



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R26-0064
JAN 27 2026

REPORT RE:

INCREASED PENALTIES FOR ILLEGAL DUMPING

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. 25-0203

Honorable Members:

The City Council adopted a motion (Rodriguez – Lee) requesting this Office to report back to the City Council (1) with recommendations for increasing fines for illegal dumping to enhance enforcement efforts and deter future violations, and (2) on the feasibility of pursuing misdemeanor charges for illegal dumping violations, depending on the severity and frequency of the offense.

Background: Legal Framework for Criminal Enforcement of Illegal Dumping Laws

“Illegal dumping” can encompass a range of offenses, each of them governed by various sections of state law (e.g., Health & Safety Code, Penal Code, and Vehicle Code), as well as the Los Angeles Municipal Code (LAMC). These laws cover, among other things, acts of dumping solid waste into waters, dumping solid waste onto public and private property, littering on the highway, dumping into storm or sewer systems, and depositing hazardous substances into highways and streets.



In the City, duly authorized illegal dumping enforcement officers from the Bureau of Street Services and the Bureau of Sanitation (LASAN) are empowered to enforce not only the LAMC, but also all applicable state laws concerning illegal waste dumping or littering. See LAMC Section 61.07(a)-(b). A majority of these state illegal dumping offenses are punishable as misdemeanors, and all illegal dumping violations in the LAMC are misdemeanors, with the exception of a few specified acts relating to the discharge of untreated wash water from gas stations, swimming pools, and food wastes from commercial kitchens, which are infractions.

Under California law, except in cases where a different punishment is prescribed, a state level misdemeanor is punishable by a \$1,000 fine or 6 months in jail, or both, and, unless otherwise provided, \$250 for an infraction. See Cal. Penal Code §§ 19, 19.8(b). With respect to City ordinances, the LAMC sets a catchall amount of \$250 for infractions and, for misdemeanors, a fine of \$1000, six months in jail, or both. LAMC Section 11.00(m).

As noted above, the City's illegal dumping enforcement officers can also enforce state law, some of which include provisions with much higher criminal fines than the Penal Code's catchall and those set forth in the LAMC. For example, a violation of California Penal Code Section 374.3 can be an infraction or misdemeanor depending on quantity of waste dumped. Criminal fines for an infraction under this section can range from \$250 to \$3,000, and misdemeanor criminal fines can range from \$1,000 to \$10,000.

Pursuing Misdemeanor Charges for Illegal Dumping

The California Constitution gives charter cities the authority to enact and enforce ordinances with respect to municipal affairs. Cal. Const. Article XI, §§ 5, 7. If any conflict arises with the state's general laws relating to municipal affairs, the City's charter and any duly adopted ordinances will prevail. However, there is an ongoing debate among practitioners as to whether California Government Code Sections 36900 and 36901 apply to charter cities. Those sections place caps on city legislative bodies for violations of ordinances. Under these statutes, for misdemeanors, a fine shall not exceed \$1,000 and imprisonment shall not exceed six months. For infractions, the fine may not exceed \$100 for a first violation, \$200 for a second violation, or \$500 for each additional violation of the same ordinance within one year.

At least one appellate decision held these provisions do not apply to charter cities. The court in that case, to which the City was a party, held that so long as the penalty for violating a municipal ordinance does not exceed any maximum limits prescribed by that jurisdiction's charter, then the ordinance creating the penalty would be lawful under state law. *County of Los Angeles v. City of Los Angeles*, 219 Cal.App.2d 838, 844 (1963). Of course, the penalty structure for violations of City ordinances is not entirely within the City's control since criminal laws are enforced in

state courts and time of incarceration is served in county jail. While it may be legal for the City to increase the criminal fine amounts for violations of City ordinances that are punishable as misdemeanors and infractions, even if a prosecution results in a conviction, unless stipulated, the actual criminal fine imposed is subject to the discretion of the court, and offenders are unlikely to be sentenced to time in jail or pay the full amount of the fine owed.

In order for a violation to be prosecuted as a misdemeanor, a Bureau of Street Services or LASAN illegal dumping enforcement officer must refer it, along with a detailed report, to the Regulatory Enforcement Section of the Regulatory Prosecution Division of the City Attorney's Office. An attorney in the Regulatory Enforcement Section will then evaluate and file a criminal case in court. Once the criminal matter is initiated, much of what happens to the case depends on the judge presiding over the case. According to our Regulatory Enforcement Section attorneys, judges will often put a first-time offender into a judicial "diversion" program, which is akin to a probationary period of a specified duration during which the offender must comply with a list of conditions set by the court. If restitution is owing to a City Department for clean-up costs associated with a misdemeanor case, then restitution may be collected as a condition of probation or diversion.¹

Enforcement officers from the Bureau of Street Services or LASAN can also cite criminal infractions directly to court, bypassing this Office. Any fines gathered by the court in an infraction proceeding will be paid to the court, or the infraction proceeding may even be dismissed. While a small portion of criminal fines collected by the courts is eventually remitted to the City's General Fund, the courts do not itemize such amounts by contributing case types, let alone by individual cases, so it is impossible to determine their source.

