

City Hall East  
200 N. Main Street  
Room 800  
Los Angeles, CA 90012

(213) 978-8100 Tel  
(213) 978-8312 Fax  
CTrutanich@lacity.org  
www.lacity.org



**CARMEN A. TRUTANICH**  
City Attorney

REPORT NO. R 13 - 0 1 4 4

MAY 2 4 2013

**REPORT RE:**

**DRAFT ORDINANCE ADDING SUBSECTIONS (g), (h) AND (i) TO SECTION 56.08  
OF THE LOS ANGELES MUNICIPAL CODE TO ADD ADMINISTRATIVE PENALTIES  
FOR FAILURE TO REMOVE OBSTRUCTIONS IN THE STREET OR SIDEWALK**

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

Council File No. 07-0699

**Honorable Members:**

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance would amend Los Angeles Municipal Code Section 56.08 to authorize administrative penalties for failure to remove obstructions in the street or sidewalk.

Summary of Modifications

This ordinance would amend the Code to add Subsections, (g), (h) and (i), to Section 56.08 of the Los Angeles Municipal Code to impose administrative penalties for the failure to remove obstructions in the street or sidewalk.

CEQA Exemption

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because "... it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." State CEQA Guidelines Section 15061(b)(3). See also City CEQA Guidelines, Article II,

(1) General Rule and General Exemption. If the Council chooses to adopt the ordinance, it should also find that it is exempt from the provisions of CEQA pursuant to the above cited section.

Council Rule 38

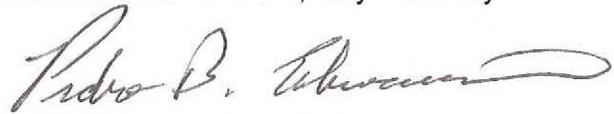
In accordance with the requirements of Council Rule 38, this Office has forwarded the draft ordinance to affected City departments and instructed them to address any comments that they may have directly to the City Council when you consider this matter.

If you have any questions regarding this matter, please contact Assistant City Attorney Edward M. Jordan at (213) 978-8199. 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



PEDRO B. ECHEVERRIA  
Chief Assistant City Attorney

PBE:EMJ:fa  
Transmittal

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

An ordinance adding Subsections (g), (h) and (i) to Section 56.08 of the Los Angeles Municipal Code to add administrative penalties for failure to remove obstructions in the street or sidewalk.

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

Section 1. Section 56.08 of the Los Angeles Municipal Code is amended to add Subsections (g), (h) and (i) to read as follows:

(g) Any person having charge or control of any lot or premises who violates the provisions of Subsections (a) or (c) shall be subject to administrative penalties as set forth in Subsection (h).

(h) The first violation of Subsections (a) or (c) in a calendar year is subject to a warning or an administrative monetary penalty not to exceed \$50.00. Subsequent violations in the same calendar year will result in a second penalty not to exceed \$100.00 for the second violation after receiving the initial \$50.00 penalty. The penalty for the third administrative violation in a calendar year is \$150.00. More than three administrative fines in one calendar year shall result in the violation being prosecuted as a misdemeanor and the violator shall be subject to all penalties applicable to criminal violations. The Bureau of Street Services is authorized to assess a processing fee established by the Board of Public Works for all citations with an administrative monetary penalty. All non-criminal enforcement actions are subject to the administrative hearing process as mandated by California Government Code Section 53069.4.

(i) Any person who receives a written notice or administrative monetary penalty pursuant to this section may request an administrative review of the accuracy of the determination or the propriety of any fine issued by filing a written notice of appeal with the Board of Public Works no later than 30 days after receipt of a written notice or fine, as applicable. The notice of appeal must include all facts supporting the appeal and any supporting documentation, including copies of all photos, statements and other documents that the appellant wishes to be considered in connection with the appeal. The appeal shall be heard by the Board of Public Works. The Board of Public Works shall conduct a publicly noticed hearing concerning the appeal within 45 days from the date that the notice of appeal is filed, or on a later date if agreed upon by the appellant and the Board of Public Works, and shall give the appellant at least 10 days prior written notice of the date of the hearing. The Board of Public Works may sustain, rescind, or modify the written notice or fine, as applicable. The Board of Public Works shall have the power to waive any portion of the fine in a manner consistent with its decision. The decision of the Board of Public Works shall be final and effective on the date the decision is rendered.

Sec. 2. 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

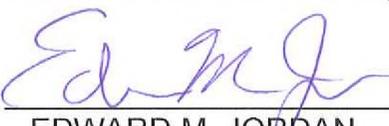
By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  \_\_\_\_\_  
EDWARD M. JORDAN  
Assistant City Attorney

Date 5-24-2013

File No. CF 07-0699