

ORDINANCE NO. _____

An ordinance amending Section 41.18 of the Los Angeles Municipal Code (LAMC) to make it unlawful for a person to sit, lie, or sleep, or to store, use, maintain, or place personal property near schools and daycare centers, and to amend LAMC Section 56.11 to align it with Section 41.18 and to remove references to "Bulky Items."

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

Section 1. Subsection 41.18(c)(1) of the Los Angeles Municipal Code is amended to read as follows:

(c) Except as limited by Subsection (d), no person shall:

(1) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a property designated as a sensitive use. For a property to be designated as a "sensitive use," the property must be a Public Park, or Public Library, as those terms are defined in Section 105.01 of this Code;

Sec. 2. A new Subsection (e) is added to Section 41.18 of the Los Angeles Municipal Code to read as follows and Subsection (e) is relettered as Subsection (f):

(e) No person shall sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public property within 500 feet of a School or Day Care Center as those terms are defined in Section 105.01 of this Code. A violation of this subsection is governed by Section 41.18(f) of this Code.

(f) Violations of this section involving a person who willfully resists, delays, or obstructs a City employee from enforcing this section or who willfully refuses to comply after being requested to do so by an authorized City employee shall be subject to the penalties set forth in Los Angeles Municipal Code (LAMC) Section 11.00. All other violations of this section shall be enforceable only as infractions pursuant to LAMC 11.00(m) or issuance of a citation pursuant to City's Administrative Citation Enforcement Program pursuant to LAMC Section 11.2.01, *et seq.*

Sec. 3. Subsection 2.(c) of Section 56.11 of the Los Angeles Municipal Code is deleted in its entirety and the remaining Subsections 2.(d) through 2.(r) are renumbered as Subsections 2.(c) through 2.(q).

Sec. 4. Subsection 2.(i) of Section 56.11 of the Los Angeles Municipal Code is amended to read as follows:

(i) **“Personal Property”** means any tangible property, and includes, but is not limited to, goods, materials, merchandise, Tents, tarpaulins, bedding, sleeping bags, hammocks, sheds, structures, mattresses, couches, chairs, other furniture, appliances, and personal items such as household items, luggage, backpacks, clothing, documents, and medication.

Sec. 5. Subsections 3.(d) and 3.(e) of Section 56.11 of the Los Angeles Municipal Code are amended to read as follows:

(d) No Person shall Store any Personal Property in a Public Area in such a manner that it does not allow for passage as provided by the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended from time to time. Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, Stored in a Public Area in such a manner that it does not allow for passage as required by the ADA. Post-removal notice shall be provided as set forth in Subsection 4.(b), below. A violation of this subsection is governed by Section 41.18(f) of this Code.

(e) No Person shall Store any Personal Property, whether Attended or Unattended, within:

(1) 10 feet of any operational or utilizable driveway or loading dock;

(2) 5 feet of any operational or utilizable building entrance or exit; or

(3) 2 feet of any fire hydrant, fire plug, or other fire department connection.

Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, Stored in a Public Area in violation of this subsection. Post-removal notice shall be provided as set forth in Subsection 4.(b), below. A violation of this subsection is governed by Section 41.18(f) of this Code.

Sec. 6. Subsection 3.(i) of Section 56.11 of the Los Angeles Municipal Code is amended to read as follows:

(i) No Person shall Store any Personal Property, whether Attended or Unattended, in such a manner that obstructs or interferes with any activity in a Public Area for which the City has issued a permit. Without prior notice, the City may move any Personal Property Stored in a Public Area in violation of this subsection. With pre-removal notice as specified in Subsection 4.(a), the City may impound any Personal Property Stored in violation of this subsection. Post-

removal notice shall be provided as set forth in Subsection 4.(b), below. A violation of this subsection is governed by Section 41.18(f) of this Code.

Sec. 7. Subsection 3.(j) of Section 56.11 of the Los Angeles Municipal Code is renumbered as 3.(m) and new Subsections 3.(j) and 3.(k) and 3.(l) are added to read as follows:

(j) No Person shall Store any Personal Property, whether Attended or Unattended, in such a manner as to obstruct any portion of a street or other public right-of-way open to use by motor vehicles, a designated bike lane or bike path, or other public right-of-way open exclusively to use by bicycles. Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, in violation of this subsection. Post-removal notice shall be provided as set forth in Subsection 4.(b), below. A violation of this subsection is governed by Section 41.18(f) of this Code.

(k) No Person shall Store any Personal Property, whether Attended or Unattended, in violation of Section 41.18(c) of this Code. The City may move and may immediately impound any Personal Property, whether Attended or Unattended, in violation of this subsection. Pre-removal notice and post-removal notice will be provided by erecting signage providing notice that Storage of Personal Property is a violation of Section 41.18, which may result in the removal or impoundment of the Personal Property. The signage also must provide information on retrieval of the Personal Property and provide notice that the Personal Property may be discarded if not claimed within 90 days. A violation of this subsection is governed by Section 41.18(f) of this Code.

