



44933 Fern Avenue, Lancaster, CA 93534

Chairman Jeff Little

Vice Chair Liza Rodriguez

Commissioner Mark Brown; Commissioner Tim Fuller;

Commissioner Howard Harris; Commissioner Jin Hur

LANCASTER CRIMINAL JUSTICE COMMISSION AGENDA

**Wednesday,
August 8, 2018
10:00 a.m.**

Council Chambers – Lancaster City Hall

Posted by 5:00 p.m. on Friday, August 3, 2018

at the entrance to the Lancaster City Hall Council Chambers

CALL TO ORDER

ROLL CALL

Commission Members: Brown, Fuller, Harris, Hur; Vice Chair Rodriguez; Chairman Little

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

PUBLIC BUSINESS FROM THE FLOOR - AGENDIZED ITEMS

Any person who would like to address the Lancaster Criminal Justice Commission on any agendized item is requested to complete a speaker card for the Commission Secretary and identify the agenda item you would like to discuss. Each person will be given an opportunity to address the Commission at the time such item is discussed. Speaker cards are available at the rear of the Council Chambers and your speaker card must be filled out *prior* to the agenda item being called. We respectfully request that you fill the cards out completely and print as clearly as possible. Following this procedure will allow for a smooth and timely process for the meeting and we appreciate your cooperation. *Individual speakers are limited to three (3) minutes each.*

**LANCASTER CRIMINAL JUSTICE COMMISSION AGENDA
WEDNESDAY, AUGUST 8, 2018**

Consent Calendar items may be acted upon with one motion, a second and the vote. If you desire to speak on an item or items on the Consent Calendar, you may fill out one speaker card for the Consent Calendar. You will be given three (3) minutes to address your concerns before the Lancaster Criminal Justice Commission takes action on the Consent Calendar.

CONSENT CALENDAR

CC 1. Approval of Minutes – July 11, 2018

CONTINUED BUSINESS

CB 1. Continued Discussion of Human Trafficking and Nuisance Motels Ordinance and possible recommendation to City Council

CB 2. Continued Discussion of Food Distribution on Public Property Ordinance and possible recommendation to City Council

COMMISSION/ STAFF PRESENTATIONS, UPDATES, REPORTS

1. Los Angeles County Sheriff's Department Crime Trends Report
Presenter: Los Angeles County Sheriff's Department
2. California Highway Patrol Update
Presenter: California Highway Patrol
3. District Attorney Update
Presenter: District Attorney's Office
4. City Attorney Update
Presenter: Assistant City Attorney
5. Public Safety Update
Presenter: Public Safety Director
6. State Legislative Office Update
Presenters: Senator Wilk's Office and Assemblyman Lackey's Office

**LANCASTER CRIMINAL JUSTICE COMMISSION AGENDA
WEDNESDAY, AUGUST 8, 2018**

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

This portion of the agenda allows an individual the opportunity to address the Lancaster Criminal Justice Commission on any item ***NOT ON THE AGENDA*** regarding Commission business and speaker cards must be submitted ***prior*** to the beginning of this portion of the Agenda. Please complete a speaker card for the Commission Secretary and identify the subject you would like to address. We respectfully request that you fill the cards out completely and print as clearly as possible. Following this procedure will allow for a smooth and timely process for the meeting and we appreciate your cooperation. ***Individual speakers are limited to three (3) minutes each.***

COMMISSIONER COMMENTS

ADJOURNMENT

Next Regular Meeting:

Wednesday, September 12, 2018 – 10:00 a.m.

MEETING ASSISTANCE INFORMATION

In compliance with the Americans with Disabilities Act, this meeting will be held at a location accessible to persons with disabilities; if you need special assistance to participate in this meeting, please contact the City Clerk at (661)723-6020. Services such as American Sign Language interpreters, a reader during the meeting, and/or large print copies of the agenda are available. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting/event you wish to attend. Due to difficulties in securing sign language interpreters, five or more business days notice is strongly recommended. For additional information, please contact the City Clerk at (661)723-6020.

AGENDA ADDENDUM INFORMATION

On occasion items may be added after the agenda has been mailed to subscribers. Copies of the agenda addendum item will be available at the City Clerk Department and are posted with the agenda on the windows of the City Council Chambers. For more information, please call the City Clerk Department at (661) 723-6020.

