LONG BEACH MUNICIPAL CODE

Volume I

Codified through Ordinance No. ORD-14-0020, enacted November 18, 2014.

CHAPTER 1.04 - CODE ADOPTION

FOOTNOTE(S):

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State Law reference— Provisions authorizing cities to codify their ordinances; Gov. C. §§ 50022.1—50022.8 and 50022.10.

1.04.010 - Contents and purpose.

The purpose of this recodification is to reorganize and renumber the provisions of the existing Long Beach Municipal Code, and, without making any significant substantive changes thereto, to restate, reenact and continue in full force and effect the provisions of the existing Long Beach Municipal Code, as amended, which codifies and publishes in consolidated form those ordinances of the City governing the establishment of certain offices and boards; the conduct of City government; organization to cope with disasters; fire prevention; police and traffic regulation; public safety; public welfare; public works; buildings and signs; prohibition of certain defined acts, and punishment for violation of Code provisions; regulation, control and licensing of businesses, trades, professions and other occupations; health and sanitation regulations; oil production; use of land in the City; municipal gas service and rates; regulation of City streets; operation of public facilities; and other matters of general interest.

(Ord. C-5831 § 1 (part), 1982)

1.04.020 - Adoption.

The City of Long Beach adopts the ordinance codified in this Chapter and the recodified Long Beach Municipal Code consisting of Titles 1 through 21, inclusive, together with those secondary codes referenced therein, except those portions of the secondary codes as are deleted or modified by the provisions of this recodified Municipal Code, as a recodification of the existing comprehensive Long Beach Municipal Code.

(Ord. C-5831 § 1 (part), 1982)

1.04.030 - Title—Citation—Reference.

This recodified Code shall be known as the "Long Beach Municipal Code" and it shall be sufficient to refer to said Code as the "Long Beach Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Long Beach Municipal Code." Further reference may be made to the titles, chapters, sections and subsections of the Long Beach Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in this Code.

(Ord. C-5831 § 1 (part), 1982)

1.04.050 - Continuity.

The provisions of this recodification, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements, reenactments and continuations of such provisions, and not as new enactments.

(Ord. C-5831 § 1 (part), 1982)

1.04.060 - Reference applies to all amendments.

Whenever a reference is made to this Code as the "Long Beach Municipal Code," or to any portion thereof, or to any ordinance of the City of Long Beach, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Ord. C-5831 § 1 (part), 1982)

1.04.070 - Title, chapter and section headings.

The title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

(Ord. C-5831 § 1 (part), 1982)

1.04.080 - Reference to specific ordinances.

The provisions of this recodified Municipal Code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number, or otherwise, and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

(Ord. C-5831 § 1 (part), 1982)

1.04.090 - Effect of Code on past actions and obligations.

Neither the adoption of this recodification of the Long Beach Municipal Code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

(Ord. C-5831 § 1 (part), 1982)

1.04.100 - Initiative ordinances.

To coordinate all related provisions of the law, initiative ordinances are included in this Code and given code section numbers. In each such case, the character of the ordinance as an initiative ordinance is indicated in the heading of the chapter or section. This coordination of initiative ordinances with the Code does not alter their character as such. Any violation of the provisions of an initiative ordinance is punishable as provided therein, rather than under the general penal clause of this Code.

(Ord. C-5831 § 1 (part), 1982)

1.04.110 - Distribution of Code.

Not less than three bound copies of this Code shall be filed for use and examination by the public in the office of the City Clerk. At least three copies permanently bound and duly certified to by the City Clerk shall be maintained on file in the Clerk's office. Additional copies shall be prepared in looseleaf form and shall be mounted in suitable binders. Copies of the Code and material printed for use therewith shall be distributed as follows: one to each officer and department or bureau head of the City; one to each assistant or other employee in each office, department or bureau of the City as the head thereof may designate; one to the City public library and one to each branch thereof. The Mayor, the City Manager, the City Attorney and the City Clerk are authorized to furnish suitably bound copies of this Code and printed matter to other cities on a reciprocal courtesy basis. In addition, copies of the Code and printed matter, with or without a binder or maintenance service, shall be sold to the general public at a price to be fixed by the City Clerk. The purchaser shall have the option of ordering the Code and printed matter with or without the binder or maintenance service. Distribution and sale of the Code and printed matter shall be made by the City Clerk. The City Clerk shall keep a record of the distributees and purchasers. Various portions of the Code and printed matter may also be printed separate and apart from the whole thereof, and sold, either with or without a binder and with or without maintenance service at prices to be fixed by the Clerk.

(Ord. C-5831 § 1 (part), 1982)

1.04.120 - Maintenance of Code.

Whenever the Council adopts an amendment or adds to this Code or repeals any of its provisions, or whenever the table of contents or index is amended, the City Clerk shall cause the looseleaf pages of the Code in which changes have been made to be reprinted as required, showing the changes. A notation as to the ordinance, if any, and the date of adoption thereof, by which such changes are adopted, shall be made by the City Clerk in the bound volumes of the Code on file in the Clerk's office including the number of the ordinance pursuant to which such action is taken. Duly certified copies of every ordinance making changes in the Code shall be filed in the office of the City Clerk in books for such purpose, duly indexed for ready reference. The City Clerk shall cause copies of each and every reprint to be distributed to each distributee and to every purchaser of the Code who has ordered and paid for maintenance service.

At least twice yearly, and particularly in June and December of each year, the City Clerk shall cause the looseleaf pages of the Code in which changes have been made to be reprinted, including the notation as to the ordinance number pursuant to which such change is adopted, in order that at least twice yearly the looseleaf copies of such Code prepared for the use and convenience of the officers and employees of the City and the general public may be brought up to date.

(Ord. C-5831 § 1 (part), 1982)

1.04.130 - Repeal.

Ordinance No. C-3600, as amended, and all ordinances or portions of ordinances in conflict with the provisions of this recodified Municipal Code or covering subject matter included within this Code, are repealed and shall be superseded by this recodification.

(Ord. C-5877 § 3, 1982: Ord. C-5836 § 2, 1982: Ord. C-5831 § 1 (part), 1982)

1.04.140 - Validity of Code.

If any section, subsection, sentence, clause, phrase or portion of this recodified Municipal Code is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The Council declares that it would have adopted this Code 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. If for any reason this Code or any part thereof should be declared invalid or unconstitutional, then the original ordinance or ordinances which this recodified Municipal Code, or part thereof, supersedes shall be in full force and effect.

(Ord. C-5831 § 1 (part), 1982)

1.04.150 - Effective date.

This recodified Municipal Code shall become effective on the date the ordinance adopting this Code as the "Long Beach Municipal Code" shall become effective.

(Ord. C-5831 § 1 (part), 1982)

CHAPTER 1.08 - GENERAL PROVISIONS

1.08.010 - Construction.

Unless the provisions of the context otherwise require, these general provisions, rules of construction and definitions shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

(Prior code § 1300)

1.08.020 - Territorial jurisdiction.

This Code shall refer only to the omission or commission of acts within the territorial limits of the City and to that territory outside of the City over which the City has jurisdiction or control by virtue of the Constitution, or any law.

(Prior code § 1302)

1.08.030 - Reference to ordinances or Charter.

Any reference to an ordinance or a Charter in this Code, shall mean such ordinance or Charter of the City of Long Beach unless otherwise specifically provided.

(Prior code § 1303)

1.08.040 - Reference includes amendments and penalties.

Any reference in this Code to an ordinance or provision of this Code shall mean such ordinance or provision as now, or hereafter, amended. Reference to any section of this Code shall be understood to refer to and include the penalty section relating thereto unless otherwise expressly provided. In case of the amendment of any section of this Code containing provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the section so amended whether reenacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

(Prior code § 1304)

1.08.050 - Reference applies to amendments.

Whenever a reference is made to any portion of this Code, or to any ordinance of this City, the reference applies to all amendments and additions now or hereafter made.

(Prior code § 1308)

1.08.060 - Effect of headings.

The headings of articles, chapters, parts, divisions, subdivisions and sections contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article, chapter, part, division, subdivision or section.

(Prior code § 1301)

1.08.070 - Acts by deputy.

Whenever a power is granted to, or a duty is imposed upon a public officer, or employee, the power may be exercised, or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance, unless this Code expressly provides otherwise.

(Prior code § 1306)

1.08.080 - Notice—Service method.

Whenever a notice is required to be given under this Code, unless different provisions are otherwise specifically made in this Code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail, in a sealed envelope, postage prepaid, addressed to such person to be notified, at his last known business or residence address as the same appears in the public records of the City or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office or any United States mailbox.

(Prior code § 1310)

1.08.090 - Notice—Proof of service.

Proof of giving any notice may be made by the certificate of any officer or employee of this City or by affidavit of any person over the age of eighteen (18) years which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

(Prior code § 1311)

1.08.100 - Sundays and holidays.

Whenever a date fixed by this Code for the doing or performing of an act falls on Sunday or a holiday, the next succeeding business day shall be considered to be the date fixed by this Code for the doing or performing of that act.

(Prior code § 1309)

1.08.110 - Writing defined.

Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, application or record required or authorized by this Code is made it shall be made in writing in the English language unless it is expressly provided otherwise.

(Prior code § 1307)

1.08.120 - Prohibited acts include causing or permitting.

Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing such act or omission.

(Prior code § 1305)

1.08.130 - Definitions.

The following words and phrases, whenever used in this Code, shall be construed as defined in this Section unless from the context a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "Business" includes businesses, professions, trades and occupations, and all and every kind of calling.

B. "City" means the City of Long Beach or the area within the territorial City limits of the City of Long Beach and such territory outside of this City over which the City has jurisdiction or control by virtue of any constitutional or Charter provision, or any law.

C. "City Attorney" or "Attorney" means the City Attorney of this City or such other official as hereafter may, by law, be designated as the official legal adviser of this City.

D. "City Auditor" or "Auditor" means the City Auditor of this City or such person as hereafter may, by law, be authorized to perform for the City the duties ordinarily incident to the office of an official auditor.

E. "City Clerk" or "Clerk" means the City Clerk of this City or such person as hereinafter may, by law, be authorized to perform the duties now being performed by that official.

F. "City Manager" or "Manager" means the City Manager of this City or his successor as chief executive officer of the City.

G. "Council" means the City Council of this City.

H. "County" is the County of Los Angeles.

I. "Engage in" includes commence, engage in, carry on, conduct, maintain, manage and operate.

J. "Fiscal year" means the year commencing with July 1st and ending the following June 30th.

K. "Goods" includes wares or merchandise.

L. "License fee" includes any charge imposed for a license, whether the object be regulation or revenue, or both regulation and revenue.

M. "May" is permissive.

N. "Oath" includes affirmation.

O. "Office." The use of the title of any officer, employee or office means such officer, employee or office of the City of Long Beach unless otherwise specifically designated.

P. "Operate" includes carry on, keep, conduct or maintain.

Q. "Owner" applied to a building or land, includes any part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or a part of such building or land.

R. "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or the manager, lessee, agent, servant, officer or employee or any of them, except as otherwise provided in this Code, or where the context clearly requires a different meaning.

S. "Sale" includes any sale, exchange, barter or offer for sale.

T. "Shall" and "must". Each is mandatory.

U. "State" is the State of California.

V. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, sidewalks, parkways, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

W. "Tenant" or "occupant" applied to a building or land includes any person who occupies the whole or part of such building or land, whether alone or with others.

X. "Vote, approval or consent." Except as may be otherwise provided in connection therewith, the phrase "vote, approval or consent of the Council or other body" means the affirmative vote of a majority of those members present at a meeting having a quorum in attendance. Whenever said

phrase refers to the members of the Council or other body rather than to the Council or body as such, the vote required shall be in relation to the total membership rather than to those members present at the meeting.

(Prior code § 1400)

1.08.140 - Reference to Bureau of Franchises.

Any reference in this Code to Bureau of Franchises, Bureau of Franchises and Utilities, Bureau of Franchises and Public Utilities or Bureau in the context of franchises and utilities shall be deemed to mean the City Council. Any reference in this Code to Secretary of the Bureau of Franchises and Public Utilities, Chief Engineer of the Bureau, Chief Engineer-Secretary or Engineer of the Bureau in the context of franchises and utilities shall be deemed to mean the City Manager or his designee.

(Ord. C-5792 § 1, 1981: prior code § 1312)

CHAPTER 1.12 - CITY SEAL

FOOTNOTE(S):

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Charter reference— Charter provisions regarding the City seal, see the City Charter.

1.12.010 - Designated.

The seal of the City shall consist of a circular disk with a design cut thereon showing the "Queen of the Beaches" seated on her throne in the foreground, scepter in hand, with the California "golden bear" at her feet with the horn of plenty pouring forth agricultural and manufactured products while perpetual sunshine lights the heavens where an airplane soars. There are also shown the mountains and sea, a ship, the auditorium, the Rainbow pier and yachts offshore as well as a lighthouse, breakwater and docks, together with a railroad locomotive, factories, refineries and oil wells. Also included are a beach, the book of knowledge and a lamp of wisdom. Surrounding the whole is a gold band upon which appear the words "City Of Long Beach Incorporated 1897". An imprint of the seal is shown herewith.

(Prior code § 1500)

CHAPTER 1.14 - FLAG PROTOCOLS

1.14.010 - Flying flag at half-staff.

The City of Long Beach shall lower national, State and municipal flags to half-staff in the manner prescribed and on the occasions enumerated by the United States Code Title 4, Chapter 1, Section 7, California Code Sections 430 through 439, and all other relevant State and federal laws.

(ORD-07-0034 § 1 (part), 2007)

1.14.020 - Death of member of military, public safety officer or elected official.

The City of Long Beach shall also lower national, State and municipal flags to half-staff in conformity with the then existing protocols as established by the Governor of California in the event of the death of a member of the military, peace officer or firefighter residing or stationed in Long Beach and any past or present federal, State or municipal elected official representing any part of Long Beach.

(ORD-07-0034 § 1 (part), 2007)

1.14.030 - Presentation of City flag.

A. In the event of the death of a member of the military, peace officer or firefighter residing or stationed in Long Beach and any past or present federal, State or municipal elected official representing any part of Long Beach, and in accordance with the wishes of the primary next of kin, the Mayor or authorized representative may present the official flag of the City of Long Beach to the primary next of kin of these deceased.

B. The presentation shall be made at an appropriate time and not interfere with a military honors funeral, or supersede any military or federal protocols. The order of the primary next of kin is as follows:
    1. Any person designated by the deceased as their next of kin;
    2. Spouse;
    3. Sons or daughters in the order of age, oldest first;
    4. Oldest parent, unless legal custody was granted to another person;
    5. Blood or adoptive relative granted legal custody;
    6. Brothers or sisters in the order of age, oldest first;
    7. Oldest grandparent;
    8. Other relative in accordance with laws of deceased's domicile;
    9. Close friends and/or associates.

C. When the official flag of the City of Long Beach is presented it shall be presented outside of a flag box and folded in the standard manner for an American flag—triangular shape with a portion of the City emblem showing and ends tucked.

(ORD-07-0034 § 1 (part), 2007)

CHAPTER 1.16 - DATUM PLANE

1.16.010 - Adopted.

The Sea Level Datum of 1929, as established by the Coast and Geodetic Survey of the United States Department of Commerce, is adopted as the official datum plane for the City.

(Prior code § 1600)

CHAPTER 1.20 - POLITICAL DISTRICTS

FOOTNOTE(S):

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Charter reference— Charter provisions regarding political districts, see the City Charter.

1.20.010 - Districts established.

The nine (9) political subdivisions or districts of the City are respectively designated and established as follows:

Unless otherwise noted, described lines are to the centerline of referenced streets.

A. District No. 1. That portion of the City which is now, or hereafter shall be, within the following described boundary:

Beginning at the point of intersection of Pacific Coast Highway with the western City boundary line, thence southeast along western City boundary line to Anaheim Street, thence generally south and west along the western City boundary line to the intersection with the centerline of Ocean Boulevard; thence northeast and east along the centerline of Ocean Boulevard to the intersection with the east line of the Los Angeles River; thence north along the east line of the Los Angeles River to the intersection with the westerly prolongation of Broadway; thence east along said prolongation and along Broadway to Pacific Avenue; thence north along Pacific Avenue to Third Street; thence east along Third Street to Alamitos Avenue; thence northeast along Alamitos Avenue to Seventh Street; thence east along Seventh Street to Orange Avenue; thence north along Orange Avenue to Tenth Street; thence west along Tenth Street to Long Beach Boulevard; thence north along Long Beach Boulevard to Eleventh Street; thence east along Eleventh Street to Atlantic Avenue; thence north along Atlantic Avenue to Pacific Coast Highway; thence west along Pacific Coast Highway to the northbound access road of the 710 Freeway; thence north along said access road and the 710 Freeway to Twenty-First Street; thence west along Twenty-First Street to Gale Avenue; thence south along Gale Avenue to Twentieth Street; thence west along Twentieth Street to Santa Fe Avenue; thence south along Santa Fe Avenue to Pacific Coast Highway; thence west along Pacific Coast Highway to the western City boundary line (point of beginning).

B. District No. 2. That portion of the City which is now, or hereafter shall be, within the following described boundary:

Beginning at the point of the centerline intersection of Ocean Boulevard with the western Long Beach City boundary line; thence northeast and east along the centerline of Ocean Boulevard to the intersection with the east line of the Los Angeles River; thence north along the east line of the Los Angeles River to the intersection with the westerly prolongation of Broadway; thence east along said prolongation and along Broadway to Pacific Avenue; thence north along Pacific Avenue to Third Street; thence east along Third Street to Alamitos Avenue; thence northeast along Alamitos Avenue to Seventh Street; thence east along Seventh Street to Orange

Avenue; thence north along Orange Avenue to Eleventh Street; thence east along Eleventh Street to Gardenia Avenue; thence south along Gardenia Avenue to Tenth Street; thence east along Tenth Street to Redondo Avenue; thence south along Redondo Avenue to Third Street; thence west along Third Street to Orizaba Avenue; thence south along Orizaba Avenue to Broadway; thence west along Broadway to Junipero Avenue; thence south along Junipero Avenue to Ocean Boulevard; thence east along Ocean Boulevard to Eighteenth Place; thence south along Eighteenth Place and the prolongation of Eighteenth Place to the southern Long Beach City boundary line; thence west along said southern Long Beach City boundary line to its intersection with the western Long Beach City boundary line; thence northwest along said western Long Beach City boundary line to its intersection with the centerline of Ocean Boulevard (point of beginning).

C. District No. 3. That portion of the City which is now, or hereafter shall be, within the following described boundary:

Beginning at the point of intersection of the southwest line of the 405 Freeway and the City of Long Beach eastern boundary line with Orange County; thence proceeding south along said eastern Long Beach City boundary line to the southern boundary line of the City of Long Beach; thence west along said southern City boundary line to its intersection with the prolongation of Eighteenth Place; thence north along said prolongation of Eighteenth Place and along Eighteenth Place to Ocean Boulevard; thence west along Ocean Boulevard to Junipero Avenue; thence north along Junipero Avenue to Broadway; thence east along Broadway to Orizaba Avenue; thence north along Orizaba Avenue to Third Street; thence east along Third Street to Redondo Avenue; thence north along Redondo Avenue to Tenth Street; thence east along Tenth Street to Ximeno Avenue; thence north along Ximeno Avenue to Anaheim Street; thence east along Anaheim Street to Clark Avenue; thence north along Clark Avenue to the centerline of Atherton Street; thence east along the centerline of Atherton Street to its intersection with the northerly prolongation of the westerly line of Atherton Street Park; thence south along said prolongation and the westerly line of Atherton Street Park to its intersection with the centerline of the Los Cerritos Drain (Bouton Creek); thence southeasterly along the centerline of the Los Cerritos Drain to its intersection with the southerly prolongation of the westerly line of Lot 1 of Tract No. 11152, as per map recorded in Book 602, Page 81 of Maps, in the office of the County Recorder of Los Angeles County; thence north along said prolongation and the westerly line of said Lot 1 to its intersection with the centerline of Atherton Street; thence east along the centerline of Atherton Street to its intersection with the northerly prolongation of the easterly line of said Lot 1 of Tract No. 11152; thence south along said prolongation and the easterly line of said Lot 1 to its intersection with the centerline of the Los Cerritos Drain; thence southeasterly along the centerline of the Los Cerritos Drain to its intersection with the southerly prolongation of the centerline of San Anseline Avenue; thence north along said prolongation of the centerline of San Anseline Avenue to its intersection with the centerline of Atherton Street; thence east along the centerline of Atherton Street to the southwest line of the 405 Freeway; thence southeast along the southwest line of the 405 Freeway to the City of Long Beach/Orange County boundary line (point of beginning).

D. District No. 4. That portion of the City which is now, or hereafter shall be, within the following described boundary:

Beginning at the intersection of the centerline of Atherton Street with the centerline of the Los Cerritos Drainage Channel; thence west along the centerline of Atherton Street to its intersection with the centerline of San Anseline Avenue; thence south along the southerly prolongation of the centerline of San Anseline Avenue to its intersection with the centerline of the Los Cerritos Drain (Bouton Creek); thence northwesterly along the centerline of the Los Cerritos Drain to its intersection with the southerly prolongation of the easterly line of Lot 1 of Tract No. 11152, as per map recorded in Book 602, Page 81 of Maps, in the office of the County Recorder of Los Angeles County; thence north along said prolongation and the easterly line of said Lot 1 to its intersection with the centerline of Atherton Street; thence west along the centerline of Atherton Street to its intersection with the northerly prolongation of the westerly line of said Lot 1 of Tract No. 11152; thence south along said prolongation and the westerly line of said Lot 1 to its intersection with the centerline of the Los Cerritos Drain; thence northwesterly along the centerline of the Los Cerritos Drain to its intersection with the southerly prolongation of the westerly line of Atherton Street Park; thence north along said prolongation and the westerly line of Atherton Street Park to its intersection with the centerline of Atherton Street; thence west along the centerline of Atherton Street to Clark Avenue; thence south along Clark Avenue to Anaheim Street; thence west along Anaheim Street to Ximeno Avenue; thence south along Ximeno Avenue to Tenth Street; thence west along Tenth Street to Gardenia Avenue; thence north along Gardenia Avenue to Anaheim Street; thence north along the prolongation of Gardenia Avenue to Fourteenth Street; thence north along Gardenia Avenue to Nineteenth Street; thence east along Nineteenth Street and along the prolongation of Nineteenth Street to the City of Long Beach/City of Signal Hill boundary line; thence southeast along said Long Beach/Signal Hill boundary line to Pacific Coast Highway; thence east along the Long Beach/Signal Hill City boundary line (coterminous with Pacific Coast Highway) to Reservoir Drive West; thence northwest, west and east along the City of Long Beach/City of Signal Hill boundary line to Redondo Avenue; thence south along Redondo Avenue to Stearns Street; thence east along Stearns Street to Euclid Avenue; thence southeast along Euclid Avenue to Mira Mar Avenue; thence northeast and north along Mira Mar Avenue to Stearns Street; thence east along Stearns Street to Lakewood Boulevard; thence north along Lakewood Boulevard to Willow Street; thence east along Willow Street to the centerline of the 405 Freeway; thence east and southeast along the centerline of the 405 Freeway to its intersection with the centerline of Atherton Street; thence east along the centerline of Atherton Street and the east prolongation of the centerline of Atherton Street to the west line of the San Gabriel River; thence northeast and north along the west line of the San Gabriel River to a point on the east prolongation of the south line of El Dorado Park Golf Course boundary as described in the lease agreement for Contract No. 17448 between the City of Long Beach and American Golf Corporation and being on file in the office of the City Clerk; thence west along said prolongation to the southeast corner of said El Dorado Park Golf Course boundary; thence west and generally northerly along said golf course boundary as described in said contract to an angle point at the south line of Willow Street; thence north to the centerline of Willow Street; thence east along the centerline of Willow Street to the west line of the City of Los Angeles, Department of Water and Power Easement; thence north along said west line of easement to the centerline of Spring Street; thence east along the centerline of Spring Street to a point on the north prolongation of the west line of El Dorado Park Area 1 Community Gardens boundary as described in the lease agreement for Contract No. 25527 between the City of Long Beach and Long Beach Community Garden Association, Inc. and being on file in the office

of the City Clerk; thence south along said prolongation and said west line to the southwest corner of the property described in said contract; thence east along the south boundary of said property and the east prolongation of the south boundary to a point on the City of Long Beach/Orange County boundary line; thence southwesterly along said Long Beach/Orange County boundary line to the intersection with the southwest line of the 405 Freeway; thence northwest along the southwest line of the 405 Freeway to the centerline of Atherton Street; thence west along the centerline of Atherton Street to the centerline of the Los Cerritos Drainage Channel (point of beginning).

