

OFFICE OF OPERATIONS

NOTICE
1.11

November 2, 2016

TO: All Office of Operations Personnel

FROM: Director, Office of Operations

SUBJECT: CLARIFICATION OF OFFICE OF OPERATIONS NOTICE, DATED
JUNE 3, 2016 – *REGULATIONS AFFECTING THE STORAGE OF PERSONAL
PROPERTY IN PUBLIC AREAS - LAMC § 56.11*

On June 3, 2016, the Office of Operations (OO) published a Notice regarding Los Angeles Municipal Code (LAMC) Section 56.11. Los Angeles Municipal Code Section 56.11 regulates the storage of personal property on the City's public right-of-way, defined by LAMC §56.11 as including sidewalks, alleys, and streets. While the Department continues to work with its City department partners toward the proper utilization of Section 56.11 to manage the storage of non-commercial personal property in public areas, this Notice serves to clarify certain aspects of Section 56.11 in order to achieve greater consistency in its application.

While the Department of Public Works, Bureau of Sanitation (BOS), is the designated administrative agency for implementation of many of the provisions of Section 56.11, the Department may enforce LAMC Sections 56.11(10)(a) through (d). Los Angeles Municipal Code Sections 56.11(10)(b) and (c) may be enforced **with** or **without** BOS present.

Note: Section 56.11(10)(f) is NOT an independent enforcement section. Officers taking enforcement for illegal dumping should continue using any law prohibiting illegal dumping, including but not limited to California Penal Code Section 374.3, and Los Angeles Municipal Code Sections 41.14, 63.44 (B)(13), 190.02, or any successor statutes proscribing illegal dumping.

When Department personnel issue a citation or effect a custodial arrest under Section 56.11, officers shall cite the specific offense using ONLY the following citation format: LAMC 56.11(10), then whichever subdivision has been violated [i.e., (a) – (d)]. Example – LAMC 56.11(10)(a).

Note: Please strictly adhere to this citation format as court clerks may not process a citation with any variation.

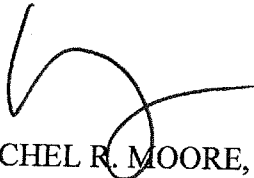
Officers dealing with first-time offenders, in which there are no aggravated circumstances, may cite the listed violation as an infraction on a written Non-Traffic Notice to Appear, Form 05.02.02. A misdemeanor charge may be pursued if the officer believes it is warranted and consideration is given to the following circumstances:

- The violation is part of an ongoing nuisance problem;
- The suspect is a repeat offender;
- The likelihood that the offense will continue;
- A stay away order is in place; or,
- Any other aggravating factor(s) that, in the opinion of the investigating officer, warrants a misdemeanor filing.

A misdemeanor filing will require the completion of the Non-Traffic Notice to Appear/Release from Custody (RFC) Report Continuation, Form 5.02.08 (requires valid identification). In the event an officer(s) intends to physically book a suspect, an Arrest Report should be completed. Each report should contain sufficient information to support the charge, including the rationale for the violation to be prosecuted as a misdemeanor.

Please see OO Notice – *Regulations Affecting the Storage of Personal Property in Public Area – LAMC 56.11*, dated June 3, 2016, for additional information.

Should you have questions regarding this matter, please contact the Evaluation and Administration Section, Office of Operations, at (213) 486-6050.



MICHEL R. MOORE, First Assistant Chief
Director, Office of Operations

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