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CITY ATTORNEY

REPORT NO. R22-0125
April 15, 2022

REPORT RE:

**REVISED DRAFT ORDINANCE AMENDING SECTION 56.11 OF THE
LOS ANGELES MUNICIPAL CODE TO ALIGN IT WITH SECTION 41.18 OF THIS
CODE AND TO REMOVE REFERENCES TO "BULKY ITEMS"**

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. 20-1376-S1

Honorable Members:

On August 5, 2021, this Office, pursuant to the City Council's request, transmitted a draft ordinance that would have amended Section 56.11 of the Los Angeles Municipal Code (LAMC) to align it with amendments the City Council had previously made to LAMC Section 41.18. The Council has yet to adopt the draft ordinance. We have revised the draft ordinance to reflect the outcome of a recent Ninth Circuit ruling with regard to bulky items. The enclosed revised draft ordinance, approved as to form and legality, is ready for your consideration.

Specifically, the revised draft ordinance adds or amends subsections in Section 56.11 relating to the storage of personal property addressed in Section 41.18 that blocks compliance with the Americans with Disabilities Act (ADA), driveways, loading docks, entrances, exits, fire department connections, City permitted activities,

roadways, and bike lanes. The draft ordinance also adds subsections corresponding to the provisions of Section 41.18 that apply to designated and posted homeless service facilities, freeway structures, schools, daycare centers, parks, libraries, and dangerous encampments.

The draft ordinance also makes consistent the enforcement provisions of Section 56.11 with Section 41.18.

Lastly, the enclosed draft ordinance repeals the references to the defined term "Bulky Items," as a result of the ruling in the lawsuit entitled *Garcia v. City of Los Angeles*, Case No. 2:19-cv-06182-DSF-PLA (9th Circuit Appeal Court of Appeals Case No. 20-55522). However, items previously defined as "Bulky Items" such as furniture and appliances have been added to the definition of Personal Property to make clear that other portions of Section 56.11 relating to, for example, the City's ability to resolve ADA blockages or discard hazardous items, still applies to large-scale personal property.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Police Department and Bureau of Sanitation requesting 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 Senior Assistant City Attorney Valerie L. Flores at (213) 978-8130. A 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:VF:ac
Transmittal