

An ordinance amending Subsections B and I of Section 63.44 of Chapter VI of the Los Angeles Municipal Code to restrict the possession or use of non-permitted bulky items and tents, and to prohibit the storage of personal property within the limits of any Park, including a Park consisting of beaches and water recreation areas.

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

Section 1. A new Subdivision 26 is added to Subsection B of Section 63.44 of the Los Angeles Municipal Code to read as follows:

26. Bulky Items, Tents and Storage of Personal Property in Parks.

(a) Declaration of Legislative Intent - Purpose.

Parks should be accessible and available to residents and the public at large for their intended recreational uses. Bringing bulky items into a Park and the unauthorized use of a Park for the storage of personal property interferes with the rights of other members of the public to use Parks for their intended purposes and can create a public health or safety hazard that adversely affects the Park and those who use the Park for recreational activities. The purpose of this section is to maintain Parks in clean, sanitary and accessible condition, to prevent harm to the health or safety of the public, to prevent the misappropriation of Parks for personal use, and to promote the public health and safety by ensuring that Parks remain readily accessible for their intended recreational uses.

(b) Definitions.

The definitions contained in this subsection shall govern the construction, meaning and application of words and phrases used in this section.

(1) **“Bulky Item”** means any item that is too large to fit in one of the City's 60 gallon trash containers with the lid closed, including, but not limited to, a mattress, couch, chair or other furniture or appliance. Bulky Item does not include a portable, collapsible picnic chair or table.

(2) **“Person”** means any individual, group, business, business trust, company, corporation, joint venture, joint stock company, partnership, entity, association, club or organization composed of two or more individuals (or manager, lessee, agent servant, officer or employee).

(3) **“Personal Property”** means any and all tangible property, and includes, but is not limited to, goods, materials, merchandise, Tents, tarpaulins, bedding, sleeping bags, hammocks, and personal items such as luggage, backpacks, clothing, documents, medication and household items.

(4) **“Store,” “Stored” or “Storing”** means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

(5) **“Tent”** means any tarpaulin, cover, structure or shelter, made of any material which is not open on all sides and which hinders an unobstructed view behind or into the area surrounded by the tarpaulins, cover, structure or shelter.

(c) Prohibition on Bulky Items in a City Park.

No Person shall bring into any Park any Bulky Item without a permit therefor.

(d) Prohibition on Erecting a Tent in a City Park.

Except for areas expressly designated for camping, no person shall erect, configure or construct a Tent in any Park.

(e) Ban on Attachments.

No Person shall erect any barrier against or lay string or join any wires, ropes, chains or otherwise attach any Personal Property to any of the City’s real or personal property or trees or plants in a Park, including, but not limited to, a building or portion or protrusion thereof, playground equipment, sports equipment, exercise equipment, fencing, netting, trash can, gazebo, pagoda, pole, post, bike rack, drinking fountain, sign, table, bench, tree, bush, shrub or plant, without the City’s prior written consent.

(f) Removal of Stored Personal Property; Discarding of Stored Personal Property.

(1) No Person shall Store Personal Property in any Park.

(2) All Stored Personal Property remaining in any Park after closing may be removed by the City.

(3) Personal Property placed in a Park shall be deemed to be Stored Personal Property if it has not been removed from the Park prior to the daily closure of the Park. Moving Personal Property to another

location in the same Park or another Park or any other Public Area as defined in Los Angeles Municipal Code Section 56.11, shall not be considered removing the Personal Property from the Park. The City may remove such Stored Personal Property after providing notice pursuant to Subsection (g) herein. This section shall not apply to Personal Property that remains in the Park after the Park closes pursuant to statute, ordinance, regulation, permit, contract or other authorization by the City.

(4) The City may remove and discard any non-permitted Bulky Item from a Park without prior notice.

(5) In the event Personal Property placed in a Park poses an immediate threat to the health or safety of the public, the City may remove and discard it without prior notice.

