

ORDINANCE NO. 181033

An ordinance amending Sections 12.26 and 98.0402 of the Los Angeles Municipal Code to add regulations governing the Annual Inspection and Monitoring (AIM) Program enforcement of automotive repair garages, used vehicle sales areas, auto dismantling yards, junk yards, scrap metal or recycling materials processing yards, recycling collection and/or buyback centers, recycling materials sorting facilities and cargo container storage yards.

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

Section 1. Subdivision 3 of Subsection F of Section 12.26 of the Los Angeles Municipal Code is amended to read:

**3. Annual Inspections.** The Department shall make an inspection of each recycling center or yard 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 98.0402(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.

Sec. 2. Subdivision 11 of Subsection F of Section 12.26 of the Los Angeles Municipal Code is amended to read:

**11. Board Determination.** Within 30 days of receipt of the Hearing Examiner's report, the Board shall determine whether the certificate of occupancy shall be revoked. Revocation shall be ordered by the Board if it finds that any required fees, fines, penalties, costs or other assessments have not

been paid or any of the violations specified in the Order have not been corrected, except for the circumstances stated below.

The Board may, in its discretion, determine that a certificate of occupancy should not be revoked if it makes both of the following findings:

(a) Taken together, the remaining uncorrected violations specified in the Order, do not have an adverse effect on neighboring properties or on the general public; and

(b) The owner or operator of the yard has paid the fine specified in Subdivision 14 of this subsection with respect to all violations listed in the Notice of Revocation.

In making its determination, the Board may hear from the owner, operator, or other interested party. The determination of the Board is final.

Sec. 3. Subdivision 14 of Subsection F of Section 12.26 of the Los Angeles Municipal Code is amended to read:

14. **Fine Schedule.** The fine for each violation listed in the Notice shall be as specified in Section 98.0402(f)2 of the Code.

Sec. 4. Paragraph (a) of Subdivision 15 of Subsection F of Section 12.26 of the Los Angeles Municipal Code is amended to read:

(a) Each violation cited in a subsequent Order shall carry a fine as specified in Section 98.0402(f)1 of the Code and shall be paid within 15 days of the compliance date of any subsequent order.

Sec. 5. Subsection F of Section 12.26 of the Los Angeles Municipal Code is amended by adding a new Subdivision 16 to read:

16. **Parking of Vehicles in Custody of Any Yard.** No vehicle or any part of any vehicle in the custody or possession, for any reason, of a yard, as defined in this subsection, shall be parked, left standing, placed, or stored outside of the approved enclosure on the lot on which the yard is located, except that vehicles and parts may be stored within an approved auxiliary storage yard. In addition, all parking spaces on the lot and any access driveways leading to the parking spaces, which are required by this code, must be maintained clear and available only for parking of operative vehicles.

Sec. 6. Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended by changing all references to the terms "Automotive Repair" or "Repair Garage" to the term "Automotive Repair Garage."

Sec. 7. Subdivision 1 of Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended by adding a new paragraph (d) to read:

(d) **Automotive Repair Garage.** All retail or wholesale uses which are enumerated in the definition for "Automotive Repair" in Section 12.03 of this Code, and, in addition, includes all testing, installation of vehicle equipment or accessories, and the application of paint, sprayed coloring, or other types of covering or the recovering of any part of a vehicle interior or exterior. Included in this definition are smog testing shops whether for test only or for repairs, window tinting or replacement shops, application of vinyl or similar covering materials, installation of parts or accessories on the site of a parts store, and all other similar uses.

Sec. 8. Subparagraph (3) of Paragraph (a) of Subdivision 3 of Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended to read:

(3) All automotive spray painting shall be done in full compliance with the provisions of Article 7 of Chapter 5 of the Code regulating these installations; provided further, that no spray painting may be done except in an approved spray booth or room approved for this use that is located within a wholly enclosed building. In the M2 or M3 Zone a spray booth approved for use outside of a building may be utilized if allowed by all other jurisdictions having authority over spray painting.

Sec. 9. The title of Subdivision 4 of Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended to read:

**4. Parking of Cars in Custody of Automotive Repair Garage or Used Vehicle Sales Area.**

Sec. 10. Subdivision 5 of Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended to read:

**5. Annual Inspections.** The Department shall inspect the physical facilities of each automotive repair garage or used vehicle sales area at least once a year. An annual inspection fee as specified in Section 98.0402(e) of the Code shall be paid by the 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, costs, penalties or other assessments due under this Code are not paid, a lien may be placed upon the property as provided for in Section 98.0402(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 or referral is received by the Department concerning a violation of this Code by an automotive repair garage or used vehicle sales area or as necessary to verify continued compliance with all applicable Code requirements. Accessory storage only yards or buildings, where no business is conducted, which are nearby but not contiguous with a main automotive repair garage may be approved and inspected with an additional fee of one half of the annual inspection fee for the yard or building.

Sec. 11. Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended by renumbering Subdivisions 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 as Subdivisions 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 respectively.

Sec. 12. Paragraphs (b), (c) and (d) of renumbered Subdivision 6 of Subsection I of Section 12.26 of the Los Angeles Municipal Code are amended to read:

(b) That the violation must be corrected by a compliance date specified in the order or any extension authorized pursuant to Subdivision 7 of this subsection.

(c) That failure to correct the violation on or before the compliance date or any authorized extension may result in commencement of proceedings to revoke the certificate of occupancy. These proceedings may involve a revocation hearing. A personal appearance at the hearing may only be avoided if the violation is corrected and a fine paid according to the fine schedule in Subdivision 16 of this subsection.

(d) That an appeal may be filed from the order in the manner provided by Subdivision 15 of this subsection.

