

ORDINANCE NO. 188197

An ordinance amending Sections 91.8904, 91.8905 and 98.0710 of the Los Angeles Municipal Code to allow the City to provide private security to secure properties that are subject to administrative abatement.

WHEREAS, California Health and Safety Code Sections 17958.5 and 17958.7 authorize the City Council to make reasonably necessary changes or modifications to the provisions of the California Building Standards Code (Title 24, California Code of Regulations) upon finding these changes are reasonably necessary due to local administrative, climatic, geological, topographical, or environmental conditions; and

WHEREAS, this ordinance makes administrative changes related to enforcement of building standards rather than changes or modifications to the substantive provisions of the California Building Standards Code, and thus the City is not required to make the findings in California Health and Safety Code Sections 17958.5 and 17958.7.

WHEREAS, this ordinance makes administrative changes related to enforcement of building standards, specifically by allowing the City to hire private security to secure properties that have become a present, imminent, extreme, and immediate hazard or danger to life or limb, health and safety, and to secure properties that are vacant and subject to abatement.

NOW, THEREFORE,

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

Section 1. Subsection 91.8904.1 of Section 91.8904, Division 89, Article 1, Chapter IX of the Los Angeles Municipal Code is amended in its entirety to read as follows:

91.8904.1. Duties of the Owner of Vacant Property. It shall be unlawful for the owner or person in control of a parcel of land to permit the accumulation of trash, debris, vehicle parts, rubbish, excessive vegetation or other similar nuisance conditions on a parcel or in and around any building or structure located on a parcel. The Department may order the fencing of such a parcel in the manner described below.

It shall be unlawful for the owner or person in control of a parcel of land to allow a vacant building or structure to be open to unauthorized entry on that land. The entire building or structure shall be securely maintained. The owner or person in control of a vacant building, structure, or lot which is open to unauthorized entry shall secure all openings, accessible for entry from the exterior of the building or structure, and where appropriate, the entire lot itself, with one of the following methods:

1. Minimum 3/4 inch (19.05 mm) exterior grade plywood. The plywood shall have a positive connection to the building or structure using minimum 1/2 inch (12.7 mm) bolts which shall not be removable from the outside.

2. Minimum 16-gauge steel mesh attached to a minimum 1 inch by 1/8 inch (25 mm x 3.175 mm) angle iron frame. The frame shall have a positive connection to the building or structure using minimum 1/2 inch (12.7 mm) bolts which shall not be removable from the outside.

3. Other means of barricading as directed or approved by the Department including wrought iron fencing of the lot. The Department may, working in cooperation with the Police Department, develop standards for alternative fencing.

Unless directed otherwise by the Department, the owner or person in control of a parcel of land also shall erect a 10 foot (3048 mm) high, unobstructed, chain link fence complete with lockable gates. The fence, once constructed, shall become the property of the owner of the property upon which it is constructed and, all structures on the property, including the fence, shall be maintained in good repair. In the event that the fence or other barriers cannot be maintained in good repair, the Department may order an alternative method of barricading, or order the securing of the structure and premises by means of on-site security personnel services. The property so fenced shall be conspicuously posted with a "No Trespassing" sign pursuant to LAMC Section 41.24.

It shall also be unlawful for the owner or person in control of a parcel of land to allow to exist any graffiti on any walls, temporary or permanent structures, places, or other surfaces when that graffiti, as defined in LAMC Section 49.84.2, is visible from a public street or other public or private property.

The owner or person in control of a parcel of land, whose property displays graffiti, shall completely remove the graffiti by washing, sandblasting, or chemical treatment, or shall completely and uniformly cover or otherwise obscure the graffiti with paint or other approved materials.

It is unlawful to maintain a swimming pool in violation of LAMC Sections 91.3109 and 91.6109. The 10 foot (3048 mm) high chain link fence described above may be used to comply with LAMC Section 91.3109. The swimming pool water shall be removed if the property is vacant.

Sec. 2. The first paragraph of Subsection 91.8904.1.2 of Section 91.8904, Division 89, Article 1, Chapter IX of the Los Angeles Municipal Code is amended to read as follows:

91.8904.1.2. Abatement by the City. In the event the nuisance, including graffiti, is not removed or otherwise eliminated or abated by the date specified in the notice, the City, or its contractor, may enter upon the parcel and remove or eliminate the nuisance, including by means of securing the parcel through City personnel or the use of outside

security personnel. Abatement may be accomplished by contract or work order and may be performed by a private contractor submitting a competitive sealed bid, a public entity performing under a Memorandum of Understanding, or by means of an Annual Awarded Contract.