(g) **Pre-Removal Notice.** Notice of the City's removal of Personal Property will be provided as follows:

(1) By erecting in a Park at least one sign in a conspicuous place providing notice that any Personal Property remaining in the Park after the Park closes may be removed and impounded and may be discarded by the City if not claimed within 90 days of the City's removal of the Personal Property; or

(2) By placing on or near the Personal Property, a written notice containing the following:

(i) A general description of the Personal Property to be removed;

(ii) The location from which the Personal Property will be removed;

(iii) The date and time the notice was posted;

(iv) A statement that the Personal Property has been Stored in violation of Section 63.44.B.26 and will be removed by the City if the Person who Stored the Personal Property in the Park does not remove the Personal Property from the Park within 24 hours;

(v) The location where the removed Personal Property will be stored, including a telephone number and the internet website of the City through which a Person may receive information as to impounded Personal Property as well as information as to voluntary storage location(s); and

(vi) A statement that the City may discard the Personal Property if not claimed within 90 days after the City's removal of it.

(h) **Post Removal Notice.** Upon the City's removal of Personal Property, written notice shall be placed conspicuously in the area from which the City removed the Personal Property. The written notice shall contain the following:

(1) A general description of the Personal Property removed by the City;

(2) The date and approximate time the Personal Property was removed by the City;

(3) A statement that the Personal Property was Stored in violation of 63.44.B.26;

(4) The location where the removed Personal Property will be impounded, including a telephone number and internet website of the City through which a Person may receive information as to impounded Personal Property; and

(5) A statement that removed Personal Property may be discarded if not claimed within 90 days of the City's removal of it.

(i) **Failure to Remove Attended Personal Property.**

It shall be unlawful to fail to remove from a Park attended Stored Personal Property within 24 hours of receiving written notice pursuant to Subsection (f)(2) or after closure of the Park, in any Park with a sign posted pursuant to Subsection (g).

(j) **Storage and Disposal.**

(1) Except as specified herein, impounded Personal Property shall be moved to a place of storage;

(2) Except as specified herein, impounded Personal Property shall be held by the City for 90 days, after which time, if not claimed, it may be discarded. The City shall not be required to undertake any search for, or return of, any Personal Property held by the City for longer than 90 days;

(3) The City shall maintain a record of the date any Personal Property was discarded.

(k) Repossession.

The owner or any other person entitled to the Personal Property removed by the City may repossess the Personal Property prior to its disposal upon submitting satisfactory proof of ownership or entitlement to the Personal Property. A Person may establish proof of ownership by, among other methods, describing the location where and date when the Personal Property was Stored in a Park and providing a specific and detailed description of the Personal Property. Valid, government-issued identification is not required to claim removed Personal Property.

(l) Illegal Dumping.

Nothing herein precludes the enforcement of any law prohibiting illegal dumping, including but not limited to, California Penal Code Section 374.3, and Los Angeles Municipal Code Sections 41.14, 63.44.B.13 or 190.02, or any successor statutes proscribing illegal dumping.

(m) Certain Penalties Inapplicable.

Los Angeles Municipal Code Section 11.00 shall not apply to violations of this section except as to violations of Subsections (c), (d), (e), (i) and (l).

(n) Severability. If any subsection, sentence, clause or phrase of this article 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. 2. A new Subdivision 13 is added to Subsection l of Section 63.44 of the Los Angeles Municipal Code to read as follows:

13. Bulky Items, Tents and Storage of Personal Property in Beach Parks.

(a) Declaration of Legislative Intent - Purpose.

Beach Parks should be accessible and available to residents and the public at large for their intended recreational uses. Bringing bulky items into a Beach Park and the unauthorized use of a Beach Park for the storage of personal property interferes with the rights of other members of the public to use Beach Parks for their intended purposes and can create a public health or safety hazard that adversely affects the Beach Park and

those who use the Beach Park for recreational activities. The purpose of this section is to maintain Beach Parks in clean, sanitary and accessible condition, to prevent harm to the health or safety of the public, to prevent the misappropriation of Beach Parks for personal use, and to promote the public health and safety by ensuring that Beach Parks remain readily accessible for their intended recreational uses.