(l) No Person shall Store any Personal Property, whether Attended or Unattended, in violation of Section 41.18(e) of this Code. With pre-removal notice as specified in Subsection 4.(a) or posted signage, the City may impound any Personal Property, whether Attended or Unattended, in violation of this subsection. If the City has not posed signage, a post-removal notice shall be provided as set forth in Subsection 4.(b), below. A violation of this subsection is governed by Section 41.18(f) of this Code.

Sec. 8. Subsection 7 of Section 56.11 of the Los Angeles Municipal Code is amended to read as follows:

7. Ban on Erection of Tents in Certain Public Areas and Regulation of Hours in other Public Areas.

(a) No Person shall erect, configure, construct, maintain, use, occupy, or allow to remain erected any Tent in any Public Area in violation of Section 41.18 of this Code. Without prior notice, the City may deconstruct any Tent, whether Attended or Unattended, in violation of this subsection. With pre-removal notice as specified in Subsection 4.(a) or posted signage, the City may

impound any Tent in violation of this subsection. If the City has not posted signage, the City shall provide post-removal notice of any impounded Tent, as set forth in Subsection 4.(b), herein. A violation of this subsection is governed by Section 41.18(f) of this Code.

(b) In any Public Area not covered under Subsection 7.(a), above, no Person shall erect, configure, construct, maintain, use, occupy, or allow to remain erected any Tent in any Public Area from 6:00 a.m. to 9:00 p.m. (except during rainfall or when the temperature is below 50 degrees Fahrenheit). Without prior notice, the City may deconstruct any Tent, whether Attended or Unattended, located in any Public Area in violation of this subsection or in violation of Subsections 3.(c)-(h), hereof. With pre-removal notice as specified in Subsection 4.(a), the City may impound any Tent in violation of this subsection or Subsections 3.(c)-(h), hereof. The City shall provide post-removal notice for any impounded Tent, as set forth in Subsection 4.(b), herein.

Sec. 9. Subsection 8.(d) is added to Section 56.11 of the Los Angeles Municipal Code to read as follows:

(d) **Enforcement.** The enforcement of a violation of this subsection in any Public Area subject to Section 41.18 of the Code is governed by Section 41.18(f) of this Code.

Sec. 10. Subsection 10 of Section 56.11 of the Los Angeles Municipal Code is amended to read as follows:

10. **Unlawful Conduct.** Los Angeles Municipal Code Section 11.00 shall not apply to violations of this section except as follows:

(a) No Person shall willfully resist, delay, or obstruct a City employee from moving, removing, impounding, or discarding Personal Property Stored in a Public Area in violation of Subsections 3.(a)-(c) or (f)-(h). A violation of Subsections 3.(d)-(e), (i)-(l), 7.(a) or 8 (in any Public Area subject to Section 41.18 of this Code) is governed by Section 41.18(f) of this Code.

(b) No Person shall refuse to take down, fold, deconstruct, or put away any Tent erected or configured at any time in violation of Subsection 7.(a) or willfully resist, delay, or obstruct a City employee from taking down, folding, deconstructing, putting away, moving, removing, impounding, or discarding a Tent, including by refusing to vacate the Tent. A violation of Subsection 7.(a) in any Public Area subject to Section 41.18 of this Code is governed by Section 41.18(f) of this Code.

(c) No Person shall refuse to take down, fold, deconstruct, or put away any Tent erected or configured between the hours of 6:00 a.m. and 9:00 p.m., in violation of Subsection 7.(b), or willfully resist, delay or obstruct a City employee

from taking down, folding, deconstructing, putting away, moving, removing, impounding, or discarding the Tent, including by refusing to vacate the Tent.

(d) A violation of Subsection 9 prohibiting illegal dumping.

(e) If Subsection 3.(m) becomes operative by resolution in any area of the City subject to Section 41.18 of this Code, a violation of Subsection 3.(m) will be subject to Section 41.18(f) of this Code. If Subsection 3.(m) becomes operative by resolution in any Public Area of the City not subject to Section 41.18(f) of the Code, no Person shall willfully resist, delay or obstruct a City employee from removing or impounding any Personal Property that exceeds the limit on Essential Personal Property.

Sec. 11. 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

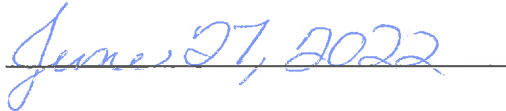
By



VALERIE L. FLORES

Senior Assistant City Attorney

Date



File No. 20-1376-S1

M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\ORDINANCES - FINAL\Ordinance LAMC 41.18 and 56.11 - A.docx

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 _____