E. District No. 5. That portion of the City which is now, or hereafter shall be, within the following described boundary:

Beginning at the intersection of the centerline of Atherton Street with the centerline of the 405 Freeway; thence northwest along the centerline of the 405 Freeway to Willow Street; thence west along Willow Street to Lakewood Boulevard; thence south along Lakewood Boulevard to Stearns Street; thence west along Stearns Street to Mira Mar Avenue; thence south and southwest along Mira Mar Avenue to Euclid Avenue; thence northwest along Euclid Avenue to Stearns Street; thence west along Stearns Street to Redondo Avenue; thence north along Redondo Avenue to the City of Long Beach/City of Signal Hill boundary line; thence northerly, westerly, southwesterly, northerly, westerly, northerly and westerly along said Long Beach/Signal Hill boundary line to Cherry Avenue; thence north along Cherry Avenue to the City of Long Beach/City of Lakewood boundary; thence following said Long Beach/Lakewood boundary line easterly, northerly and southerly to the City of Long Beach/Orange County boundary line; thence southwesterly along said Long Beach/Orange County boundary line to a point on the east prolongation of the south line of the El Dorado Park Area 1 Community Gardens as described in the lease agreement for Contract No. 25527 between the City of Long Beach and the Long Beach Community Garden Association, Inc., and being on file in the office of the City Clerk; thence west along said prolongation and said south line to the southwest corner of the property described in said contract; thence north along the west boundary of said property and the north prolongation of the west boundary to a point on the centerline of Spring Street; thence west along the centerline of Spring Street to the west line of the City of Los Angeles, Department of Water and Power Easement; thence south along said west line to the centerline of Willow Street; thence west along the centerline of Willow Street to a point north of an angle point in the El Dorado Park Golf Course boundary as described in the lease agreement for Contract No. 17448 between the City of Long Beach and American Golf Corporation and being on file in the office of the City Clerk; thence south to the angle point in said boundary, being also on the south line of Willow Street; thence generally southerly and easterly along said golf course boundary and the easterly prolongation of said boundary to a point on the west line of the San Gabriel River; thence south and southwest along the west line of the San Gabriel River to a point on the east prolongation of the centerline of Atherton Street; thence west along said east prolongation and the centerline of Atherton Street to the centerline of the 405 Freeway (point of beginning).

F. District No. 6. That portion of the City which is now, or hereafter shall be, within the following described boundary:

Beginning at the point of intersection of Pacific Coast Highway and the southerly prolongation of San Francisco Avenue; thence north along said prolongation and San Francisco Avenue to Twentieth Street; thence east along Twentieth Street to Magnolia Avenue; thence north

along Magnolia Avenue to Twenty-Ninth Street; thence west along Twenty-Ninth Street to Maine Avenue; thence north along Maine Avenue to Thirty-First Street; thence east along Thirty-First Street to the west line of the Pacific Electric Railroad Right-of-Way; thence southeast along the west line of the Pacific Electric Railroad Right-of-Way to Spring Street; thence east along Spring Street to the City of Long Beach/City of Signal Hill boundary line; thence south and southeast along the City of Long Beach/City of Signal Hill boundary line to its intersection with the prolongation of Nineteenth Street; thence west along said prolongation of Nineteenth Street and along Nineteenth Street to Gardenia Avenue; thence south along Gardenia Avenue to Fourteenth Street; thence south along the prolongation of Gardenia Avenue to Eleventh Street; thence west along Eleventh Street to Orange Avenue; thence south along Orange Avenue to Tenth Street; thence west along Tenth Street to Long Beach Boulevard; thence north along Long Beach Boulevard to Eleventh Street; thence east along Eleventh Street to Atlantic Avenue; thence north along Atlantic Avenue to Pacific Coast Highway; thence west along Pacific Coast Highway to Daisy Avenue east (point of beginning).

G. District No. 7. That portion of the City which is now, or hereafter shall be, within the following described boundary:

Beginning at the point of intersection of the western Long Beach City boundary and the 405 Freeway; thence north and east along the western Long Beach City boundary line to Santa Fe Avenue; thence south along Santa Fe Avenue to the 405 Freeway; thence east and southeast along the 405 Freeway to the Metro Blue Line Right-of-Way; thence northwest along the Metro Blue Line Right-of-Way to the intersection of the westerly prolongation of Bixby Road; thence east along Bixby Road to Orange Avenue; thence north along Orange Avenue to San Antonio Drive; thence northeast along San Antonio Drive to Cherry Avenue; thence north along Cherry Avenue to the City of Long Beach/City of Lakewood boundary line; thence east, south and west along said City boundary line to Cherry Avenue; thence south along Cherry Avenue to Spring Street; thence west along Spring Street to Orange Avenue; thence south along Orange Avenue to Willow Street; thence west along Willow Street to California Avenue; thence north along California Avenue to Spring Street; thence east along Spring Street to the City of Long Beach/City of Signal Hill boundary line; thence following said Signal Hill boundary line north, east, west and south around the northern part of Signal Hill to Spring Street; thence west along Spring Street to the west line of the Pacific Electric Railroad Right-of-Way; thence northwest along the west line of the Pacific Electric Right-of-Way to Thirty-First Street; thence west along Thirty-First Street to Maine Avenue; thence south along Maine Avenue to Twenty-Ninth Street; thence east along Twenty-Ninth Street to Magnolia Avenue; thence south along Magnolia Avenue to Twentieth Street; thence west along Twentieth Street to San Francisco Avenue; thence south along San Francisco Avenue and the southerly prolongation of San Francisco Avenue to Pacific Coast Highway; thence west along Pacific Coast Highway to its intersection with the northbound access road of the 710 Freeway; thence north along the northbound access road and the 710 Freeway to Twenty-First Street; thence west along Twenty-First Street to Gale Avenue; thence south along Gale Avenue to Twentieth Street; thence west along Twentieth Street to Santa Fe Avenue; thence south along Santa Fe Avenue to Pacific Coast Highway; thence west along Pacific Coast Highway to the western Long Beach City boundary line; thence north and east along said western City boundary line to its intersection with the 405 Freeway (point of beginning).

H.

District No. 8. That portion of the City which is now, or hereafter shall be, within the following described boundary:

Beginning at the point of the intersection of the northbound exit ramp of the 710 Freeway with Long Beach Boulevard; thence south along Long Beach Boulevard to a point on the centerline of the Los Angeles River; thence northeast along the centerline of the Los Angeles River to a point on the northwest prolongation of Chestnut Avenue; thence southeasterly along said northwest prolongation to De Forest Avenue; thence northeast along De Forest Avenue to South Street; thence southeast and east along South Street to the easterly Long Beach City Boundary line that is located within the alley east of Orizaba Avenue; thence south, east, south and west along said boundary line to Cherry Avenue; thence south along Cherry Avenue to San Antonio Drive; thence southwest along San Antonio Drive to Orange Avenue; thence south along Orange Avenue to Bixby Road; thence west along Bixby Road to the intersection of the prolongation of Bixby Road and the Metro Blue Line Right-of-Way; thence southeast along the Metro Blue Line Right-of-Way to the 405 Freeway; thence northwest and west along the 405 Freeway to Santa Fe Avenue; thence north along Santa Fe Avenue to its intersection with the western Long Beach City boundary line; thence north along said boundary line to an angle point in said boundary line opposite the northbound 710 Freeway exit ramp for Long Beach Boulevard; thence crossing the 710 Freeway easterly along the prolongation of the City boundary from the west to the northbound exit ramp for Long Beach Boulevard; thence along said exit ramp to its intersection with Long Beach Boulevard (point of beginning).

I. District No. 9. That portion of the City which is now, or hereafter shall be, within the following described boundary:

Beginning at the point of intersection of the northbound exit ramp of the 710 Freeway with Long Beach Boulevard, thence south along Long Beach Boulevard to a point on the centerline of the Los Angeles River; thence northeast along the centerline of the Los Angeles River to a point on the northwest prolongation Chestnut Avenue; thence southeasterly along said northwest prolongation to De Forest Avenue; thence northeast along De Forest Avenue to South Street; thence southeast and east along South Street to the easterly Long Beach City Boundary line that is located within the alley east of Orizaba Avenue; thence east along the Long Beach City Boundary line parallel to South Street to the westerly Long Beach City boundary line; thence along said boundary line north, west, south and east to the intersection of the 710 Freeway; thence crossing the 710 Freeway easterly along the prolongation of the City boundary line to the northbound exit ramp for Long Beach Boulevard; thence northeast along said northbound exit ramp to its intersection with Long Beach Boulevard (point of beginning).

(ORD-11-0015, § 1, 2011; Ord. C-7837 § 1, 2002; Ord. C-7756 § 1, 2001: Ord. C-7430 § 1, 1996: Ord. C-7018 § 1, 1992; Ord. C-6932 § 1, 1991; Ord. C-6917 § 1, 1991: Ord. C-6553 § 1, 1989; Ord. C-6432 § 1, 1987; Ord. C-6388 § 1, 1987; Ord. C-5892 § 1, 1982; Ord. C-5810 § 12, 1982: Ord. C-5776 § 1, 1981: Ord. C-5252 § 1, 1976: prior code § 1700)

CHAPTER 1.21 - SPECIFIC ELECTION PROCEDURES

1.21.010 - Canvass of returns.

Notwithstanding the provisions of California Elections Code Sections 10262 and 10263, the canvass of each municipal election held in the City of Long Beach is ordered to be made by the City Clerk within twenty-one (21) days after the date of the election. Upon completion of the canvass, the City Clerk shall certify the results to the City Council who shall thereupon meet and shall adopt a resolution reciting the fact of the election and the statement of the result as provided in Section 10264 of the California Elections Code.

(Ord. C-7967 § 1, 2005: Ord. C-7380 § 1, 1996: Ord. C-7332 § 1, 1995)

1.21.020 - Examination of ballots on recount.

Notwithstanding the provisions of the California Elections Code, including Section 15630, all ballots, whether voted or not, and any other relevant material, shall be examined as part of any municipal election recount.

(Ord. C-7332 § 1, 1995)

1.21.025 - Partial recounts.

Notwithstanding any provision of the California Elections Code, any voter may request a partial recount in which the ballots for a selected number of precincts are examined. Notwithstanding the above, any recount which is not completed by counting the votes in each and every precinct in the jurisdiction within which votes were cast on the candidates for the office or on the measure in question shall be null and void.

(ORD-07-0056 § 3, 2007)

1.21.030 - Officially ordered recount.

The City Clerk shall order a full recount of the ballots in any municipal election wherein the difference between the two (2) candidates receiving the most votes is one-half (½) of one percent (1%) or less and the difference in the absolute vote is fifty (50) votes or less. The City shall pay all attendant costs. This Section is intended to supplement those provisions of the California Elections Code relating to recount.

(Ord. C-7358 § 1, 1995)

1.21.040 - Change of ballot designation.

A. No ballot designation given by a candidate shall be changed by the candidate after the date for filing nomination documents, except as specifically provided in this Section or California Elections Code Section 13107.

B. Ballot designations shall remain the same for all purposes of both the primary and general election, unless a candidate, at least seven (7) days after the date of the primary election, requests in writing to the City Clerk an alternate designation for the general election which the candidate is entitled to use at the time of the request.

C.

In the event that such alternate ballot designation is submitted pursuant to Subsection 1.21.040.B above, and, upon checking the requested ballot designation, the City Clerk finds the designation to be in violation of any of the restrictions set forth in the California Elections Code or this Code, the City Clerk shall notify the candidate by a telephone call (or facsimile transmission) to a telephone number (or facsimile number) provided by the candidate. The candidate shall, within twenty-four (24) hours of such telephone call or facsimile transmission, appear before the City Clerk and provide an alternate designation. In the event that either the candidate fails to timely provide such an alternate designation, or the proposed alternate designation is found to be in violation of any of the restrictions set forth in the California Elections Code or this Code, the ballot designation of the candidate in the primary election shall become the ballot designation for that candidate in the general election.

D. In the event that a candidate fails to provide an operative telephone or facsimile number with the candidate's written request for alternate designation, and the proposed alternate designation is found to be in violation of any of the restrictions set forth in the California Elections Code or this Code, the ballot designation of the candidate in the primary election shall become the ballot designation for that candidate in the general election.

(Ord. C-7531 § 1, 1998)

1.21.050 - Candidates' statements—General election.

Notwithstanding the provisions of the California Elections Code, candidates' statements, as defined in California Elections Code Section 13307, for candidates in any general municipal election shall be filed with the City Clerk by the tenth day following the date of the primary nominating election.

(Ord. C-7782 § 1, 2001)

1.21.060 - Order of candidates' names on ballot.

A. Notwithstanding the provisions of the California Elections Code, ballots for the election of candidates for City offices shall be printed and distributed in accordance with this Section.

B. In the case of elections for City-wide offices, the names of the candidates shall be placed on the ballot by the City Clerk in accordance with the randomized alphabet drawing pursuant to California Elections Code Section 13113 for the First Councilmanic District. Thereafter, for each succeeding councilmanic district, the name appearing first in the last preceding district shall be placed last, the order of the names remaining unchanged.

C. In the case of elections for councilmanic offices, the names of the candidates shall be placed on the ballot by the City Clerk in "clusters" as defined below. In the cluster designated "Cluster No. 1," the names of the candidates shall be placed on the ballot by the City Clerk in accordance with the randomized alphabet drawing pursuant to California Elections Code Section 13113. Thereafter, for each succeeding cluster, the name appearing first in the last preceding cluster shall be placed last, the order of the names remaining unchanged. In the event that the number of candidates exceeds the number of clusters, this process will repeat with "Cluster No. 1" and so forth.

D. For purposes of this Section, a "cluster" shall consist of one (1) or more precincts which need not be contiguous. The clusters of precincts shall be numbered in consecutive order for purposes of ballot rotation of candidates' names, and the City Clerk shall list the clusters by number and identify which precincts are in each cluster. No cluster shall vary more than ten percent (10%) in the number of registered voters from other clusters in the same councilmanic district. The number of clusters in

each councilmanic district shall equal the number of candidates nominated pursuant to California Elections Code Section 10220 for that councilmanic election, provided however, that the number of clusters shall not exceed five (5) in each councilmanic district.

E. Within seven (7) days of the date of a Primary Nominating Election, the City Clerk shall request that the Secretary of State conduct a randomized alphabet drawing pursuant to California Elections Code Section 13113. The results of such drawing shall determine the order on the ballot of the candidates' names for the General Election, in accordance with this Section.

(ORD-12-0007 , § 1, 2012; Ord. C-7797 § 1, 2002)

Note— Section 1.21.060 of the Long Beach Municipal Code was in effect for the June 2012 election. Following the June 2012 election, this pilot program was terminated.

1.21.070 - Elections in which no one or only one candidate files nomination papers.

A. Notwithstanding California Elections Code Sections 10229 and 8601, if by five (5:00) p.m., on the eighty-eighth (88th) day prior to the day fixed for a regular or special election (or the eighty-third (83rd) day if an incumbent fails to file), (i) no one or only one (1) candidate has been nominated for any office which is elected on a City-wide basis, or (ii) no one or only one (1) candidate has been nominated to be elected from a councilmanic district, a write-in candidate shall be permitted to obtain and submit nomination papers for such office on the first business day after the regular close of filing for nomination papers.

B. In the event that no candidate files nomination papers for a write-in candidacy by five (5:00) p.m., of the eighty-first (81st) day before such election, the City Clerk shall submit a certificate of these facts to the City Council. At its next regular meeting, the City Council shall do one (1) of the following:

   1. Appoint to the office the person who has been nominated.
   2. Appoint to the office any eligible elector if no one has been nominated.

C. Notwithstanding any provision of the California Elections Code to the contrary, if the City Council makes an appointment pursuant to this Section, the City Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

D. If, by the seventy-fifth (75th) day prior to such election, the City Council has not appointed any person to the office pursuant to this Section, the election for that office will be held.

(ORD-05-0023 § 1, 2005)

1.21.080 - Ballot format.

Notwithstanding the provisions of the California Elections Code, the City Clerk shall determine the format of ballots used in all elections held pursuant to Article XIX and Section 2206 of the Charter of the City of Long Beach, provided that such ballot format is consistent with all other applicable regulations pertaining thereto.

(ORD-07-0007 § 1, 2007)

1.21.090 - Minimum number of official ballots for election day.

Notwithstanding any provision of the California Elections Code, the City Clerk shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day using the precinct's voter turnout history as the criterion, but in no case shall this number be less than forty percent (40%) of registered voters in the precinct, and for absentee and emergency purposes shall provide the additional number of ballots that may be necessary.

(ORD-07-0056 § 4, 2007)

CHAPTER 1.22 - REFERENDA AND INITIATIVES

FOOTNOTE(S):

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Note— Prior ordinance history: Prior code § 2720; Ord. C-7284 § 1, 1994; Ord. C-7621 § 1, 1999.

1.22.010 - Definitions.

For the purposes of this Chapter, the following terms shall have the following meanings:

A. "Campaign statement" means an itemized report which is prepared on a form prescribed by the City Clerk and which provides the information required by Section 1.22.040

B. "Committee" means any person or combination of persons that directly or indirectly receives contributions which total more than two hundred fifty dollars ($250.00) in a calendar year or makes expenditures exceeding more than two hundred fifty dollars ($250.00) in a calendar year for the purpose of influencing or attempting to influence the action of voters for or against the passage or defeat of any measure.

C. "Contribution" shall have the same meaning as set forth in California Government Code Section 82015, and any regulations promulgated thereunder.

D. "Election" means any primary, general, special or runoff election held in the City, including an initiative, referendum or recall election.

E. "Expenditure" means a payment, pledge or promise of payment of money or anything of value or other obligation, whether or not legally enforceable, for goods, materials, services or facilities in aid of or in opposition to the qualification for the ballot or adoption of one (1) or more measures. The term "expenditure" includes any transfer, payment, gift, loan, advance, deposit, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly by one committee to another committee. "Expenditure" also includes the forgiving of a loan or the repayment of a loan by a third party.

F. "Measure" means any City Charter amendment, ordinance or other City proposition submitted to a popular vote at an election, whether by initiative, referendum or recall procedure or otherwise, or circulated for the purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

G. "Period covered" by a statement or report required to be filed by this Chapter means, unless a different period is specified, the period beginning with the day after the closing date of the most recent statement or report in question.

(ORD-05-0013 § 1, 2005)

1.22.020 - Statement of organization.

A. Every committee shall file with the City Clerk a statement of organization on a form established by the City Clerk within three (3) days after it is formed as a committee.

B.

The date which a committee formed, and not the date on which the committee filed its statement of organization, shall determine the committee's obligation to file the campaign statements required by this Chapter.

(ORD-05-0013 § 1, 2005)

1.22.030 - Campaign statement—Filing requirements.

Subsequent to the filing of the statement of organization, each committee shall file campaign statements on the following dates:

A. On January 31 (for the period October 1 to December 31), April 30 (for the period January 1 to March 31), July 31 (for the period April 1 to June 30) and October 31 (for the period July 1 to September 30) each year.

B. Within ninety (90) days of the election:
   1. Ninety (90) days prior to the election (for the period from the last reporting period set forth in Subsection A. of this section to ninety-seven (97) days prior to the election);
   2. Seventy-five (75) days prior to the election (for the period from ninety-six (96) to eighty-two (82) days prior to the election);
   3. Sixty (60) days prior to the election (for the period from eighty-one (81) to sixty-five (65) days prior to the election);
   4. Forty-five (45) days prior to the election (for the period from sixty-four (64) to fifty-two (52) days prior to the election);
   5. Thirty (30) days prior to the election (for the period fifty-one (51) to thirty-seven (37) days prior to the election);
   6. Fifteen (15) days prior to the election (for the period thirty-six (36) to twenty-two (22) days prior to the election);
   7. Five (5) days prior to the election (for the period twenty-one (21) to twelve (12) days prior to the election);
   8. Seven (7) days after the election (for the period eleven (11) days prior to the election through the election date).

C. Whenever any committee is required by this Chapter to file a campaign statement with the City Clerk department, the committee shall file at the same time a copy of the statement in electronic format as prescribed by the City Clerk.

D. In the event that any campaign statement that a committee is required to file by this Section falls within seven (7) calendar days of any campaign statement that a committee is required to file by Government Code Section 84200 et seq., the City Clerk shall have the authority to move the City deadline in order to consolidate it with the State deadline and to adjust the periods covered by the City statement accordingly.

(ORD-07-0056 § 1, 2007: ORD-05-0013 § 1, 2005)

1.22.040 - Campaign statement—Contents.

Each campaign statement filed pursuant to this Chapter shall contain the information set forth in California Government Code Section 84211, and shall be filed under penalty of perjury with the City Clerk department on a form 460 (recipient committee campaign statement), published by the California Fair Political Practices Commission.

(ORD-05-0013 § 1, 2005)

1.22.050 - Report of contributions in excess of one thousand dollars.

Each committee shall report any contribution of one thousand dollars ($1,000.00) or more to the City Clerk within twenty-four (24) hours of receipt. Such reports shall contain the full name, street address, occupation and the name of employer, if any, or principal place of business if self-employed, of the contributor. Such reports may be by any written means of communication, and do not require an original signature.

(ORD-05-0013 § 1, 2005)

1.22.060 - Late filing penalties.

Each committee who files any report or campaign statement required by this Chapter after the deadlines imposed by this Chapter, shall be liable for the penalties enumerated in California Government Code Section 91013.

(ORD-05-0013 § 1, 2005)

1.22.070 - Violation of Chapter.

Any person violating any of the provisions of this Chapter shall be subject to the penalties imposed pursuant to Long Beach Municipal Code Sections 2.01.1110 and 2.01.1120.

(ORD-05-0013 § 1, 2005)

1.22.090 - Contents of petitions.

In addition to the requirements set forth in the California Elections Code, any petition for a measure shall contain in twenty-four (24) point type, prior to that portion of the petition for voters' signatures, printed names and residence addresses, the following language:

A. If the petition is circulated by a paid circulator the phrase "PAID CIRCULATOR" shall appear in 24-point type above the following language which shall appear in 12-point type:

NOTICE TO THE PUBLIC

THIS PETITION IS BEING CIRCULATED BY A PERSON WHO IS BEING PAID TO COLLECT SIGNATURES.