(b) **Definitions.**

The definitions contained in this subsection shall govern the construction, meaning and application of words and phrases used in this section.

(1) **“Bulky Item”** means any item that is too large to fit in one of the City's 60 gallon trash containers with the lid closed, including, but not limited to, a mattress, couch, chair or other furniture or appliance. Bulky Item does not include a portable, collapsible picnic chair or table.

(2) **“Person”** means any individual, group, business, business trust, company, corporation, joint venture, joint stock company, partnership, entity, association, club or organization composed of two or more individuals (or manager, lessee, agent servant, officer or employee).

(3) **“Personal Property”** means any and all tangible property, and includes, but is not limited to, goods, materials, merchandise, Tents, tarpaulins, bedding, sleeping bags, hammocks, and personal items such as luggage, backpacks, clothing, documents, medication and household items.

(4) **“Store,” “Stored” or “Storing”** means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

(5) **“Tent”** means any tarpaulin, cover, structure or shelter, made of any material which is not open on all sides and which hinders an unobstructed view behind or into the area surrounded by the tarpaulins, cover, structure or shelter.

(c) **Prohibition on Bulky Items in a City Beach Park.**

No Person shall bring into any Beach Park any Bulky Item without a permit therefor.

(d) Prohibition on Erecting a Tent in a City Beach Park.

Except for areas expressly designated for camping, no person shall erect, configure or construct a Tent in any Beach Park.

(e) Ban on Attachments.

No Person shall erect any barrier against or lay string or join any wires, ropes, chains or otherwise attach any Personal Property to any of the City's real or personal property or trees or plants in a Beach Park, including, but not limited to, a building or portion or protrusion thereof, playground equipment, sports equipment, exercise equipment, fencing, netting, trash can, gazebo, pagoda, pole, post, bike rack, drinking fountain, sign, table, bench, tree, bush, shrub or plant, without the City's prior written consent.

(f) Removal of Stored Personal Property; Discarding of Stored Personal Property.

(1) No Person shall Store Personal Property in any Beach Park.

(2) All Stored Personal Property remaining in any Beach Park after closing may be removed by the City.

(3) Personal Property placed in a Beach Park shall be deemed to be Stored Personal Property if it has not been removed from the Beach Park prior to the daily closure of the Beach Park. Moving Personal Property to another location in the same Beach Park or another Beach Park or any other Public Area as defined in Los Angeles Municipal Code Section 56.11, shall not be considered removing the Personal Property from the Beach Park. The City may remove such Stored Personal Property after providing notice pursuant to Subsection (g) herein. This section shall not apply to Personal Property that remains in the Beach Park after the Beach Park closes pursuant to statute, ordinance, regulation, permit, contract or other authorization by the City.

(4) The City may remove and discard any non-permitted Bulky Item from a Beach Park without prior notice.

(5) In the event Personal Property placed in a Beach Park poses an immediate threat to the health or safety of the public, the City may remove and discard it without prior notice.

(g) Pre-Removal Notice. Notice of the City's removal of Personal Property will be provided as follows:

(1) By erecting in a Beach Park at least one sign in a conspicuous place providing notice that any Personal Property remaining in the Beach Park after the Beach Park closes may be removed and impounded and may be discarded by the City if not claimed within 90 days of the City's removal of the Personal Property; or

(2) By placing on or near the Personal Property, a written notice containing the following:

- (i) A general description of the Personal Property to be removed;
- (ii) The location from which the Personal Property will be removed;
- (iii) The date and time the notice was posted;
- (iv) A statement that the Personal Property has been Stored in violation of Section 63.44.B.26 and will be removed by the City if the Person who Stored the Personal Property in the Beach Park does not remove the Personal Property from the Beach Park within 24 hours;
- (v) The location where the removed Personal Property will be stored, including a telephone number and the internet website of the City through which a Person may receive information as to impounded Personal Property as well as information as to voluntary storage location(s); and
- (vi) A statement that the City may discard the Personal Property if not claimed within 90 days after the City's removal of it.

