

ORDINANCE NO. _____

An ordinance adding Article 7 to Chapter XX and amending Section 61.07 of Article 1, Chapter VI of the Los Angeles Municipal Code to impose the maximum fine for depositing personal protective equipment onto the public right-of-way and/or into the storm drain system during the COVID-19 pandemic.

WHEREAS, the State of California and the City of Los Angeles have declared a state of emergency due to the novel COVID-19 virus pandemic (Pandemic);

WHEREAS, as a result of the Pandemic, the City has taken extraordinary measures to protect the public health, safety, and welfare of its residents;

WHEREAS, in accordance with current safety orders, including the Mayor's "Safer at Home" emergency order, and the guidance of other local and national health organizations, City residents and people working within the City have increased their use of personal protective equipment (PPE) when engaging in public activity to reduce the risk of infection;

WHEREAS, with the increased use of PPE, residents have expressed concerns of increased littering and depositing of discarded PPE onto the City's public right-of-way and into the City's storm drain system, including in City streets, sidewalks, and gutters; and

WHEREAS, the City is especially concerned with this observed activity since discarded PPE may be contaminated with COVID-19 such that the contaminated material may come in contact with unsuspecting residents and pets.

NOW, THEREFORE,

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

Section 1. A new Article 7 is added to Chapter XX of the Los Angeles Municipal Code as follows:

ARTICLE 7

DEPOSITING OF PERSONAL PROTECTIVE EQUIPMENT DURING COVID-19 PANDEMIC

SEC. 200.80. DEFINITIONS.

The following definitions shall apply to this article:

- A. **“City”** means the City of Los Angeles.
- B. **“Deposit”** means any release, discharge, dumping, placement, littering, or disposal.
- C. **“Face Covering”** includes, but is not limited to, any medical grade or non-medical grade face masks made from any material (such as paper or fabric), face shields, or face coverings (such as scarves or bandanas).
- D. **“Personal Protective Equipment”** means any Face Covering, eye protection, gloves, or gowns.
- E. **“Public Right-of-Way”** means land that is dedicated for public use including, but not limited to, streets, sidewalks, curbs, or parkways, or dedicated unimproved areas.
- F. **“Storm Drain System”** means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting, or disposing of stormwater and are located within the City.

SEC. 200.81. NO DEPOSITING OF PERSONAL PROTECTIVE EQUIPMENT.

It shall be unlawful for any person to Deposit Personal Protective Equipment into the City’s Public Right-of-Way or Storm Drain System.

SEC. 200.82. ENFORCEMENT

Each violation of this article is punishable as an infraction in the amount of \$250.

SEC. 200.83. CONFLICTS.

Nothing in this article shall be interpreted or applied so as to create any power or duty in conflict with any federal or state law.

SEC. 200.84. SEVERABILITY.

If any subsection, sentence, clause or phrase of this article 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 this section, and each and every 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. 200.85. SUNSET.

This article shall sunset upon the later of either the Governor of California lifting the State of Emergency he declared on March 4, 2020, or the Mayor of Los Angeles lifting the Declaration of Emergency he declared on March 4, 2020.

Sec. 2. Section 61.07(b) of the Los Angeles Municipal Code is amended to add section number "200.81" in the second table located after the third paragraph.

Sec. 3. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reason: In order for the City of Los Angeles to ensure that its public areas are in clean, sanitary, and accessible condition, and to promote the public health and safety by ensuring that public areas remain readily accessible for their intended uses, it is necessary that the amendments to the Los Angeles Municipal Code as reflected in this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 4. 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 
ADENA M. HOPENSTAND
Deputy City Attorney

Date 6/26/20

File No. 20-0533

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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, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____