B. If the petition is being circulated by a volunteer the phrase "VOLUNTEER CIRCULATOR" shall appear in 24-point type above the following language which shall appear in 12-point type:

NOTICE TO THE PUBLIC

THIS PETITION IS BEING CIRCULATED BY A VOLUNTEER.

C. "Paid circulator", for the purpose of circulating a petition, means a person who is compensated in any manner for collecting petition signatures to qualify a measure.

D. "Volunteer", for the purpose of circulating a petition, means a person who is not a paid circulator.

(ORD-05-0013 § 1, 2005)

1.22.100 - General procedures.

The Council prescribes the same procedure for the submission by it to the voters of any proposed ordinance, order or resolution, pursuant to the City Charter, as is prescribed in Section 8 of Article XI of the State Constitution with reference to the submission of proposed amendments to a City Charter submitted by a Council on its own motion.

(ORD-05-0013 § 1, 2005)

1.22.110 - Filing fee.

Any person submitting a request for ballot title and summary with the City shall pay a filing fee of two hundred dollars ($200.00).

(ORD-05-0013 § 1, 2005)

CHAPTER 1.24 - VOTER'S PAMPHLET

1.24.010 - Procedure established.

Whenever the people by an initiative petition or the City Council, on its own motion, proposes an ordinance, order, resolution, Charter amendment, an amendment to an initiative ordinance, a proposition for incurring bonded indebtedness, or an advisory measure for approval or disapproval of the voters at an election, the procedure set forth in this Chapter shall be employed to inform the voters concerning the same. The procedure set forth in this Chapter shall also apply to propositions placing an ordinance on the ballot as a result of a referendum petition.

(Ord. C-5462 § 1, 1979)

1.24.020 - Appointment of representatives.

The Mayor, with the approval of the City Council, may designate a person, or association of persons, to write arguments either for or against or both for and against the adoption of any measure or proposition placed on the ballot. In making such designation the Mayor shall designate one (1) of the following:

A. The Mayor;
B. An elected officer of the City;
C. An appointive officer of the City;
D. An association of citizens; or
E. An individual voter.

Provided, however, in no event shall more than one (1) argument for and one (1) argument against any measure, or proposition, be submitted to the voters. Whenever arguments are to be presented on one (1) side of a proposition, all reasonable effort shall be made to obtain an argument in support of the opposite side to the end that whenever an argument for one (1) side is to be presented, arguments for both sides shall be presented.

(Ord. C-5462 § 2, 1979)

1.24.030 - Setting time limits.

Arguments for or against any measure or proposition shall not exceed three hundred (300) words each, and shall be submitted to the City Clerk on or before the date set by the City Clerk to permit the preparation of rebuttal arguments as provided in this Chapter. All dates relating to the submission of arguments or rebuttal arguments shall be set by the City Clerk to ensure timely printing of the arguments and rebuttal arguments for the sample ballots required by law.

(Ord. C-5462 § 3, 1979)

1.24.040 - Rebuttal.

If any person submits an argument against a City measure, and an argument has been filed in favor of the City measure, the Clerk shall immediately send copies of that argument to the persons filing the argument in favor of the City measure. The persons filing the argument in favor of the City measure may

prepare and submit a rebuttal argument not exceeding two hundred fifty (250) words. The Clerk shall send copies of the argument in favor of the measure to the persons filing the argument against the City measure, who may prepare and submit a rebuttal to the argument in favor of the City measure not exceeding two hundred fifty (250) words. The rebuttal arguments shall be filed with the Clerk not more than ten (10) days after the final date for filing direct arguments. Copies of rebuttal arguments shall not be released by the City Clerk to proponents or opponents of measures or to the public before the deadline for filing such arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

(Ord. C-5850 § 1, 1982: Ord. C-5462 § 4, 1979)

1.24.050 - Identification of representatives.

All arguments and all rebuttal arguments shall include the printed name and the signature of the person or association preparing such arguments. In cases where arguments are prepared by an association, the name and signature of at least one (1) of the principal officers of such association shall be submitted with the argument. The name or names of the person or persons signing the arguments shall be shown on the copies of the arguments submitted to the voters, as provided in this Chapter. No more than five (5) signatures shall appear with any argument printed in the ballot pamphlet. In case any argument is signed by more than five (5) persons, the signatures of the first five (5) shall be printed.

(Ord. C-7728 § 1, 2001: Ord. C-5462 § 5, 1979)

1.24.060 - Printing and mailing.

When an argument for or an argument against the adoption of any measure or proposition or any rebuttal argument has been prepared as provided in this Chapter and submitted within the required time, it shall be printed and submitted to each voter and may be mailed together with the sample ballot for the election concerned.

(Ord. C-5462 § 6, 1979)

1.24.070 - Organization of material.

When a pamphlet is prepared containing proposed Charter amendments or other measures or propositions, the proposed Charter amendments, measures or propositions and such argument or arguments and rebuttal arguments may be combined therein in an appropriate manner, or may be printed separately. The fact that only an argument for or only an argument against a measure or proposition is so prepared and submitted shall not prevent the argument being so submitted to each voter.

(Ord. C-5462 § 7, 1979)

1.24.080 - Arguments in ballot order.

Argument for and argument against the adoption of any measure or proposition or any rebuttal argument shall appear in the same order as on the ballot, and each argument shall refer to the respective number or letter and the title or heading on the ballot.

(Ord. C-5462 § 8, 1979)

1.24.090 - Number of pamphlets.

A sufficient number of pamphlets, containing the argument for and argument against the adoption of any measure or proposition, including the rebuttal argument, shall be printed as required by law and in addition thereto, to provide for the delivery of ten (10) copies of the pamphlets to be kept at every polling place in the City, while an election is in progress, so that they may be freely consulted by the voters.

(Ord. C-5462 § 9, 1979)

1.24.100 - Impartial analysis.

Whenever any City measure qualifies for a place on the ballot, the City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization of salaries of the office of the City Attorney, the City Council may direct the City Clerk to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed five hundred (500) words in length.

(Ord. C-5462 § 10, 1979)

1.24.110 - Charter amendments.

Whenever any Charter amendment qualifies for a place on the ballot, the City Council may direct the City Clerk to have the amendment printed in the pamphlet containing the impartial analysis, arguments and the rebuttal argument so as to indicate the material being deleted and the new material being added thereto.

(Ord. C-5462 § 11, 1979)

1.24.120 - Effect of failure to comply.

A. The failure to appoint persons to draft the arguments or the failure of the arguments or rebuttal arguments to be prepared or submitted to the voters as contemplated by this Chapter, shall not affect the validity of any election held pursuant to law applicable to the City in the holding of elections.

B. No election or proceeding, or proposition, measure or amendment, otherwise valid, shall be deemed invalid for any failure to conform to the time limits specified in this Chapter, provided the voters of this City, voting thereon, have voted in favor of the proposition, measure or amendment.

(Ord. C-5462 § 12, 1979)

1.24.130 - One copy to each address.

The City Clerk at her discretion is authorized to mail only one (1) copy of the pamphlet containing the impartial analysis, arguments, rebuttal arguments and the text of the measure or measures to be voted upon to a postal address where two (2) or more registered voters have the same surname and the same postal address.

(Ord. C-5462 § 13, 1979)

1.24.140 - Time limits on challenges to ballot materials—General elections.

Notwithstanding the provisions of any provision of the California Elections Code, for general elections the City Clerk shall make a copy of the material referred to in California Elections Code Sections 9223, 9280, 9281, 9282, 9285 and 13307 available for public inspection in the City Clerk's office for a period of five (5) business days immediately following the filing deadline for submission of those materials. Any person may obtain a copy of the materials from the City Clerk during normal business hours for use outside of the City Clerk's office. The City Clerk may charge a fee to any person obtaining a copy of the

material. The fee may not exceed the actual cost incurred by the City Clerk in providing the copy. During the five (5) business day public examination period provided by this Section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the public examination period.

(ORD-07-0056 § 2, 2007: Ord. C-7842 § 1, 2003)

1.24.150 - Time limits on challenges to ballot materials—Primary and special elections.

A. Notwithstanding any provision of the California Elections Code, for primary and special elections the City Clerk shall make a copy of the material referred to in California Elections Code Sections 9223, 9280, 9281, 9282 and 9285 available for public inspection in the City Clerk's office for a period of eight (8) business days immediately following the filing deadline for submission of those materials. Any person may obtain a copy of the materials from the City Clerk during normal business hours for use outside of the City Clerk's office. The City Clerk may charge a fee to any person obtaining a copy of the material. The fee may not exceed the actual cost incurred by the City Clerk in providing the copy. During the eight (8) business day public examination period provided by this Section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the public examination period.

B. For primary and special elections the City Clerk shall make a copy of the material referred to in Section 13307 available for public inspection in the City Clerk's office for a period of ten (10) calendar days immediately following the filing deadline for submission of those materials. Any person may obtain a copy of the materials from the City Clerk during normal business hours for use outside of the City Clerk's office. The City Clerk may charge a fee to any person obtaining a copy of the material. The fee may not exceed the actual cost incurred by the City Clerk in providing the copy. During the ten-business day public examination period provided by this Section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the public examination period.

(ORD-07-0056 § 5, 2007)

CHAPTER 1.25 - NOMINATING PETITIONS

1.25.010 - Voter signature.

A nominating petition for a candidate in a district election for City Council member must be signed by a registered voter and resident of the geographical area making up the district from which the member is elected. No voter shall sign the nominating petition of any candidate for whom he cannot vote.

A nominating petition for a candidate for a City-wide office may be signed by a registered voter and resident of the City.

(Ord. C-5851 § 1, 1982)

1.25.020 - Filing fee.

A filing fee as determined by the City Council by resolution shall be paid to the City Clerk upon the filing of a nomination petition for any elective office of the City. In addition to said filing fee, a candidate shall submit a petition containing the signatures of twenty (20) registered voters who reside in the district in which the candidate is seeking nomination. In lieu of payment of said filing fee, a candidate may submit a statement under penalty of perjury that the candidate is indigent by virtue of having no available funds and is unable to raise funds sufficient to pay the required filing fee. Such candidate shall, in any event, submit the petition containing twenty (20) signatures of registered voters in the district in which the candidate is seeking nomination.

(ORD-10-0014, § 1, 2010; Ord. C-7160 § 1, 1993: Ord. C-6955 § 1, 1991)

1.25.030 - General election procedures.

A. In any candidates statement filed in any election in the City the designation of present principal profession, vocation, or occupation of a candidate shall be governed by the provisions of Section 10211(a)(3) of the California Elections Code as that section now reads or as it may be amended.

B. The City Clerk shall maintain and shall post in three (3) conspicuous places in the City a list of the polling places and election officers appointed for each precinct in the election. A copy of each such list shall be maintained in the office of the City Clerk for public inspection. Such lists shall be posted not later than twenty (20) days prior to any municipal election. The City Clerk shall post changes in such lists as soon as practical. Notwithstanding the provisions of Elections Code Section 22833, such lists are not required to be published.

(Ord. C-7163 § 1, 1993)

CHAPTER 1.26 - MASS MAILINGS

1.26.010 - Mass mailings by candidates at public expense prohibited.

A. No mass mailing and no television or radio program shall be prepared, produced, printed, sent, broadcast, transmitted, delivered or distributed at public expense by or on behalf of any person holding the office of Mayor or City Council member to any person residing within the jurisdiction from which the officer was elected or to which he or she seeks election after any such officer has filed the nomination documents as defined in Section 1.25.010 of the Long Beach Municipal Code or Section 6489 of the California Elections Code, whichever is applicable, for any local, State or federal office.

B. "Mass mailing" as used in this Section means two hundred (200) or more substantially similar documents, including, but not limited to, any newsletter, report, survey or questionnaire, except: (1) mail which is sent in response to an unsolicited letter or other inquiry; or (2) any announcement, notice or invitation to an elected officer's constituents concerning a public meeting which is directly related to the elected officer's incumbent governmental duties, which is to be held by the elected officer and which the elected officer intends to attend; or (3) any announcement, notice or invitation to any official agency event or events for which the City is providing its facilities, its staff or other financial support.

C. Any such notice or announcement may be printed on the elected officer's stationery and shall only include information which is pertinent to the purpose of the public meeting or event, such as, the date, time and place, description of the subject matter, identification of speakers or participants, an explanation of the problems or issues, directions to the location of the meeting, and a telephone number to call for additional information. The notice or announcement may include the name of the elected officer set forth in the letterhead, and on the return address portion of the envelope or post card, as well as a single mention of the elected officer's name in the body of the notice or announcement. Any said notice or announcement may not include the elected officer's signature or photograph.

D. Any violation of this Section shall be deemed to constitute an infraction as provided in Section 17 of the California Penal Code, and penalties for such infraction shall be as set forth in Subsection 19.8 of the Penal Code.

(Ord. C-7010 § 1, 1992)

CHAPTER 1.27 - SCHOOL BOARD DISTRICTS

1.27.010 - Districts established.

In accordance with Section 2202(a) of the Long Beach City Charter, the five (5) school board districts for the Board of Education of the Long Beach Unified School District (hereinafter "school district") are established and designated as follows:

District 1:

BEGINNING AT THE INTERSECTION OF PARAMOUNT BOULEVARD AND SOUTH STREET

North on Paramount Boulevard to the LBUSD boundary

East along the LBUSD boundary to Orizaba Avenue

South on Orizaba Avenue to Harding Street

East on Harding Street to Obispo Avenue

South on Obispo Avenue to the LBUSD boundary

East along the LBUSD boundary to Downey Avenue

North on Downey Avenue to 70th Street

West on 70th Street to Orange Avenue

North on Orange Avenue to 72nd Street West on 72nd Street to the LBUSD boundary Southerly, then West along the LBUSD boundary to Greenleaf Boulevard

West on Greenleaf Boulevard to the LBUSD boundary

South along the LBCCD boundary to 70th Street

West on 70th Street to Harbor Avenue

North on Harbor Avenue to Greenleaf Boulevard

West on Greenleaf Boulevard to the LBUSD boundary

Southerly along the LBUSD boundary to the Pacific Electric Railroad Right-of-Way (PE RoW)

Southeasterly along the Pacific Electric Railroad Right-of-Way (PE RoW) to Interstate 405 (I-405)

Southeasterly along the Interstate 405 (I-405) to the prolongation of Pacific Avenue, and hence North along Pacific Avenue to 36th Street

East on 36th Street to Linden Avenue

South on Linden Avenue to Wardlow Road

East on Wardlow Road to Cherry Avenue

North on Cherry Avenue to Carson Street

West on Carson Street to Orange Avenue

North on Orange Avenue to the Union Pacific Railway Right-of-way (UP RoW)

Northeasterly along the Union Pacific Railway Right-of-way to Cherry Avenue

North on Cherry Avenue to South Street

East on South Street to Paramount Boulevard

District 2:

Beginning at the intersection of the Pacific Electric Railroad Right-of-Way (PE RoW) and the LBUSD boundary

Southwesterly along the LBUSD boundary to Wardlow Road

West on Wardlow Road to the LBUSD boundary

Southerly along the LBUSD boundary to Anaheim Street

East on Anaheim Street to East bank of the Los Angeles River

South along the East bank of the Los Angeles River to the prolongation of Chester Place

Northeasterly along the prolongation of Chester Place, and hence along Chester Place to Loma Vista Drive

Northwesterly, then Northeasterly along Loma Vista Drive to 11 th Street

East on 11 th Street to Chestnut Avenue

South on Chestnut Avenue to 10 th Street

East on 10 th Street to Alamitos Avenue

Northerly along Alamitos Avenue to Pacific Coast Highway East on Pacific Coast Highway to Cherry Avenue North on Cherry Avenue to the Long Beach-Signal Hill boundary

Northwesterly along the Long Beach-Signal Hill boundary to the prolongation of Myrtle Avenue

North along the prolongation of Myrtle Avenue to Willow Street

West on Willow Street to Atlantic Avenue

North on Atlantic Avenue to Wardlow Road

West on Wardlow Road to Linden Avenue

North on Linden Avenue to 36th Street

West on 36th Street to Pacific Avenue

South on Pacific Avenue, and hence along the prolongation of Pacific Avenue to the San Diego Freeway (I-405)

Northwesterly along the San Diego Freeway (I-405) to its intersection with the Pacific Electric Railroad Right-of Way (PE RoW)

Northwesterly along the Pacific Electric Railroad Right-of-Way (PE RoW) to the LBUSD boundary

District 3:

Beginning at the intersection of the Pacific Ocean and the prolongation of Cherry Avenue

North along the prolongation of Cherry Avenue, and hence along Cherry Avenue to 7th Street

East on 7th Street to Redondo Avenue

North on Redondo Avenue to Pacific Coast Highway

West on Pacific Coast Highway to the Long Beach-Signal Hill boundary

Northwesterly along the Long Beach-Signal Hill boundary to Cherry Avenue

South along Cherry Avenue to the Pacific Coast Highway

West on the Pacific Coast Highway to Alamitos Avenue

Southerly along Alamitos Avenue to 10 th Street

West on 10 th Street to Chestnut Avenue

North on Chestnut Avenue to 11 th Street

West on 11 th Street to Loma Vista Drive

Southwesterly, then Southeasterly along Loma Vista Drive to Chester Place

Southwest along Chester Place, and hence along the prolongation of Chester Place to the East bank of the Los Angeles River

North along the East bank of the Los Angeles River to Anaheim Street

West along Anaheim Street to the LBUSD boundary

Southwesterly and Southerly along the LBCCD boundary to the Pacific Ocean

District 4:

Beginning at the intersection of the Pacific Ocean and the prolongation of Cherry Street

North along the prolongation of Cherry Avenue, and hence along Cherry Avenue to 7th Street

East on 7th Street to Redondo Avenue

North on Redondo Avenue to the Pacific Coast Highway

West on Pacific Coast Highway to its intersection with the Long Beach-Signal Hill boundary

Northwesterly along the Long Beach-Signal Hill boundary to the prolongation of Myrtle Avenue

North along the prolongation of Myrtle Avenue to Willow Street

West on Willow Street to Atlantic Avenue

North on Atlantic Avenue to Wardlow Road

East on Wardlow Road to Cherry Avenue

South on Cherry Avenue to Spring Street

East on Spring Street to Junipero Avenue

South on Junipero Avenue to 28th Street

East on 28th Street to Temple Avenue

South on Temple Avenue to Willow Street

East on Willow Street to Redondo Avenue

South on Redondo Avenue to Stearns Street

East on Stearns Street to Euclid Avenue

North on Euclid Avenue to 23rd Street

East on 23rd Street to Ximeno Avenue

South on Ximeno Avenue to Stearns Street

East on Stearns Street to Bellflower Avenue

South on Bellflower Avenue to Atherton Street

East along Atherton Street to the San Diego Freeway (I-405)

Southeasterly along the San Diego Freeway (I-405) to the LBUSD boundary

Southerly AND Southwesterly along the LBUSD boundary to the Pacific Ocean

Along the LBUSD boundary to and including Santa Catalina Island

District 5:

Beginning at the intersection of Candlewood Street and the San Gabriel River

West on Candlewood to the LBUSD boundary

Northwesterly along the LBUSD boundary to Woodruff Avenue

North on Woodruff Avenue to South Street

Northwesterly and West on South Street to Bellflower Boulevard

South on Bellflower Boulevard to Candlewood Street

West on Candlewood Street to the LBUSD boundary

North and West and South along the LBUSD boundary to Candlewood Street

West on Candlewood Street to the LBUSD boundary

Northerly along the LBUSD boundary to South Street

West on South Street to Paramount Boulevard

South on Paramount Boulevard to the LBUSD boundary

Westerly along the LBUSD boundary to Cherry Avenue

South on Cherry Avenue to the Union Pacific Railway Right-of-way (UP RoW)

Southwesterly along the Union Pacific Railway Right-of-way (UP RoW) to Orange Avenue

South on Orange Avenue to Carson Street

East on Carson Street to Cherry Avenue

South on Cherry Avenue to Spring Street

East on Spring Street to Junipero Avenue

South on Junipero Avenue to 28th Street

East on 28th Street to Temple Avenue

South on Temple Avenue to Willow Street

East on Willow Street to Redondo Avenue

South on Redondo Avenue to Stearns Street

East on Stearns Street to Euclid Avenue

North on Euclid Avenue to 23rd Street

East on 23rd Street to Ximeno Avenue

South on Ximeno Avenue to Stearns Street

East on Stearns Street to Bellflower Avenue

South on Bellflower Avenue to Atherton Street

East on Atherton Street to the San Diego Freeway (I-405)

Southeasterly along the San Diego Freeway (I-405) to the San Gabriel River

Northeasterly along San Gabriel River and Coyote Creek to Norwalk Boulevard

North on Norwalk Boulevard to the LBUSD boundary

Northwesterly along the LBUSD boundary to Pioneer Boulevard

North on Pioneer Boulevard to Carson Street

West on Carson Street to the West bank of the San Gabriel River

Northerly along the West bank of the San Gabriel River to Candlewood Street

(ORD-11-0025, § 1, 2011; Ord. C-7785 § 1, 2002: Ord. C-7769 § 1, 2001: Ord. C-6919 § 1, 1991)

CHAPTER 1.28 - RECORD RETENTION

FOOTNOTE(S):

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State Law reference— Provisions relating to the destruction of City records, see Gov. C. § 34090 et seq.

Note— Prior code history: Prior code §§ 2760—2762.

1.28.010 - Records survive transition of officials.

All documents prepared, received or maintained by the office of the Mayor, City Councilmembers, by any elected City official, and by the head of any City Department, are the property of the City. The originals of these documents shall be maintained consistent with State law and the records retention policies of the City as set forth in the City Charter, and by administrative regulation.

(ORD-06-0059 § 1 (part), 2006)

1.28.020 - Schedules.

With the assistance of the City Clerk, record retention schedules shall be prepared by the Mayor and each City Councilmember, the City Manager for any department under his or her direction and control, and by the elective officers for their respective departments. Said retention schedules shall be submitted to the City Council for approval. The retention schedules shall designate and describe each separate type, class or series of City records and shall provide: (a) the length of time that each type, class or series of records must be maintained; (b) when any of the records may be transferred from the department to the City record center; (c) when duplicate records may be destroyed pursuant to Section 1.28.030; and (d) when requests may be submitted to the City Attorney for consent and to the City Council for approval of destruction of original or record copies of City records.

(ORD-06-0059 § 1 (part), 2006)

1.28.030 - Destruction—Approval required.

Original or record copies of City records which are not required by law to be permanently maintained shall not be destroyed until a request for the destruction of each original or record copy or class or series of such records has received the prior written consent of the City Attorney and the prior approval of the City Council in accordance with the provisions of the California Government Code relating to the destruction of public records. Such consent and approval of a request for destruction of a type, class or series of records shall not constitute continuing authority for subsequent destruction of the same type, class or series of records, but the consent and approval required by this Section shall be obtained prior to each such subsequent destruction.

(ORD-06-0059 § 1 (part), 2006)

1.28.040 - Destruction—Duplicate records.

