

PUBLIC WORKS AND GANG REDUCTION COMMITTEE REPORT relative to the impact of the Planet Aid v. City of St. Johns decision on the City's regulation of unattended donation collection bins.

Recommendation for Council action, as initiated by Motion (Buscaino – Price):

REQUEST the City Attorney to:

- a. Report relative to the Planet Aid v. City of St. Johns decision, its impacts on the enforcement of Los Angeles Municipal Code (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.
- b. 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.
- c. Prepare and present an ordinance for the permitting and regulation of unattended donation collection bins and similarly sized receptacles on private property.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

On August 18, 2015, Council considered Motion (Buscaino – Price) relative to the impact of the Planet Aid v. City of St. Johns decision on the enforcement of Los Angeles Municipal Code sections that relate to the placement of unattended donation collection bins on public rights-of-way. Motion states that 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.

A recent court decision found that collection bins are a form constitutionally protected free speech, and struck down a citywide ban. Motion movers believe that the City Attorney should advise Council and the Department of Public Works on how to enforce current law. Council referred Motion to the Public Works and Gang Reduction Committee for consideration.

At its meeting held August 24, 2015, the Public Works and Gang Reduction Committee discussed this matter with representatives of the City Attorney and the Bureau of Street Services. The City Attorney's representative stated that the Planet Aid v. City of St. Johns decision restricted the City from enacting an ordinance to regulate the unattended collection bins any differently from other receptacles. The bins are considered to be bulky items and they can be removed as such from the public right-of-way. An ordinance is being prepared to establish

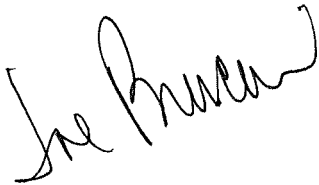
protocol for the permitting of such bins and all other types of receptacles on private property.

The Bureau of Street Services currently removes from the public right-of-way these bins using a complaint driven hearing process. The Bureau holds the bins for 90 days before recycling them. Storage space has become a concern for the Bureau. The Committee clarified that the City is not obliged to hold the receptacles for 90 days.

The Public Works and Gang Reduction Committee recommended that Council approve Motion, as amended to request the City Attorney to prepare an ordinance for the permitting and regulation of unattended donation collection bins and similarly sized receptacles on private property.

Respectfully Submitted,

PUBLIC WORKS AND GANG REDUCTION COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
BUSCAINO:	YES
MARTINEZ:	YES
PRICE:	YES
O'FARRELL:	YES
RYU:	YES

jaw

-NOT OFFICIAL UNTIL COUNCIL ACTS-