All documents available for public review are on file with the City Clerk Department.

CJC CC 1
08/08/18

**LANCASTER CRIMINAL JUSTICE COMMISSION
MINUTES
July 11, 2018**

CALL TO ORDER

Chairman Little called the meeting of the Lancaster Criminal Justice Commission to order at 10:00 a.m.

ROLL CALL

Present: Commission Members Brown, Harris, Hur; Vice Chair Rodriguez; Chairman Little

Absent: Commissioner Fuller

Staff

Members: City Manager, Deputy City Manager, Public Safety Management Analyst I, Assistant City Attorney, Deputy City Clerk

Additional

Attendees: Senator Scott Wilk's Field Representative Richard Cook, Assemblyman Tom Lackey's District Director Vanessa Wilk, California Highway Patrol Lieutenant Toggenburger, Los Angeles County Sheriff's Department Captain Weber, Los Angeles County Sheriff's Department Deputy Deciga, Vice Mayor Crist, Criminal Justice Commission (CJC) Liaison Rob Parris

INVOCATION

None given

PLEDGE OF ALLEGIANCE

Commissioner Harris

APPROVAL OF CRIMINAL JUSTICE COMMISSION CONSENT CALENDAR

CC 1. Approval of Minutes – June 13, 2018

On a motion by Commissioner Harris and seconded by Commissioner Hur, the Commission approved Item No. CC 1 by the following vote: 5-0-0-1; AYES: Brown, Harris, Hur, Rodriguez, Little; NOES: None; ABSTAIN: None; ABSENT: Fuller

MINUTES

July 11, 2018

NEW BUSINESS

NB 1. DISCUSSION OF FOOD DISTRIBUTION ON PUBLIC PROPERTY ORDINANCE AND POSSIBLE RECOMMENDATION TO CITY COUNCIL

The Assistant City Attorney presented this item.

Discussion among the Commission, Vice Mayor Crist, CJC Liaison, and staff included the details of the proposed ordinance, permit requirements, street vendor requirements, areas impacted, formation of a sub-committee to gather more information and input from the ministerial community and other local organizations to present at the next committee meeting; and the possibility of changes to the permit fees.

CONTINUED BUSINESS

CB 1. CONTINUED DISCUSSION OF HUMAN TRAFFICKING AND NUISANCE MOTELS ORDINANCE AND POSSIBLE RECOMMENDATION TO CITY COUNCIL

This item was continued to the next committee meeting.

The Assistant City Attorney confirmed due to scheduling conflicts the sub-committee's meeting with LASD's Human Trafficking Unit will take place late July or early August.

COMMISSION/ STAFF UPDATES

1. LOS ANGELES COUNTY SHERIFF'S DEPARTMENT CRIME TRENDS REPORT

Deputy Deciga provided statistics for June of 2018 for the Burglary Suppression Team, the LAN-CAP Team and the Robbery Team. Additionally, Deputy Deciga provided information for June 2018 for the LEAPS program.

The Los Angeles County Sheriff's Department has continued with their Community Engagement with the following events, Coffee with a Deputy, Torch Run with Special Olympics, Lancaster Station Open House, Special Olympics Tip-A-Cop, and Salvation Army Homeless Shelter.

Discussion among the Commission, Captain Weber, Deputy Deciga, CJC Liaison and staff included monthly statistics provided, need for additional information on the motor vehicle theft statistics, current climate, business management practices of rental car companies, and auto theft detectives' attendance at the next commission meeting.

Deputy Deciga will add additional information to statistics provided for June of 2018 for presentation at the next committee meeting. Going forward, statistical data provided will be moved back by one month in order for additional information to be included.

MINUTES

July 11, 2018

2. CALIFORNIA HIGHWAY PATROL UPDATE

Lieutenant Toggenburger of the California Highway Patrol provided statistics through the end of June 2018 for fatal accidents, traffic collisions, DUI related accidents, patrol hours, total arrests, recent deployment activity, and training.

