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CITY ATTORNEY

REPORT NO. R 21 - 0341
NOV 10 2021

REPORT RE:

**REVISED DRAFT ORDINANCE ADDING SUBSECTIONS (j), (k), AND (l) TO
SECTION 56.08 OF THE LOS ANGELES MUNICIPAL CODE TO PROHIBIT A
PERSON REQUIRED TO POSSESS A CITY PERMIT FROM OBSTRUCTING
THE FREE PASSAGE OF PEDESTRIANS REQUIRED UNDER THE AMERICANS
WITH DISABILITIES ACT AND SPECIFYING PENALTIES FOR VIOLATIONS**

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. 19-1334

Honorable Members:

This Office previously transmitted a draft ordinance adding Subsections (j) and (k) to Section 56.08 of the Los Angeles Municipal Code (LAMC) to prohibit a person from obstructing the free passage of pedestrians as provided under the Americans with Disabilities Act (ADA).

On September 1, 2021, an amending motion was adopted requesting this Office to prepare and present a revised draft ordinance which would include an enforcement provision that subjects only willful violations of LAMC Subsections 56.08 (j) and (k) to possible misdemeanor prosecution, and subjects non-willful violations to an infraction or a citation under the City's Administrative Citation Enforcement Program. The enclosed revised draft ordinance, approved as to form and legality, includes the enforcement provision requested in the September 1, 2021, Council action.

The revised draft ordinance contains the same substantive provisions as the previously transmitted version: Subsection (j) would prohibit the holder of a City permit from exceeding the scope of the permit in a manner that obstructs the free passage as provided by the ADA. Subsection (k) would prohibit activities that require a permit but for which a permit was not granted and which obstruct the free passage as provided by the ADA.

Council Rule 38 Referral

A copy of the revised draft ordinance was sent, pursuant to Council Rule 38, to the Department of Public Works – Bureau of Street Services with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Assistant City Attorney Ted Jordan at (213) 978-8130. He or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:EJ:ev
Transmittal