

CITY OF PARAMOUNT
LOS ANGELES COUNTY, CALIFORNIA

ORDINANCE NO. 1190

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PARAMOUNT ADDING CHAPTER 12.52 TO TITLE 12 OF THE
PARAMOUNT MUNICIPAL CODE, PROHIBITING THE STORAGE OF
PERSONAL PROPERTY IN PUBLIC AREAS

WHEREAS, the City is becoming increasingly aware of personal items and trash stored on public property that may be perishable, dangerous, or hazardous to the community; and

WHEREAS, such items impede the public right-of-way and reduce access to sidewalks, streets, or parks, limiting the intended use of these public spaces; and

WHEREAS, such items can create tripping, accident, or other hazards, and inhibit ADA accessibility; and

WHEREAS, such items can inhibit the City's ability to properly maintain the public right-of-way and uphold uniform cleanliness standards; and

WHEREAS, such items can create unsightly clutter and undermine the aesthetic of the community.

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

SECTION 1. The Recitals set forth hereinabove are true and correct and incorporated herein by reference as if fully set forth herein.

SECTION 2. Chapter 12.52 of Title 12, *Streets, Sidewalks and Public Places* of the Paramount Municipal Code is added to read as follows:

Chapter 12.52
STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS

Section 12.52.010. Findings, purpose and intent.

The Council does hereby find and determine as follows: The public parks, public streets and alleys, public parking lots, public rights-of-way, parkways, public sidewalks, recreational areas and other publicly owned or controlled property within the City should be readily accessible and available to residents, businesses and the public at large for their intended purposes. The use of these Public Areas for the Storage of Personal Property interferes with the rights of others to use and enjoy these Public Areas as they are intended. Such activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas. The purpose of this Chapter is to maintain these Public Areas within the City in a clean, sanitary, safe and accessible

condition, to adequately protect the health, safety, environment and general welfare of the community, and to ensure that these Public Areas are used for their intended purposes and remain accessible to all citizens, businesses and visitors in the City. Nothing in this Chapter is intended to interfere with otherwise lawful and ordinary uses of public property.

Section 12.52.020. Definitions.

For the purpose of this Chapter, the words, terms, and phrases shall be defined as set forth herein, unless the context clearly indicates a different meaning is intended. Words, terms, and phrases used in this Chapter that are not specifically defined shall be construed according to their context and the customary usage of the language.

“Abandoned Personal Property” means Personal Property to which the owner surrenders, relinquishes or disclaims all right, title, claim and possession, with intention of not reclaiming it or resuming its ownership, possession or enjoyment. Indicia of Abandoned Personal Property shall include, but not be limited to, the act of leaving the Personal Property in a Public Area so that it may be appropriated by the next comer.

“Alley” shall have the meaning set forth in Section 110 of the California Vehicle Code.

“Public Safety Director” means the Public Safety Director of the City of Paramount, or her/his designee.

“City Clerk” means the City Clerk of the City of Paramount, or her/his designee.

“City Manager” means the City Manager of the City of Paramount, or his/her designee.

“Planning Director” means the Planning Director of the City of Paramount, or his/her designee.

“Sheriff Department” means the Los Angeles County Sheriff’s Department.

“Public Area” means a public place, including, but not limited to, any public streets, alleys, public parking lots, public parks, public rights-of-way, parkways, public sidewalks, recreational areas or other publicly owned or controlled property.

“Personal Property” means tangible personal belongings or possessions, which shall include any movable or tangible thing that is subject to ownership; property or chattels that can be seen, weighed, measured, felt, or touched, including, but not limited to, furniture, appliances, money, and books.

“Store”, “Stored” or “Storage” means to put aside Personal Property in a Public Area or accumulate it for use when needed; to place Personal Property in a Public Area for safekeeping; and/or to leave Personal Property unattended in a Public Area.

“Street” shall have the meaning set forth in Section 590 of the California Vehicle Code.

“Unclaimed Personal Property” means Personal Property that has been turned in to the Public Safety Director pursuant to Section 12.52.030, and that has not been claimed within a period of ninety (90) days by its owner.

Section 12.52.030. Storage of Personal Property in Public Areas Prohibited.

- A. It shall be unlawful and a public nuisance for any person to Store Personal Property in any Public Area, except as otherwise approved in writing by the Public Safety Director, the Planning Director or by resolution of the City Council. Personal Property Stored in Public Areas in violation of this section shall be impounded pursuant to Sections 12.52.040 through 12.52.140 of this Chapter.
- B. Any Personal Property left in any park at the time the park is closed to the public, whether or not the Personal Property is unattended, shall be immediately impounded, pursuant to the provisions of Sections 12.52.040 through 12.52.140 of this Chapter.

Section 12.52.040. Public Safety Director To Receive Stored Property.

The Public Safety Director is authorized to impound Personal Property pursuant to the provisions of Sections 12.52.040 through 12.52.140 and shall make provisions for the receipt and safekeeping of Personal Property coming into her possession pursuant to this Chapter. A receipt shall be issued to the person delivering such Personal Property, unless the Personal Property was found in the course of employment by an employee of the City. The Public Safety Director shall notify the owner of the Personal Property if his or her identity is reasonably ascertainable, or, if the identity of the owner is not reasonably ascertainable, cause a notice to be left in a prominent place on or near the location of the Personal Property for any Personal Property impounded pursuant to Section 12.52.040, advising that the Public Safety Director is in possession of the Personal Property and the location where it may be claimed.

Section 12.52.050. Notice Prior to Impoundment.