Discussion among the Commission, Lieutenant Toggenburger, Vice Mayor Crist, CJC Liaison, and staff included monthly statistics provided, common traffic violations and CHP's jurisdiction.

3. DISTRICT ATTORNEY UPDATE

This item not discussed.

4. CITY ATTORNEY UPDATE

No additional items discussed.

5. PUBLIC SAFETY UPDATE

Tracy Stewart from the City's Public Safety Department invited everyone to the 8th Annual National Night Out Event on August 2, 2018 and provided event details.

6. STATE LEGISLATIVE OFFICE UPDATE

Richard Cook from Senator Scott Wilk's office, and Vanessa Wilk from Assemblyman Tom Lackey's office, indicated the Legislature is on recess for the next four weeks, and provided state legislative updates in the works to be presented for consideration in August.

Additionally, Mrs. Wilk provided information on a youth event in the works scheduled to take place on August 5, 2018 at JetHawks Stadium.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Shannon McDonald – discussed parenting matters pertaining to distracted kids, and thanked the City of Lancaster.

David Paul – thanked the commission and discussed crime statistics.

COMMISSIONER COMMENTS

None

Lancaster Criminal Justice Commission

MINUTES

July 11, 2018

ADJOURNMENT

Chairman Little adjourned the Criminal Justice Commission meeting at 10:55 a.m. and stated the next meeting of the Criminal Justice Commission would take place Wednesday, August 8, 2018 at 10:00 a.m.

PASSED, APPROVED and ADOPTED this 8th day of August 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

KATHLEEN STENBACK
DEPUTY CITY CLERK
COMMISSION SECRETARY

JEFF LITTLE
CHAIRMAN

**CERTIFICATION OF MINUTES
LANCASTER CRIMINAL JUSTICE COMMISSION**

I, _____, _____ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Lancaster Criminal Justice Commission Minutes, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, CA on this _____ day of _____, _____.

(seal)

CJC CB 1
08/08/18

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE LANCASTER MUNICIPAL CODE BY ADDING CHAPTER 9.50 (“HUMAN TRAFFICKING AND NUISANCE MOTELS”) RELATING TO HUMAN TRAFFICKING AND OTHER UNLAWFUL NUISANCE ACTIVITY AND CONDITIONS AT MOTELS AND HOTELS

WHEREAS, the City Council of the City of Lancaster finds and declares its commitment to sustain and protect the health, safety and welfare of the citizens of the City of Lancaster; and

WHEREAS, the City Council further finds and declares that motels and hotels are often used for human trafficking, specifically the sex trafficking of minors; and

WHEREAS, the City Council further finds and declares that motels and hotels are often also used for illegal drug activity and other criminal acts, which may require a response by numerous law enforcement personnel; and

WHEREAS, the City Council further finds and declares that motel and hotel owners and operators must be proactive in recognizing the possible indicators of sex trafficking and other illegal activity; and

WHEREAS, the City Council further finds and declares that the City of Lancaster intends to utilize all available legal remedies under California law to hold motel and hotel owners and operators responsible for sex trafficking and other illegal activity that occurs at their premises; and

WHEREAS, it is further the intent of the City Council to authorize the City of Lancaster to deter motel and hotel owners and operators from directly or indirectly allowing their premises to be used for sex trafficking and other illegal activity by assessing administrative penalties against such persons;

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Lancaster Municipal Code Title 9 is hereby amended by adding Chapter 9.50, as follows:

9.50.010 Title.

This chapter shall be known as the city of Lancaster’s Human Trafficking and Nuisance Motels ordinance.

9.50.020 Definitions.

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them in this section:

“City” means the city of Lancaster.

“Code” means the Lancaster Municipal Code.

“City Manager” means the City Manager of the City of Lancaster and his or her designee(s).

“Enforcing officer” means and includes any Los Angeles County Sheriff’s deputy, Lancaster public safety officer, Lancaster community services officer, Lancaster code enforcement officer, and any other public officer or employee designated by the City Manager who shall be authorized to enforce the provisions of this chapter and to issue administrative citations in accordance with this chapter.

“Guest room” means one or more habitable rooms with facilities for sleeping and sanitation and which may or may not contain a kitchen, kitchenette, cooking facilities or cooking appliances.

