Honorable Members:

This Office has prepared and now transmits for your consideration the attached draft ordinance, approved as to form and legality. This draft ordinance amends Los Angeles Municipal Code (LAMC) Section 63.44 B14 (c) to create uniform rules regarding entering, remaining, staying or loitering in all City parks. This draft ordinance also amends LAMC Section 63.44 D 4 to further define the restrictions on camping in City parks and to prohibit the use of tents in all City parks.

Specifically, this draft ordinance amends Paragraph (c) of Subdivision 14 of Subsection B of Section 63.44 of Chapter VI of the LAMC 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 LAMC. This draft ordinance also amends Subdivision 4 of Subsection D of Section 63.44 of Chapter VI of the LAMC to further define and restrict camping and lodging within all City parks, except in locations designated for such purposes, and to prohibit the use of tents within all City parks. The ordinance provides an exception for certain umbrellas and sun shades.

### Background

The majority of City owned parks have set operational hours between 5:30 a.m. and 10:30 p.m. as codified in Paragraphs (a) and (b) of Subdivision 14 of Subsection B 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 B14, 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 D4 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. 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.

Umbrellas and sun shades that are open on all sides are exempt from the ban on tents and other temporary shelters in City parks.

#### CEQA Recommendations

We recommend that prior to the adoption of this ordinance you determine that your action is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines section 15378 because the ordinance is not a project in that it represents general policy and/or procedure making.

We also recommend that you determine that the adoption of the ordinance is exempt pursuant to State CEQA Guidelines section 15301 (City CEQA Guidelines Article III, Section 1.a.), in that the ordinance involves negligible or no expansion of use of existing facilities; and State CEQA Guidelines section 15305 (City CEQA Guidelines, Article III, Section 1.e) in that the ordinance implements a minor change in park limitations. We also recommend that you find your adoption of the ordinance exempt from CEQA under Guidelines section 15323 in that the ordinance provides for the normal operation of existing facilities for public gatherings. Finally, Council may determine that adoption of the ordinance is exempt from CEQA under City CEQA Guidelines Article II, Section 1 (General Exemption) because it can be seen with certainty that there is no possibility that the action in question may have a significant effect on the environment. If the City Council concurs, it may comply with CEQA by making one or more of the above determinations prior to or concurrent with its action on the ordinance. Council should thereafter direct staff to cause the filing of a Notice of Exemption.

#### Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Recreation and Parks, Department of General Services, Office of Public Safety, and the Los Angeles Police Department, along with a cover letter asking that any comments be provided directly to the City Council when you consider this matter.

If you have any questions regarding this matter, please contact Deputy City Attorney Anthony-Paul Diaz at (213) 978-8158. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

WILLIAM W. CARTER  
Chief Deputy City Attorney

WWC:VLF:APD:lee  
Transmittal

cc: Jon Kirk Mukri, General Manager  
Department of Recreation and Parks

Charles Beck, Chief  
Los Angeles Police Department

Tony Royster, General Manager  
General Services Department

Gary Newton, Chief  
Office of Public Safety  
General Services Department

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

An ordinance 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.

**WHEREAS**, the City of Los Angeles (City) wishes to create uniform rules regarding entering, remaining, staying, loitering, camping and the use of tents in City parks consistent with other City regulations regarding park hours and the use of tents and camping; and

**WHEREAS**, the City wishes to further define the already established restrictions regarding camping and lodging within City parks; and

**WHEREAS**, the City wishes to restrict the use of tents or other camping facilities within City Parks; and

**WHEREAS**, unregulated camping, lodging and tents cause visual clutter and blight in City parks; and

**WHEREAS**, unregulated camping, lodging and tents in City parks creates unnecessary, excessive and blighted activity, which is detrimental to the public health, welfare and safety and contrary to public interest, harms nearby residents, and diminishes the public's enjoyment and use of City parks for recreational purposes.

**NOW, THEREFORE,**

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

Section 1. The introductory passage of Paragraph (c) of Subdivision 14 of Subsection B of Section 63.44 of the Los Angeles Municipal Code is amended to read as follows:

(c) No person shall enter, remain, stay or loiter in of the following parks or facilities between the closing hour and the opening hour of the following day. The closing and opening hours for each of the following parks or facilities shall be as follows:

Sec 2. Subdivision 4 of Subsection D of Section 63.44 of the Los Angeles Municipal Code is amended to read as follows:

4. Camp in a City park, except in locations designated for such purposes, or erect, maintain, use or occupy any Tent, excluding Umbrellas or Sun Shades. All Umbrellas, Sun Shades or Camp Facilities shall be dismantled and removed from the park before the park is closed.

(a) **Definitions:** For purposes of this Subdivision, the following words or phrases shall mean:

(i) **"Camp"** means to erect, maintain or occupy a Camp Facility for any purpose, including lodging or living accommodation.

(ii) **"Camp Facility"** means one or more of the following: Tents, huts, other temporary physical shelters, cots, beds, sleeping bags, hammocks, or bedrolls.

(iii) **"Tent"** means any shelter or structure that is not entirely open on at least two sides and which lacks an unobstructed view into the Tent, shelter or structure from the outside. If the Tent, shelter or structure is other than square or rectangular in shape, no more than one-third of the outside thereof shall be closed and there shall otherwise be an unobstructed view into it.

(iv) **"Umbrella or Sun Shade"** means any canopy or cover that is open on all sides, consists of pliable tent-like material such as canvas, nylon or other synthetic fabric, and that is held aloft by one or more supporting metal, plastic, or wooden poles. No Umbrella or Sun Shade shall exceed eight feet in height and ten feet in diameter or width.

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 \_\_\_\_\_.

JUNE LAGMAY, City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality:

CARMEN A. TRUTANICH, City Attorney

By  \_\_\_\_\_  
ANTHONY-PAUL DIAZ  
Deputy City Attorney

Date \_\_\_\_\_