

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 12.21, 12.26, 14.4.2, and 98.0402 of the Los Angeles Municipal Code to establish operational, aesthetic, and maintenance regulations for Collection Bins.

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

Section 1. The definition is added, in alphabetical order, to Section 12.03 of the Los Angeles Municipal Code to read as follows:

COLLECTION BIN. Any box, canister, receptacle, or other container that can be opened and closed, and is used for collecting salvageable personal property, including, but not limited to, clothing, shoes, books, and household items for periodic off-site processing and/or redistribution. For purposes of this definition, salvageable personal property shall not include recyclable materials not intended for re-use, including, but not limited to, newspapers, plastic, glass, aluminum, electronics, toxic or hazardous materials, and solid waste.

Sec. 2. A new Subdivision 23 is added to Subsection A of Section 12.21 of the Los Angeles Municipal Code to read as follows:

23. Regulation of Collection Bins.

(a) **Purpose.** The purpose of this section is to establish operational, aesthetic, and maintenance standards to ensure the placement of a Collection Bin does not negatively impact public health, safety, or welfare.

(b) **Permit Required for Collection Bin.** It shall be unlawful to place, operate, maintain or allow a Collection Bin to remain on any lot unless a building permit and certificate of occupancy for the Collection Bin are first obtained from the Department of Building and Safety; or if the certificate of occupancy for the Collection Bin has been revoked pursuant to LAMC Section 12.26 F.4. Each Collection Bin shall require a separate building permit and certificate of occupancy. No building permit or certificate of occupancy shall be issued for a Collection Bin on a lot that has received two or more Orders to Comply for violating the provisions of this subdivision.

(c) **Location of Permitted Collection Bins.**

(1) Collection Bins shall only be located on lots in commercial zones that contain at least one operating business.

(2) Collection Bins shall not be located:

- (i) Within 20 feet of any public right-of-way.
- (ii) Within 10 feet of any lot line adjoining another lot.
- (iii) Within 100 feet of any A- or R- zoned lot.
- (iv) Within any required landscaped area.
- (v) Within any area that will reduce the number or size of, or impede access to, any required parking spaces on the lot on which the Collection Bin is located.
- (vi) Within any area that will impede access to, or be located within, a trash enclosure area.
- (vii) Within any area that will impair the functioning of exhaust, ventilation, or fire extinguishing systems.

(3) No more than one Collection Bin shall be located on any lot.

(d) Permit Requirements.

(1) When applying for a Collection Bin permit in accordance with LAMC Section 91.106.3 *et seq.*, the Collection Bin operator must submit the following information to the Department of Building and Safety in an affidavit signed under penalty of perjury:

- (i) The Collection Bin operator's contact information, including name, address, email, website (if available), and telephone number.
- (ii) A copy of a valid Business Tax Registration Certificate in the Collection Bin operator's name or proof of exemption issued by the City of Los Angeles.
- (iii) If the operator holds itself out as a non-profit organization, a statement that it meets the definition of non-profit organization in Section 501(c)(3) of the United States Internal Revenue Code or Section 150(c) of the California Welfare and Institutions Code.

(iv) If the operator holds itself out as a for-profit organization, a statement that it holds a valid Certificate of Good Standing issued by the California Secretary of State.

(v) If the operator and the owner of the lot on which the Collection Bin will be located are the same person or entity, written acknowledgment that the operator understands that they are liable for violations of this subdivision. If the operator and the owner of the lot on which the Collection Bin will be located are different persons or entities, written acknowledgment signed by both parties, or legally authorized representatives thereof, that both understand that they are jointly and severally liable for violations of this subdivision. The acknowledgment of liability shall be recorded with the Office of the County Recorder. The operator shall submit a copy of the recorded acknowledgment of liability with its Collection Bin permit application.

(2) The Collection Bin operator shall also submit the following information with each application for a Collection Bin:

(i) A site plan identifying the following:

a. Boundaries of the lot on which the Collection Bin will be located.

b. Location of all buildings on the lot.

c. Proposed Collection Bin location.

d. Distance from the proposed Collection Bin to the lot lines and to the nearest buildings on the lot.

e. Locations and dimensions of all existing and proposed driveways, landscaped areas, easements, and parking spaces on the lot.

(ii) Elevations showing the height, width, depth, and general appearance of the Collection Bin, and the materials of which the Collection Bin is fabricated.

(iii) Any other reasonable information regarding time, place, and manner of the operation, location, and/or maintenance of the proposed Collection Bin that the

Superintendent of Building of the Department of Building and Safety or his or her designee requires to evaluate the proposed Collection Bin consistent with the requirements of this subdivision.