“Human trafficking” means the act of causing, inducing or persuading a minor to engage in a commercial sex act, as more particularly described in section 236.1 of the California Penal Code. For purposes of this chapter, “sex trafficking” and “human trafficking” have the same meaning.

“Motel” means and includes any structure, or any portion of a structure, containing one or more furnished guest rooms, as defined herein, which are rented, occupied, designed, intended to be used, or used as temporary sleeping or lodging accommodations for one or more persons. For purposes of this chapter, “motel” also includes a hotel, inn, motor lodge, hostel, bed and breakfast, and other similar structures.

“Operator” means a person who is proprietor of a motel, as defined herein, whether in the capacity of owner, lessee, sub-lessee, licensee, or any other capacity. Where the operator performs his or her functions through an on-site or off-site manager, the manager shall also be deemed an operator for the purposes of this chapter, and shall have the same duties and liabilities as his or her principal.

“Owner” means and includes any person, as defined herein, having legal title to a motel in the city, including all persons shown as owners on the last equalized assessment roll of the Los Angeles County Assessor’s Office. Owners include persons with powers of attorney, executors of estates, trustees, or who are court appointed administrators, conservators, guardians or receivers.

“Person” as used in this chapter, means and includes any individual, partnership of any kind, corporation, limited liability company, association, joint venture or other

organization or entity, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons.

“Responsible person” for purposes of this chapter, means any motel owner, operator and/or manager. The actions or inactions of a responsible person’s employee, agent, or representative may be attributed to that responsible person.

9.50.030 Human trafficking; drug activity; public nuisance.

A. The city council finds and declares that it constitutes an unlawful public nuisance for any person to:

1. Directly or indirectly maintain or permit the use of a motel for the purpose of human trafficking, sex trafficking, prostitution, lewdness or illegal gambling, as set forth in Cal. Penal Code sections 11225 et seq.;
2. Directly or indirectly maintain or permit the use of a motel for the purpose of selling, storing, serving, manufacturing, cultivating, or giving away any controlled substance, precursor, or analog, as set forth in Cal. Health and Safety Code sections 11570 et seq.;
3. Allow, cause, create, maintain or permit any other public nuisance, as set forth in Lancaster Municipal Code chapter 8.28.

B. Any motel at which a nuisance occurs or is present, as set forth in subsection A of this section, constitutes a nuisance motel, subject to abatement.

9.50.040 Prevention of use of motel for human trafficking, drug activity or other illegal activity.

A. Every owner, operator, manager and/or employee shall be responsible for preventing the use of the motel for human trafficking, drug activity or other illegal activities. Evidence of a person or persons using or intending to use the motel or motel room for human trafficking or drug activity depends on the totality of the circumstances, however, indicators of such illegal activity may include, but are not limited to, the following:

- i. Attempting to rent a room for less than twelve (12) hours, or leaving after only a few hours;
- ii. Paying with cash to avoid a paper trail;
- iii. Attempting to rent a room without presenting valid identification;
- iv. Reserving multiple rooms at once;
- v. Reserving a room for extended periods of time, but bringing few or no possessions;
- vi. A guest who appears malnourished or physically abused;
- vii. A guest who is dressed inappropriately for her age;
- viii. Frequent guests coming and going;
- ix. Frequent vehicles coming and going;
- x. The smell of marijuana, chemicals and/or other unusual odors coming from a room or rooms.

B. An owner, operator, manager and/or employee who suspects human trafficking, drug activity or other illegal activity may be intended or occurring shall notify the Los Angeles County Sheriff's Department, Lancaster Station, and the Lancaster Public Safety Department.

9.50.050 Prohibition against hourly room rental.

No person shall rent or permit to be rent any motel room for a period of fewer than twelve (12) hours, nor shall any person rent any motel room more than once within a 24-hour period, commencing at 12:01 a.m.

9.50.060 Registration requirements.

A. Every owner, operator, manager and/or employee of any motel shall keep a register containing the name and address of each guest. No owner, operator, manager and/or employee of any motel shall rent or assign a motel room to any person without verifying that the guest has valid photo identification and has accurately and legibly completed the register with the information that corresponds to the identification presented by the guest. The register shall also include the date and time of arrival of each guest and the number or other identifying symbol of the room assigned or rented, and the date and time the guest departs. All registers shall be maintained for a period of three (3) years from the date of entry. No person shall alter, deface or erase any entry in a register so as to make the information illegible or unintelligible.