- A. Stored Personal Property may be impounded without notice if there is a reasonable belief that it is abandoned, presents an immediate threat to public health or safety, is evidence of a crime, is evidence in a criminal investigation, or is contraband.
- B. The City may erect signs in Public Areas stating that any Personal Property Stored in those areas will be impounded. Those signs shall serve to provide the notice required by this Section 12.52.50.
- C. If neither subsection “a” nor subsection “b” apply, Personal Property unlawfully Stored in Public Areas shall be impounded only after a notice is left at or near the location of the Personal Property advising that the Personal Property will be impounded if it is not removed. This notice will specify a time when the Personal Property will be impounded if it is not removed.

Section 12.52.060. Notice Upon Impoundment.

If, after any notice required by Section 12.52.50 is given, Personal Property remains unlawfully Stored in a Public Area, that Personal Property may be impounded. The person impounding the Personal Property shall leave a notice in a conspicuous place at or near where the Personal Property was located prior to being impounded, advising where the Personal Property is being kept and when and where it may be claimed by its owner.

Section 12.52.070. Holding and Disposal of Stored Personal Property.

Personal Property coming into possession of the Public Safety Director pursuant to this Chapter shall be deposited in a safe place for a period of at least ninety (90) days. If the Personal Property consists of money, it shall be deposited with the City's Finance Director for a period of not less than ninety (90) days, unless sooner claimed by its owner. In the event the Personal Property or money is not claimed within ninety (90) days, it shall be deemed to be Abandoned Personal Property, subject to disposition as provided in this Chapter.

Section 12.52.080.Owner May Claim Personal Property.

During the time that any Personal Property is held by the City, it may be delivered or paid to its owner as follows:

- A. The Personal Property shall be delivered upon proof of ownership satisfactory to the Public Safety Director after ten (10) days' notice by mail to any other person(s) who have asserted a claim of ownership at any address given by such person(s).
- B. If the Personal Property consists of money, it shall be paid to the owner upon written order from the Public Safety Director to the Finance Director. The Public Safety Director shall make such order upon the same proof of ownership and with the same notice as prescribed in the case of Personal Property.
- C. If ownership cannot be determined to the satisfaction of the Public Safety Director, he or she may refuse to deliver the Personal Property or refuse to order the payment of such money to anyone until ordered to do so by a court of competent jurisdiction.

Section 12.52.080. Unclaimed Personal Property To Be Used By City Or Sold At Auction - Notice.

- A. Upon expiration of the ninety-day period, any Personal Property received by the City and not delivered to the owner may be appropriated to the use of the City of Paramount upon order of the City Manager on his finding that the Personal Property is needed for a public use, and any Personal Property not appropriated to City use may be sold at public auction to the highest bidder.
- B. All unclaimed money received by the Public Safety Director, and not delivered to the owner during the ninety-day period, shall thereafter be deposited in the general fund.

- C. Notice of the sale at auction of Unclaimed Personal Property shall be given by the City Clerk at the direction of the Public Safety Director at least five (5) days before the time fixed therefor by publication at least once in a newspaper of general circulation.

Section 12.52.090. Conduct of Auction.

An auction for the sale of Unclaimed Personal Property shall be conducted by the Public Safety Director.

Section 12.52.100.Proceeds To Be Deposited In General Fund.

After any auction for Unclaimed Personal Property is completed, the proceeds of the auction shall be delivered to the Finance Director for deposit in the general fund.

Section 12.52.110. Unsalable And Unusable Personal Property.

Any Personal Property advertised and offered for sale but not sold and not suitable for appropriation to the use of the City shall be deemed to be of no value and shall be disposed of in such manner as the Public Safety Director deems appropriate.

Section 12.52.120. Dangerous Or Perishable Personal Property; Evidence.

Subject to the provisions of Section 12.52.130 below, any Personal Property coming into the possession of the Public Safety Director may be disposed of immediately and without notice, in a manner that the Public Safety Director determines to be in the public interest, when such Personal Property is perishable, contraband, evidence of a crime, evidence in a criminal investigation, or constitutes an immediate threat to the public health or safety.

Section 12.52.130. Provisions Not Applicable.

- A. The provisions of this Chapter shall not apply to real or Personal Property or money subject to confiscation pursuant to state or federal law, to Personal Property that constitutes evidence of a crime, evidence in an ongoing criminal investigation and/or civil proceeding pursuant to state or federal law.
- B. The provisions of this Chapter shall not apply to Abandoned Personal Property, which shall be disposed of forthwith.
- C. Notwithstanding the regulations set forth in this Chapter, the City Manager and/or Public Safety Director are hereby authorized to promulgate additional rules and policies for the implementation of this Chapter in a manner consistent with state and federal law.

Section 12.52.140. Violations, Penalties And Enforcement.

Notwithstanding any other provision in this Code, each violation of the provisions of this Chapter may be enforced alternatively as follows:

- A. A violation of this Chapter may be punishable as a misdemeanor or an infraction at the discretion of the City Attorney;
- B. The City Attorney may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this Chapter, as provided by law.

SECTION 3. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase in this ordinance or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of the ordinance or the application of such provision to other persons or circumstances shall be adopted thereby. The City Council hereby declares it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 5. Effective Date. This Ordinance shall take effect thirty days after its adoption, shall be certified as to its adoption by the City Clerk, and shall be published as required by law, together with the names and members of the City Council voting for and against the Ordinance.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Paramount this 17th day of December 2024.

Annette C. Delgadillo, Mayor

ATTEST

Heidi Luce, City Clerk