

ORDINANCE NO. _____

An ordinance amending Section 98.0105 of the Los Angeles Municipal Code to clarify the right of entry for the Department of Building and Safety inspectors to conduct inspections.

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

Section 1. Section 98.0105 of Division 1, Article 8, Chapter IX of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 98.0105. INSPECTONS.

(a) **General.** Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter or other applicable law, or whenever the Superintendent of Building or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any violation of Chapter IX of the LAMC, or other applicable law, or any condition which makes such building or premises hazardous, unsafe or dangerous, the Superintendent of Building or his authorized representative is hereby authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Superintendent of Building by Chapter IX of the LAMC or other applicable law, provided that:

(1) If such property is occupied, he shall first present proper credentials to the occupant, explain the reasons for the inspection, and request consent to enter; and

(2) If such property is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the property, explain his reasons for the inspection, and request consent to enter; and

(3) If consent to enter is refused or cannot be obtained, whether a property is occupied or unoccupied, the Superintendent of Building or his authorized representative shall obtain an inspection warrant.

(b) **Exigent Circumstances.** Notwithstanding the foregoing, if the Superintendent of Building or his authorized representative has reasonable cause to believe that the building or premises is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety, he shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, he shall first present proper credentials to the occupant and

demand entry, explaining his reasons therefor and the purpose of his inspection. No person shall fail or refuse, after proper demand has been made upon him, as provided above, to promptly permit the Superintendent of Building or his authorized representative to make any necessary inspection in the exigent circumstances. Any person violating this subsection shall be guilty of a misdemeanor.

(c) The applicant, by accepting any permit issued pursuant to Chapter IX of the LAMC, does thereby consent and agree to the entry upon the premises described in the permit by Department personnel for the purpose of conducting such inspections as are required by Chapter IX of the LAMC or other applicable laws.

Sec. 2. 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.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By



YONGDAN LI
Deputy City Attorney

Date

8/26/20

File No.

20-0844

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____