B. No person shall provide any false information, register under a fictitious name, or show or use a forged, altered or counterfeit identification when procuring a motel room. The owner, operator, manager and/or employee shall be responsible for verifying the authenticity of the identification used by the person renting the motel room.

C. Inspection of motels and motel registers may be made at any reasonable hour by any enforcing officer for the purpose of confirming compliance with the provisions of this chapter. If permission to inspect is refused or cannot be obtained, the city manager or his/her designee shall have recourse to every remedy provided by law to secure lawful entry and inspect the premises and register, including but not limited to securing an inspection warrant pursuant to Cal. Code of Civil Procedure sections 1822.50 through 1822.57; provided, however, that if the city manager or his/her designee has reasonable cause to believe that a motel or any room or portion thereof is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety, the city manager or his/her designee shall have the right to immediately enter and inspect said motel or room or portion thereof and may use any reasonable means required to effect the entry and make an inspection.

9.50.070 Violation; penalty.

It is unlawful for any responsible person, as defined in this chapter, to violate any provision of this chapter. Any responsible person violating a provision of this chapter shall be guilty of a misdemeanor.

9.50.080 Administrative Citations.

A. Any enforcing officer, as defined in this chapter, may issue an administrative citation to a person when the officer has determined, through personal observation or after undertaking standard law enforcement investigatory actions, that the person is a responsible

person, as defined in this chapter, who directly or indirectly allowed or maintained a nuisance motel.

B. Within five (5) days after issuance of a citation, an officer shall submit a copy of the citation and a written statement of facts to the City Manager. Alternatively, the officer may elect to submit the written statement of facts to the City Manager, who may then issue the citation.

C. An administrative citation may be personally given to the responsible person, or the responsible person may be served by first class mail to an address which is either: (i) indicated on any form of identification presented to the officer, or (ii) discovered by the officer during the course of his or her standard law enforcement investigatory actions. The date a citation is placed in a U.S. Postal Service mail receptacle shall be the date of service. A declaration of service shall be made by the person mailing the administrative citation showing the date and manner of service by mail and reciting the name and address of the citation addressee. Failure of any responsible person to receive an administrative citation by mail shall not invalidate any citation issued pursuant to this chapter.

D. The citation shall be in a City-approved format, and shall include the following information:

1. The date, location and approximate time of the activity or condition that caused the motel to be a nuisance motel;
2. A brief description of the activity, conduct, or condition at the location that constituted an unlawful nuisance as set forth in section 9.50.030 of this chapter;
3. A statement describing the right to appeal the citation;
4. A statement advising that the fine shall be paid to the City within thirty (30) days from the date of the administrative citation, procedure for payment, and the consequences of failure to pay.

E. The penalty amounts of administrative citations issued pursuant to this chapter shall be as follows:

1. For the first administrative citation, the penalty shall be one thousand dollars (\$1,000.00);
2. For the second and any subsequent administrative citation, the penalty shall be five thousand dollars (\$5,000.00).

F. The failure of any person to pay a penalty assessed by administrative citation within the time specified on the citation constitutes a debt to the city, which may be collected in accordance with Chapter 1.16 of this Code or in any other manner allowable by law.

9.50.090 Right of appeal from an administrative citation.

A. A person who has been issued an administrative citation pursuant to this chapter may contest the citation by filing a written appeal on a City-approved form with the City Manager

within ten (10) calendar days from the date of the citation. The basis for the appeal must be specified in detail on the appeal form. There shall be no filing fee for the appeal, however, a deposit in the amount of the citation must be paid at the time the appeal is filed. If the citation is dismissed as a result of the appeal hearing, the deposit shall be returned to the appellant within thirty (30) days from the date of the written appeal decision.

B. Failure of the City Manager to receive a timely appeal constitutes a waiver of the right to contest a citation; in this event, the citation is final and binding.