The Mayor and each City Councilmember, the elective department heads, the City Manager or a Department head who has been given written authorization by the City Manager, may destroy or cause the destruction of any duplicate City record, which is less than five (5) years old, if the Mayor,

Councilmember, elective officer, City Manager, or duly authorized department head has determined to his or her satisfaction that the duplicate record does not constitute the official record copy, and that the duplicate record is no longer required for use in the conduct of City business, and that the duplicate copy has been kept for the time specified by the record retention schedule as approved by the City Council.

(ORD-06-0059 § 1 (part), 2006)

CHAPTER 1.32 - GENERAL PENALTY

FOOTNOTE(S):

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State Law reference— Provisions authorizing cities to impose fines up to five hundred dollars ($500.00) or imprisonment up to six (6) months or both such fine and imprisonment, see Gov. C. § 36901; for provisions authorizing the reduction of City ordinance violations to infractions, see Gov. C. § 36900.

1.32.010 - Criminal violations—Misdemeanors and infractions.

A. No person shall violate any provision or fail to comply with any of the mandatory requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor, unless such violation or failure is specifically designated to be an infraction or is prosecuted as an infraction, in which case such person is guilty of an infraction. It shall be a separate offense for each and every day or any portion thereof in which a violation of this Code or a failure to comply with the mandatory requirements of this Code is committed, continued or permitted.

B. Any person convicted of a misdemeanor under the provisions of this Code, unless provision is otherwise made herein, shall be punishable by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment in the City or county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Any person convicted of an infraction under the provisions of this Code, unless provision is otherwise made herein, shall be punishable by a fine of not more than one thousand dollars ($1,000.00).

C. In addition to the penalties provided in this Section, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance.

D. The City may summarily abate any public nuisance as defined in this Section.

E. In the sole discretion of the City Prosecutor, any violation of this Code, unless provision is otherwise made herein, may be prosecuted as either a misdemeanor or an infraction. Notwithstanding the foregoing, violations of Municipal Code Sections 6.16.080, 6.16.190, 6.16.260(C), 6.16.270(D) 6.16.290(C), 18.08.050, 18.16.150, 18.20.080, 21.31.245(C), 21.51.227 and 21.41.170 shall not be prosecuted as infractions.

(ORD-09-0022, § 1, 2009; ORD-05-0001 § 1, 2005; Ord. C-7815 § 1, 2002; prior code § 1200)

1.32.020 - Infractions.

A. Violation of or failure to comply with any provision of Title 10 of this Code constitutes an infraction as provided in Section 40000.1 of the California Vehicle Code, and penalties for such infractions shall be as set forth in Article I, Chapter I, Division 18 of the Vehicle Code.

B. 1. As an alternative to the penalty provided in Section 1.32.010 of this Code, violation of or failure to comply with any provision of or condition lawfully imposed under the below enumerated provisions of Title 21 of this Code on and following the dates indicated may be deemed to constitute an infraction as provided in Section 17 of the California Penal Code, and penalties for such infractions shall be as set forth in Subdivision 19e of the Penal Code:

a. On and after January 1, 1992, the following sections of the Long Beach Municipal Code as they then exist or may be thereafter amended: all sections included in Chapter 21.44

b. On and after a date to be established in and by administrative rules and regulations promulgated pursuant to Subsection 1.32.060.D., in addition to the section set forth in Subsection B.1.a. of this Section, the following section of the Long Beach Municipal Code as they then exist or may be thereafter amended: Section 21.21.404

c. On and after a date to be established in and by administrative rules and regulations promulgated pursuant to Subsection 1.32.060.D., in addition to the sections set forth in Subsections B.1.a. and B.1.b. of this Section, the following sections of the Long Beach Municipal Code as they exist or may be thereafter amended: Sections 21.42.030, 21.51.205, 21.51.235, 21.31.110, 21.32.110, 21.33.110, 21.34.110, 21.35.110, 21.36.110, 21.37.050 and all sections included in Chapters 21.45 and 21.53

2. a. Whenever a person legally controlling property other than the owner is prosecuted for a violation of a provision of Title 21 of this Code pursuant to this Section, the court may, on the request of such person, take appropriate proceedings to make the owner of the property a co-defendant. In the event it is found that the person legally controlling the property had reasonable grounds to believe that the property controlled by him or her did not violate such provisions, and in the event the owner is found guilty, the court may dismiss the charges against the person legally controlling the property.

b. Whenever a person other than a person legally controlling the property or the owner of the property is prosecuted for violations of a provision of Title 21 of this Code pursuant to this Section, the court may, on the request of such person, take appropriate proceedings to make the person legally controlling the property or the owner of the property, or both, co-defendants. In the event that the person legally controlling the property or the owner of the property or both are found guilty, the court may dismiss the charges against the person first cited.

(Ord. C-6960 § 1, 1992: Ord. C-5398 § 14, 1978: prior code § 1200.2)

1.32.030 - Citation in lieu of arrest.

A. If any person is arrested for the violation of any provision of this Code, and such person is not taken before a magistrate pursuant to the provisions of Section 849 of the Penal Code of the State, the arresting officer shall prepare a written notice to appear in court, or before a person authorized to receive a deposit of bail, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

B. The time specified in the notice to appear shall be not less than five (5) days after such arrest.

C. The place specified in the notice to appear shall be either:

1. Before a judge in a division of the Los Angeles County Superior Court, Limited Jurisdiction, South District, Long Beach Courthouse; or

2. Before a person authorized to accept a deposit of bail.

D. The officer shall deliver one (1) copy of the notice to appear to the arrested person, and the arrested person, in order to secure his or her release, must give his or her written promise so to appear by signing two (2) copies of the notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

E. The officer shall, as soon as practicable, file a copy of the notice with the magistrate specified therein.

F. The defendant may, prior to the date upon which he or she promised to appear, deposit with the magistrate, or the person authorized to receive a deposit of bail, the amount of bail set by such magistrate. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant does not appear either in person or by counsel, the magistrate may declare the bail forfeited, and may order that no further proceedings shall be had in such case. Upon the making of an order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the County Treasury for distribution pursuant to Section 1463 of the Penal Code.

G. Any person wilfully violating his or her written promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested.

H. When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 853.1 of the Penal Code, the magistrate shall issue and have delivered for execution a warrant for his or her arrest within twenty (20) days after his or her failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he or she promised to appear, then, within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

I. No warrant shall be issued on the charge for the arrest of a person who has given his or her promise to appear in court or before a person authorized to receive a deposit of bail unless and until he or she has violated such promise, or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment as required by law.

(ORD-06-0006 § 1, 2006; prior code § 1200.1)

1.32.040 - Failure to obtain or exceeding limits of license or permit—Grounds for suspension, revocation or denial.

A. Whenever this Code requires that a permit or license be obtained before an activity may be commenced or conducted, any person who commences or conducts such activity without first obtaining the required and appropriate license or permit shall be deemed in violation of the provisions of this Code. Such violation may constitute a ground for denial of an application for a license or permit governing that specific activity. The use of premises, amusement machines, games or devices licensed or permitted pursuant to this Code for other than their intended use or not in compliance with the license or permit issued shall constitute grounds for revocation or suspension of the license.

B. No person, whether as principal, agent, clerk, employee, partner or otherwise, either for himself or herself or any other person, or for any body corporate, or as an officer of any corporation, or otherwise, shall commence or carry on any business, trade, calling, profession or occupation for which a license is required by this Code without first having procured such license; and such person shall comply with all of the applicable requirements or provisions of this Code.

C. Any person engaged in a business or activity in an unincorporated territory or in another incorporated area which is annexed to the City shall obtain a City business or other license, if required by this Code, within thirty (30) days after the effective date of annexation.

(Ord. C-5525 § 2, 1979: prior code § 1200.3)

1.32.050 - Working prisoners.

A. Performing labor on public works. Persons confined in the City jail under a final judgment of imprisonment rendered in a criminal action or proceeding may be required to perform labor on the public streets or other public property or works within the City under direction of the Chief of Police. The phrase "streets or other public property or works within the City" as used in this Section, includes, among other things, clerical and menial labor in the City jail, and any such prisoners so confined may likewise be transferred to the City jail honor farm designated as "Rancho Esperanza", for labor thereat as directed by the Chief of Police.

B. Escape. Any prisoner performing labor as above directed, who escapes while so laboring or while going to or returning from such labor, shall be guilty of a misdemeanor.

(Prior code § 1201)

1.32.060 - Infraction procedures.

A. Any violation of the zoning regulations specified in Subsection 1.32.020.B. may, in addition to any other available enforcement or penalty provisions, also be treated by issuance of citation in accordance with the provisions of this Section.

B. Citations shall be issued by, and only by, persons duly employed by the City of Long Beach's Department of Planning and Building as a combination Building Inspector, a senior combination Building Inspector, a principal Building Inspector, an assistant planner II or a planner I, II or III.

1. No citation shall be issued until after the property owner or person legally controlling the property has been served a notice of violation/failure and has been provided ten (10) days after such service to correct the violation/failure, provided that no such notice shall be required for any offense set forth in Subsection 1.32.020.B., which is deemed by the Director of Planning and Building to involve a use or an activity that is, by its nature, temporary such as temporary signs, temporary uses or similar activities.
2. If the violation/failure continues to exist after the period to correct has expired, the Director of Planning and Building may direct the issuance of an infraction citation pursuant to this Section the fine for which is established at one hundred dollars ($100.00), plus penalties and assessments as ordered by the court.
3. If the violation/failure continues to exist, or reoccurs for or within six (6) months of the issuance of said infraction citation, the Director of Planning and Building may direct the issuance of a second infraction citation, the fine for which is hereby established as two hundred fifty dollars ($250.00), plus penalties and assessments as ordered by the court.
4. If the violation/failure continues to exist or reoccurs for or within six (6) months of the issuance of a second citation pursuant to Subsection B.3 of this Section, the Director of Planning and Building shall, with the concurrence of the City Prosecutor, proceed to treat the matter as a misdemeanor, the fine for which is established at one thousand dollars ($1,000.00), plus penalties and assessments as ordered by the court.

C. All notices, forms, filings, arrests, bail settings or forfeitures or any other applicable matters preemptively prescribed by State law relative to infraction or misdemeanor prosecutions shall be conducted or provided as required or prescribed by the applicable parts of Chapter 5C of Title 3 of Part 2 of the California Penal Code.

D. The Director of Planning and Building is delegated the authority to, and may, from time to time, promulgate such administrative rules and regulations as may be necessary and proper to effectuate the purposes of this Section and to facilitate the administration and enforcement of its provisions. The scope of the Director's delegated authority shall include, but shall not be limited to promulgation

of rules and regulations defining procedures for the evaluation of the use of citation procedures in connection with Title 21 offenses, the implementation of Subsections 1.32.020.B.2. and 3., and the modification or establishment of definitions for words and phrases used in this Section including "person legally controlling the property". Such rules and regulations shall be prepared so as to be consistent with all applicable provisions of law including those set forth in Chapter 5C of Title 3 of Part 2 of the California Penal Code.

E. In addition to any other remedy, the City, in its discretion, may bring any civil action including, but not limited to, injunctive relief and nuisance abatement to enforce the provisions of the zoning regulations.

F. All costs incurred by the City in connection with such abatement of any violation of this Title, once notified, shall become an indebtedness of the owner(s) of said structure(s) or premises, as well as a lien upon the affected property. Any person aggrieved by the imposition of costs pursuant to this Subsection may appeal such imposition within fifteen (15) days of the date of a notice/demand for payment in accordance with procedures as set forth in Section 8.56.120 of this Code.

G. Each day of recurrence of any violation or failure set forth in Subsection 1.32.020.B. shall constitute a separate offense and may be treated as such pursuant to this Section, and nothing in this Section shall preclude any enforcement under the provisions of the Long Beach Municipal Code including those set forth in this Section 21.10.080

H. As used in this Section, the following words and phrases shall have the meanings indicated as follows:

1. "Costs" means all actual costs incurred by City in the enforcement proceedings undertaken pursuant to this Section on and after a decision is made by the Director of Planning and Building to proceed with either misdemeanor or civil abatement proceedings or both.
2. "Person legally controlling the property" means the owner, lessee or sublessee of the property or the person designated or employed by the owner, lessee or sublessee to manage the property.
3. "Service" means either the depositing of the matter to be served in the United States Mail, postage prepaid, return receipt requested; or personal delivery of the matter to the person or persons to whom it is addressed; or posting of the matter on real property which is involved in the matter to be served. Service by such methods shall be deemed complete on the date that the recipient signs the mail return receipt or on the date of personal delivery or on the date of posting indicated on an affidavit signed by the person posting the matter.

(Ord. C-6960 § 2, 1992)

CHAPTER 2.01 - THE LONG BEACH CAMPAIGN REFORM ACT
DIVISION I. - TITLE, FINDINGS AND PURPOSE

2.01.110 - Title.

This Chapter 2.01 may be cited as the Long Beach Campaign Reform Act.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

2.01.120 - Findings and declarations.

In enacting this Chapter 2.01, the following findings and declarations are adopted:

A. Monetary contributions to political campaigns are a legitimate form of participation in the political process, but the financial strength of certain individuals or organizations should not permit the exercise of a disproportionate or controlling influence on the election of candidates.

B. The rapidly increasing costs of political campaigns have forced many candidates to raise larger and larger amounts of money from individuals and interest groups with a specific financial stake in matters before the City Council. This has caused a public perception that votes are being improperly influenced by monetary contributions. This perception is undermining the credibility and integrity of the governmental process.

C. Candidates are raising less money in small contributions and more money in large individual and organizational contributions. This has created the public impression that the small contributor has an insignificant role to play in political campaigns.

D. High campaign costs are forcing officeholders to spend more time on fundraising and less time on the public's business. The constant pressure to raise contributions is distracting officeholders from urgent governmental matters.

E. Officeholders are responding to high campaign costs by raising large amounts of money in off-election years. This fundraising distracts them from important public matters, encourages contributions which may have a corrupting influence and gives incumbents an overwhelming and patently unfair fundraising advantage over potential challengers.

F. The integrity of the governmental process, the competitiveness of campaigns and public confidence in local officials are all diminishing.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

2.01.130 - Purpose.

It is the purpose of this Chapter 2.01:

A. To insure that individuals and interest groups in Long Beach have a fair and equal opportunity to participate in municipal elective and governmental processes.

B. To reduce the influence of large contributors with a specific financial stake in matters before the City Council, thus countering the perception that decisions are influenced more by the size of contributions than the best interests of the people of the City.

C.

To assist serious candidates in raising enough money to communicate their views and positions adequately to the public without excessive expenditures or contributions, thereby promoting public discussion of the important issues involved in political campaigns.

D. To limit overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
E. To provide a neutral source of campaign financing in the form of limited public matching funds.
F. To increase the value to candidates of smaller contributions.
G. To eliminate fundraising except during an election cycle.
H. To reduce the excessive fundraising advantage of incumbents and thus encourage competition for elective office.
I. To allow candidates and officeholders to spend a lesser proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents.
J. To improve the disclosure of contribution sources in reasonable and effective ways.
K. To help restore public trust in local governmental and electoral institutions.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994)

DIVISION II. - DEFINITIONS

2.01.210 - Definitions.

For purpose of this Chapter 2.01, the following words and phrases shall have the meanings set forth as follows unless the contrary is stated or clearly appears from the content:

A. *"Qualified campaign expenditure"* means any of the following:
    1. Any expenditure made by a candidate for City office, or by a committee controlled by such a candidate, for the purpose of influencing or attempting to influence the actions of the voters for or against the election of any City candidate.
    2. A nonmonetary contribution provided at the request of or with the approval of the candidate, officeholder or committee controlled by the candidate or officeholder.
    3. That portion of the total cost of a slate mailing or mailing of other campaign literature produced or authorized by more than one (1) candidate which is the greater of the cost actually paid or incurred by the committee or controlled committee of the candidate or the proportionate share of the total cost attributable to each such candidate. The number of candidates sharing costs and the emphasis on or space devoted to each such candidate shall be considered in determining the cost attributable to each such candidate.
    4. "Qualified campaign expenditure" does not include any payment if it is clear from the surrounding circumstances that it was not made in any part for political purposes.
B. *"Election Cycle"* means that period commencing with January 1 of an odd-numbered year and ending twelve (12) months after the regular general election. If there is no general election in that election year, then the Election Cycle shall end twelve (12) months after the primary election. For a special election, the "Election Cycle" commences with the declaration of a vacancy in an elective office and ends twelve (12) months after the special election date.
C. *"Campaign reform account"* means the account of the general fund created by Section 2.01.910

D. *"Person"* means any individual, organization or political action committee whose contributions or expenditure activities are financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary, branch, division, department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons.

Two (2) or more entities shall be deemed one (1) person when any of the following circumstances apply:

The entities share the majority of members of their Boards of Directors; or

The entities share two (2) or more officers; or

The entities are owned or controlled by the same majority shareholder or shareholders; or

The entities are in a parent-subsidiary relationship.

An individual and any general partnership in which the individual is a general partner, or an individual and any corporation in which the individual owns a controlling interest, shall be deemed one (1) person.

(ORD-14-0020 , § 1, 2014; Ord. C-7661 § 1, 1999: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994)

2.01.220 - Interpretation.

Unless a term is specifically defined in this Chapter 2.01 or the contrary is stated or clearly appears from the context, the definitions set forth in California Government Code, Section 82000 et seq., shall govern the interpretation of this Chapter 2.01.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994)

DIVISION III. - CONTRIBUTION LIMITATIONS

2.01.310 - Limitations on contributions from persons.

A. For primary and general elections, no person shall make to any candidate for office or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from any such person, a contribution or contributions totaling more than two hundred fifty dollars ($250.00) for the primary election and two hundred fifty dollars ($250.00) for the runoff election if the candidate is on the runoff ballot or is a write-in candidate for the office of City Councilmember, three hundred fifty dollars ($350.00) for the primary election and three hundred fifty dollars ($350.00) for the runoff election if the candidate is on the runoff ballot or is a write-in candidate for City Attorney, City Auditor or City Prosecutor or five hundred dollars ($500.00) for the primary election and five hundred dollars ($500.00) for the runoff election if the candidate is on the runoff ballot or is a write-in candidate for Mayor.

B. For primary and general elections, no person shall make to any committee which supports or opposes any candidate and no such committee shall accept from each such person a contribution or contributions totaling more than two hundred fifty dollars ($250.00) for the primary election and two hundred fifty dollars ($250.00) for the runoff election for City Councilmembers, three hundred fifty dollars ($350.00) for the primary election and three hundred fifty dollars ($350.00) for the runoff election for City Attorney, City Auditor or City Prosecutor, or five hundred dollars ($500.00) for the primary election and five hundred dollars ($500.00) for the runoff election for Mayor.

C. For special elections, no person shall make to any candidate for office or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from any such person, a contribution or contributions totaling more than one thousand dollars ($1,000.00); and no political committee (as defined in California Government Code Section 82013) shall make to any candidate for office or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from any such political committee, a contribution or contributions totaling more than two thousand five hundred dollars ($2,500.00).

(Ord. C-7720 § 1, 2001: Ord. C-7661 § 2, 1999: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994)

2.01.320 - Prohibition on nonelection cycle contributions.

No candidate or officeholder or the controlled committee of such a person shall accept any contribution except during an election cycle in which the candidate or officeholder intends to run for or be a write-in candidate for the office for which the contribution is made.

(Ord. C-7283 § 2, 1994: Prop. M, 6-7-94, eff. 6-24-1994)

2.01.330 - Reserved.

Editor's note—

ORD-14-0020, § 12, adopted Nov. 18, 2014, repealed § 2.01.330 entitled "Return of contributions", which derived from: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. June 24, 1994.

2.01.340 - Loans.

A. A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this Chapter.

B. Every loan to a candidate's controlled committee shall be by written agreement.

C. The proceeds of a loan made to a candidate by a commercial lending institution in the regular course of business and on the same terms available to members of the public and which is secured or guaranteed shall not be subject to the contribution limitations of this Chapter.

D. Extensions of credit, other than loans pursuant to Subsection 2.01.340.C, for a period of more than thirty (30) days are subject to the contribution limitations of this Chapter.

E. Notwithstanding any other provision of this Section 2.01.340: (1) a candidate for City Council shall not loan or otherwise transfer to his or her campaign, funds, or other thing of value, in excess of ten thousand dollars ($10,000.00) in a primary election and ten thousand dollars ($10,000.00) in a runoff election; (2) a candidate for City Attorney, City Auditor or City Prosecutor shall not loan or otherwise transfer to his or her campaign, funds, or other thing of value, in excess of fifteen thousand dollars ($15,000.00) in a primary election and fifteen thousand dollars ($15,000.00) in a runoff election; and, (3) a candidate for Mayor shall not loan or otherwise transfer to his or her campaign, funds, or other thing of value, in excess of twenty-five thousand dollars ($25,000.00) in a primary election and twenty-five thousand dollars ($25,000.00) in a runoff election. Nothing herein shall be construed to restrict a candidate from contributing his or her own funds or assets to his or her campaign.

(ORD-14-0020 , § 2, 2014; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994)

2.01.350 - Reserved.

Editor's note—

ORD-14-0020, § 12, adopted Nov. 18, 2014, repealed § 2.01.350 entitled "Family contributions", which derived from: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. June 24, 1994.

2.01.360 - Treatment of money received as contributions, income or gifts.

Any funds received by any elected official or candidate running in the jurisdiction or any committee controlled by such an official or candidate shall be considered either a campaign contribution, income or a gift. All campaign contributions received by such persons shall be subject to the provisions of this act unless such campaign contributions are used exclusively for elections held outside the jurisdiction. All income and gifts shall be subject to the disqualification provisions of the Political Reform Act, Government Code, Section 87100 et seq.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994)

2.01.370 - One campaign committee and one checking account per candidate.

Except as may be otherwise provided by State law, a candidate shall have no more than one (1) campaign committee and one (1) checking account per election out of which all expenditures shall be made. This Section shall not prohibit the establishment of savings accounts, but no qualified campaign expenditures shall be made out of these savings accounts. This Section shall not prohibit the transfer of funds or "carry over" in excess of net debt from the primary election for use in the general election for the same candidate.

(ORD-14-0020 , § 3, 2014; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994)

2.01.380 - Contributions for officeholder expenses.

A. Notwithstanding any other provision of this Chapter, each elected City officeholder may establish an officeholder expense fund and may solicit and accept contributions for said officeholder expense fund not to exceed a total amount of ten thousand dollars ($10,000.00) per calendar year for City Councilmembers and twenty-five thousand dollars ($25,000.00) per calendar year for the City Attorney, City Auditor, City Prosecutor and Mayor. No person shall make and no elected City officeholder or officeholder expense fund shall solicit or accept from any person, a contribution or contributions to the officeholder expense fund totaling more than five hundred dollars ($500.00) during any calendar year. The money in such fund shall be expended and used only for the purpose of officeholder expenses associated with holding office, in accordance with and authorized by the applicable provisions of Sections 89512 through 89519 of the California Government Code, except for Subsection 89513(e) and that part of Subsection 89513(g) relating to loans to candidates, political parties or committees. None of such officeholder expense funds may be used or expended in connection with a future election for an elective City office or for any expenditures that would violate the provisions of Government Code Sections 89506 or 89512 through 89519.

B. Each such officeholder expense fund shall be considered a subaccount of the officeholder's controlled committee. All solicitations made and contributions received for an officeholder expense fund shall be clearly designated as being made or received for such uses and purposes.

