

## OFFICE OF THE CHIEF OF POLICE

### **NOTICE**

November 3, 2021

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**TO:** All Sworn Personnel

**FROM:** Chief of Police

**SUBJECT:** ENFORCEMENT GUIDELINES FOR LOS ANGELES MUNICIPAL CODE SECTION 63.136 – ENTRY UPON VENICE CANAL, GRAND CANAL, AND BALLONA LAGOON ENVIRONMENTALLY SENSITIVE HABITAT AREA PUBLIC RIGHTS-OF-WAY PROHIBITED

The purpose of this Notice is to provide instructions to Department personnel regarding the enforcement of the newly passed City Ordinance, Los Angeles Municipal Code (LAMC) Section 63.136, *Entry Upon Venice Canal, Grand Canal, and Ballona Lagoon Environmentally Sensitive Habitat Area Public Rights-of-Way Prohibited*, effective March 29, 2021.

#### **Background**

On October 29, 1999, the Los Angeles City Council adopted the Venice Local Coastal Program Land Use Plan (LUP) to comply with the California Coastal Act of 1976. The LUP established the land between the walkways and waterways of the Venice Canal, Grand Canal, and Ballona Lagoon area of the City of Los Angeles as an Environmentally Sensitive Habitat Area (ESHA) to provide that any use in or adjacent to the canals be implemented in a manner to protect the biological productivity of marine resources and maintain healthy populations of marine organisms. On March 29, 2021, the Los Angeles City Council enacted LAMC Section 63.136 to bolster the City's ability to protect the delicate ecosystems that may be disturbed by human activities.

Los Angeles Municipal Code Section 63.136 states:

“No person shall leave a Designated Walkway in the Venice Canals or Grand Canal/Ballona Lagoon and enter the Venice Canal ESHA or Grand Canal/Ballona Lagoon ESHA, or enter onto the Venice Canal ESHA or Grand Canal/Ballona Lagoon ESHA from the canal waterways except for the limited purpose of:

- Actively engaging in the boating activity of moving a boat into and out of the water at a public boat launch facility or a private dock with the dock owner's authorization, moving into a boat from a Designated Walkway, or exiting from a boat onto a Designated Walkway;

- Nature study and interpretation for educational purposes associated with a school or educational institution and permitted by the Board of Public Works or its designee; or,
- Governmentally authorized habitat management, including keeping an ESHA free of accumulated trash and waste.”

### **Enforcement and Evidentiary Guidelines**

Generally, officers are encouraged to obtain voluntary compliance and to use discretion and good judgment, based on the totality of the circumstances, in the enforcement of LAMC Section 63.136. When it is necessary for officers to take enforcement action, officers shall issue either an Administrative Citation Enforcement (ACE) citation, an infraction or misdemeanor citation on a Non-Traffic Release from Custody (RFC), or effect a custodial arrest for LAMC Section 63.136. Officers shall use the following evidentiary guidelines when enforcing LAMC Section 63.136:

- Describe where the suspect was, the type of activity the suspect was engaging in, how long the suspect was engaging in the activity, and any property in the suspect’s possession;
- Include any statements made by the suspect;
- Include photo(s) of any applicable signage in the area;
- Describe any past encounters with the suspect, including past warnings and outreach efforts;
- Include any associated reports, if available; and,
- Include any photos of the suspect and area in which the suspect was found.

**Note:** In cases where enforcement action is taken on a suspect who was actively engaged in a prohibited activity (i.e., moving a boat into or out of the water at a private dock without the dock owner’s permission or at a location other than a designated public boat launch, entering or exiting a boat at an undesignated walkway, or conducting a nature study not in association with a school or educational institution permitted by the Board of Public Works or its designee), the citing/arresting officer(s) shall document in the report their attempt(s) to verify any claim or documentation of expressed authorization granted to the suspect for the otherwise prohibited activity.

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

  
MICHEL R. MOORE  
Chief of Police

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