C. As soon as practicable after a timely appeal is filed, the City Manager shall fix a date, time and place for a hearing. The hearing shall be conducted by an independent and impartial hearing officer. Written notice of the time and place for the hearing shall be served by first class mail, at the return address indicated on the appeal form, at least ten (10) calendar days prior to the date of the hearing.

D. An appellant may request, in writing, that the City Manager reschedule the hearing if the request is made at least twenty-four (24) hours prior to the hearing. The City Manager shall grant one continuance of the hearing date.

E. Failure of an appellant to appear at the scheduled hearing shall constitute the appellant's waiver of the right to appeal and a forfeiture of the citation amount deposited at the time the appeal was filed.

F. Appeal hearings are informal, and formal rules of evidence and discovery do not apply. The City bears the burden of proof to establish, by a preponderance of evidence, that the appellant allowed or maintained a nuisance motel. The officer issuing the administrative citation and/or submitting the written statement of facts shall not be required to appear at the hearing. The hearing officer shall accept testimony by declaration under penalty of perjury relating to the commission of the offense, as set forth in the issuing officer's statement of facts, and shall consider any other relevant evidence concerning the commission of the offense that the City Manager may present at the hearing. The hearing officer shall also take the testimony of the appellant, and/or his or her witnesses, and will consider any other credible relevant rebuttal evidence the appellant may wish to present. The appellant may represent himself or herself or be represented by anyone of his or her choice, including counsel, at his or her sole expense. The appellant may bring an interpreter to the hearing at his or her sole expense.

G. The hearing officer shall make findings based on the record of the hearing, and shall prepare a written decision, based on those findings, to either uphold or dismiss the citation. A copy of the written decision shall be served on the appellant by first class mail within ten (10) days after the hearing. If the citation is dismissed, the City shall refund the amount of the citation deposit to the appellant within thirty (30) days from the date of the decision.

H. The decision of the hearing officer is final and conclusive, subject only to review by the superior court in accordance with the time limits set forth in Government Code Section 53069.4 and/or Code of Civil Procedure Section 1094.6.

9.50.100 Remedies not exclusive.

A. Any administrative citation pursuant to this chapter shall not prejudice or adversely affect any other civil, administrative or criminal action that may be brought to abate a nuisance motel or to seek compensation for damages suffered. A criminal or civil action may be brought concurrently with any other process regarding the same violation.

B. A nuisance motel may be abated in accordance with the provisions set forth in Cal. Penal Code sections 11225 et seq., Cal. Health and Safety Code sections 11570 et seq., or utilizing any other civil, judicial or equitable remedy available to the city.

C. A nuisance motel may be abated through the revocation of the owner's or operator's business license.

9.50.110 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council declares that it would have adopted this chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 2. That the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Britt Avrit, MMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the ____ day of _____, 2018, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, MMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

CJC CB 2
08/08/18

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER AMENDING TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE LANCASTER MUNICIPAL CODE BY ADDING CHAPTER 12.28 (FOOD DISTRIBUTION ON PUBLIC PROPERTY), RELATING TO THE DISTRIBUTION OF FOOD ON CITY PROPERTY

WHEREAS, the City Council of the City of Lancaster takes notice that Los Angeles County, the City of Lancaster, and other public and private entities are developing strategies to achieve long-term solutions to homelessness; and

WHEREAS, the City Council believes that providing long-term services related to housing and employment will achieve more effective results in addressing homelessness than offering stop-gap measures such as stand-alone food distributions on public property; and

WHEREAS, the City Council believes that it is in the public interest that persons wishing to provide meals to needy persons do so in an indoor setting and link such meal service to other social services, thus aiding in providing a continuum of care intended to help homeless people make the transition into housing and employment; and

WHEREAS, the City Council finds that food distribution events on sidewalks and other public property may obstruct the free flow of pedestrian and vehicle traffic which poses a safety hazard, and result in garbage and trash left on the public property following the distribution which causes a health hazard and visual blight; and

WHEREAS, the City Council further finds that persons and organizations conducting food distribution events on sidewalks and certain other public property often fail to comply with statewide standards concerning preparing and serving food to the public, and further conduct these events in locations that do not have adequate access to clean water, waste disposal and bathroom facilities, which poses significant health and safety hazards to the persons being served as well as the public at large;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Lancaster hereby finds and determines that the above recitals are true and correct.