(h) **Post Removal Notice.** Upon the City's removal of Personal Property, written notice shall be placed conspicuously in the area from which the City removed the Personal Property. The written notice shall contain the following:

- (1) A general description of the Personal Property removed by the City;
- (2) The date and approximate time the Personal Property was removed by the City;
- (3) A statement that the Personal Property was Stored in violation of 63.44.B.26;

(4) The location where the removed Personal Property will be impounded, including a telephone number and internet website of the City through which a Person may receive information as to impounded Personal Property; and

(5) A statement that removed Personal Property may be discarded if not claimed within 90 days of the City's removal of it.

(i) Failure to Remove Attended Personal Property.

It shall be unlawful to fail to remove from a Beach Park attended Stored Personal Property within 24 hours of receiving written notice pursuant to Subsection (f)(2) or after closure of the Beach Park, in any Beach Park with a sign posed pursuant to Subsection (g).

(j) Storage and Disposal.

(1) Except as specified herein, impounded Personal Property shall be moved to a place of storage;

(2) Except as specified herein, impounded Personal Property shall be held by the City for 90 days, after which time, if not claimed, it may be discarded. The City shall not be required to undertake any search for, or return of, any Personal Property held by the City for longer than 90 days;

(3) The City shall maintain a record of the date any Personal Property was discarded.

(k) Repossession.

The owner or any other person entitled to the Personal Property removed by the City may repossess the Personal Property prior to its disposal upon submitting satisfactory proof of ownership or entitlement to the Personal Property. A Person may establish proof of ownership by, among other methods, describing the location where and date when the Personal Property was Stored in a Beach Park and providing a specific and detailed description of the Personal Property. Valid, government-issued identification is not required to claim removed Personal Property.

(l) Illegal Dumping.

Nothing herein precludes the enforcement of any law prohibiting illegal dumping, including but not limited to, California Penal Code Section 374.3, and Los Angeles Municipal Code Sections 41.14, 63.44.B.13 or 190.02, or any successor statutes proscribing illegal dumping.

(m) **Certain Penalties Inapplicable.**

Los Angeles Municipal Code Section 11.00 shall not apply to violations of this section except as to violations of Subsections (c), (d), (e), (i) and (l).

(n) **Severability.** If any subsection, sentence, clause or phrase of this article 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. The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reason: In order for the City of Los Angeles to ensure that its Parks are in clean, sanitary, and accessible condition, and to promote the public health and safety by ensuring that public areas remain readily accessible for their intended uses, it is necessary that the amendments to the Los Angeles Municipal Code as reflected in this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

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.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles JUN 16 2015, and was passed at its meeting of JUN 23 2015.

HOLLY L. WOLCOTT, City Clerk

By


Deputy

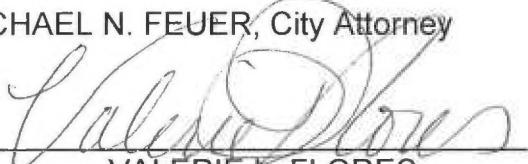
Approved _____

_____ Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By


VALERIE L. FLORES
Senior Assistant City Attorney

Date

6/16/15

File No.

14-1551

Said ordinance was presented to the Mayor on JUN 23 2015; the Mayor returned said ordinance to the City Clerk on JUL 07 2015 without his approval or his objections in writing, being more than ten days after the same was presented to the Mayor.

Said ordinance shall become effective and be as valid as if the Mayor had approved and signed it. (Section 250(b), City Charter)

DECLARATION OF POSTING ORDINANCE

I, VERONICA COLEMAN-WARNER, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No.183761 – Amending Subsection B and I of Section 63.44 of Chapter VI of the Los Angeles Municipal Code to restrict the possession or use of non-permitted bulky items and tents, and to prohibit the storage of personal property within the limits of any Park, including a Park consisting of beaches and water recreation areas - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on June 23, 2015, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on July 8, 2015 I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on July 8, 2015 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 8th day of July, 2015 at Los Angeles, California.



Veronica Coleman-Warner, Deputy City Clerk