Recommendations to Enhance Enforcement Efforts and Deter Future Violations

The City Council action that requested this Report also asked LASAN to report with recommendations for increasing fines for illegal dumping to enhance enforcement efforts and deter future violations. This Office is providing support to LASAN in the development of that department's recommendations, but we wanted to highlight here that as an alternative to criminal prosecution, the City has the option to increase the civil administrative fines issued under the Administrative Citation Enforcement (ACE) Program. LAMC Section 11.00(m). Unlike judicially-imposed criminal penalties, any administrative fines assessed under the City's ACE Program would be collected by the City.

¹ Any remaining restitution after the probationary or diversionary period can be converted to a civil judgment.

The administrative fine for a violation can be specified in the applicable LAMC section. For example, LAMC Section 66.25 (Depositing Solid Waste on Streets or in the Los Angeles River Prohibited) establishes administrative fines for illegal dumping at \$500 (first violation), \$750 (second violation), and \$1,000 (third and subsequent violations). If a particular ordinance is silent as to the amount of any administrative fine, then City's catchall ACE provision would apply. Under that provision, an administrative fine is \$250 for the first violation, \$500 for the second violation, and \$1,000 for the third and each subsequent violation. LAMC Section 11.2.04(b).

The City's administrative fines are not subject to state law limitations so long as the City ordinance is punishable as a misdemeanor. Cal. Gov. Code § 53069.4. Therefore, the City Council may increase administrative fines for illegal dumping violations to an amount deemed to be a sufficient deterrent, assuming the adopted amounts are not excessive in proportion to the offense in violation of the Eighth Amendment's Excessive Fines Clause.² U.S. Const., Amdt. 8.

If the City Council desires a different administrative fine amount for LAMC Section 66.25, those fine amounts may be adjusted by ordinance. Similarly, if the City Council desires a different administrative fine structure for other LAMC sections, those sections can be amended as well, or the default amounts in LAMC Section 11.2.04 may be updated by ordinance. If there is a desire to increase the administrative fines for those few specified acts relating to the discharge of untreated wash water from gas stations, swimming pools, and food wastes from commercial kitchens that are currently punishable as infractions, the City Council would first need to make those ordinances also punishable as misdemeanors, in accordance with Government Code Section 53069.4.

While LASAN is also best positioned to address specific issues regarding staffing and funding needed for enforcement efforts as part of its report back to the City Council, it is important to note that robust enforcement is as important as the amount of any fine (criminal or administrative). This Office understands that enforcement is tied to the budget and that staffing resources are limited. With that in mind, the City Council may want to consider additional funding to increase the number of surveillance cameras in use for the City's illegal dumping enforcement operations. Many, if not most, of the cases that our Criminal Branch prosecutes involve evidence obtained through video

² See *Jesus Pimentel v. City of Los Angeles*, U.S.D.C Case No. 2:14-cv-01371-FMO-E. *Pimentel* is a pending putative class action alleging that the City's \$63 fine and \$63 late fee for parking meter violations facially run afoul of the Excessive fines Clause of the Eighth Amendment to the United States Constitution, and the corollary provision in the California Constitution. While the Ninth Circuit upheld the district court's judgment for City with regard to the initial \$63 fee, the Ninth Circuit reversed the district court's ruling as to the \$63 late fee, finding that that a genuine factual dispute exists about its basis. The case was remanded and a bench trial is set to be held after other procedural issues are resolved.

surveillance because of how difficult it is, even with an increase in staffing, for the City's enforcement officers to actually catch illegal dumping in real time. Additional cameras that can be deployed to illegal dumping hot spots could be cost effective enforcement tool.

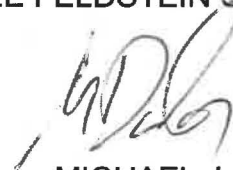
Any additional funding dedicated to illegal dumping should be given to the operational departments as this Office has sufficient resources both in the Criminal Branch and in the Office's ACE Unit to quickly and thoroughly review any misdemeanor illegal dumping referrals as well as any administrative citations generated by LASAN or Street Services. Our RES staff will also continue to assist LASAN and Street Services in training staff on how to investigate illegal dumping and write criminal referral reports.

If you have any questions regarding this matter, please contact Deputy City Attorney Virginia Choi at (213) 978-8130. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By



MICHAEL J. DUNDAS
Chief Assistant City Attorney

MD:VC:ad