

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 12.21, 12.26, and Article 4.4, and Section 98.0402 of the Los Angeles Municipal Code (LAMC) to establish operational, aesthetic, and maintenance regulations for Collection Bins.

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

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended to add the following definition in alphabetical order.

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. Recyclable materials, not intended for re-use, including but not limited to newspapers, plastic, glass, aluminum, electronics, toxic or hazardous materials, and solid waste, shall not be placed in Collection Bins.

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 operation, aesthetic, and maintenance standards to ensure the placement of Collection Bins 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 property unless a building permit for the Collection Bin is first obtained from the Department of Building and Safety. Each Collection Bin shall require a separate building permit.

(c) Location of Permitted Collection Bins

(1) Collection Bins shall not be located within 20 feet of any public right of way or within ten feet of any property line.

(2) Collection Bins shall only be located on properties that contain at least one operating business.

(3) Collection Bins shall only be located in commercial zones.

(4) No more than one Collection Bin shall be placed on any property.

(5) Collection Bins shall not be located within 100 feet of any A- or R- zoned property.

(6) Collection Bins shall not be located on any required landscaped area.

(7) A Collection Bin shall not reduce the number or size of, or impede access to, any required parking spaces on the property on which the Collection Bin is located.

(8) Collection Bins shall not impede access to, or be located within, a trash enclosure area.

(9) Collection Bins shall not impair the functioning of exhaust, ventilation or fire extinguishing systems.

(10) Each Collection Bin must be illuminated between sunset and sunrise by a light source providing at least one foot candle of light.

(d) Collection Bin Permit Requirements and Specifications. When applying for a Collection Bin permit in accordance with 91.106.3 *et seq*, the following additional information must be submitted to the Department of Building and Safety:

(1) The Collection Bin operator's contact information including its name, address, email, website (if available) and telephone number.

(2) The Collection Bin operator shall affirm under penalty of perjury on the plans submitted with the application for a building permit:

(i) That the operator holds a valid Business Tax Registration Certificate or proof of exemption issued by the City of Los Angeles.

(ii) If the operator holds itself out as a non-profit organization, 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)(3) of the California Welfare and Institutions Code.

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

(iv) That the owner understands that they are liable for violations of this subdivision and that this understanding was recorded on a signed acknowledgement of responsibility from the property owner and the operator.

(3) A site plan containing:

(i) Boundaries of the property on which the Collection Bin will be located.

(ii) Location of all buildings on the property.

(iii) Proposed Collection Bin location.

(iv) Distance from the proposed Collection Bin to the property lines and to the nearest buildings on the property.

(v) Locations and dimensions of all existing and proposed driveways, landscaped areas, and parking spaces on the property.

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

(5) The signatures of the operator, and the property owner or a legally authorized representative thereof if the operator and property owner are different persons or entities, attesting under the penalty of perjury that the information contained in the application is true, correct and complete.

(6) Any other reasonable information regarding time, place and manner of the Collection Bin operation, location and/or maintenance that the General Manager of the Department of Building and Safety requires to evaluate the proposed Collection Bin consistent with the requirements of this subdivision.

(e) Structure, Materials, Dimensions and Identification.

(1) The front of each Collection Bin shall display the following information in clearly printed lettering no less than two-inches high:

(i) Property owner's name and the name, address and telephone number of the operator.

(ii) Address of the property.

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

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

(v) A warning against leaving any items other than the accepted types of donations inside the Collection Bin, and a warning against leaving donations, trash, or any other items outside of the Collection Bin.

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

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

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

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

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

(5) 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 three 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.

(f) Maintenance. The area surrounding the Collection Bin shall be maintained free of litter, debris, dumped materials, posted bills, and graffiti.

(g) Annual Inspections. The Department of Building and Safety shall make annual inspections of permitted Collection Bins pursuant to Section 12.26 F. of this Code.

Sec. 3. The heading 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, or 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, or 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 satisfactory evidence to 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, or in the case of Collection Bin, building permit revocation proceedings. Such proceedings will terminate with a revocation hearing, which 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.

5. **Re-inspection.** The Superintendent shall re-inspect a recycling center, ~~or~~ 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 to 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 Fee.** In addition to any revocation, pursuant to Section 12.26 F.14. or 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 fee.

Sec. 6. Severability. If any section, subsection, sentence, clause or phrase 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 that...