C. In addition to the disclosure and recordkeeping requirements of the Political Reform Act of 1974, as amended, every elected City officeholder who establishes and maintains an officeholder expense fund pursuant to this Section shall be required to file a supplemental report indicating all contributions to and disbursements from the officeholder expense fund with the City Clerk at the same time that each campaign statement is required to be filed by the elected officer. The supplemental officeholder expense fund report shall itemize each expenditure of more than one hundred dollars ($100.00) from the officeholder expense fund by stating the date, amount and purpose of each such expenditure, and the name of each payee or other person upon whose behalf the expenditure was made. The officeholder or his or her treasurer shall retain all receipts, invoices,

written agreements and other documents relating to expenditures from such officeholder expense fund. Pursuant to Section 2.01.810 of this Chapter the City Clerk shall prescribe and furnish the necessary and appropriate forms for filing such supplemental information.

(ORD-10-0028, § 1, 2010; ORD-07-0037 § 1, 2007: Ord. C-7314 § 1, 1995)

2.01.390 - Transfer of funds.

Officeholder funds may not be used as a transfer, loan or contribution to any other candidate for local, State or federal elective office.

(ORD-14-0020 , § 4, 2014; Ord. C-7661 § 8, 1999)

2.01.395 - IntraCandidate transfers

A candidate for local elective office in Long Beach shall not transfer campaign funds from a controlled non-City campaign account into a local Long Beach campaign account except as specified below:

Contributions transferred shall be attributed to specific contributors using a "last in, first out" or "first in, last out" accounting method, and their attributed contributions when aggregated with all other contributions from the same contributor may not exceed the limits set forth in Section 2.01.310.

(ORD-14-0020 , § 11, 2014)

DIVISION IV. - EXPENDITURE CEILINGS AND MATCHING FUNDS

2.01.410 - Expenditure ceilings.

No candidate for office who files a statement of acceptance of expenditure ceilings nor any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts and subject to the following restrictions:

A. 1. Except as otherwise provided herein, a candidate for City Council may not spend more than forty thousand dollars ($40,000.00) in the primary or more than twenty thousand dollars ($20,000.00) in the runoff election to be eligible for matching funds.

2. In order to qualify for matching funds, a City Council candidate: (a) must raise at least five thousand dollars ($5,000.00) in contributions of two hundred fifty dollars ($250.00) or less within the election cycle, of which only up to the first one hundred dollars ($100.00) of each contribution may be counted for purposes of achieving the qualifying total of five thousand dollars ($5,000.00); and (b) must be opposed by a candidate who has qualified for matching funds or who has raised ten thousand dollars ($10,000.00).

3. The maximum available matching funds shall be an amount not to exceed thirty-three percent (33%) of the maximum amount permitted for expenditure in the primary and fifty percent (50%) of the maximum amount permitted for expenditure in the runoff election.

4. During each election cycle, the City Clerk shall, immediately following the final day for filing nominating petitions for the office of City Councilmember, ascertain: (a) the number of registered voters in each councilmanic district as of the final day for filing; and (b) the mean number of voters in all such districts. Thereafter, and for the ensuing election cycle, in each district where the number of registered voters exceeds the mean, the expenditure limitations

of forty thousand dollars ($40,000.00) and twenty thousand dollars ($20,000.00) shall be increased two dollars ($2.00) and one dollar ($1.00), respectively, for each registered voter in excess of the mean.

B. A candidate for City Attorney, City Auditor or City Prosecutor may not spend more than one hundred thousand dollars ($100,000.00) in the primary or more than fifty thousand dollars ($50,000.00) in the runoff election. In order to qualify for matching funds, such a candidate:
   1. Must raise at least ten thousand dollars ($10,000.00) in contributions of three hundred fifty dollars ($350.00) or less within the election cycle, of which such contributions, only up to the first one hundred fifty dollars ($150.00) each, may be counted for purposes of achieving the qualifying total of ten thousand dollars ($10,000.00); and
   2. Must be opposed by a candidate who has qualified for matching funds or who has raised twenty thousand dollars ($20,000.00). The maximum available matching funds shall be an amount not to exceed thirty-three percent (33%) of the maximum amount permitted for expenditure in the primary and fifty percent (50%) of the maximum amount permitted for expenditure in the runoff election.

C. A candidate for Mayor may not spend more than two hundred thousand dollars ($200,000.00) in the primary or more than one hundred thousand dollars ($100,000.00) in the runoff election to be eligible for matching funds. In order to qualify for matching funds, such a candidate:
   1. Must raise at least twenty thousand dollars ($20,000.00) in contributions of five hundred dollars ($500.00) or less within the election cycle, of which such contributions, only up to the first two hundred dollars ($200.00) of each may be counted for the purpose of achieving the qualifying total of twenty thousand dollars ($20,000.00); and
   2. Must be opposed by a candidate who has qualified for matching funds or who has raised forty thousand dollars ($40,000.00). The maximum available matching funds shall be an amount not to exceed thirty-three percent (33%) of the maximum amount permitted for expenditure in the primary and fifty percent (50%) of the maximum amount permitted for expenditure in the runoff election.

D. It is the intent of Subsections 2.01.410.A, 2.01.410.B and 2.01.410.C of this Section that candidates who qualify for matching funds in primary elections shall receive one dollar ($1.00) in matching funds for every two dollars ($2.00) raised through contributions and that candidates who qualify for matching funds in runoff elections shall receive one dollar ($1.00) in matching funds for every one dollar ($1.00) raised through contributions.

E. Any candidate who has filed a statement of acceptance of the expenditure ceilings and desires to apply for matching funds may submit such application to the City Clerk on any normal business day between January 1 of an odd-numbered year through December 31 of the following year.

F. Any candidate applying for matching funds must be current in his or her campaign statement filings with the City Clerk.

G. A candidate wishing to apply for matching funds may submit such application with the City Clerk no more frequently than every ten (10) business days.

H. The expenditure limits set forth in this Section shall not apply to candidates for office in any special election, nor shall such candidates be eligible for matching funds.

(Ord. C-7661 § 3, 1999: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

2.01.420 - Time periods for expenditures.

For purposes of the expenditure ceilings, qualified campaign expenditures made at any time up to the date of the primary election shall be considered an expenditure for that election, and qualified campaign expenditures made after the date of the primary election shall be considered expenditures for the runoff (general) election. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period in which they are used. Payments for goods and services used in both periods shall be prorated.

(ORD-14-0020 , § 5, 2014; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

DIVISION V. - ACCEPTANCE OF EXPENDITURE CEILINGS

2.01.510 - Candidate acceptance or rejection of expenditure ceilings.

A. Each candidate for office, at the time of filing his or her nomination papers, shall file a statement accepting or rejecting the expenditure ceilings in Division IV.

B. If a candidate declines to accept the expenditure ceilings in Section 2.01.410, the candidate shall be nonetheless subject to the contribution limitations in Section 2.01.310

C. A candidate who agrees to accept the expenditure ceilings in Section 2.01.410 may not change that decision, except that if an opposing candidate files a statement of rejection, then the candidate may rescind his or her acceptance within ten (10) calendar days of the last date for filing nomination papers provided that the candidate has not accepted any contributions in amounts greater than the limitations set forth in Section 2.01.310

D. If a primary candidate advances to the general municipal election, such candidate shall file a statement accepting or rejecting the expenditure ceilings with the City Clerk no later than five (5) working days after the primary nominating election results are officially declared by the City Council.

(Ord. C-7661 § 4, 1999: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

DIVISION VI. - INDEPENDENT EXPENDITURES

2.01.610 - Reserved.

Editor's note—

ORD-14-0020, § 12, adopted Nov. 18, 2014, repealed § 2.01.610 entitled "Contribution limitations", which derived from: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. June 24, 1994.

2.01.620 - Reserved.

Editor's note—

ORD-14-0020, § 12, adopted Nov. 18, 2014, repealed § 2.01.620 entitled "Reproduction of materials", which derived from: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. June 24, 1994.

2.01.630 - Notice of independent expenditures.

Any person who makes independent expenditures of more than two hundred fifty dollars ($250.00) in support of or in opposition to any candidate shall notify the City Clerk and all candidates running for the same seat by telegram, facsimile or any other electronic means approved by the City Clerk each time such an expenditure is made.

(Ord. C-7661 § 5, 1999: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

DIVISION VII. - ADDITIONAL DISCLOSURE REQUIREMENTS

2.01.710 - Reserved.

2.01.720 - Additional pre-election campaign statement.

In addition to the campaign statement required to be filed pursuant to the Political Reform Act, commencing with Government Code Section 81000, candidates, their controlled committees and independent committees primarily formed to support or oppose candidates in Long Beach subject to this Act shall file a pre-election statement on the Friday before each election. This statement shall have a closing date of the Wednesday immediately preceding the election date.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

2.01.730 - Reserved.

Editor's note—

ORD-14-0020, § 12, adopted Nov. 18, 2014, repealed § 2.01.730 entitled "Disclosure of occupation and employer", which derived from: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. June 24, 1994.

DIVISION VIII. - AGENCY RESPONSIBILITY

2.01.810 - Duties of the City Clerk.

The City Clerk shall also:

A. Adjust the expenditure ceilings, contribution limitations and public financing provisions in January of odd numbered years to reflect any increase or decrease in the Consumer Price Index as provided in Section 2.01.1210. Such adjustments shall be rounded off to the nearest one hundred dollars ($100.00) for contributions and the nearest one thousand dollars ($1,000.00) for expenditures and matching funds.
B. Prescribe all necessary forms for filing statements and information.
C. Prepare and release studies on the impact of this Act. These studies may include recommendations which further the purpose of this Chapter 2.01

(ORD-14-0020 , § 6, 2014; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

DIVISION IX. - CAMPAIGN ACCOUNT DESIGNATION

2.01.910 - Campaign account created.

There is hereby created a campaign account in the general fund of the City of Long Beach to which the City Council shall, from time to time, appropriate funds for expenditures pursuant to the purposes and provisions of this Chapter 2.01.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

DIVISION X. - DISPOSAL OF SURPLUS FUNDS

2.01.1010 - Surplus funds—Defined.

Any funds remaining to a candidate, or any controlled committee of such candidate, at the end of the Election Cycle, during which such funds have been raised, shall be defined as "surplus funds" and shall be disposed of only as provided in this Division X. Funds retained by a candidate and specifically earmarked for payment of campaign expenses lawfully incurred during the Election Cycle need not be included in surplus funds provided that, such expense payment is made no later than sixty (60) days after the end of the Election Cycle.

(ORD-14-0020 , § 7, 2014; Ord. C-7661 § 6, 1999: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

2.01.1020 - Retention of ten thousand dollars by office holders.

Any person holding office as a result of a successful campaign resulting in surplus funds may retain up to ten thousand dollars ($10,000.00) of such surplus funds for expenditures associated with holding such office in accordance with the provisions of Sections 89512 and 89513 of the California Government Code.

(ORD-10-0028, § 2, 2010; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

2.01.1030 - Disposal of surplus funds.

Except as provided in Section 2.01.1020, surplus funds shall be disposed of in the following order and priority:

A. Surplus funds shall first be used to reimburse the campaign reform account of the City of Long Beach up to the full amount of matching funds, if any, received by the candidate.
B. Any funds remaining after such reimbursement, if any, may be expended exclusively as provided in Section 89515 of the California Government Code and must be expended no later than sixty (60) days after the end of the Election Cycle.
C. Any funds not expended pursuant to Subsections 2.01.1030.A or 2.01.1030.B by December 31 next following the end of the Election Cycle (or, in the case of a special election, one hundred twenty (120) days after the end of the Election Cycle) shall be paid immediately into the campaign reform account of the City of Long Beach.

(ORD-14-0020 , § 8, 2014; Ord. C-7661 § 7, 1999: Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

DIVISION XI. - ENFORCEMENT

2.01.1110 - Criminal actions.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Act shall be guilty of a misdemeanor. Any person convicted of such a misdemeanor, unless provision is otherwise made herein, shall be punishable by a fine of not more than five hundred dollars ($500.00), or by imprisonment in the City or County jail for a period not exceeding six (6) months, or by both such fine and imprisonment.
B. As an alternative to the penalty provided in Subsection 2.01.1110.A, violation of or failure to comply with any provision of or condition lawfully imposed under this Act may be deemed to constitute an infraction as provided in Section 17 of the California Penal Code, and penalties for such infractions shall be as set forth in Subdivision 19e of the Penal Code.
C.

Any person who causes any other person to violate any provision of this Act, or who aids and abets any other person in the violation of any provision of this Act, shall be equally subject to the provisions of this Section.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94)

2.01.1120 - Civil action.

A. Any person who violates any provision of this act shall be liable in a civil action brought by the City Attorney or, in the case of a conflict of interest on the part of the City Attorney, an attorney retained by the City on the City Attorney's recommendation, or by or on behalf of a person residing within the jurisdiction, for an amount not more than three (3) times the amount of the unlawful contribution or expenditure.

B. If two (2) or more persons are responsible for any violation, they shall be jointly and severally liable.

C. Any person, before filing a civil action pursuant to this Section, shall first file with the City Attorney a written request for the City Attorney to commence the action. The request shall contain a statement of the grounds for believing the cause of action exists. The City Attorney shall respond within forty (40) days after receipt of the request indicating whether he or she intends to file a civil action. (In the case of a conflict of interest on the part of the City Attorney, independent counsel shall be retained to formulate this response.) If the City Attorney or, when applicable, independent counsel indicates in the affirmative and files a suit within forty (40) days thereafter, no other action may be brought unless the action brought by the City Attorney or independent counsel is dismissed without prejudice.

D. In determining the amount of liability, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action, the entire amount shall be paid into the campaign reform account of the general fund of the City.

E. No civil action alleging a violation of any provision of this act shall be filed more than four (4) years after the date the violation occurred.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994)

2.01.1130 - Injunctive relief.

Any person residing in the jurisdiction, including the City Attorney, may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this act.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994)

2.01.1140 - Cost of litigation.

The court may award to a plaintiff, or a defendant other than an agency, who prevails in any action authorized by this act, his or her costs of litigation, including reasonable attorney fees.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994)

2.01.1150 - Disqualification.

In addition to any other penalties prescribed by law, if an official receives a contribution violative of Sections 2.01.310 or 2.01.320, the official shall not be permitted to make, participate in making or in any way attempt to use his or her official position to influence any governmental decision in which the contributor has a financial interest. The provisions of Government Code Section 87100 et seq., and the regulations of the Fair Political Practices Commission shall apply to interpretations of this Section.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994)

DIVISION XII. - MISCELLANEOUS PROVISIONS

2.01.1210 - Inflation/deflation.

A. Any amount subject to a limitation or ceiling, or established pursuant to formula set forth in Section 2.01.310 or Subsections 2.01.410.A.1 and 2.01.410.A.4 of this Chapter shall be automatically adjusted on January 1, 2015, and on January 1 of each odd numbered year thereafter, upward or downward, equivalent to the most recent change in the annual average of the Consumer Price Index as published by the United States Department of Labor for the Los Angeles-Long Beach-Anaheim Metropolitan area.

B. For purposes of calculating the annual inflator/deflator factor under this Section, the base year shall be that year ending with the quarter ending June 30, 1995. Rates shall be adjusted on January 1, 2015, and every two (2) years thereafter, based on the annually calculated change from the base year. The adjustment shall be rounded to the nearest one hundred dollars ($100.00).

C. The adjusted amount as determined by this Section on January 1, of each odd numbered year shall remain the same amount for the entire Election Cycle as defined in Section 2.01.210 beginning January 1 of the same odd numbered year.

(ORD-14-0020 , § 9, 2014; Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994)

2.01.1220 - Applicability of other laws.

Nothing in this act shall exempt any person from applicable provisions of any other law.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994)

2.01.1230 - Severability.

If any section, subsection, subdivision, sentence, sum, percentage, clause or phrase of this act is for any reason held to be unconstitutional, invalid or void, such decision shall not affect the validity of the remaining portions of this act. The City Council hereby declares that it would have passed this act, and every section, subsection, subdivision, sentence, sum, percentage, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, sums, percentages, clauses or phrases thereof is declared unconstitutional, invalid or void.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994)

2.01.1240 - Amendments.

A. This Chapter may be amended from time to time by ordinance adopted by a two-thirds (2/3) vote of the members of the City Council upon a finding by the Council that such amendment is consistent with and in furtherance of the purposes of this Chapter.

B. This Chapter may be amended or repealed at any time by an ordinance approved by the electors of the City of Long Beach.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994)

CHAPTER 2.02 - CAMPAIGN DISCLOSURE STATEMENTS

2.02.010 - Electronic filing of Campaign Disclosure Statements.

As soon as feasible, the City of Long Beach shall establish electronic filing of campaign disclosure statements pursuant to California Government Code Section 84615 for candidate controlled committees established for Mayor, City Attorney, City Prosecutor, City Auditor, and City Council, and for primarily formed City of Long Beach committees.

(ORD-14-0020 , § 10, 2014; Ord. C-7880 § 1, 2003)

2.02.020 - Penalties.

Any committee or person who files an electronic copy of a semiannual, pre-election, supplemental pre-election or amendment(s) to a campaign statement required by this Chapter after the deadline imposed by the California Political Reform Act (California Government Code Section 81000 et seq.) for filing the written copy of such statement shall be liable in an amount determined by the City Council by resolution per day after the deadline, until the electronic copy is filed.

(ORD-10-0014, § 2, 2010; Ord. C-7880 § 1, 2003)

CHAPTER 2.03 - CITY COUNCIL

FOOTNOTE(S):

--- (**1**) ---

Cross reference— Provisions on the City Council generally, see the City Charter, for provisions on filling vacancies in the City Council, see the City Charter.

State Law reference— Provisions on municipal Council meetings, Gov. Code § 36805 et seq.

ARTICLE I. - RULES OF THE COUNCIL

2.03.010 - Adopted.

The rules set forth in this Chapter are adopted and approved and shall constitute the rules of the Council governing the conduct and performance of the duties of the Council from and after the effective date hereof.

(Prior code § 2212 (part))

2.03.020 - Meetings.

A. All meetings of the Council shall be open and public, and all persons shall be permitted to attend any meeting of the Council except as otherwise provided in this Section.

B. Regular meetings of the City Council shall be held in the Council Chambers of City Hall at five o'clock (5:00) p.m. on Tuesday of each week, except the last Tuesday of each month, on which there will be no regular meeting of the City Council.

If any regular meeting day falls on a holiday, such regular meeting shall be held on the next business day thereafter.

C. Special meetings of the Council may be ordered at any time by the Mayor, or by five (5) members of the Council, by delivering personally or by mail written notice to each member of the Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting is specified in the notice. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Council. Such order shall be filed with the City Clerk and such notice shall be given by the City Clerk in the manner aforesaid. The City Clerk shall execute and file with the records of each such special meeting an affidavit setting forth the time, place and manner of giving each such notice. A copy of the order calling such special meeting and the aforesaid affidavit of the City Clerk shall be spread upon the minutes of such special meeting.

D. The Council may adjourn any regular, adjourned or special meeting to a time and place specified in the order of adjournment. Whenever a place of meeting is not specified in an order of adjournment the same shall be held in the Council Chambers in the City Hall of the City. Whenever an order of adjournment of a regular, adjourned or special meeting fails to state the hour at which the adjourned meeting is to be held it shall be held at nine o'clock (9:00) a.m., on the day specified in the order of

adjournment. All matters may be considered and passed upon at such adjourned meetings as could have been considered and passed upon at the meetings from which such adjournments were taken and shall be deemed to be a continuation of the meeting from which the adjournment was taken.

E. If by reason of fire, earthquake or other emergency, it is unsafe to hold any meeting of the Council in the place designated, any such meeting may be held for the duration of such emergency at such place as shall be designated by the Mayor. In the event the place designated for a meeting of the Council is determined by a majority of the members of the Council to be not sufficiently large to conveniently accommodate the persons in attendance, the Council may adjourn, such meeting to be held at a place to be designated in such order of adjournment in the City other than the Council Chambers in the City Hall, or other than the place otherwise previously designated as provided in this Section at the time and place specified in the order of adjournment.

F. Unless otherwise provided by the City Charter, the Council may hold executive sessions to consider the employment or dismissal of a public officer or employee subject to appointment or dismissal by the Council under the provisions of the City Charter or to hear complaints or charges brought against such officer or employee, unless such officer or employee requests a public hearing. The Council may exclude from any of its meetings during the examination of a witness any or all other witnesses in the matter being investigated by it.

G. The Mayor, or in his absence the Vice Mayor, shall take the chair at the hour appointed for the meeting of the Council and shall immediately call the Council to order. In the absence of both the Mayor and Vice Mayor, the City Clerk, or an assistant City Clerk, shall call the Council to order, whereupon a Chairperson shall be elected to preside from among the members of the Council present. Said election shall proceed in the order of descending seniority of the members present in terms of service on the Council.

(Ord. C-7852 § 1, 2003; Ord. C-7594 § 1, 1999; Ord. C-7559 § 1, 1998; Ord. C-7313 § 1, 1995; Ord. C-7061 § 1, 1992; Ord. C-6941 § 1, 1991; Ord. C-6911 § 1, 1991; Ord. C-6367 § 1, 1987; Ord. C-6324 § 1, 1986; Ord. C-6245 § 1, 1986; Ord. C-6122 § 1, 1984; Ord. C-5997 § 2, 1983; Ord. C-5961 § 1, 1983; Ord. C-5700 § 2, 1981; prior code § 2212 (Rule 1))

2.03.030 - Presiding officer.

A. The Mayor, or other presiding officer, shall preserve order and decorum; may object to points of order in preference to other members; and shall decide questions of order, subject to an appeal to the Council by any member, on which appeal no member shall speak more than once, unless by leave of two-thirds (2/3) of the members present.

The Mayor, or other presiding officer, shall have general direction of the Council Chamber. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment. He shall have the power to assign seats to the members of the City Council and may assign places to properly accredited newspaper representatives.

B. The Mayor, or other presiding officer, shall, before ordering a roll call on any question, state the motion as it is to appear in the minutes.

(Prior code § 2212 (Rule 3))

2.03.040 - Order of business.

A. The order of business of the City Council at all regular meetings shall be as follows, unless otherwise waived by consent of the Council:

1. Call to order by Mayor;
2. Roll call of the City Council by City Clerk;

3. Moment of silence;
4. Pledge of Allegiance;
5. Hearings;
6. Public Comment: The opportunity for members of the public to address the City Council on matters of public business which are not listed on the agenda but are within the subject matter jurisdiction of the City Council, which shall be conducted in accordance with the following rules:
    a. Each person desiring to address the City Council pursuant to this part of the order of business shall submit his or her name and the subject matter in writing to the City Clerk prior to the commencement of the Council meeting, and in no event later than the conclusion of the presentation by the last person to speak under this part;
    b. All addresses to the City Council under this part shall be limited to three (3) minutes;
    c. The total number of speakers under this part shall be limited to the first ten (10) persons who have submitted their names in writing to the City Clerk;
    d. The total amount of time to be devoted to addresses under this part shall not exceed thirty (30) minutes unless said limit on the total amount of time is waived by consent of the City Council.
7. Consent calendar:
    a. Approval of the minutes of previous meeting(s).
8. Unfinished business;
9. Regular agenda;
10. Ordinance(s);
11. New business:
    a. Announcements.
12. Public Comment: The opportunity for those members of the public to address the City Council on nonagenda items who have not already addressed the City Council on nonagenda items at the same meeting;
13. Adjournment. In the event the City Council desires to adjourn to a certain hour on another day, a motion shall be made either prior to or as part of the regular motion to adjourn indicating the hour and date to which the meeting is adjourned.