Sec. 3. Subsection 91.8905.1 of Section 91.8905 of Division 89, Article 1, Chapter IX of the Los Angeles Municipal Code is amended in its entirety to read as follows:

91.8905.1. Notwithstanding anything to the contrary in this section, whenever the Department determines that any building, structure, premises, or portion thereof falling within the scope of this division is a present, imminent, extreme and immediate hazard or danger to life or limb, health or safety, so as to necessitate the immediate elimination thereof without prior notice to the owner, the Department may, without an order or notice of any kind whatsoever and without a hearing, cause the building, structure, or premises, or any portion thereof, to be immediately vacated, barricaded, secured, removed, or demolished by such means as the Department may deem advisable, including the use of the Department's annual awarded demolition contractor or outside security personnel.

Sec. 4. The first paragraph of Subsection 91.8905.3 of Section 91.8905 of Division 89, Article 1, Chapter IX of the Los Angeles Municipal Code is amended to read as follows:

91.8905.3. The Department may cause the building, structure, or premises, or any portion of the building, structure, or premises to be immediately barricaded, secured, removed, or demolished. The barricading, securing, removal, or demolition, including any monitoring or removal of asbestos or other hazardous materials or the provision of outside security personnel, may be accomplished by any City department with the forces to perform the work, upon receipt of a request from the Department, or by any forces under contract to the City. The cost to accomplished the work, either by contract or City forces, shall be paid from the "Repair and Demolition Fund" as established in LAMC Section 91.8906.

Sec. 5. Section 98.0710, Division 7, Article 8, Chapter IX of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 98.0710. CONTINUOUS ABATEMENT AUTHORITY.

(a) If a Vacant Structure, previously abated by the Responsible Person or the Superintendent of Building pursuant to a notice and order, again becomes unsecured and open to unauthorized entry, the Superintendent of Building may proceed to abate the nuisance, including securing the vacant structure and/or premises by means of outside security personnel, and recover costs pursuant to Division 89, Article 1, Chapter IX of the LAMC.

(b) If a yard surrounding a Vacant Structure, previously abated by the Responsible Person or the Superintendent of Building pursuant to a notice and order, again contains graffiti, waste, rubbish, debris, excessive vegetation, inoperable vehicles, trailers, appliances, and any other similar materials, the Superintendent of Building may proceed to abate the nuisance, including securing the vacant structure and/or premises by means of outside security personnel, and recover costs pursuant to Division 89, Article 1, Chapter IX of the LAMC.

(c) Outside security personnel may be provided immediately at any building, structure, premises, or portion thereof falling within the scope of LAMC Section 91.8905.

Sec. 6. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

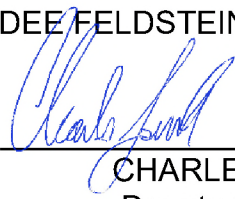
Sec. 7. **URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The regulations contained in this ordinance are necessary to safeguard life, limb, health, property and public welfare of persons within the City by allowing the City provide private security at properties that have become a present, imminent, extreme, and immediate hazard or danger to life, limb, health or safety, and at properties that are vacant and subject to abatement pursuant to Division 7, Article 8, Chapter IX of the Los Angeles Municipal Code. Without the enforcement standards contained in this ordinance, unsecured vacant and nuisance structures may present an immediate threat to the health and safety of all persons in the City. In order to address this threat, the regulations contained in this ordinance must take effect immediately. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 8. 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

HYDEE FELDSTEIN SOTO, City Attorney

By



CHARLES D. SEWELL
Deputy City Attorney

Date April 1, 2024

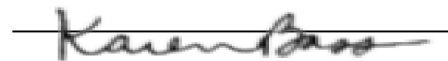
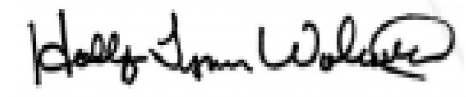
File No. 24-0114-S2

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, **by a vote of not less than three-fourths** of all its members.

["M:\Real Prop_Env_Land Use\Land Use\Charles Sewell\LU - Ordinances\ORD - Security for VBO (CD14)\Revised Ordinance\VBO Security - Revised Draft Ordinance (4.1.24).docx"]

CITY CLERK

MAYOR



Ordinance Passed April 2, 2024

Approved _____

Ordinance Published: 04/11/2024
Ordinance Effective Date: 04/11/2024

04/08/2024