Sec. 13. Paragraph (a) of renumbered Subdivision 7 of Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended to read:

(a) The automotive repair garage or used vehicle sales area shall comply with the Order described in Subdivision 6 of this subsection on or before the compliance date specified in the order, or any authorized extension. The compliance date shall be not more than 30 days from the date of the order.

Sec. 14. Renumbered Subdivisions 8 and 9 of Subsection I of Section 12.26 of the Los Angeles Municipal Code are amended to read:

**8. Re-inspection.** The Department shall re-inspect an automotive repair garage or used vehicle sales area for which an Order was issued pursuant to this subsection subsequent to the compliance date or any authorized extension.

**9. Citation authority prior to Revocation Notice.** An arrest may be made or citation issued pursuant to Sec. 98.0408 of the Code, if the violations noted in an Order are not corrected on or before the due date noted upon the order. This action does not preclude the commencement of certificate of occupancy revocation proceedings.

Sec. 15. The first unnumbered paragraph of renumbered Subdivision 10 of Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended to read:

**10. Failure to Correct Violations, Failure to Pay Inspection Fee, Revocation Proceedings.** If any violation specified in the Order is not corrected prior to the compliance date or any extensions, or if the annual inspection fee has not been paid within 60 days of assessment, pursuant to Section 98.0402(e) of the Code, then the Department shall commence certificate of occupancy revocation proceedings by issuance of a Notice of Intent to Revoke ("Notice"). This Notice shall be sent to the owner of the property and the operator of the automotive repair garage or used vehicle sales area.

Sec. 16. Renumbered Subdivision 11 of Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended to read:

**11. Revocation Hearing.** On the date specified in the Notice of Intent to Revoke, a hearing shall be held. The Board may appoint a Hearing Examiner to conduct the hearing. The Examiner shall not be any individual who participated in the issuance of any of the Notices or Orders required by this subsection. Subpoenas may be issued pursuant to Section 98.0307 of the Code. The hearing shall be conducted pursuant to the provisions of Sections 98.0308 and 98.0309 of the Code.

Sec. 17. Renumbered Subdivision 13 of Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended to read:

**13. Board Determination.** Within 30 days of receipt of the Hearing Examiner's report, the Board shall determine whether the certificate of occupancy shall be revoked.

(a) Revocation shall be ordered by the Board if it finds that:

(i) Any of the violations specified in the Order have not been corrected, or that the fines specified in Subdivision 16 of this subsection have not been paid; and

(ii) That, taken together, the remaining uncorrected violations have significant adverse effects on surrounding properties or the health, peace, or safety of persons residing or working in the surrounding area; and

(iii) The owner or operator of the automotive repair garage or used vehicle sales area has failed to demonstrate to the satisfaction of the Board the ability or willingness to eliminate problems associated with the automotive repair garage or used vehicle sales area operation.

(b) The Board may determine that a certificate of occupancy should not be revoked if it makes the following findings:

(i) The remaining uncorrected violations specified in the Order do not have an adverse effect on neighboring properties or on the general public; and

(ii) The owner or operator of the automotive repair garage or used vehicle sales area has paid the fine specified in Subdivision 16 of this subsection with respect to violations stipulated in the Notice.

In making its determination, the Board may hear from the owner, operator, or other interested party. The determination by the Board is final.

Sec. 18. Renumbered Subdivision 15 of Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended to read:

**15. Appeals.** Except for extensions of time granted by the Department as authorized in Subdivision 7 of this subsection and notwithstanding any provisions of this Code to the contrary, there shall be no appeal to the Board from any notice issued or determination made by the Department pursuant to this subsection. Appeals may be made from Department determinations of violations of Subdivisions 3 and 4 of this subsection.

Sec. 19. Paragraph (a) of renumbered Subdivision 17 of Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended to read:

(a) Each violation cited in a subsequent Order shall carry a fine as specified in Section 98.0402(f)1 of the Code and shall be paid within 15 days of the compliance date of the order.

Sec. 20. Renumbered Subdivision 18 of Subsection I of Section 12.26 of the Los Angeles Municipal Code is amended to read:

**18. Fines Distinct from Other Penalties and Fees.** The above fines are separate and distinct from both the general misdemeanor penalties provided in the Code and the noncompliance fees authorized in Section 98.0411 of the Code.

Sec. 21. Subsection (e) of Section 98.0402 of the Los Angeles Municipal Code is amended to read:

(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, and each "surface mining operation" as defined in Section 13.03 B, the annual inspection fees shall be as follows:

1. For each recycling center, yard, automotive repair garage or used vehicle sales area . . . . . \$355.00
2. For each surface mining operation . . . . . \$265.00

Sec. 22. Subsection (f) of Section 98.0402 of the Los Angeles Municipal Code is amended to read:

(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, 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.** 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. 23. 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.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of DEC 15 2009.

JUNE LAGMAY, City Clerk

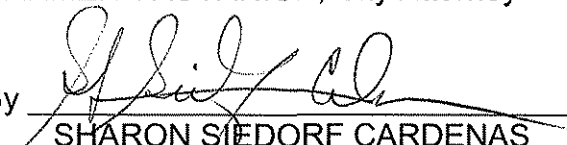
By  Deputy

Approved DEC 29 2009

 Mayor

Approved as to Form and Legality

CARMEN TRUTANICH, City Attorney

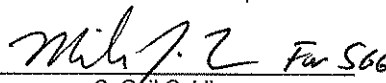
By   
SHARON SIEDORF CARDENAS  
Assistant City Attorney

Date: NOV 16 2009

Pursuant to Charter Section 559, I  
approve this ordinance on behalf of  
the City Planning Commission and  
recommend that it be adopted . . . . .

November 12, 2009

See attached report.

 For S66  
S. Gail Goldberg  
Director of Planning

File No(s). CF 09-1672, CPC No. 2009-706-CA

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