



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 5 - 0 2 1 7
AUG 1 9 2015

REPORT RE:

**DRAFT ORDINANCE REINSTATING WITH AMENDMENTS SUBDIVISION 7 OF
SUBSECTION B OF SECTION 63.44 OF ARTICLE 3 OF CHAPTER VI OF THE LOS
ANGELES MUNICIPAL CODE, AND AMENDING SUBDIVISION 11 OF SUBSECTION
B OF SECTION 63.44 OF ARTICLE 3 OF CHAPTER VI OF THE LOS ANGELES
MUNICIPAL CODE TO PROTECT WILDLIFE**

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. 14-0356

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 reinstate with amendments Subdivision 7 of Subsection B of the Los Angeles Municipal Code (LAMC) Section 63.44 to prevent a park area or facility from being used for other than its designated and noticed park or recreational purpose. The enclosed draft ordinance also amends Subsection 11 of Subdivision B of LAMC Section 63.44 to provide additional protection to wildlife within City-owned parks and designated Harbor Department property, including portions of parks designated as wildlife areas by the Department of Recreation and Parks.

Background and Summary of Ordinance Provision

By reinstating with amendments Subdivision 7 of Subsection B of LAMC Section 63.44, this draft ordinance reinstates a ban on using areas and facilities dedicated to a

specific park or recreational purpose for any other purpose. Subdivision 7 is amended to provide that reasonable posted notice of the purpose is necessary. Reinstating amended Subdivision 7 will allow park rangers to protect wildlife in the Sepulveda Basin Wildlife Area and other designated wildlife areas within the City by requiring visitors to those areas to stay on marked paths and other visitor areas, and not traverse areas dedicated to protecting wildlife. Subdivision 7 was suspended by Ordinance No. 176,929 on October 1, 2005, because of litigation that has since been resolved.

This draft ordinance also seeks to amend Subdivision 11 of Subsection B of LAMC Section 63.44 to add more protections for wildlife by preventing the disturbance or taking of wildlife, including nests and eggs.

The Sepulveda Basin Wildlife Areas Steering Committee (Steering Committee), which advises the Department of Recreation and Parks, reported that increasing numbers of people are treating the Sepulveda Basin Wildlife Area as hunting and fishing grounds, are aiming at birds with rocks and slingshots, are taking birds and eggs for food, are bringing dogs and other pets into the area which disturbs wildlife, and are leaving marked trails which disturbs wildlife and tramples native plants.

On April 29, 2015, the City Council's Arts, Parks, Health, Aging and River (APHA) committee requested this Office to prepare and present an ordinance to protect wildlife areas from the sorts of behavior that the Steering Committee reported.

On May 12, 2015, the City Council adopted APHA's report requesting this Office to draft and present an ordinance to prohibit certain behaviors in order to protect wildlife in the City's wildlife areas. Besides the behaviors already mentioned, the City Council indicated that it seeks to prohibit the taking of animals, the removal of plants and soil, and the taking and breaking of bird eggs.

On July 27, 2015, representatives from Council District 5 and the City Attorney's Office discussed the proposed added wildlife protections with the Steering Committee. The Steering Committee voted unanimously to recommend the added protections.

Existing provisions in the LAMC currently prohibit some, but not all, of these behaviors. Section 63.44(B)(11) of the LAMC prohibits hunting in parks, which includes the wildlife areas within parks. Section 63.44(B)(12) provides that plants, rocks and soil may not be removed from parks. Section 63.44(B)(2) prohibits dogs and other animals from entering a park (Section 63.44(B)(2)(d)(iv) provides an exception for a portion of the Sepulveda Basin Recreation Area, but that does not include the Sepulveda Basin Wildlife Area.)

Three of the behaviors at issue are not currently prohibited under the LAMC: disturbing birds and other animals in a manner that does not constitute hunting; disturbing or taking nests and eggs (whether of birds, reptiles or amphibians); and

venting off of marked trails and visitor areas within wildlife areas. Reinstating LAMC Subdivision 63.44(B)(7) and amending LAMC Section 63.44(B)(11) are the most effective way to accomplish the City Council's goal of protecting wildlife in the Sepulveda Basin Wildlife Area and other designated wildlife areas.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Recreation and Parks and the Los Angeles Police Department requesting that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Anthony-Paul Diaz at (213) 978-8158 or Deputy City Attorney Strefan Fauble at (213) 978-8124. They or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

BY 
DAVID MICHAELSON
Chief Assistant City Attorney

DM:APD:ac
Transmittal