

MOTION

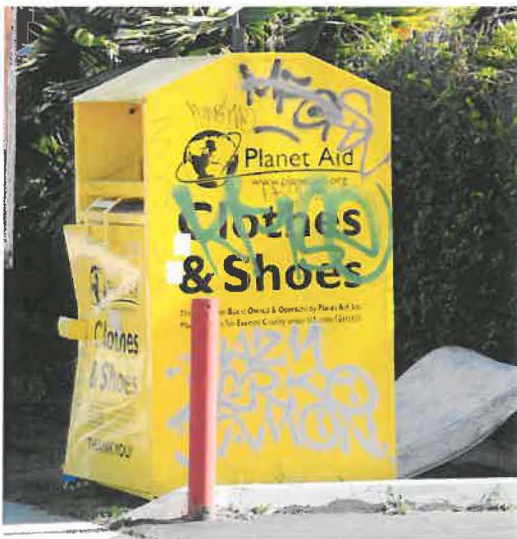
Unattended bins for the collection of donated clothing, shoes and household items have been rapidly appearing on sidewalks, parkway strips and private property throughout the City of Los Angeles, attracting graffiti, litter, and illegal dumping, causing blight in our communities. LAMC section 56.08 (e) prohibits the placement of obstructions on public rights-of-way, and LAMC section 56.11 (3)(g) prohibits the storage of bulky items in public areas, and allows for the immediate removal and discarding of bulky items. The City Attorney is drafting a new ordinance to regulate collection bins placed on private property, pursuant to Council Action on November 7, 2014 (CF 14-0611.)

On April 5, 2015, the UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT ruled in the case of *Planet Aide v. City of St. Johns, MI* that collection bins are a form constitutionally protected free speech, and struck down a citywide ban.

In light of the recent court ruling, it is important that the Council be advised on the legal ramifications and that the Department of Public Works be given direction on how to enforce current law.

I THEREFORE MOVE that the City Attorney be REQUESTED to report on the *Planet Aid v. City of St. Johns* decision, its impacts on the enforcement of LAMC sections that relate to the placement of unattended donation collection bins on public rights-of-way and the restrictions it places on the forthcoming ordinance that will regulate donation collection bins on private property.

I FURTHER MOVE that the City Attorney be REQUESTED to report with recommended protocol for the removal of unattended donation collection bins, in order to ensure compliance with the Constitution and all applicable Federal and State Law.



PRESENTED BY: Joe Buscaino  
JOE BUSCAINO  
Councilmember, 15th District

SECONDED BY: [Signature]

ORIGINAL

AUG 18 2015

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