

MOTION FOR CITATION AND REMOVAL OF PERSONS ILLEGALLY OCCUPYING PUBLIC PLACES WHETHER IN VEHICLES OR NOT AFTER ORDER TO MOVE AND OFFER OF SHELTER REVISED

Whereas:

1. During March and April of 2025 homeless persons have camped in public places around the Venice Post office within and outside vehicles.

2. The City has repeatedly asked such persons to leave and offered them shelter if they do so, but they refuse to leave within a reasonable time after they have been asked to do so and the City does not force them to move. (See 4/8/25 Sean Silva Email in Supporting Documents.)

3. Such persons are not entitled to do that. For several sections of the Vehicle Code and the Los Angeles Municipal Code authorize the City to issue citations, arrest and remove persons illegally occupying public places, including those in vehicles, who refuse an order to move. These sections do not exempt occupied vehicles.

4. Los Angeles Municipal Code sec. 11.00 (I) authorizes the City to issue citations to people who violate provisions of the LAMC or State Law. It states, in part:

In addition to any other remedy or penalty provided by this Code, any violation of any provision of this Code is declared to be a public nuisance and may be abated by the City or by the City Attorney on behalf of the people of the State of California as a nuisance by means of ... any... order....

5. LAMC 41.18 bars people from camping in the public places that section identifies. This includes camping on sidewalks without leaving 3' for public passage, camping in public rights of way, and camping in areas the City identifies and posts as "sensitive."

6. Multiple sections of the California Vehicle Code authorize the City to tow vehicles which violate those sections. These sections do not exempt vehicles merely because they are occupied. These sections include:

(a) Vehicle Code sec. 22651(j) authorizes the City to tow vehicles which are not properly licensed.

(b) Vehicle Code sec. 22651(k) authorizes the City to tow vehicles parked in excess of 72 hours in violation of local ordinances such as LAMC sec. 80.69 which bars oversized vehicles from parking between 2am -6am on posted streets.

(c) Vehicle Code 22669(d) authorizes the City to remove vehicles which are unsafe to operate on highways due to disrepair or missing equipment such as flat tires, workable windshield wipers and lights.

7. Vehicle Code section 2800 authorizes a police officer to arrest persons who refuse to move from a public place whether in a vehicle or not after the officer orders them to do so.

8. The 2/23/22 City Department of Transportation Memo entitled "Citation and Towing Process for Abandoned Vehicles and Oversize Vehicles in Violation of Posted Signs" sets forth recommendations to the City Council and the Mayor for enforcing the City's anti camping ordinances and state law as applied to vehicles occupied by homeless persons. It recommends the City should make every effort to offer shelter to persons occupying illegally parked vehicles, but does not propose that the City cannot arrest and remove persons who reject its offers of shelter and refuse to move. (See Supporting Documents.)

9. Pursuant to the above authority, Council District 12 authorizes officers to arrest and remove people who illegally occupy public places whether in vehicles or not after the City has offered shelter to them. (See in Supporting Documents March 3/20/25 email from Joshua Yeager, Councilman Ed Lee's legislative deputy, to VNC Board Member, Clark Brown.) It states in relevant part that vehicles which violate the above provisions of state and municipal law are "eligible for citation, relocation, or removal" regardless of whether they are occupied after the City has made a good faith offer of shelter.

Now Therefore:

The City should forthwith cite and remove persons illegally occupying public places in violation of the Los Angeles Municipal Code and the California Vehicle Code whether in vehicles or not after the City orders them to move and makes a concerted offer of immediate and suitable shelter.

Upon passage and finalization of this Motion, the Secretary of the Venice Neighborhood Council shall forthwith forward it to Councilperson Traci Park, the Mayor, the City Attorney and the City Administrative Officer.

Date:

Secretary of the Venice Neighborhood Council