(3) The application shall also contain the signature of the operator, and the lot owner or a legally authorized representative thereof if the operator and lot owner are different persons or entities, attesting under penalty of perjury that the information contained in the application is true, correct, and complete.

(e) **City Council Office Notification.** Upon acceptance of a building permit application for a Collection Bin, the Department of Building and Safety shall forward a copy of the application to the City Council office for the Council District in which the Collection Bin will be located.

(f) **Structure, Materials, Dimensions and Identification.**

(1) The exterior of each Collection Bin shall display the following information in clearly printed lettering 2 inches high:

(i) Collection Bin operator's name, address, and telephone number.

(ii) Lot owner's name.

(iii) Address of the lot.

(iv) Instructions to call 311 to register a complaint regarding the Collection Bin with the Department of Building and Safety.

(v) Notice of the types of donations accepted in the Collection Bin (e.g., clothing, books, shoes, household items, books).

(vi) A warning against leaving any items other than the accepted types of donations inside the Collection Bin. The warning shall state that salvageable personal property left inside the Collection Bin shall not include recyclable materials not intended for re-use, including, but not limited to, newspapers, plastic, glass, aluminum, electronics, toxic or hazardous materials, and solid waste. The warning shall also state that leaving donations, trash, or any other items outside of the Collection Bin is prohibited.

(vii) The pick-up schedule for the Collection Bin.

(viii) A statement indicating whether the Collection Bin is owned and operated by a non-profit or for-profit organization.

(2) No more than two logos may be displayed on the exterior of a Collection Bin. No logo shall exceed 4 square feet in total area.

(3) No Collection Bin shall exceed dimensions of 82 inches in height, 50 inches in depth, and 60 inches in width.

(4) In order to prevent unauthorized access to the Collection Bin and theft of donations, a tamper-resistant locking mechanism shall secure the opening of the Collection Bin.

(5) The Collection Bin must be fabricated of durable, noncombustible, and waterproof materials.

(6) Notwithstanding any other provisions of this Code to the contrary, the Collection Bin must be located upon ground that is paved with Portland cement at least 3 inches thick. The cement must extend over the entire area and extend not less than 24 inches beyond the face of the Collection Bin where the collection opening is located. The Collection Bin must be anchored to the ground in a manner approved by the Department of Building and Safety.

(g) **Maintenance.** Collection Bins shall be emptied in accordance with their posted pick-up schedule, and the area surrounding the Collection Bin shall be maintained free of overflow of donated items, litter, debris, dumped materials, posted bills, and graffiti at all times.

(h) **Lighting.** Collection bins shall be illuminated between sunset and sunrise by a light source providing at least 1 foot candle of light.

(i) **Annual Inspections.** The Department of Building and Safety shall conduct annual inspections of permitted Collection Bins, and collect annual inspection fees, pursuant to LAMC Section 12.26 F.3.

Sec. 3. The title and Subdivisions 2, 3, 4, and 5 of Subsection F of Section 12.26 of the Los Angeles Municipal Code are amended to read as follows:

F. Auto Dismantling Yards, Junk Yards, Scrap Metal or Recycling Materials Processing Yards, Recycling Collection and/or Buyback Centers, Recycling Materials Sorting Facilities, Cargo Container Storage Yards, and Collection Bins.

2. **Applicability.** The provisions of this subsection shall apply to every recycling center or yard operating pursuant to a valid certificate of occupancy and to every Collection Bin operating pursuant to a valid building permit. In addition, these provisions shall be applicable to every recycling center or yard operating with nonconforming status pursuant to Section 12.23 of this Code, and as to such recycling centers or yards, any revocation proceedings authorized by these provisions shall be deemed to be proceedings to revoke and void any rights otherwise granted by Section 12.23 of this Code.

3. **Annual Inspections.** The Department shall make an inspection of each recycling center, yard, or Collection Bin at least once a year to verify compliance with all applicable provisions of this Code. An annual inspection fee as specified in Section 98.0402(e) of the Code shall be paid by each business operator or property owner to the Department. The business operator and the property owner of every site under the jurisdiction of this section shall be notified of all fees, fines, penalties, costs, or other assessments resulting from enforcement of this section and are jointly and severally responsible to ensure that code compliance is maintained, at all times, and that payment of all fees, fines, penalties, costs, or other assessments due for each qualifying business as specified by this section, is made to the Department. If all fees, fines, penalties, costs or other assessments due pursuant to this section are not paid, a lien may be placed upon the property as provided for in Section 98.0480(g) of the Code and Los Angeles Administrative Code Section 7.35.1 *et seq.* In addition, failure to pay all fees, fines, penalties, costs or other assessments is sufficient cause to institute a certificate of occupancy revocation hearing. An inspection may also be made whenever a complaint is received by the Department concerning a violation of this Code or as needed to verify continued compliance with applicable Code requirements. Accessory storage-only yards, where no business is conducted, which are nearby but not contiguous with a main yard may be approved and inspected with an additional fee of one half of the annual inspection fee for each yard.