SECTION 2: Chapter 12.28 of the Lancaster Municipal Code is hereby added as follows:

12.28.010 Title.

This chapter shall be known as the city of Lancaster’s Food Distribution on Public Property ordinance.

12.28.020 Findings and purpose.

The City Council finds and declares as follows:

A. It is in the public interest that persons wishing to provide meals to needy persons do so in an indoor setting and link such meal service to other social services, thus aiding in providing a continuum of care intended to help homeless people make the transition into housing and employment.

B. Food distribution events on sidewalks and other public property may obstruct the free flow of pedestrian and vehicle traffic which poses a safety hazard, and result in garbage and trash left on the public property following the event which causes a health hazard and visual blight.

C. Persons and entities conducting food distribution events on sidewalks and certain other public property often fail to comply with statewide standards concerning preparing and serving food to the public, and further conduct these events in locations that do not have adequate access to clean water, waste disposal and bathroom facilities, which poses significant health and safety hazards to the persons being served as well as the public at large.

D. It is the intent and purpose of the city council, through the adoption of this ordinance, to encourage individuals, nonprofit charitable organizations and other agencies who wish to distribute free meals to needy people to participate in programs which provide meals indoors in conjunction with other services. The city council finds and declares that doing so will protect the health, safety and general welfare of the persons being provided meals as well as the public at large.

12.28.030 Definitions

As used in this chapter, the following words and phrases have the meanings set forth below:

“City Manager” means the City Manager of the city of Lancaster, or his or her designee.

“Code” means the Lancaster Municipal Code.

“Food distribution event” means the distribution, preparation, serving, dispensing and/or selling of food to the public.

“Person” means and includes an individual, corporation, limited liability company, partnership, nonprofit charitable organization and/or other entity.

12.28.040 Food distribution event on public property; nuisance.

A. No person shall conduct a food distribution event on a public street, sidewalk, parking lot or other public property.

B. Notwithstanding subsection A of this section, a person who desires use space in a public park for the primary purpose of conducting a food distribution event may do so, provided, however, that such person must comply with the following:

1. Submit a facility rental application and the applicable fee, and comply with all requirements set forth in the facility rental contract; the portion of the park requested to be used must be able to accommodate the water and sanitation requirements established in the state food safety requirements;

2. Obtain a valid permit from the Los Angeles County Department of Health (Environmental Division), and comply with all applicable state and county food safety requirements, including but not limited to the provisions set forth in Cal. Health & Safety Code Division 105, Part 6, Chapter 10.5, "Nonprofit Charitable Temporary Food Facilities."

C. The use of public property in conducting a food distribution event that does not comport with the provisions of this chapter constitutes a public nuisance subject to abatement.

D. This section does not apply to food vendors or other food providers who have contracted with or are otherwise authorized by the City, Los Angeles County, or other public agency or authority to sell or provide food in conjunction with a City-sponsored event, farmer's market, County/agency/authority-sponsored event, or other similar event.

12.28.050 Administration.

The City Manager is hereby authorized to enforce, and to designate in writing the City employees or contractors who are authorized to assist in the enforcement of, the provisions of this chapter. The City Manager shall have the authority to promulgate and/or adopt regulations to implement the provisions of this chapter.

12.28.060 Violations; penalties; remedies not exclusive.

A. It is unlawful for any person to violate any provision or fail to comply with any requirement of this chapter. Each day or portion thereof that a violation occurs or is present constitutes a separate offense. Any person in violation of this chapter is subject to the penalty and enforcement provisions set forth in chapters 1.12, 1.16 and 8.28 of this code.

B. An administrative citation pursuant to this chapter shall not prejudice or adversely affect any other civil, administrative or criminal action that may be brought to abate an unlawful nuisance food distribution event. A civil or criminal action may be brought concurrently with any other process regarding the same violation.

12.28.070 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council declares that it would have adopted this chapter, and each section, subsection, paragraph, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, clauses or portions be declared invalid or unconstitutional.

SECTION 3. That the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Britt Avrit, MMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the ____ day of _____, 2018, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, MMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. _____, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)