

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 12.21, and 12.26 of the Los Angeles Municipal Code (LAMC) to regulate 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 similar device that can be opened and closed, and is used for collecting salvageable personal property, such as clothing, shoes, books or housewares for periodic off-site processing, redistribution, or both. Collection Bins are not to be used for the collection of recyclable materials such as newspapers, plastic, glass, aluminum, electronics, toxic or hazardous materials, or solid waste.

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 for Clothing, Books, Shoes and Household Items.

(a) Purpose. The purpose of this ordinance is to promote the health, safety, and/or welfare of the public by providing minimum health, safety, and aesthetic-related standards for the operation of Collection Bins. This ordinance establishes criteria to ensure that material is not allowed to accumulate outside of the Collection Bins, and that the Collection Bins remain free of litter, debris, dumped material, posted bills, and graffiti. This ordinance also establishes standards to ensure the placement of Collection Bins does not negatively impact pedestrian or vehicular safety, ingress or egress, or interfere with the proper land use regulations affecting the property on which they are located.

(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 is obtained from the Department of Building and Safety. Each Collection Bin shall require a separate building permit.

(c) Placement of Permitted Collection Bins on Properties.

(1) Collection Bins must be placed at least 20 feet from a public right of way.

(2) Collection Bins must be placed on properties that also contain a main building having at least one operating business.

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

(4) No more than one Collection Bin shall be placed on a lot.

(5) Collection Bins shall be placed at least ten feet from any property line.

(6) Collection Bins must maintain a distance of at least 100 feet from any A or R zoned property.

(7) Collection Bins shall not be placed on any required landscaped area.

(8) Collection Bins shall not diminish required parking spaces.

(9) Collection Bins shall not impair access to, or be placed within, a trash enclosure area.

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

(11) The Collection Bin location must be provided with a light source that provides light after sunset of at least one foot candle.

(d) Permit Requirements and Specifications. When applying for a 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 operator's contact information including its name, address, email, website (if available) and telephone number providing 24-hour contact availability.

(2) The operator or property owner 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 from the City of Los Angeles.

(ii) If applicable, that the non-profit operator is a non-profit organization as defined by 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 applicable, that the for-profit operator, holds a current Certificate of Good Standing issued by the California Secretary of State.

(iv) That the operator has a general liability insurance policy of at least \$1,000,000, covering the operator's Collection Bin or Bins, which names the City as an additional insured.

(v) That both the owner and the operator understand that they are jointly and severally 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 covenant and agreement between the operator and the property owner indicating that the property owner has given the operator permission to place a Collection Bin on the property. The covenant and agreement shall be recorded with the Los Angeles County Recorder is required for placement of the Collection Bin.

(4) A site plan containing:

(i) Location and dimensions of all property boundaries.

(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) Location and dimension of all existing and proposed driveways, landscaped areas and parking spaces on the property.

(5) Elevations showing the appearance, height, width, depth and materials composing the Collection Bin, including the information required in Sub-subparagraph D, below, to be placed on the Collection Bin.

(6) The signature of the Operator and the property owner or a legally authorized representative of the property owner attesting under the penalty of perjury that the information contained in application and on the plans are true, correct and complete.

(7) Any other reasonable information regarding time, place and manner of the Collection Bin operator, placement 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 a Collection Bin shall display the following information in no less than two-inches high, clearly printed painted lettering:

(i) The property owner's name and the name, address and telephone number of the operator with 24-hour access.

(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 (clothing, shoes, household goods and books).

(v) Warning against placing anything other than donations in a Collection Bin.

(vi) Warning against leaving donations or trash outside of a Collection Bin.

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

(viii) 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 82-inches high, 50-inches deep and 60-inches wide.

(3) The Collection Bin shall have a collection opening that has a tamper-resistant locking mechanism to prevent unauthorized access and scavenging and theft of donations.

(4) The Collection Bin may not be electrically or hydraulically powered or otherwise mechanized.

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

(6) Notwithstanding any other provisions of this Code to the contrary, the Collection Bin must be placed 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.

(h) Private Right of Action.

(1) Any person claiming a violation of this subdivision may bring an action in Superior Court of the State of California to enforce the provisions of this subdivision. Violations of this subdivision are declared to irreparably harm the public.

(2) The Court shall award reasonable attorney's fees, witness fees and costs to any plaintiff who prevails in an action to enforce this subdivision.

(3) No remedy set forth in this subdivision is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights in a court of law.

(4) Nothing in this subdivision shall be interpreted to authorize a right of action against the City, nor shall this subdivision give rise to any cause of action for damages against the City.

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 Information Sign in Section 14.4.2 of the Los Angeles Municipal Code is amended to read:

Information Sign. A sign that is limited to a message giving directions, instructions, menus, selections, address numerals, [or information required for a Collection Bin pursuant to Section 12.21.A.23 of this Code](#).

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, ~~or~~ 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...