

ORDINANCE NO. _____

An ordinance adding Section 57.121.3.5 to Article 7, Chapter V of the Los Angeles Municipal Code to establish a late submission penalty for businesses that fail to timely file a hazardous material business plan in accordance with Section 57.121 of the Municipal Code and Chapter 6.95, Article 1 of the California Health and Safety Code.

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

Section 1. A new Section 57.121.3.5 is added to Article 7, Chapter V of the Los Angeles Municipal Code to read as follows:

SEC. 57.121.3.5. HAZARDOUS MATERIALS BUSINESS PLAN LATE SUBMISSION PENALTY.

Compliance Required By Due Date. Each business that is required to submit a hazardous materials business plan in accordance with Section 57.121, et seq., and Chapter 6.95, Article 1 of the California Health and Safety Code shall submit its business plan by the due date established by the Department.

Late Submission Penalty and Amount. A business that fails to submit a business plan in accordance with this section by the established due date shall be assessed a late submission penalty of \$500.

Delinquency Notice. A business that fails timely to submit a business plan in accordance with this section shall be notified by mail of its delinquency and the late submission penalty. The notification shall be sent to the address on file with the Department. The business shall have 30 days from the delinquency notification to submit a business plan and remit payment of the late submission penalty.

Failure to Comply After Notice. A business that fails to submit a business plan and/or pay the late submission penalty within 30 days after notification may be subject to administrative, civil, and criminal penalties for failure to comply with the requirements of this Code and Chapter 6.95, Article 1 of the California Health and Safety Code.

Penalty Assessment Disputes and Appeals. If a business disputes the late submission penalty assessed under this section, the business shall pay the assessed penalty by the due date and request an appeal, in writing, to the Board or its designee upon forms provided by the Department within 30 days after the Department sent the delinquency notification.


The Board or its designee shall conduct a hearing to consider the appeal and shall determine, based on the evidence presented at the hearing, whether to deny the appeal and uphold the penalty assessed, or whether to grant the appeal and refund the

late submission penalty. Written notice of the decision shall be given to the appellant within 20 days of the conclusion of the hearing. The determination by the Board or its designee shall be final.

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.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
CARLOS DE LA GUERRA
Senior Assistant City Attorney

Date 2/25/19

File No. _____

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____