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CITY ATTORNEY

REPORT NO. R 15 - 0 1 3 0
MAY 19 2015

REPORT RE:

**DRAFT 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 PARKS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 14-1656

Honorable Members:

On February 12, 2015, the City Council requested this Office to transmit a draft ordinance amending Sections 63.44.B.26 and I.13 of the Los Angeles Municipal Code (LAMC) to ban bulky items, tents and the storage of personal property in parks.

We now transmit the enclosed draft ordinance for Council's consideration. This draft ordinance is substantively consistent with the recently transmitted ordinance amending LAMC Section 56.11 relating to the storage of personal property in public areas and the City's procedure for notice and removal of such property.

Provisions Related to Storage of Personal Property in Parks

The purpose of this draft ordinance is to maintain parks in a clean, sanitary and accessible condition, prevent the misappropriation of parks for personal use, and promote the public health and safety by ensuring that parks remain readily accessible for recreational purposes. The draft ordinance articulates the process to remove unauthorized stored property, including specifying the requirements for pre- and post-removal notice, the process for the owner to claim property, and the amount of time removed property will be held by the City, as well as the conditions upon which such property may be discarded by the City. The draft ordinance contains the following provisions:

- (1) Prohibition on the unauthorized storage of personal property in parks.
- (2) In any park in which the City posts a sign requiring removal of personal property before the park closes, the City may remove and impound personal property remaining in the park after closure. In any park that does not have a posted sign, the City may provide 24-hours written notice, and if the owner has not removed his or her personal property, the City may impound it. Removal by the owner does not include moving the property to another location in a park or to another public area. Property removed by the City shall be held by the City for 90 days after which unclaimed property may be discarded.
- (3) Property that poses an immediate health and safety risk may be removed and discarded without notice. Examples include property that is unsanitary (e.g., have the potential to harbor vermin infestation or spread disease), flammable, hazardous or clearly consists of trash.
- (4) Property which constitutes evidence of a crime or contraband also may be removed without notice.
- (5) The draft ordinance does not impact personal property that is stored on public property pursuant to a statute, ordinance, permit, regulation or other authorization by the City or state.

Ban on Bulky Items and Tents

Pursuant to the draft ordinance, bulky items may not be brought into a park without a permit and any unauthorized bulky item in a park may be removed and discarded by the City without notice.

The enclosed draft ordinance includes a provision which prohibits individuals from erecting tents in parks. Sunshades or umbrellas that are open on all sides are not addressed by this ordinance and will continue to be permitted in parks.

Additional Provisions Included in the Draft Ordinance

The draft ordinance also prohibits any person from erecting barriers against or attaching any personal property to any real property in a park such as a building, pole, bench or tree.

Unless otherwise specified, violation of any Los Angeles Municipal Code provision constitutes a misdemeanor. The draft ordinance *specifies* and *limits* those sections of the ordinance, which if violated, constitute a criminal offense. These include the following: (1) bringing of Bulky Items into a park; (2) failure of an individual to remove his or her attended property from a public area after having received the requisite 24-hour notice or after park closure; (3) attachment of personal property to public property; and (4) activity which constitutes illegal dumping under state or City law.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Recreation and Parks, the Los Angeles Police Department, and the Department of Public Works 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 
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DM:VLF:ac
Transmittal