



**MICHAEL N. FEUER**  
CITY ATTORNEY

**REPORT NO.** R 1 6 - 0 0 2 5  
JAN 2 2 2016

**REPORT RE:**

**DRAFT ORDINANCE AMENDING SECTION 56.12 OF CHAPTER V OF THE  
LOS ANGELES MUNICIPAL CODE TO ADDRESS COMMERCIAL PROPERTY  
ENCROACHMENT ONTO PUBLIC SIDEWALKS AND STREETS**

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 November 17, 2015, Council requested the City Attorney's Office to prepare two separate ordinances to address the storage of personal property in public areas. Council requested one ordinance, which would address the personal property of individuals stored in public spaces and would be codified as Los Angeles Municipal Code (LAMC) Section 56.11, and a separate ordinance to deal with commercial property placed in public spaces. In response to council's request, we hereby transmit the attached draft ordinance for Council's consideration, amending and replacing LAMC 56.12, to prohibit encroachment of commercial property onto public sidewalks and streets by merchants. A proposed amended draft of LAMC Section 56.11 will be transmitted under separate cover.

The proposed new version of Section 56.12 prohibits a person or entity occupying or controlling a business establishment from allowing anything to be placed upon and obstruct any portion of an adjoining sidewalk or street. The ordinance contains exceptions for permitted encroachments and also for the temporary loading and unloading of a merchant's goods. The proposed ordinance further makes it unlawful for any owner of a business establishment to lease or contract with a tenant to use any portion of a sidewalk or street for the placement or display of property. The

draft ordinance is modeled after a similar ordinance dealing with commercial property in San Francisco.

The proposed new version of Section 56.12 replaces in its entirety an outdated ordinance which addressed the unloading of bakery and dairy goods in the Central Traffic District. The proposed ordinance contains a loading and unloading exemption that makes the former version of Section 56.12 unnecessary.

Urgency Clause

The draft ordinance contains an urgency clause which, will make the ordinance effective upon publication, pursuant to Charter Section 253. In order to create findings supporting the urgency of the ordinance, when the Council considers this ordinance, it should make findings that the ordinance is required for the immediate preservation of the public peace, health or safety.

Council Rule 38 Referral

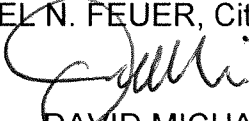
A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Public Works, the General Services Department and the Los Angeles Police Department with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Senior Assistant City Attorney Valerie Flores at (213) 978-8149. She 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:VLF:ac  
Transmittal

cc: Eric Garcetti, Mayor  
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