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CITY ATTORNEY

REPORT NO. R 15 - 0 1 0 7
MAY 0 6 2015

REPORT RE:

**AMENDED DRAFT ORDINANCE REPEALING AND REPLACING SECTION 56.11 OF
CHAPTER V OF THE LOS ANGELES MUNICIPAL CODE TO PROHIBIT THE
STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS**

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

Honorable Members:

On February 12, 2015 this Office transmitted a draft ordinance amending Section 56.11 of the Los Angeles Municipal Code to prohibit the storage of personal property in certain public areas and to allow for the impoundment of such property, after the provision of notice. That draft ordinance was transmitted in response to Council motion adopted on January 21, 2015 (CF 14-1656).

We now transmit the enclosed amended draft ordinance for Council's consideration. This amended draft ordinance is substantively consistent with the prior version as to the storage of personal property in public areas and the City's procedure for notice and impoundment of such property. As discussed below, the amended draft ordinance contains additional provisions related to the maintenance of erected tents in public areas during the day time hours and the attachment of personal property to public and private property.

Provisions Related to Storage of Personal Property in Public Areas

The purpose of both the initial version of the draft ordinance and the enclosed amended draft ordinance is to maintain sidewalks and other public areas in clean, sanitary and accessible condition, prevent the misappropriation of public areas for personal use, and promote the public health and safety by ensuring that public areas remain readily accessible by articulating the process to impound unauthorized stored property, including specifying the requirements for pre and post removal notice and storage and the conditions upon which such property may be destroyed.¹ Both versions of the draft ordinance contain the following provisions:

(1) Prohibition on the unauthorized storage of personal property on property that is owned, managed or maintained by the City, including sidewalks, streets, buildings and other structures. City parks are not included, as regulation of parks will be addressed in the draft ordinance our office is preparing in response to the Council motion adopted on November 7, 2014 (CF 14-15510).

(2) If upon 24-hours written notice, the owner has not removed his or her personal property, the City may impound it. Removal by the owner does not include moving the property to another location in a public area or to the same block on a daily or regular basis. Impounded property shall be stored by the City for 90 days after which unclaimed impounded property may be discarded.

(3) Allows for the immediate impoundment, without pre-notice, and in some instances the immediate discard of, certain property. Specifically, personal property that poses an immediate health and safety risk, such as items which are unsanitary (e.g., have the potential to harbor vermin infestation or spread disease), clearly trash, flammable or hazardous materials may be removed and discarded without notice. Moreover, bulky items may be removed and discarded without notice.

(4) Allows for the immediate removal and impoundment of any personal property which interferes with the safe or orderly management of the public area or is within 10 feet of any operational and utilizable entrance, exit, driveway or loading dock without prior notice. Post removal notice shall be provided to the owner and such property shall be stored by the City for 90 days.

(5) Property which constitutes evidence of a crime or contraband also may be removed without notice.

¹ While the existing section 56.11 prohibits persons from leaving merchandise, baggage or personal property upon a parkway or a sidewalk, it does not specify the process that the City will utilize to impound, store, and, when appropriate, discard of personal property that is stored in a public area without proper authority.

(6) The draft ordinances do not impact personal property which is stored on public property pursuant to a statute, ordinance, permit, regulation or other authorization by the City or state.

Additional Provisions Included in the Amended Draft Ordinance

The enclosed amended draft ordinance includes a provision which prohibits individuals from erecting tents in public areas between the hours of 6:00 a.m. and 9:00 p.m. It requires that any tent must be taken down and put away by 6:00 a.m. of each day.

The amended draft ordinance also prohibits any person from erecting barriers against or attaching any personal property to any public property, such as a building, bus shelter, pole, bench or tree, without the owner's consent. The amended draft ordinance also prohibits an individual from erecting a barrier against or attaching personal property to any private property in a manner that obstructs a street or public area where the public may travel.

The amended draft ordinance specifies and limits those sections of the ordinance, which if violated, constitute a criminal offense. These include the following: (1) failure of an individual to remove his or her property from a public area after having received the requisite 24-hour notice; (2) attachment of personal property to public property; (3) attachment of personal property to private property in a manner that obstructs the public area; and (4) activity which constitutes illegal dumping under state or City law.

Finally, the amended draft ordinance contains clerical and technical, non-substantive changes to the initial version.

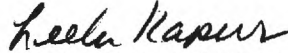
Council Rule 38 Referral

The amended draft ordinance will be sent pursuant to Council Rule 38, to the Department of Public Works, the General Services Department and the Los Angeles Police Department for their comments.

If you have any questions regarding this matter, please contact Executive Assistant City Attorney Leela Kapur at (213) 978-8357 or Senior Assistant City Attorney Valerie Flores at (213) 978- 8149. 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 
LEELA A. KAPUR
Executive Assistant City Attorney

LAK:as
Transmittal

cc: Mayor
Chief Legislative Analyst
City Administrative Officer

M:COS:Amendment to 56.11