B. The rules of parliamentary practice contained in "Robert's Rules of Order" shall govern the Council where applicable and not otherwise inconsistent with any provision of this Code.

(ORD-14-0016 , § 1, 2014; Ord. C-7966 § 1, 2005: Ord. C-7594 § 2, 1999: Ord. C-7559 § 2, 1998: Ord. C-7408 § 1, 1996: Ord. C-7313 § 2, 1995: Ord. C-7061 § 2, 1992; Ord. C-6974 § 1, 1992: Ord. C-6941 § 2, 1991; Ord. C-6911 § 2, 1991; Ord. C-6720 § 1, 1990; Ord. C-6638 § 1, 1989; Ord. C-5629 § 1, 1980, Ord. C-5288 § 1, 1977; prior code § 2212 (Rule 4))

2.03.050 - Voting.

A. No member of the Council shall be allowed to explain his vote or discuss the question while the roll is being called, and no member shall be allowed to change his vote after the vote is announced by the Mayor; provided, however, that this rule may be suspended by the affirmative votes of two-thirds (2/3) of the members of the Council present; however, any member may cast his vote and thereupon file with the City Clerk a written explanation of his vote and ask that such explanation be spread upon the minutes.

B.

Except when a conflict of interest exists and abstention is required by State law, every member of the Council who is present when a roll is called shall vote for or against the question, unless excused by a majority of the members present, prior to the calling of the roll on such question.

C. Two (2) or more members may demand that a vote be taken by yeas and nays. The taking of a vote by yeas and nays shall not be ordered unless demanded by two (2) or more members of the Council, except upon the passage of ordinances, resolutions and special permits, and on all street proceedings and matters pertaining to public improvement and motions directing the appropriation of money.

(Ord. C-5700 § 3, 1981; prior code § 2212 (Rule 5))

2.03.060 - Committees.

A. All committees shall be established by resolution of the City Council. The Mayor shall appoint the members of all such committees and shall designate which member of each committee shall act as Chairman and Vice Chairman. The Mayor may act as an ex officio member of all committees of which the Mayor is not an official member.

B. Each such committee established by resolution of the City Council shall hold a meeting upon the call of the Chairman thereof, or, in case of his refusal or inability to act, upon the call of the Mayor. All committee meetings shall be public meetings, except in those instances where an executive session may properly be held under the Brown Act or other applicable law.

C. An agenda shall be prepared containing the specific items of business to be transacted, along with a brief general description of each item to be heard at a committee meeting. Items of business shall be placed on the agenda at the direction of the Chairman, Vice Chairman, or member of such committee.

(ORD-11-0005, § 1, 2011; Ord. C-5607 § 1, 1980; Ord. C-5396 § 1, 1978: prior code § 2212 (Rule 6))

2.03.065 - Confirmation procedure.

A. Any appointment to any commission created by the City Charter or to the Long Beach Redevelopment Agency Board, which is submitted by the Mayor to the City Council for confirmation, shall not be placed on the City Council's agenda for action until the matter has first been reviewed by the Personnel and Civil Service Committee.

B. Upon the City Clerk's receipt of the Mayor's communication to the City Council regarding any such appointment, the Clerk shall immediately transmit said communication to the Chairman and members of the Personnel and Civil Service Committee. The City Clerk shall also place a report on the City Council agenda indicating that the Mayor's communication has been received and that it has been transmitted to the committee.

C. The Personnel and Civil Service Committee shall hold a meeting to consider and make its recommendation regarding any such appointment to the City Council within thirty (30) days from the date the Mayor's communication concerning said appointment was received by the City Clerk.

D. This rule may be waived by the City Council at its discretion with respect to any particular appointment.

(Ord. C-6798 § 1, 1990)

2.03.070 - Reports.

A. All communications, requests and all documents shall be referred by the presiding officer to the proper department of the City, or to the proper Councilman Committee, or to the Councilman of the district affected, or to any other proper officer of the City, unless immediate action is taken thereon by the Council. When so referred for a report thereon, the report shall be made to the City Manager without delay; and the City Manager shall thereupon report his or her findings to the Council when, in

his or her opinion, such action is necessary; otherwise, the City Manager shall act upon all matters so referred and make a return of his or her actions to the Council at the following regular session for the purpose of clearing the calendar and minute records.

B. Subject to the relevant provisions of the Ralph M. Brown Act, no agenda item shall be heard or considered by the Council unless it is in writing, signed by the Councilmember, City officer, department director, or presiding officer of the body making the agenda request, and filed with the City Clerk prior to twelve noon (12:00) on the Monday the week before the meeting at which the agenda item is to be considered by the Council. Should a holiday occur on a Monday, the agenda item is then due prior to twelve noon (12:00) on the Friday preceding the Monday holiday. The requirement of this Subsection may be waived if a written communication is signed by three (3) Councilmembers and directed to the City Clerk requesting that a particular item be placed on an agenda for consideration and that communication is filed with the City Clerk before twelve noon (12:00) of the Friday immediately before the Tuesday at which such agenda item is to be considered.

C. If any matter is referred to any officer, board, commission or committee for report without specifying the date upon which such report shall be made, the City Clerk shall call the matter upon report at the first regular meeting of the Council following the expiration of ten (10) days from the date of such reference.

(ORD-08-0005 § 1, 2008; Ord. C-5261 § 1, 1976; prior code § 2212 (Rule 7))

2.03.075 - Fiscal impact analysis for citizen advisory committees and commissions.

Any proposal to create or form any citizen advisory committee, commission, board, task force or other such entity shall not be submitted for consideration and final action by the Mayor and/or City Council until a fiscal impact analysis report has been prepared by the City Manager and reviewed by the Economic Development and Finance Committee.

The fiscal impact analysis shall consist of a statement of the estimated fiscal impact and potential effect of the proposal on City revenues, and may include a recommended appropriation ceiling to limit the total amount of City resources authorized to be utilized for said entity, and may identify any appropriate public or private revenue sources.

The Economic Development and Finance Committee shall hold a noticed public meeting to review the fiscal impact analysis report within two (2) weeks from the date said matter is referred to the committee, and shall immediately thereafter submit its comments to the City Council relating to: (a) the feasibility of the cost estimates and recommended appropriation ceiling; and (b) any public or private revenue sources or enhancements that may be available; and (c) the most appropriate City or private sector resources to furnish support for the proposed board, committee, commission or task force.

(Ord. C-6581 § 1, 1989)

2.03.076 - Fiscal impact statement for agenda items authored by a Councilmember.

Any agenda item authored and submitted by any Councilmember shall state the fiscal impacts of the requested action. The item shall contain a fiscal impact statement prepared by such Councilmember, indicating whether approval of the requested action is anticipated to have a significant fiscal impact, no significant fiscal impact, or no fiscal impact. For fiscal impacts of a determinate nature, the fiscal impact statement shall include such Councilmember's estimate of increases or decreases in City expenditures or revenues that would result if the requested action was to be approved by the City Council.

(ORD-11-0006, § 1, 2-15-2011)

2.03.080 - Ordinances and amendments.

A. No ordinance shall be presented to the Council or considered by it unless such ordinance has been previously ordered prepared by a motion duly and regularly adopted, or by report and with recommendations of the ordinance committee.

B. No proposal of amendment to any ordinance or resolution pending before the Council shall be presented to or considered by the Council unless the same is in writing, setting forth the page and line at which the amendment is to be made, stating in full the matter to be stricken or added and, in the event that the amendment consists of a substitution, stating, in full, the matter to be stricken and the matter to be substituted in lieu thereof. Such written proposal shall be filed by the City Clerk and a copy thereof spread upon the minutes of the meetings as a motion.

(Prior code § 2212 (Rule 8))

2.03.085 - Resolution may establish fees and charges.

Unless otherwise prohibited by law, the Council may from time to time set fees and charges related to and arising out of the activities of the various departments of the City by resolution duly adopted by the Council in accordance with applicable provisions of law.

(Ord. C-6750 § 1, 1990)

2.03.090 - Hearings and debates.

A. No ordinance, resolution, motion, petition, appeal, report or any other matter, thing or proceeding whatsoever, presented by any person not a member of the Council, shall be presented to or considered by the Council unless the subject matter thereof, signed by the person desiring to be heard in connection therewith, is presented, in writing, to the City Clerk before twelve o'clock (12:00) noon of the Thursday immediately preceding the date of the meeting at which the same is to be considered; provided, however, that the requirement of this Subsection may be waived by the Council in the exercise of its sound and reasonable discretion.

B. No person shall address the Council without first securing the permission of the Mayor so to do; and no person, other than a member of the Council, shall speak more than once during the consideration of any one question, of whatever nature, at the same meeting, except that the person presenting the matter to the Council may speak a second time for a period not to exceed two (2) minutes, for the purpose of closing. Except for testimony at public hearings, all addresses to the Council, other than from members thereof, shall be limited to three (3) minutes. It shall be the duty of the City Clerk to keep the Mayor advised of the time consumed by each speaker and upon such advice from the City Clerk, it shall be the duty of the Mayor to strictly enforce this rule. Every person, other than a member of the Council, desiring to speak on any subject shall, standing in the place indicated for such purpose, address the presiding officer of the Council as "Mr. Mayor" or "Madam Mayor", and when recognized and given permission to proceed by the Mayor, shall first state his name and address in order that the same may be made a record in the minutes of the meeting; provided, however, that this rule, or any part thereof, may be suspended by the affirmative votes of two thirds (2/3) of the members of the Council present.

(Ord. C-6594 § 1, 1989; Ord. 5700 § 4, 1981; Ord. 5261 § 2, 1976; prior code § 2212 (Rule 9))

2.03.100 - Decorum.

A. Any person desiring to address the Council shall state what he wishes to present and obtain permission of the Mayor before proceeding. No person shall be permitted to use lewd, vicious or personal language, and, should he do so, it will be the duty of the Mayor, or other presiding officer, to

immediately deny him the floor and not permit him to continue.

B. No member of the Council shall leave the Council chamber without permission from the Mayor.

(Prior code § 2212 (Rule 10))

2.03.110 - Suspension of rules.

Except as otherwise provided in this Chapter, no rule contained in this Chapter shall be rescinded, modified, suspended, altered or changed except by a vote of two-thirds (2/3) of all the members of the Council, and at least one (1) days' notice, in writing, being given of the motion therefor.

(Prior code § 2212 (Rule 11))

2.03.120 - Manager and City Attorney attendance.

The City Manager and the City Attorney shall attend all regular sessions of the Council, and may at any time be permitted to interpose suggestions on any matter under consideration and shall be recognized by the presiding officer for such purpose.

(Prior code § 2212 (Rule 12))

ARTICLE II. - GENERAL REGULATIONS

2.03.140 - Disturbing Council meetings.

No person without authority of law shall disturb, interrupt, or break up any meeting or session of the Council, or of any legally constituted board or commission of the City.

(Prior code § 2211)

ARTICLE III. - LEGISLATIVE DEPARTMENT

2.03.170 - Appointment of employees.

Each individual member of the Long Beach City Council shall have the authority to appoint, suspend, remove and discipline the employee or employees of the Legislative Department who serve on his or her personal staff. The Mayor, with the concurrence of the City Council, shall have authority to appoint, suspend, remove and discipline the employees of the Legislative Department who do not serve on the personal staff of any individual Councilmember.

(Ord. C-6199 § 1 (part), 1985)

2.03.180 - Administration of department.

The Legislative Department shall be administered and operated in accordance with and pursuant to the applicable provisions of the City Charter and the ordinances, resolutions and administrative regulations adopted, approved or promulgated by the City Council.

(Ord. C-6199 § 1 (part), 1985)

CHAPTER 2.06 - CITY OFFICERS

FOOTNOTE(S):

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Cross reference— Provisions concerning specific City officers are found in the City Charter.

2.06.010 - City offices—Business hours.

All offices of the City shall keep their respective offices open for the transaction of business every day, except on Saturdays, Sundays, and legal holidays. Normal business hours for all City offices shall be from eight o'clock (8:00) a.m. to five o'clock (5:00) p.m. Except for offices under the jurisdiction of the City Council and elected officers, the City Manager shall adjust business hours of the offices for which he or she has administrative responsibility under Section 300 of the Charter of the City of Long Beach, in the City Hall and other City buildings, and shall direct the time of each workday that nonessential office lighting and other energy consuming equipment shall be turned off to reduce and minimize monthly charges for electrical service.

(Ord. C-5720 § 1, 1981: prior code § 2100)

2.06.020 - Bonds.

The City Manager shall obtain from a corporation, authorized to do business in California as a surety, a bond naming the City as obligee and covering all officials and employees of the City. Such bond shall be in an amount not less than one million dollars ($1,000,000.00) and shall protect the City from loss caused by fraudulent or dishonest acts of such officials and employees. Such bond may be subject to such deductible amount as shall be approved by the City Manager. Such bond, before its acceptance by the City, shall be approved in the manner prescribed by the City Charter.

(Ord. C-5908 § 1, 1991: prior code § 2720.1)

2.06.050 - Mayor's expenses.

The City Council finds that in the performance of official duties on behalf of the City, the Mayor is required to make certain expenditures for entertainment and other sundry purposes. The City Council further finds and determines that one hundred dollars ($100.00) per month is a reasonable amount to reimburse the Mayor for such out of pocket entertainment and sundry expenses: and subject to appropriation by the City Council, the Mayor shall be reimbursed at the rate of one hundred dollars ($100.00) per month for entertainment and sundry expenses without being required to furnish invoices, vouchers or other documentation.

(Ord. C-5730 § 1, 1981: prior code § 2213)

2.06.060 - Compensation for members of boards and commissions.

Members of boards and commissions of the City shall receive such compensation, if any, as may be fixed and prescribed by the City Council in the Salary Resolution of the City.

(Ord. C-6497 § 1, 1988)

CHAPTER 2.07 - CODE OF ETHICS

2.07.010 - Written pledge.

Prior to assuming office or employment, every City employee, elected City official, City commission or committee member and redevelopment board or committee member shall pledge, in writing, to follow these principles while acting in their official capacity:

A. To place the best interests of the City above all other interests.
B. To uphold all laws, regulations, and policies.
C. To take no action for the purpose of benefiting the official or employee personally.
D. To make every effort to avoid a conflict of interest.
E. To avoid disclosure of confidential information obtained in the performance of their duties or in their official capacity.
F. To exercise prudence and good judgment at all times.
G. To be fair, impartial, and unbiased in the decision making process.
H. To treat each other and the public with respect.

(Ord. C-7839 § 1, 2003)

2.07.020 - Required ethics training.

In the event that a member of any City Charter Commission or advisory body fails to complete the ethics training required by California Government Section 53234 et seq., within the time period specified therein, that person shall automatically be removed from membership from the commission or advisory body.

(ORD-06-0050 § 1, 2006)

CHAPTER 2.08 - LOBBYISTS

2.08.010 - Interpretation.

Unless the term is specifically defined in this Chapter or the contrary is stated or clearly appears from the context, the definitions set forth in Government Code Sections 81000 et seq., shall govern the interpretation of this Chapter.

(ORD-10-0006, § 1, 2010)

2.08.020 - Definitions.

For the purposes of this Chapter, the following definitions shall be applicable:

A. "Activity expense" means any payment made by a lobbyist to or directly benefiting any City official, City official-elect or member of his or her immediate family. Activity expenses include gifts, honoraria, consulting fees, salaries and any other form of compensation, but do not include campaign contributions.

B. "Administrative action" means the proposal, drafting, development, consideration, advocacy or recommendation of any rule, regulation, agreement or contract, permit, license or hiring action.

C. "City official" means any public official, legislative staff member or City employee who participates in the consideration of any legislative or administrative action other than in a purely clerical, secretarial or ministerial capacity. It shall also include any City board or commission member, or City representative to any joint powers authority to which the City is a party, and any consultant to the City.

D. "Consultant" means an individual who, pursuant to a contract with the City:

1. Makes a governmental decision whether to:
    a. Approve a rate, rule or regulation;
    b. Adopt or enforce a law;
    c. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
    d. Authorize the City to enter into, modify, or renew a contract provided it is the type of contract which requires City approval;
    e. Grant City approval to a contract which requires City approval and in which the City is a party or to the specifications for such a contract;
    f. Grant City approval to a plan, design, report, study or similar item;
    g. Adopt or grant City approval of policies, standards or guidelines for the City, or for any subdivision thereof.
2. Serves in a staff capacity with the City and in the capacity performs the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a position specified in the City's Conflict of Interest Code.

E. "Client" means a person who is represented by a lobbyist.

F.

"Compensation" includes, but is not limited to, money of any denomination or origin; goods or services or anything of value, delivered or rendered; or promises to perform or provide services or contractual arrangements or awards.

G. "Gift" means gift as defined in the California Political Reform Act, Government Code Section 81000 et seq., as amended from time to time.

H. "Influencing" means the purposeful communication, either directly or through agents, promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the behavior of a City official or official-elect, by any means, including, but not limited to, providing or using persuasion, information, incentives, statistics, studies or analyses; excepted from this definition is communication made as a part of a noticed governmental public meeting.

I. "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any resolution, ordinance, amendment thereto, report, nomination or other action of the Mayor, City Council, Redevelopment Agency of the City of Long Beach, Housing Authority of City of Long Beach, any joint powers authority of which the City is a party, or City board or commission, acting in its official capacity.

J. "Lobbying" is the influencing or attempting to influence a legislative or administrative action of the City.

K. "Lobbyist", unless exempt under Subsection 4. hereunder, means:

1. Contract lobbyist. A person who engages in lobbying on behalf of one (1) or more clients (acting individually or through agents, associates, employees or contractors) and who has received or has entered into an agreement for compensation of three thousand two hundred dollars ($3,200.00) or more ("threshold compensation") for engaging in lobbying during any consecutive three (3) month period;
2. Business or organization lobbyist. Any business or organization, whose owner(s), officer(s) or employee(s) carry out lobbying on its behalf, in an aggregate amount of fifty (50) hours or more within any three (3) month period, whether or not such officers or employees are specifically compensated to engage in lobbying; provided that the activities of officers shall be considered lobbying only if those officers receive compensation by the business or organization beyond reimbursement for their reasonable, travel, meals or incidental expenses; or
3. Expenditure lobbyist. A person who makes payments or incurs expenditures of five thousand dollars ($5,000.00) or more during any calendar year in connection with carrying out public relations, advertising or similar activities with the intent of soliciting or urging, directly or indirectly, other persons to communicate directly with any City official in order to attempt to influence legislative or administrative action. The five thousand dollars ($5,000.00) threshold shall not include:
    a. Compensation paid to contract lobbyists or employees for lobbying; or
    b. Dues payments, donations, or other economic consideration paid to an organization, regardless of whether the dues payments, donations or other economic consideration are used in whole or in part to lobby.
4. Exemptions to "lobbyist" are:
    a. Any public official acting in his or her official capacity or acting within the scope of his or her employment or appointment;
    b.

The media, when limiting its action to the ordinary course of news gathering or editorial activity, as carried out by members of the press. "Media" shall mean newspapers or any other regularly published periodical, radio or television station or network or information published on the internet. This exemption shall also apply to neighborhood newsletters, flyers or gazettes;

c. Persons reimbursed for only their reasonable travel, meals or incidental expenses, including but not limited to, uncompensated members or directors of nonprofit organizations such as chambers of commerce;

d. Persons whose communications regarding any legislative or administrative action are limited to appearing or submitting testimony at any public meeting held by the City or any of its agencies, offices, or departments, as long as the communications thereto are public records available for public review. Notwithstanding the foregoing, persons who otherwise qualify as lobbyists must register and disclose their lobbying activities directed toward City officials, in the same manner and to the same extent such registration and disclosure is required of all other lobbyists;

e. Persons submitting bids or responding to requests for proposals, provided the provision of such information is limited to direct conversation or correspondence with the official or department specifically designated to receive such information;

f. Persons providing oral or written information pursuant to a subpoena or otherwise compelled by law or regulation, or in response to an official request provided that the request and response thereto are public records available for public review;

g. Persons whose communications relate to:

(i) The establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or a memorandum of understanding between the City and a recognized employee association.

(ii) Management decisions as to the working conditions of represented employees that clearly relate to the terms of a collective bargaining agreement or memorandum of understanding between the City and a recognized employee association.

(iii) Proceedings before the City's Civil Service Commission.

h. Board members or employees of nonprofit 501(c)(3) corporations;

i. Members of neighborhood associations or project area committees;

j. Board members and employees of organizations representing City business improvement districts.

L. "Organization" means any person that is not an individual.

M. "Person" means any individual, domestic or foreign corporation, for-profit or nonprofit entity, firm, association, syndicate, union, chamber of commerce, joint-stock company, partnership of any kind, limited liability company, common-law trust, society, or any other group of persons acting in concert.

(ORD-10-0006, § 1, 2010)

2.08.030 - Registration.

Lobbyists shall register with the City Clerk within fifteen (15) days after qualifying as a lobbyist under Section 2.08.020.

(ORD-10-0006, § 1, 2010)

2.08.040 - Annual registration renewal.

A lobbyist shall renew his or her registration by January 15 or each year unless he or she has terminated their status as a lobbyist pursuant to Section 2.08.050, by such date.

(ORD-10-0006, § 1, 2010)

2.08.050 - Termination of lobbyist status.

After initial registration, annual registration renewal will not be required if a declaration attesting to the termination of lobbying services within the City has been filed with the City Clerk no later than January 15.

(ORD-10-0006, § 1, 2010)

2.08.060 - Active status.

All registrations, renewals and terminations will be deemed filed on the date received by the City Clerk. A lobbyist shall be deemed active for the duration of the year of registration ending December 31, unless a declaration attesting to termination of lobbying services within the City is filed.

(ORD-10-0006, § 1, 2010)

2.08.070 - Registration fees.

Persons subject to the registration requirements of this ordinance shall pay an annual fee set by resolution of the City Council. Persons registering for the first time after June 30 of a given year shall pay a reduced registration fee set by resolution of the City Council.

A. The applicable registration fee is due at the time of registration or registration renewal. Payment will be deemed delinquent thereafter. Delinquency fees may be assessed as specified in Subsection C below, if payment occurs after the due date.
B. In addition to the annual fee, each registrant shall pay a fee set by resolution of the City Council per client for whom lobbying is undertaken for compensation in excess of five hundred dollars ($500.00). The fees for clients as of the date of initial registration shall be submitted with the registration. The fees for subsequent clients will be due and submitted at the time of the submission of the relevant semi-annual report as required pursuant to Section 2.08.110 below.
C. A fine of twenty-five dollars ($25.00) per day for delinquent fees, up to a maximum of five hundred dollars ($500.00), will be assessed until compliance with the registration provisions herein.

(ORD-11-0021, § 1, 2011; ORD-10-0006, § 1, 2010)

2.08.080 - Required registration information.

Registration statements shall contain the information set forth in Section 2.08.090.

(ORD-10-0006, § 1, 2010)

2.08.090 - Disclosure.

The initial registration shall contain the name, business address, telephone and fax numbers of all persons required to register pursuant to this Chapter, including the names of all owners of sole proprietorships and partnerships of fewer than ten (10) persons. If the registrant is a corporation, it shall also include the names of the president, secretary, chief financial officer, and agent for service of process,

if any. Any business or organization registering under this act shall also briefly describe the nature of its business or organization and contacted individual. In addition to this information, the report shall contain the following:

A. Contract lobbyist. The name, business address, telephone number of each client, the nature of each client's business and the item(s) of legislative or administrative action the lobbyist is seeking to influence on behalf of the client; and the name of each person employed or retained by the lobbyist to lobby on behalf of each client.