4. **Order to Comply.** If a recycling center, yard, or Collection Bin that is inspected is found to be in violation of any provision of this Code, the Superintendent shall send an Order to Comply ("Order") to the owner of the property and the operator of the recycling center, yard or Collection Bin. The Order shall clearly state the following:

(a) The violation must be corrected by a compliance date specified in the Order, which date shall be no more than 30 days from the date the Order is mailed;

(b) The compliance date as specified in the Order may be extended for an additional period not to exceed 45 days if the owner or operator of the recycling center, yard, or Collection Bin presents evidence to the satisfaction of the Superintendent that unusual difficulties prevent substantial compliance without an extension;

(c) Failure to correct the violation on or before the compliance date or any authorized extension will lead to commencement of certificate of occupancy revocation proceedings. A revocation hearing may only be avoided if the violation is corrected and a fine paid according to the fine schedule in Subdivision 14 of this subsection. If a Collection Bin is found in violation of this Subdivision after the Department has issued and resolved an Order to Comply for a previous Collection Bin violation on the same property, then revocation proceedings shall commence on the Certificate of Occupancy for the Collection Bin and the Department shall issue no further Certificates of Occupancy permits for Collection Bins on that property.

5. **Re-inspection.** The Superintendent shall re-inspect a recycling center, yard, or Collection Bin for which an Order was issued pursuant to this subsection subsequent to the compliance date or any authorized extension thereof.

Sec. 4. The definition of Sign in Section 14.4.2 of the Los Angeles Municipal Code is amended to read:

Sign. Any whole or part of a display board, wall, screen, or object used to announce, declare, demonstrate, display, or otherwise present a message and attract attention of the public, except for information required to be displayed on Collection Bins.

Sec. 5. Subsections (e) and (f) of Section 98.0402 of the Los Angeles Municipal Code are amended to read as follows:

(e) **Annual Inspection Fee.** Whenever the Department makes annual inspections pursuant to Sections 12.26 F.3., 12.26 I.5., and 13.03 of the Los Angeles Municipal Code (or any other provision of this Code), the Department shall collect a fee from the property owner or business operator for inspection of each "recycling center" and "yard" business as defined in Section 12.26 F.1., each "automotive repair garage" and "used vehicle sales area" business as defined in Section 12.26 I.1., each "surface mining operation" as defined in Section 13.03 B., and each "Collection Bin" as defined in Section 12.03. The annual inspection fees shall be as follows:

1. For each recycling center, yard, automotive repair garage, used vehicle sales area or Collection Bin, \$457.00.

2. For each surface mining operation, \$265.00.

(f) The Department shall collect an amount levied by penalty fine from every property owner or business operator of a recycling center, yard, automotive repair garage, used vehicle sales area, or Collection Bin, as described in Subsection (e) above, for the following violations of the Los Angeles Municipal Code:

1. **Repeat Violation.** Pursuant to Sections 12.26 F.15. and 12.26 I.17. of the Los Angeles Municipal Code, a penalty fine of \$200.00 shall be levied when cited in a subsequent notice to comply for the same violation.

2. **Notice of Revocation or Failure to Pay Repeat Violation Fine.** In addition to any revocation, pursuant to Sections 12.26 F.14. and 12.26 I.16. of the Los Angeles Municipal Code, a penalty fine in the amount of \$750.00 shall be levied for each violation specified in a notice of intent to revoke or as a result of failure to pay a repeat violation fine.

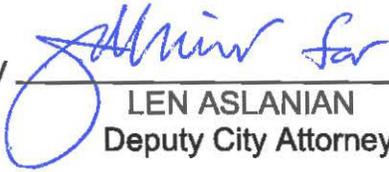
Sec. 6. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

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


LEN ASLANIAN
Deputy City Attorney

Date March 11, 2021

Pursuant to Charter Section 559, I
approve this ordinance on behalf
of the City Planning Commission and
recommend that it be adopted.


VINCENT P. BERTONI, AICP
Director of Planning

Date March 11, 2021

File No. 14-0611

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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 _____