

ORDINANCE NO. _____

An ordinance amending Sections 62.04 and 62.61 of the Los Angeles Municipal Code to clarify penalties and authorize Administrative Citation Enforcement citations for violations of specified code sections.

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

Sec. 1. Section 62.04(n) of the Los Angeles Municipal Code is amended in its entirety to read as follows:

(n) **Final Inspection Required.** It shall be unlawful for a permittee to fail to request a final inspection after completion of work. A violation of this subsection is subject to an administrative fine as specified in Section 62.61(f).

Sec. 2. A new Subsection (o) is added to Section 62.04 of the Los Angeles Municipal Code to read as follows:

(o) Responsibility and Warranty of Work.

Unless otherwise provided by the written terms of a permit or franchise, the permittee shall be responsible for the integrity of all work authorized or required pursuant to an excavation permit under Section 62.02 throughout the course of such work and throughout and including a period of five years following the request for final inspection after completion of the work. Any subsequent request for final inspection shall restart the five-year warranty. It shall be unlawful for a permittee to fail to complete a warranty repair within the time period specified by the Board or its designee, not to exceed six months. A violation of this subsection is subject to an administrative fine as specified in Section 62.61(f).

Any person, including any City Department or Proprietary Department, performing work without a permit under Section 62.02, or who fails to request a final inspection, shall be responsible for the integrity of such work for the lifetime of the work.

Unless otherwise provided by franchise, all permits issued pursuant to Section 62.02 shall include a provision requiring the permittee to defend, indemnify, and hold harmless the City and all of the City's boards, officers, agents, employees, assigns, and successors in interest from any injury, harm, or liability of any kind caused by permittee's work.

Sec. 3. Section 62.61(c) of the Los Angeles Municipal Code is amended in its entirety to read as follows:

(c) **Permit Required to be Kept On-Site.** No person shall fail to keep such permit at all times at the place where the work is being done nor fail, upon demand, to show such permit to any City employee upon request. A violation of this subsection is subject to an administrative fine specified in Subsection 62.61(f).

Sec. 4. Section 62.61(d) of the Los Angeles Municipal Code is amended in its entirety to read as follows:

(d) **Work During Peak Traffic Hours.** In addition to all other applicable fees, the Bureau of Engineering shall charge and collect a Bureau of Street Services Peak Hour Compliance Fee of \$257 for each Excavation Utility ("U") permit for work within Street Classifications Subject to Work Hour Restrictions.

1. **Prohibition on Work or Obstructions During Peak Traffic Hours.** Notwithstanding any other provision of this Code, no person or entity shall effect a "Traffic Lane Closure," perform work within or on any public street or right-of-way, or in any manner obstruct a public street or right-of-way on those "Street Classifications Subject to Work Hour Restrictions" during "Peak Traffic Hours."

2. **Exemption from Work or Obstruction Prohibition During Peak Traffic Hours.**

A. "Emergency Work" as defined in LAMC 62.00 is exempt from the prohibition on work or obstruction of public streets or rights-of-way during "Peak Traffic Hours" if the party performing the emergency work contacts the designated City agency as determined by the Board of Public Works prior to the work being initiated in the right-of-way and applies for a permit within one business day of the emergency work.

B. If a party desires to have a non-emergency public right-of-way construction project or other "Traffic Lane Closure" exempted from the prohibition on work or obstruction of public streets or rights-of-way during "Peak Traffic Hours," the party shall submit the request with its permit application to the appropriate City permitting agency along with a "Traffic Management Plan." If the "Traffic Management Plan" is approved by the City for work during "Peak Traffic Hours," the project will be deemed exempt.

3. **Fee for Processing Applications for Exemption from Work or Obstruction Prohibition During Peak Hours.** The Bureau of Engineering shall charge and collect a fee of \$258 for processing each request submitted pursuant to this subsection.

Sec. 5. Section 62.61(e) of the Los Angeles Municipal Code is amended in its entirety to read as follows:

(e) **Application for Permit.** Any application for a permit under this section shall include the following information:

1. The name, address, and telephone number of the applicant and the person responsible for the work or obstruction of the public street or right-of-way. If the work will be done by one or more subcontractor(s), the subcontractor(s) and the contact information must be included in the application.

2. The name, location, and area of the street for which the permit is desired.

3. A description of the work to be done within the public street or right-of-way and an explanation of why the proposed obstruction of the public street or right-of-way is necessary.

Sec. 6. A new Subsection (f) is added to Section 62.61 of the Los Angeles Municipal Code to read as follows:

(f) **Penalties for Non-Compliance.**

1. **Administrative Citations.** The violation of any provision of this article, including any special condition or requirement of a valid construction permit issued pursuant to the Los Angeles Municipal Code, shall subject the violator to administrative penalties as follows:

Violation	Administrative Fine per Occurrence
Work without permit LAMC (LAMC 62.61(b))	\$4,000
Violating conditions and requirements of a permit (LAMC 62.61(b))	\$1,000
Work without requesting inspection (LAMC 62.04(n))	\$4,000
No permit on site (LAMC 62.61(c))	\$500
Failure to complete requested warranty repair within the time period specified (LAMC 62.04(o))	\$4,000

Unless otherwise specified herein, all Citations issued for violations of this section shall be subject to the provisions set forth in Article 1.2 of Chapter I of this Code, including, but not limited to, the administrative hearing and appeal process, and shall be subject to the City's authority to use any civil remedy available to collect any unpaid administrative fine.

The responsibility of compliance with permit requirements and work completion lies with the permittee. Any penalty of permit violation shall be assessed to the permittee. Work by any party who is not listed on the permit shall be considered as work without a permit.

2. Criminal Prosecution for Violations. Any violation of this section may be prosecuted as a misdemeanor. In cases where the City Attorney elects to criminally prosecute a violation, the defendant shall be subject to all applicable penalties authorized by Section 11.00(m) of this Code, and not the administrative fines authorized by this section.

Sec. 7. 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 _____


TANEA YSAGUIRRE
Deputy City Attorney

Date _____

7/13/22

File No. 20-1469

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Penalties Ordinance 06.13.22.docx

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 _____