

ORDINANCE NO. _____

An ordinance amending Section 55.07 of the Los Angeles Municipal Code to regulate the possession of certain items at public protests, demonstrations, rallies, picket lines and public assemblies.

The City finds and declares the following:

WHEREAS, it is imperative that individuals engaging in peaceful expressive public activity, and law enforcement personnel dedicated to protecting such activity, be allowed to do so without suffering injury;

WHEREAS, numerous public protests, demonstrations and rallies conducted throughout the Nation in cities such as Charlottesville and St. Louis, as well as cities throughout California, such as Berkeley and Laguna Beach have erupted in violence between demonstrators and counter-demonstrators, and violence against law enforcement personnel;

WHEREAS, individuals, acting alone or in concert with others, have used improvised weapons to inflict injury on members of the public attending these events and law enforcement personnel responding to these events, thereby posing a real and serious threat to life and safety; and

WHEREAS, various improvised items have been used to injure attendees and harm or incapacitate law enforcement officers, including wood and metal pipes, poles, bats, chains, projectiles (such as rocks, concrete, pellets and ball bearings), glass bottles and containers filled with flammable or noxious substances, and aerosol sprays deployed to cause flames or attack olfactory systems.

NOW, THEREFORE,

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

Section 1. Section 55.07 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

**SEC. 55.07. PROHIBITION ON CARRYING OR POSSESSING SPECIFIED ITEMS
WHILE ATTENDING OR PARTICIPATING IN ANY PUBLIC DEMONSTRATION,
RALLY, PROTEST, PICKET LINE OR PUBLIC ASSEMBLY.**

(a) No person shall carry or possess the following items or articles while attending or participating in any demonstration, rally, protest, picket line or public assembly:

1. Any length of lumber, wood, or wood lath unless that object is 1/4 inch or less in thickness and 2 inches or less in width, or if not generally rectangular in shape, such object shall not exceed 3/4 inch in its thickest dimension. Both ends of the lumber, wood or wood lath shall be blunt;

2. Any length of metal or plastic pipe, whether hollow or solid; provided, however, that hollow plastic piping not exceeding 3/4 inch in its thickest dimension and not exceeding 1/8 inch in wall thickness, and not filled with any material, liquid, gas or solid may be used solely to support a sign, banner, placard, puppet or other similar expressive display. Both ends of any plastic pipe permissible under this subsection shall be blunt;

3. Signs, posters, banners, plaques or notices, whether or not mounted on a length of material permitted under Subdivisions 1 and 2 of this section, unless such sign, poster, banner, plaque or notice is constructed solely of soft material, such as cloth, paper, soft plastic capable of being rolled or folded, or cardboard material no greater than 1/4 inch in thickness;

4. Baseball or softball bats, regardless of composition or size; provided, however, that such items are permissible when configured of cloth, cardboard, soft plastic, foam or paper for expressive purposes;

5. Any aerosol spray, tear gas, mace, pepper spray or bear repellant;

6. Any projectile launcher or other device, such as a catapult or wrist rocket, which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;

7. Weapons such as firearms, knives, swords, sabers or other bladed devices, axes, hatchets, ice picks, razor blades, nunchucks or martial arts weapons of any kind, box cutters, pellet or BB guns, conducted electrical weapons (CEWs), including, but not limited to, Tasers or stun guns, metal/composite/wooden knuckles, or any chain greater than 20 inches in length or greater than 1/4 inch in diameter. This subdivision also includes toy or replica firearms unless such toy or replica is florescent colored or transparent.

8. Balloons, bottles or any other container such as water cannons or super-soakers, filled with any flammable, biohazard or other noxious matter which is injurious, or nauseous, sickening or irritating to any of the senses, with intent to throw, drop, pour, disperse, deposit, release, discharge or expose the same in, upon or about any demonstration, rally, protest, picket line or public assembly;

9. Glass bottles, whether empty or filled;

10. Open flame torches, lanterns or other devices that utilize combustible materials such as gasoline, kerosene, propane or other fuel sources;

11. Shields made of metal, wood, hard plastic or any combination thereof;

12. Bricks, rocks, pieces of asphalt, concrete, pellets or ball bearings.

(b) When feasible, excluding exigent circumstances, a warning shall be issued before enforcement of the provisions of this section. Such warning shall be sufficient if provided orally, by posted signs or by amplified announcement.

(c) Authorized peace officers, or employees, agents or representatives of the City, shall be exempt from the provisions of this section when such officers, employees, agents or representatives of the City are engaged in official business of the City.

(d) Nothing in this section shall prohibit an individual from carrying a cane or using a walker or other device necessary for providing mobility so that the person may participate in a public protest, demonstration, rally, picket line or public assembly. Further, nothing in this section shall prohibit the imposition of specific conditions for activities expressly authorized under permit issued by the City of Los Angeles pursuant to Los Angeles Municipal Code Section 103.111.

Sec. 2. **SEVERABILITY.** If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Sec. 3. **URGENCY CLAUSE.** Based on the findings set forth above, and that such events are likely to occur within the City without notice and in an unpermitted fashion, the Council adopts this ordinance as an urgency ordinance that is required for the preservation of the public peace, health and safety. This ordinance shall become effective upon publication.

Sec. 4. 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.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By


JULIE RAFFISH

Assistant City Attorney

Date OCTOBER 20, 2017

File No. _____

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all of its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____