

OFFICE OF OPERATIONS

NOTICE 1.11

June 3, 2016

TO: All Office of Operations Personnel

FROM: Director, Office of Operations

SUBJECT: REGULATIONS AFFECTING THE STORAGE OF PERSONAL PROPERTY
IN PUBLIC AREAS – LOS ANGELES MUNICIPAL CODE SECTION 56.11

Effective April 11, 2016, the Los Angeles City Council (Council) amended Los Angeles Municipal Code (LAMC) Section 56.11, which regulates storage of personal property on the City's public right-of-way, defined by LAMC 56.11 as including sidewalks, alleys, and streets. The purpose of this Notice is to identify the role of the Department regarding enforcement of this ordinance.

The Council has designated the Department of Public Works, Bureau of Sanitation (BOS), as the lead agency charged with enforcement of this ordinance. In this role, BOS is responsible for:

- Posting all notices required by the ordinance;
- Closing that portion of the sidewalk and adjoining street necessary to effectuate a noticed clean-up;
- The removal and storage of excessive property unrelated to a custodial arrest; and,
- The removal and disposal of property which poses an immediate threat to public health, as determined by BOS.

The Department may provide site security and traffic control for BOS clean-up teams or may be called to respond to a scene in which a person is resisting, delaying or obstructing BOS from carrying out its duties as required by this ordinance. When supporting BOS in fulfilling its duties, officers may enforce LAMC Sections 56.11.10(a) through (d), and (f). Los Angeles Municipal Code Sections 56.11.10(b), (c) and (f) may be enforced **with or without** BOS present. Enforcement may result in a citation on a Non-Traffic Notice to Appear (Release From Custody), Form 05.02.02, as a misdemeanor, which shall include a narrative on a Release From Custody Report Continuation, Form 05.02.08, or a custodial arrest.

Note: Officers shall **not** enforce LAMC Section 56.11.10(b) concerning tents (as defined in this Section) during rainfall or when the temperature is below 50 degrees Fahrenheit.

Prior to affecting a custodial arrest for a violation of the ordinance, officers should consider verbal warnings, RFCs, and referrals for shelter and/or counseling services as viable alternatives to arrest.

Officers who enforce any of the following provisions within "Skid Row" or its surrounding areas and who book personal property as a result, shall proceed under the property booking procedures set forth within the Risk Management Legal Affairs Group Notice, *Preliminary Injunction Prohibiting Improper Seizure, Storage, and/or Destruction of Property Belonging to Homeless Persons in Skid Row or its Surrounding Areas within Central Area*, dated June 3, 2016. Officers who enforce said provisions within any other part of the City outside "Skid Row" or its surrounding areas, and who book personal property as a result, shall proceed under normal property booking procedures.

Officers shall always complete the Excess Personal Property Receipt, Form 10.08.00, if an arrestee has excess personal property, itemize the property, and provide the advisement notated in bold to the arrestee. In addition to providing arrestees with an Excess Personal Property Receipt, officers shall also verbally notify arrestees of the address and phone number of the location in which their excess personal property will be held and explain how they may reclaim their property after release.

I. Section 56.11.10 – Unlawful Conduct.

- (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.
- (b) No person shall refuse to take down, fold, deconstruct or otherwise put away any tent erected or configured between the hours of 6:00 a.m. and 9:00 p.m., 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 or retreat from the tent.
- (c) No person shall refuse to remove any barrier, string, wire, rope, chain or other attachment, or willfully resist, delay or obstruct a City employee from deconstructing, taking down, moving, removing, impounding or discarding the barrier, string, wire, rope, chain or other attachment, including by refusing to vacate or retreat from an obscured area created by the attachment.
- (d) No person shall willfully resist, delay or obstruct a City employee from removing or discarding a stored bulky item, including by refusing to vacate or retreat from within the bulky item or from an obscured area created by the bulky item.
- (f) This section does not preclude the enforcement of any law prohibiting illegal dumping.

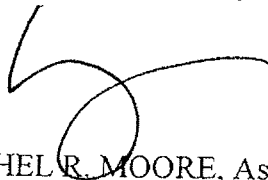
Note: Tents and attachments are not required to be moved out of a public area once the owner of such property has complied with the requirements set forth above. However, officers may take other appropriate enforcement action, if necessary, to address property, including tents, which continue to obstruct ingress/egress, or free passage of pedestrians, such as a violation of LAMC Section 41.18(a) – Blocking the Sidewalk.

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

A handwritten signature in black ink, appearing to read 'MICHEL R. MOORE', with a large, stylized flourish at the end.

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

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