B. Business or organization lobbyist. The names of owners, officers or employees conducting lobbying activities and the item(s) of legislative or administrative action the lobbyist is seeking to influence.

C. Expenditure lobbyists. The item(s) of municipal legislative or administrative action the lobbyist is seeking to influence.

D. Payment received by the reporting lobbyist for services as a consultant or in any other capacity for services rendered to a City agency, any City official or any City official-elect or their controlled committees, any officeholder committee, or ballot measure committee. The dates of payment and name of each payer shall be included.

E. The name, address, title and telephone number of the person responsible for preparing the report, together with that individual's signature attesting to the authority of the signatory and the accuracy and truthfulness of the information submitted.

(ORD-10-0006, § 1, 2010)

2.08.100 - Subsequent disclosures.

For each six (6) month period following the date in which the lobbyist was required to register, the lobbyist must file a semi-annual report in duplicate with the City Clerk not later than fifteen (15) calendar days after the end of the qualifying period whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the City Clerk. Each semi-annual report shall contain the same information as required to be disclosed in the initial registration, for those activities occurring in that period. If a lobbyist has terminated all lobbying activities during such period, the lobbyist may file a declaration of termination with the semi-annual report. The final semi-annual report shall include disclosure of any lobbying activities during the period of termination.

(ORD-11-0021, § 2, 2011; ORD-10-0006, § 1, 2010)

2.08.110 - Semi-annual reports.

Semi-annual reports are to be filed on or before July 15 and January 15 of each year, for the prior six (6) month period, and are delinquent thereafter. Electronic reporting may also be permitted by the City Clerk.

(ORD-11-0021, § 3, 2011; ORD-10-0006, § 1, 2010)

2.08.120 - Records retention.

Copies of the records pertaining to the above-required reports shall be preserved by the lobbyist for inspection and audit for a period of four (4) years from date of production.

(ORD-10-0006, § 1, 2010)

2.08.130 - Lobbyist identification.

When appearing in a lobbying capacity at a public meeting of the City Council or other City board or commission, a contract lobbyist shall identify himself/herself and the client(s) on whose behalf he/she is appearing, and a business or organization lobbyist shall identify himself/herself and the business or organization he/she represents.

(ORD-10-0006, § 1, 2010)

2.08.140 - Prohibitions.

It shall be unlawful for any lobbyist to commit any one (1) of the following acts:

A. Unauthorized Communications. Sending or causing any communication to be sent to any City official in the name of any nonexistent person or in the name of an existing person without the express or implied consent of such person.
B. Fictitious Persons. Contacting any officer of the City in the name of any nonexistent person or in the name of any existing person, except with the consent of such existing person.
C. Indirect Violations. Attempting to evade the requirements of this Chapter through indirect efforts or through the use of agents, associates, intermediaries or employees.
D. Creation of Obligations. Performing or sponsoring any act with the purpose and intent of placing any City official under personal obligation to the lobbyist.

(ORD-10-0006, § 1, 2010)

2.08.150 - Gifts.

It shall be unlawful for any lobbyist to deliver or cause to be delivered any gift to any City official, and for any City official to accept any gift from a lobbyist.

(ORD-10-0006, § 1, 2010)

2.08.160 - The City Clerk.

The City Clerk shall:

A. Oversee administration of this Chapter including creation of all forms and explanatory materials.
B. Post all submitted reports on the internet within a reasonable time of receipt of the reports.
C. Accept all required filings under this Chapter.

(ORD-11-0021, § 4, 2011; ORD-10-0006, § 1, 2010)

2.08.170 - Criminal penalties.

Any person who knowingly or willfully violates or causes any other person to violate any provision of this Chapter is guilty of a misdemeanor.

(ORD-10-0006, § 1, 2010)

2.08.180 - Injunction.

The City Attorney may seek injunctive relief in the courts to enjoin violations of or to compel compliance with the provisions of this Chapter.

(ORD-10-0006, § 1, 2010)

2.08.190 - Practice restrictions.

No person convicted of a violation of this Chapter may act as a lobbyist or otherwise attempt to influence municipal legislation for compensation for one (1) year after such conviction.

(ORD-10-0006, § 1, 2010)

2.08.200 - Limitation of actions.

Prosecution for violation of any provision of this Chapter shall be commenced within four (4) years after the date on which the violation occurred.

(ORD-10-0006, § 1, 2010)

2.08.210 - Cost of litigation.

The court may award costs of litigation including reasonable attorney's fees to the prevailing party in any action to compel compliance with the provisions of this Chapter.

(ORD-10-0006, § 1, 2010)

2.08.220 - Review of regulations.

On or before the first anniversary of the effective date of this Chapter, the City Council shall review the effectiveness of these regulations, and shall enact modifications, if necessary.

(ORD-10-0006, § 1, 2010)

CHAPTER 2.09 - REVOLVING DOOR RESTRICTIONS

2.09.010 - Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings set forth as follows:

"City official" means the Mayor, members of the City Council, City employees, members of all City boards, commissions and committees, and members of the boards of the Redevelopment Agency, Housing Authority and Long Beach Housing Development Company.

"Compensation" means money or any other thing of value that is received, or is to be received, in return for or in connection with lobbying services rendered, or to be rendered, including reimbursement of expenses incurred in lobbying. A person receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this Chapter or is received for both lobbying activities and other activities as well.

(Ord. C-7899 § 1, 2004)

2.09.020 - Prohibition.

For one (1) year after leaving City service, no former City official shall, for a compensation, engage in direct communication with any department, agency or board ("agency") on which he or she served during the twelve (12) month period preceding his or her departure from City service, for the purpose of attempting to influence any action or decision on any matter pending before that agency on behalf of any other person. For one (1) year after leaving City service, no former Mayor or City Councilmember shall for compensation, engage in direct communication with any agency of the City for the purpose of attempting to influence any action or decision on any matter pending before that agency on behalf of any other person.

(Ord. C-7899 § 1, 2004)

2.09.030 - Exceptions.

The prohibition set forth in this Chapter shall not apply to the following:

A. A former City official representing himself or herself, in his or her individual capacity, in connection with any matter pending before any agency.
B. The activities of any former City official who is an elected or appointed officer or employee of any City, County, district, multijurisdictional, State or federal government agency, when that former City official or employee is solely representing that agency in his or her official capacity as an officer or employee of the agency.

(Ord. C-7899 § 1, 2004)

2.09.040 - Enforcement.

Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor. In the sole discretion of the City Prosecutor, any violation of this Code may be prosecuted as either a misdemeanor or an infraction.

(Ord. C-7899 § 1, 2004)

CHAPTER 2.10 - VOLUNTEERS

2.10.010 - Short title.

This Chapter shall be known and may be cited as the Long Beach Citizens Initiative and Voluntary Action Law.

(Ord. C-7315 § 1, 1995)

2.10.020 - Findings and declaration.

The City Council finds and declares that:

A. Since the spirit of volunteerism has long animated Long Beach citizens to give of their time and abilities to help others, the City would be wise to expand the already substantial use of volunteers in local governmental service wherever practically possible.

B. The spirit of citizen initiative and self-reliance needs to be recognized, fostered and expanded whenever possible in meeting basic human needs in the City.

C. In every neighborhood there are individuals who, by their personality, concern, experience, commitment and training, can serve as citizen action leaders and volunteers.

D. There presently exist sufficient local resources to assist volunteer citizen action efforts. There are an infinite number of skilled, experienced community groups, and volunteer organizations available to help mobilize citizen initiatives. Such groups include neighborhood, business and fraternal organizations, churches, women's organizations, voluntary action centers, schools and other community organizations in both the public and private sectors.

E. Legal and market disincentives and impediments need to be identified and eliminated in order to establish an optimum environment for citizen initiative and volunteer action in the cause of localism and in City government.

F. There is a need for a clearinghouse, to provide information concerning resources and alternatives to foster self-reliance and citizen action.

G. It is not the intent of the City Council that volunteers should replace or supplant public employees where such employees are providing services deemed necessary for the City government to perform but, rather, that they add new dimensions and insights to providing such governmental services.

(Ord. C-7315 § 1, 1995)

2.10.030 - Purpose and goals.

The purpose and goals of this Chapter are to provide a mechanism with the City government that will:

A. Foster the spirit of citizen initiative and voluntary action in City government to the full extent permitted by law;

B. Enable adequate communication and collaboration whereby individuals and agencies may converse with each other to initiate new programs or improve existing programs for citizen initiative and voluntary action at the local level;

C. Identify untapped human, technical and material local resources that can be mobilized for the public good through citizen initiative and voluntary action;

D. Open up the process of City government to provide a common ground for two (2) fundamental concepts, volunteerism and citizen initiative, to be brought together in mutually supportive relationships as a basis for better municipal services; and

E. Achieve an effective and permanent expansion of citizen initiative and voluntary action in City government problem solving and citizen participation in the delivery of local government services.

(Ord. C-7315 § 1, 1995)

2.10.040 - Definitions.

As used in this Chapter:

A. "Volunteer" means any person who, of his/her own free will, provides goods or services, without any financial gain, to any department or division of the City of Long Beach.

B. "Administrative volunteer" means any person serving voluntarily on boards, commissions or other similar bodies of the City of Long Beach.

C. "Direct service volunteer" means any person involved in specific volunteer service that includes one (1) to one (1) relationships or assistance to recipients of City services.

(Ord. C-7315 § 1, 1995)

2.10.050 - Volunteer coordinator.

The City Manager shall designate an appropriate department of the City and a person within that department to act as clearinghouse and coordinator of all volunteer activities in the City and to advocate and encourage citizen initiative and volunteer action within City government. The coordinator shall cooperate and interact fully in his/her activities with the office of the Mayor.

(Ord. C-7315 § 1, 1995)

2.10.060 - Intradepartmental coordination task force.

The City Manager shall direct each department director to designate one (1) departmental employee to serve as volunteer coordinator for that department. All such departmental coordinators shall constitute the intradepartmental coordination task force to assist the volunteer coordinator in carrying out his/her responsibilities under Section 2.10.050. The task force shall meet from time to time on call of the volunteer coordinator.

(Ord. C-7315 § 1, 1995)

2.10.070 - City Attorney assistance.

The City Attorney shall work closely with and advise the volunteer coordinator as to all matters relating to the volunteer program. Among other things, he/she shall cause the preparation of a concise statement of the City's legal position and responsibility relating to volunteers, which statement shall be available to all volunteers for their information. He/she shall also prepare a general purpose waiver form to be signed by all volunteers as a part of their indoctrination process and shall also assist in the preparation of all agreements entered into by the City relating to the use of volunteers.

(Ord. C-7315 § 1, 1995)

CHAPTER 2.12 - FIRE DEPARTMENT

2.12.010 - Uniforms.

The Chief of the Fire Department, with the approval of the City Manager, shall prescribe the type of uniforms and accessories thereto to be furnished by each employee of the Fire Department holding a position in the classification of fireman and auto fireman, said uniforms to be maintained by said employee to the satisfaction of the Chief of the Fire Department.

(Prior code § 3510.1)

CHAPTER 2.15 - POLICE DEPARTMENT

FOOTNOTE(S):

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Cross reference— Provisions on the Police Department, see the City Charter.

State Law reference— Provisions on the police, Gov. Code § 38630 et seq.; provisions on application for aid from the Peace Officer Training Fund, Penal Code § 13522; provisions on Peace Officer Training Fund and standards of recruitment and training of peace officers, Penal Code §§ 13500-13523.

2.15.010 - Report copies.

The Chief of Police is authorized to issue copies of police reports as provided in this Section:

A. The Chief of Police may charge and collect a fee commensurate with the direct costs of duplication of police reports as provided for in Section 2.99.010 of this Title.
B. No fee shall be charged for issuance of any such copy to a proper representative of the State or any County, City, district or other political subdivision.
C. Nothing contained in this Section shall be construed to limit any citizen's otherwise right of inspection of a public document.
D. No such copy shall issue a report or any portion thereof which is otherwise confidential, privileged in nature, or when the public interest would suffer by disclosure of the report or portion thereof.

(Ord. C-7741 § 1, 2001; Ord. C-6238 § 1, 1986; prior code § 3580)

2.15.020 - Fingerprinting fees.

The Chief of Police is authorized to furnish fingerprinting services as provided in this Section. The Chief of Police shall charge and collect for the City the actual costs for each set of prints taken at the request of persons applying for State or City license permits. No fingerprinting service fees shall be charged to those persons registering under the requirements of Penal Code Section 290 or Health and Safety Code Section 11590.

(Ord. C-6238 § 2, 1986: Ord. C-5613 § 1, 1980: prior code § 3581)

2.15.030 - Training—Policy.

The City declares that it desires to qualify to receive aid from the State under the provisions of Chapter 1 of Title 4, Part 4 of the Penal Code.

(Prior code § 3520)

2.15.040 - Training—Standards.

Pursuant to Section 13522 of Chapter 1 of the Penal Code, the City, while receiving aid from the State, pursuant to said Chapter, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

(Prior code § 3520.1)

2.15.050 - Uniforms.

The Chief of Police, with the approval of the City Manager, shall prescribe the type of uniforms and accessories thereto to be furnished by each employee of the Police Department holding a position in the classification of patrolman, including patrolman assigned to motorcycle patrol, full-time monthly salaried school guard, policewoman, police matron and identification officer, said uniforms to be maintained by said employees to the satisfaction of the Chief of Police.

(Prior code § 3510)

2.15.060 - Reserve Corps—Established.

A Police Reserve Corps, hereinafter called "Corps", is established as a volunteer organization in the City to serve gratuitously, composed of persons appointed by the Chief of Police, hereinafter called the "Chief".

(Ord. C-5536 § 1, 1979: prior code § 3550)

2.15.070 - Reserve Corps—Direction.

Subject to the provisions of this Code, the Chief shall have complete authority and control over the Corps. He may appoint as members thereof any persons whom he deems to be qualified and may reject any application for membership. He may provide for the training of candidates for membership and for the further training of members. Membership in such organization is open to both men and women. The use of the masculine gender in this Code with reference to the Police Reserve Corps shall be so construed as to include the feminine.

(Prior code § 3550.1)

2.15.080 - California Law Enforcement Telecommunications System.

A. The Chief of Police and only the Chief of Police is authorized to permit various departments (or specific divisions or bureaus of departments) of the City to have access to the California Law Enforcement Telecommunications System (known as "CLETS") in accordance with written policies, rules and restrictions issued for such access to each department (or division or bureau of a department) by the Chief of Police and in accordance with CLETS policies, practices and procedures, as issued from time to time and which are incorporated herein and in the written policies, rules and restrictions issued by the Chief of Police, by this reference. Until the Chief of Police has issued such policies, rules and restrictions for a department (or division or bureau of a department), no department (or division or bureau of a department) other than the Police Department may have access to CLETS. Unless otherwise authorized by law, neither the City Manager, nor any other official of the City shall have authority to permit access to CLETS.

B. Nothing in this Section shall prohibit the City Manager, a City department (or division or bureau of a City department), a board, or an elected official from submitting an application to the CLETS Executive Secretary, or other entity authorized to accept applications on behalf of the California Department of Justice, in the name of the City Manager, the City department (or division or bureau of the City department), a board, or an elected official for direct access, interface, or the like to CLETS. And, if the City Manager, a City department (or division or bureau of a City department), a board, or an elected official submits an application in its own name for CLETS service and is approved by the CLETS Advisory Committee or its successor for direct access, interface or the like to CLETS, then this Section shall not apply to that approved applicant.

(Ord. C-7616 § 1, 1999)

CHAPTER 2.18 - ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

2.18.010 - Title and purpose.

This Chapter may be referred to as the uniform regulations for Council established advisory boards, commissions and committees. Its purpose is to provide uniform general regulations applicable to all boards, commissions and committees of the City established by the City Council for the performance of various prescribed duties and functions.

(Ord. C-5705 § 1 (part), 1981: prior code § 2310)

2.18.020 - Applicability.

A. The provisions of this Chapter shall apply to every advisory board, commission and committee of the City whether it is established by ordinance, resolution or otherwise. In the event any provision of this Chapter conflicts with a specific provision of an ordinance or resolution establishing a specific board, commission or committee, such specific provision shall control.

B. The City Council may create by ordinance such other appointive boards or commissions as it deems necessary and may grant to them powers and duties that are consistent with the provisions of this Chapter. The City Council, by motion adopted by the affirmative vote of at least a majority of its members, may appoint from time to time temporary committees or task forces to give counsel and advice to the City Council.

(Ord. C-5705 § 1 (part), 1981: prior code § 2310.8)

2.18.030 - Existing boards and commissions.

Members of existing appointive boards, commissions and committees on the effective date hereof shall continue in office and shall perform their duties until such duties are delegated to another body or such bodies are disbanded.

(Ord. C-5705 § 1 (part), 1981: prior code § 2310.10)

2.18.040 - Staff support.

Staff will arrange for new members to receive appropriate orientation when they assume their official duties. Within the limits dictated by fiscal constraints, the City will endeavor to provide reasonable staff support to advisory bodies in order to permit them to perform their functions in an effective manner.

(Ord. C-5705 § 1 (part), 1981: prior code § 2310.9)

2.18.050 - General regulations.

The following regulations shall apply to all advisory bodies which are subject to this Chapter:

A. The members of each body shall be appointed by the Mayor and confirmed by a majority vote of all members of the City Council;

B. The members of each body must reside in the City at the time of appointment, and must maintain residence within the City at all times during their service on the advisory body;

C.

The term of office shall be two (2) years for members of each body. Members may be reappointed after their initial term, but in no event shall any person who has served four (4) consecutive, two (2) year terms on the same body be eligible for reappointment to that body. Serving any portion of an unexpired term shall not be counted as service of one (1) term. Members not eligible for reappointment may continue to serve until their successors are appointed and qualified. The terms of office for members of all advisory bodies shall terminate on the third Tuesday of July of every even-numbered year;

D. The members of advisory bodies shall receive no compensation for the performance of their official duties unless compensation is expressly provided by the City Council;

E. Appointments to fill vacancies on advisory bodies shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term; and

F. The members of each body may be removed by a majority vote of all members of the City Council for the following causes:

1. Absence from three (3) consecutive meetings without official permission expressed in the official minutes;
2. Incompetence, malfeasance, misfeasance, neglect of duty, or conviction of a crime involving moral turpitude; and
3. Refusal to resign from an advisory body when no longer a resident of the City.

(Ord. C-5705 § I (part), 1981: prior code § 2310.1)

2.18.060 - Selection of officers.

A. Each board, commission or committee shall have at least two (2) officers (such as Chairman and Vice-Chairman) and such other officers it deems necessary.

B. All officers shall be elected by the members for a term of one (1) year and no officer shall serve more than two (2) successive terms.

(Ord. C-5705 § 1 (part), 1981: prior code § 2310.2)

2.18.070 - Meetings.

A. All meetings of such bodies shall be open to the public and whenever possible shall be held at a City-owned facility.

B. Reasonable notice shall be given to the public prior to the convening of any meeting.

C. Minutes of each meeting shall be kept and filed with the City Clerk and copies of the minutes shall be sent to the Mayor and City Manager.

D. Each body shall meet at least quarterly.

E. A majority of all the members of such body shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting.

(Ord. C-5705 § 1 (part), 1981: prior code § 2310.3)

2.18.080 - Rules and regulations.

A. Each body may promulgate such rules and regulations for its conduct as it deems necessary. Meetings shall be conducted in accordance with Robert's Rules of Order.

B. All adopted rules and regulations shall be promptly filed with the City Clerk and shall bear the signature of the presiding officer.

(Ord. C-5705 § 1 (part), 1981: prior code § 2310.4)

2.18.090 - Reports.

A. Each body shall present an annual written report of its activities for the past year to the Mayor and Council; it may also make appropriate recommendations. The report shall include the following:
    1. The name of the body;
    2. Its objectives and functions;
    3. A reference to all reports and recommendations presented to the City Council, including the number of subject matters referred by the City Council;
    4. The number of meetings held;
    5. Attendance records of all members;
    6. The number of public hearings conducted;
    7. The amount of money, if any, expended in support of that body;
    8. A list of City personnel who regularly assist that body;
    9. A recommendation as to whether that body should be abolished, modified or continued.

B. The City Clerk shall forward the original report to the City Council and shall maintain a copy. Such reports shall be open to public inspection.

(Ord. C-5705 § 1 (part), 1981: prior code § 2310.5)

2.18.100 - City Council duties.

The City Council shall:

A. Review and take necessary action to verify the reports submitted under Section 2.18.090
B. Evaluate the performance of the reporting body based on the criteria provided in Section 2.18.110
C. Between November 1st and February 1st:
    1. Determine which bodies, if any, should be considered for continuation, modification or termination,
    2. Conduct a public hearing on each body to be considered for modification or termination, to decide whether it should be modified or terminated.

(Ord. C-5705 § 1 (part), 1981: prior code § 2310.6)

2.18.110 - Criteria for review.

A. The City Council shall consider the following criteria in determining whether a public need exists for the continuation of a body subject to this Chapter:
    1. Identify the objectives and the problems or needs which that body was to address; and the extent to which the objectives have been achieved;
    2. The extent to which that body is needed and used;
    3. The efficiency of that body;
    4. The promptness and effectiveness of that body in disposing of its business;
    5. The extent to which the jurisdiction of that body overlaps or duplicates the jurisdiction of another body; and the extent to which the functions of that body can be consolidated with those of other bodies;
    6. The cost of operation;
    7.

The availability of less restrictive or other alternative methods of performing any function of that body which could adequately serve the public need;

8. The impact in terms of federal intervention or loss of federal funds if that body is abolished.

B. Nothing in this Chapter shall be construed to prohibit or limit the City Council from abolishing, modifying, or reorganizing any advisory body at any time it deems necessary or desirable.

(Ord. C-5705 § 1 (part), 1981: prior code § 2310.7)

CHAPTER 2.21 - REPRESENTATION ON BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

2.21.010 - Appointments.

The City representative to the Board of Directors of the Metropolitan Water District of Southern California, as authorized by the Metropolitan Water District Act, shall be designated and appointed by the Mayor with the consent and approval of the City Council.

(Ord. C-5709 § 4 (part), 1981: prior code § 2400(a))

2.21.020 - Term.

The term of office of the representative shall be for four (4) years commencing on the first day of January of an odd-numbered year and continuing until expiration of four (4) years or until his successor has been appointed and qualified.

(Ord. C-5709 § 4 (part), 1981: prior code § 2400(b))

2.21.030 - Incumbent.

The incumbent representative of the City on the Board of Directors of the Metropolitan Water District on the effective date of the ordinance codified in this Chapter shall serve until December 31, 1980, or until his successor has been appointed and qualified.

(Ord. C-5709 § 4 (part), 1981: prior code § 2400(c))

2.21.040 - Removal.

No duly appointed City representative to said Board of Directors shall be removed from office except for cause.

(Ord. C-5709 § 4 (part), 1981: prior code § 2400(d))

2.21.050 - Compensation.

The City representative shall receive compensation as may be fixed and prescribed by the City Council in the salary resolution of the City.

