

ORDINANCE NO. _____

An ordinance adding Section 63.133 to Article 3, Chapter VI of the Los Angeles Municipal Code to impose penalties for violating rules governing the use of City property and facilities under the control and management of a City department.

WHEREAS, Charter Section 506(a) states that "the head of each department shall have the power to supervise, control, regulate and manage the department," which includes the power and duty to act as steward for City property and facilities under the department's control to ensure City properties and facilities are preserved and maintained, as well as operated efficiently and effectively for the use and safety of the public and City employees;

WHEREAS, the power and duty entrusted to a department head under the Charter, places the department head in the best position to determine which rules are necessary to ensure that City property and facilities under the supervision, control, regulation, and management of the department are properly preserved and maintained, as well as operated effectively, efficiently, and safely for the public and City employees;

WHEREAS, Charter Section 506(b) confers upon the head of a department the power to promulgate rules applicable to the use of City property and facilities under the control and management of the department;

WHEREAS, Charter Section 506(b) states that a board of commissioners that heads a department adopts rules; but a general manager that heads a department adopts rules subject to approval by the Mayor;

WHEREAS, Charter Section 506(b) also provides that a rule of general application to be followed by the public is effective upon being published in a daily newspaper;

WHEREAS, Charter Section 506(d) affirms that the City Council retains the authority to enact an ordinance imposing a new department rule or modifying an existing department rule, except as otherwise specifically provided in the Charter; and

WHEREAS, the City Council is responsible for enacting ordinances that impose penalties for violating rules applicable to the use of City property and facilities under the control and management of a department.

NOW, THEREFORE,

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

Section 1. A new Section 63.133 is added to Article 3, Chapter VI of the Los Angeles Municipal Code to read as follows:

SEC. 63.133. PENALTIES FOR VIOLATING RULES GOVERNING THE USE OF CITY PROPERTY AND FACILITIES.

(a) No person shall enter or remain on property or a facility used, operated, or occupied by the City of Los Angeles under the supervision, control, regulation, and management of a City department in violation of a posted rule promulgated by the department head pursuant to the Charter to ensure the preservation, maintenance, efficient and effective management, and safe use of property and facilities by the public and City employees. This section shall not apply to a person in a room in which a public meeting is in progress pursuant to the Ralph M. Brown Act.

(b) Any person violating a provision of this section shall be guilty of a public offense and shall be subject to the following penalties:

1. **First Violation.** A first violation of this section shall be an infraction punishable by a fine in the amount of \$100.

2. **Second and Subsequent Violations.** A second violation and all subsequent violations shall be subject to the provisions of Section 11.00 of the Los Angeles Municipal Code, including prosecution as an infraction punishable by a fine in the amount of \$250, or prosecution as a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

3. **Violations.** The following constitutes a violation for purposes of assessing the penalties available under this section: a conviction for violation of this section, a conviction under California Penal Code Section 853.7 for failure to appear in court to contest a citation for violations of this section, or a forfeiture of bail. Unless otherwise expressly provided, the offenses and penalties stated in this section are cumulative to offenses and penalties stated in all other state and local laws.

Sec. 2. 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  _____
DAVID MICHAELSON
Chief Assistant City Attorney

Date 8-9-2019

File No. 17-0363

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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.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____