(Ord. C-6766 § 1, 1990)

CHAPTER 2.24 - BOARD OF HEALTH AND HUMAN SERVICES

FOOTNOTE(S):

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Cross reference— Provisions on the Department of Health and Sanitation, see the City Charter.

State Law reference— Provisions on local health administration, Health and Saf. Code § 50 et seq..

2.24.010 - Created.

There is created a Board of Health and Human Services, in and for the City, to be known and designated as the Board of Health and Human Services of the City.

(Ord. C-6230 § 1, 1986: prior code § 5110)

2.24.020 - Members.

The Board shall consist of fifteen (15) members. At least three (3) of said members shall be licensed by the State to practice as physicians and surgeons. Of the remaining members, at least one (1) of the following shall be members: State licensed dentist, State licensed pharmacist, State licensed nurse, and State licensed veterinarian. Of the remaining eight (8) members, at least one (1) shall be nominated by the Long Beach Unified School Board, and five (5) shall be selected to provide broad representation to the community, and shall be knowledgeable in the human services area. Every effort should be made to appoint a Board which reflects the ethnic and gender composition of the City. A member who is or has been a member of the governing board or committee, or an officer, executive, employee, or a member of an entity or organization which applies for funds for human or social services from the City, shall refrain from participating in the discussion and consideration, and from influencing, either directly or indirectly, and shall abstain from any vote, regarding said application. Members shall be appointed by the Mayor and confirmed by the City Council. Members shall serve for two (2) year terms and shall be eligible for reappointment if their service does not exceed the eight (8) year maximum established by the City Council. Each member of the Board shall be a qualified elector of the City at the time of appointment, and shall be subject to removal by the Mayor at any time, with the consent and approval of the City Council. Vacancies shall be filled in the same manner as original appointments.

(Ord. C-6812 § 1, 1990: Ord. C-6230 § 2, 1986: Ord. C-6143 § 1, 1985: Ord. C-5709 § 2 (part), 1981: Ord. C-5236 § 1, 1976: prior code § 5110.1)

2.24.030 - Duties of Department Director and Health Officer.

The Department Director and Health Officer of the City shall be ex officio and additional members of the Board of Health and Human Services.

(Ord. C-6812 § 2, 1990: prior code § 5110.2)

2.24.040 - Compensation.

No member of the Board shall receive any compensation for his services on the Board.

(Prior code § 5110.3)

2.24.050 - Meetings.

Immediately following their appointment, the Board shall meet upon the call of the Department Director, and shall organize by electing one (1) of its members Chairman and any other officer it may deem advisable, said officers to serve for a period of one (1) year in such capacity. At said meeting, the Board shall select a regular meeting place and time, which regular meetings shall be held at least once each month. Special meetings may be called by the Chair at any time; and upon request from the Department Director, the Chair shall call such a meeting.

(Ord. C-6812 § 3, 1990: prior code § 5110.4)

2.24.060 - Records and reports.

The City Clerk shall keep, or cause to be kept, a record of all the proceedings of the Board of Health and Human Services and maintain the records.

(Ord. C-6812 § 4, 1990: prior code § 5110.5)

2.24.070 - Advisory duties.

The Board shall act as an advisory body to consult with and advise the Department Director, the Council and City Manager on any matter relating to the funding of social services to community-based organizations, and to the public health in the City, including the health of victims of crimes and health services related to prisoners of the City jail, as well as community health safety issues concerning the control and protection of all animals within the City, or matters connected with the administration of the Department of Health and Human Services, and to conduct hearings on matters pertaining to the public health and social service affairs of the City and to report any findings or recommendations to the proper authorities for action.

(Ord. C-6812 § 5, 1990: Ord. C-6230 § 3, 1986: Ord. C-6143 § 2, 1985: prior code § 5110.6)

2.24.080 - Appropriation for expenses.

The Council shall appropriate such monies, at its discretion, as it may deem necessary for the purpose of defraying the actual expenses of carrying on the activities of the Board.

(Prior code § 5110.7)

CHAPTER 2.27 - AIRPORT ADVISORY COMMISSION

FOOTNOTE(S):

--- (**5**) ---

Cross reference— Provisions pertaining to the suspension of members of commissions, see the City Charter.

2.27.010 - Created.

There is created a Commission to be known and designated as the Airport Advisory Commission.

(Ord. C-5709 § 1 (part), 1981: prior code § 2370)

2.27.020 - Members.

A. The Airport Advisory Commission shall consist of nine (9) members. The members of the Commission must reside in the City at the time of appointment, and must maintain residence within the City at all times during their service on the advisory body;

B. No member may participate in any decision in which he or she has a material financial interest within the meaning of the California Political Reform Act. Each member shall file a statement of economic interest in accordance with the California Political Reform Act.

(Ord. C-7834 § 1, 2002: Ord. C-5709 § 1 (part), 1981: prior code § 2370.1)

2.27.030 - Duties.

The duties of the Commission shall be as follows:

A. Generally to consult with and advise the City Council in formulating City policies regarding the development and operation of the Long Beach Municipal Airport;

B. To study and analyze, for the purpose of evaluation and recommendation of policy, problems which have been referred to it by the City Council, including, but not limited to: (1) a review of the master plan for the municipal airport and possible revision of modification thereof; and (2) a review of and the preparation of recommendations with respect to, fees, rental schedules and standards of service of the municipal airport.

Nothing contained herein shall be construed as investing the Commission, or any member thereof, with supervisory powers over the actions or duties of City employees. Neither the Commission nor any member thereof shall be concerned with day-to-day airport operations, construction, maintenance or repair activities, or other routine matters at the airport.

(Ord. C-5709 § 1 (part), 1981; prior code § 2370.2)

CHAPTER 2.33 - CITIZEN'S ADVISORY COMMISSION ON DISABILITIES

2.33.010 - Created.

There is created a Commission to be known and designated as the Citizens' Advisory Commission on Disabilities.

(Ord. C-7184 § 1 (part), 1994; Ord. C-5709 § 1 (part), 1981; Ord. C-5237 § 1 (part), 1976; prior code § 2397)

2.33.020 - Members.

The Citizens' Advisory Commission on Disabilities shall consist of nine (9) members. Six (6) of the members shall be citizens from the City, and the remaining three (3) members shall be representatives from public and private agencies which provide services to disabled citizens in the City. As used in this Chapter, the term disabled person means a person having a physical or mental impairment which substantially limits such person from functioning in one (1) major life activity or more, or a person who has a record of such impairment or who is regarded as having such an impairment. As used in this Chapter, major life activity means any mental or physical function or activity which, if impaired, creates a substantial barrier to employment, housing, recreation, transportation, health service, or other life activity as identified by the Commission.

(ORD-09-0011, § 1, 2009; Ord. C-7184 § 1 (part), 1994; Ord. C-5709 § 1 (part), 1981; Ord. C-5413 § 1 (part), 1978; Ord. C-5237 § 1 (part), 1976; prior code § 2397.1)

2.33.030 - Duties.

The duties of the Commission shall be as follows:

A. To act in an advisory capacity to the Mayor, City Council and City Manager or their designated representatives on specific topics requiring input in dealing with concerns and/or issues affecting people with disabilities.

B. To assemble and disseminate to the Mayor, City Council, City Manager and the agencies which serve people with disabilities, information on issues affecting people with disabilities in the pursuit of employment, health services, housing, transportation, recreation, and other life activities as identified by the Commission.

C. To act on its own initiative to make recommendations to the Mayor, City Council and City Manager on corrective measures designed to eradicate artificial barriers to a full and productive life for people with disabilities.

D. To act to facilitate coordination, cooperation and communication between existing and proposed services for people with disabilities.

E. To carry out such studies as may be assigned to it by the Mayor, City Council and City Manager and which are accompanied by adequate City resources and support.

F. To provide expertise on issues affecting people with disabilities as requested by the various departments of the City, with the approval of the Mayor, City Council and/or the City Manager.

G. To report, from time to time, to the Mayor, City Council and City Manager its findings.

Nothing herein contained shall be construed as investing the Commission, or any member thereof, with supervisory powers over the actions or duties of City employees or the operations of City departments.

(Ord. C-7184 § 1 (part), 1994; Ord. C-5709 § 1 (part), 1981; Ord. C-5413 § 1 (part), 1978; Ord. C-5237 § 1 (part), 1976; prior code § 2397.2)

CHAPTER 2.36 - ECONOMIC DEVELOPMENT COMMISSION

2.36.010 - Created.

There is created a Commission in and for the City to be known and designated as the Economic Development Commission.

(Ord. C-5253 § 1 (part), 1976; prior code § 2398)

2.36.020 - Appointment, composition and terms of office.

The Economic Development Commission shall consist of eleven (11) members. At least a majority of the members of the Commission shall be residents of the City at the date of appointment. The remainder of the Commission may be comprised of residents of the City or individuals having a business interest in the City at the date of his/her appointment. The members of the Commission shall be appointed by the Mayor, subject to the confirmation of the City Council. The Mayor shall make eight (8) of said appointments from a list of persons nominated by the governing bodies or chief executive officer of the following organizations or representing the following public-private segments:

A. Long Beach Area Chamber of Commerce (Business);
B. Long Beach Unified School District or Long Beach City College or California State University, Long Beach (education);
C. A representative from real estate or financial services industries in Long Beach (real estate/financial services);
D. A representative from a Long Beach Area Workforce Organization (workforce);
E. A representative from the insurance, legal, accounting or architecture professions in Long Beach (professional services);
F. Long Beach Convention and Visitors Bureau (tourism);
G. City of Long Beach Recognized Business Association representative (business associations);
H. A representative from an airport-related business (airport business).

The remaining three (3) commissioners shall be appointed by the Mayor of the City subject to City Council confirmation, representing business or a business-related civic interest in Long Beach.

Upon the expiration of the current term of each seat, an appointment shall be made by the Mayor for a term not to exceed four (4) years in duration. All subsequent appointments to each seat shall be for a term of four (4) years. Except for members first appointed after the effective date of the ordinance codified in this Chapter to fill unexpired terms, no member shall serve more than eight (8) consecutive years.

(ORD-08-0022 § 1, 2008; Ord. C-7676 § 1, 2000; Ord. C-7620 § 1, 1999; Ord. C-5966 § 1, 1983; Ord. C-5253 § 1 (part), 1976; prior code § 2398.1)

2.36.030 - Compensation.

No member of the Commission shall receive any compensation for his services thereon.

(Ord. C-5253 § 1 (part), 1976; prior code § 2398.2)

2.36.040 - Organization.

No later than ten (10) days following their appointment, the Commission members shall meet at a regular session and shall organize by electing one (1) of the members Chairman and one (1) Vice Chairman. The Executive Secretary shall be the Director of the Department of Community Development of the City. The officers are to serve for a period of one (1) year in such capacity. The term of an officer shall, however, expire with the expiration of his term of office as a Commissioner. A vacancy in any office of the Commission shall be filled by election held by the Commission members. The officers of the Commission shall perform the duties that are usually and customarily performed by such officers. At such meeting the Commission shall select a regular meeting place and time and shall inform the City Council thereof. A regular meeting shall be held at least once each month. Special meetings may be called by the Chairman or by any three (3) members of the Commission. Written notice of any such special meeting shall set forth the time and place of such meeting, state the business to be conducted at such meeting, and be personally served on each Commission member at least twenty-four (24) hours prior to the meeting. Any matter which might properly be considered by the Commission at a regular meeting may be considered at such special meeting; provided, however, that only such business as originally stated in the notice may be considered at the special meeting. A majority of Commission members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time to a day certain. Robert's Rules of Order shall constitute the parliamentary rules for the transaction of the Commission's business. All meetings shall be open to the public in accordance with the Ralph M. Brown Act and other secret meeting laws.

(Ord. C-5253 § 1 (part), 1976: prior code § 2398.3)

2.36.050 - Absence from meetings.

If a member is absent without the consent of the Commission from four (4) consecutive meetings, whether regular or special, such absence may effect the retirement from the Commission of the member so absenting himself, at the discretion of the Commission. In the event a vacancy is thus created, it shall immediately be filled by the same method by which such member was appointed.

(Ord. C-5253 § 1 (part), 1976: prior code § 2398.4)

2.36.060 - Duties.

The duties of the Commission shall be to advise and recommend to the City Council and the City Manager on matters pertaining to activities affecting economic development within the City, in the creation of private-sector employment opportunities and business ventures, on methods of coordinating economic efforts, and more specifically to advise and recommend to the City Council concerning the following:

A. The evaluation of research concerning economic growth patterns of the community;
B. The identification of economic development needs and opportunities in the community and the recommendation of program strategies for implementation by City staff;
C. The evaluation and recommendation of marketing plans for economic development programs;
D. The review and reporting to City Council regarding availability of surplus City-owned property and recommendation of interim and long-term uses consistent with the community's economic development needs;

E. The recommendation to City Council of the appointment of citizen business task forces to review and study specific development problems and opportunities;

F. The formulation and recommendation of policies for loan programs administered by the Economic Development Division;

G. The cooperation with the Redevelopment Agency and Housing Authority regarding those development programs which are of common concern to the respective agencies;

H. The evaluation of the availability of Federal and State grant programs and recommendation of application for those grants deemed appropriate for the economic development needs of the community;

I. The establishment and management of a land program to stimulate industrial and commercial development within the City;

J. Evaluation and recommendations related to the City's international trade promotion efforts including coordination with the Long Beach International Trade Office.

Nothing herein contained shall be construed as investing the Commission, or any member thereof, with supervisory powers over the actions or duties of City departments.

(Ord. C-7620 § 2, 1999: Ord. C-5966 § 2, 1983: Ord. C-5253 § 1 (part), 1976: prior code § 2398.5)

CHAPTER 2.38 - SUSTAINABLE CITY COMMISSION

2.38.010 - Created.

There is created a Commission to be known as the sustainable City Commission.

(ORD-07-0024 § 1 (part), 2007)

2.38.020 - Purpose.

The purpose of the Commission shall be to make advisory policy recommendations to the City Council on issues relating to the environment, a sustainable City plan, efforts or programs to address environmental issues such as air quality, water quality, resource conservation relating to the protection and integrity of the natural environment, programs to increase education and awareness of the environment, to serve as a forum for community discussion of these environmental issues, and to encourage input and participation from all sectors of the community on issues of sustainability and the environment.

All recommendations of the Commission shall be submitted to the City Council in writing and shall include a summary of any citizen testimony before the Commission on each particular recommendation presented for consideration.

The Commission shall not sit as an adjudicatory body on any matter, including, but not limited to, the adequacy or certification of any environmental documents which are otherwise within the jurisdiction of the City Council or Planning Commission and shall have no authority to compel the attendance of persons before it. Each year the Commission shall prepare a work program outlining the focus for the Commission for review and approval by the City Council.

(ORD-07-0024 § 1 (part), 2007)

2.38.030 - Authority over City officers and employees.

The Commission shall neither interfere with nor impose itself on the powers and duties of the officers of the City as set forth in the City Charter, nor shall the Commission interfere with the management or operations of the City. Likewise, the Commission shall have no authority over employees of the City, and the provisions of Section 208 of the City Charter shall be applicable.

(ORD-07-0024 § 1 (part), 2007)

2.38.040 - Members.

A. The Commission shall be comprised of eleven (11) members. There shall be one (1) commission member representing each of the nine (9) councilmanic districts and two (2) members appointed at-large.

B. All members shall be appointed by the Mayor subject to confirmation by the City Council. Each member of the City Council shall nominate a maximum of three (3) individuals to the Mayor to represent each respective Council district.

C.

Members of the Commission shall have a demonstrated concern for, and the desire to improve, the status of natural resources and living environment of the City, and may have professional or scholarly expertise in the environmental field, geology, hydrology, land use planning, ecology, or special expertise and demonstrated capabilities in fields relating to the social, economic or environmental aspects of life in the City.

D. Whenever a member desires to resign from the Commission, he or she shall inform the Chairperson in writing. Any member of the Commission may be removed by the Mayor with the consent and approval of the City Council. If a member is absent without the consent of the Commission from three (3) consecutive meetings, whether regular or special, such absence shall cause the member's retirement from the Commission. In the event a vacancy is created, it shall immediately be filled by the same method by which the member was appointed.

(ORD-07-0024 § 1 (part), 2007)

2.38.050 - Term of office.

A. The term of office for members of the Commission shall be four (4) years. No member shall serve for more than two (2) consecutive terms.

B. Notwithstanding the provisions of Subsection A of this Section, five (5) members first appointed to the Commission, including the two (2) at-large members and three (3) other members as determined by lottery, shall serve for an initial two (2) year term. Members serving an initial two (2) year term shall be eligible for re-appointment to one (1) additional four (4) year term.

(ORD-07-0024 § 1 (part), 2007)

2.38.060 - Applicability of Chapter 2.18 of the Long Beach Municipal Code.

Except as provided in this Chapter, the Commission shall operate and conduct its business in accordance with the provisions of Chapter 2.18 of this Code entitled "Advisory Boards, Commissions and Committees."

(ORD-07-0024 § 1 (part), 2007)

CHAPTER 2.42 - RESERVED

FOOTNOTE(S):

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Editor's note— ORD-12-0009, § 1, adopted May 8, 2012, repealed Ch. 2.42 §§ 2.42.010—2.42.030, entitled "Golf Commission", which derived from: Prior code §§ 2320—2320.2; Ord. C-5709 § 1, 1981; and Ord. C-7025 § 1, 1992.

CHAPTER 2.44 - HUMAN RELATIONS COMMISSION

FOOTNOTE(S):

--- (**7**) ---

State Law reference— Provisions pertaining to human relations commissions, Gov. Code § 50260 et seq.

2.44.010 - Created.

There is created a Commission to be known and designated as the Human Relations Commission.

(Ord. C-6570 § 1 (part), 1989)

2.44.020 - Purpose.

A. To provide a forum to achieve better human relations and promote goodwill among individuals, groups and institutions in order to maintain civic pride and tranquility and enhance and improve mutual understanding and respect for all citizens of the community.

B. To furnish the opportunity for the promotion and encouragement of positive human relations among citizens, groups and institutions and to consider, promote and develop programs for the reduction of tension, conflict, or violence which may arise from intolerance, prejudice and discrimination based upon race, religion, national origin, age, gender, sexual orientation or physical or mental disability.

C. To aid the City Council by submitting recommendations to the Council regarding policies and programs to promote goodwill and better relations among all people.

(Ord. C-6570 § 1 (part), 1989)

2.44.030 - Members.

The Human Relations Commission shall consist of thirteen (13) members who are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation and disabled members of the general public. All members shall be appointed by the Mayor subject to confirmation by the City Council. There shall be one (1) commission member appointed to represent each of the nine (9) City Council districts and four (4) members appointed at large. Each member of the City Council shall nominate an individual to the Mayor to represent each respective Council district. The Mayor will notify the members of the City Council of the names of the nominees at least one (1) week prior to the placement of the appointments on the Council agenda for confirmation.

(Ord. C-6570 § 1 (part), 1989)

2.44.040 - Functions.

A. To provide a forum where human relations matters may be presented, discussed and evaluated for the purpose of submitting recommendations concerning said matters to the City Council. Such matters may include issues relating to prejudice or discrimination in equal opportunity in employment, public accommodations, housing and education because of race, religion, national origin, age, gender, sexual orientation, or mental or physical disability.

B. To recommend programs to the City Council in the areas of research and education for the purpose of lessening racial and religious prejudice and of fostering attitudes among various groups which lead to civil peace and intergroup understanding.

C. To develop and recommend programs and plans to the City Council designed to promote full acceptance of all citizens in the community in all aspects of community life.

D. To recommend policies and procedures to the City Council which will promote understanding and cooperation between the various departments of the City and the residents of the community, including programs relating to human relations training for City employees.

E. To recommend to the City Council measures, including legislation, which will serve to improve positive human relations and the elimination of discriminatory practices.

(Ord. C-6570 § 1 (part), 1989)

2.44.050 - Authority.

The Commission shall make only advisory policy recommendations to the City Council on human relations matters. Accordingly, the Commission shall not sit as an adjudicatory body on any such matters and shall have no authority to compel the attendance of persons before it. The Commission shall neither be considered in theory nor function as a Police Review Board.

Neither the Commission nor any individual member thereof shall have any administrative or operational duties, functions or responsibilities and shall have no supervisory power or any authority over any officers, agents or employees of the City or the operation or conduct of any City department.

(Ord. C-6570 § 1 (part), 1989)

2.44.060 - Applicability of Chapter 2.18.

Except as provided in this Chapter, the Commission shall be governed by and shall operate and conduct its business in accordance with the provisions of Chapter 2.18 of this Code entitled "Advisory Boards, Commissions and Committees."

(Ord. C-6570 § 1 (part), 1989)

CHAPTER 2.46 - INDUSTRIAL DEVELOPMENT AUTHORITY

2.46.010 - Need declared.

In accordance with the California Industrial Development Financing Act (Title 10, commencing with Section 91500, of the Government Code of the State of California), hereinafter referred to as the Act, the City Council finds and declares that there is a need for an industrial development authority to function in the City.

(Ord. C-5747 § 1, 1981)

2.46.020 - Duties generally.

The City Council further declares that an industrial development authority shall function in the City in accomplishment of the purposes provided in the Act, and to carry out and complete projects and perform and exercise derivative obligations and powers as set forth in the Act.

(Ord. C-5747 § 2, 1981)

2.46.030 - Board of Directors designated.

The City Council further declares itself to be the Board of Directors of such industrial development authority, and all the rights, powers, privileges, duties, liabilities, disabilities, and immunities vested in such a Board under the Act shall be vested in the City Council as such Board.

(Ord. C-5747 § 3, 1981)

2.46.040 - Advisory Board designated.

The Economic Development Commission of the City is designated as advisory body to the industrial development authority of the City and shall perform such functions relating thereto as may, from time to time, be assigned by the City Council.

(Ord. C-5747 § 4, 1981)

2.46.050 - Official title.

The authority established in the City by the Act and authorized to transact business and exercise its powers thereunder by this Chapter shall be known as the "Industrial Development Authority of the City of Long Beach."

(Ord. C-5747 § 5, 1981)

2.46.060 - Charter authority not limited.

Nothing contained in this Chapter nor any part or provision hereof, including but not limited to the establishment of the industrial development authority of the City, shall be construed to in any way limit the authority of the City, as a Chartered City of the State of California, to undertake any and all activities of which it is capable through the exercise of its Charter powers.

(Ord. C-5747 § 6, 1981)

CHAPTER 2.48 - MARINE ADVISORY COMMISSION

2.48.010 - Created.

There is created a Commission to be known and designated as the "Marine Advisory Commission."

(Ord. C-7100 § 1 (part), 1993)

2.48.020 - Members.

The Marine Advisory Commission shall consist of nine (9) members.

(Ord. C-7145 § 1, 1993: Ord. C-7100 § 1 (part), 1993)

2.48.030 - Duties.

The duties of the Commission shall be as follows:

A. Generally, to consult with and advise the Council in formulating City policies regarding the marinas, beaches, waterways adjacent thereto and facilities thereon;

B. To study and analyze, for the purpose of evaluation and recommendation of policy, problems which have been referred to it by the City Council;

C. To perform such other functions as are specifically conferred on the Commission by the City Council;

D. Nothing contained herein shall be construed as investing the Commission, or any member thereof, with supervisory powers over the actions or duties of City employees or the operations of City departments. Neither the Commission nor any of its members shall, except for purposes of inquiry, give, either directly, indirectly, publicly or privately, orders or directions to any City employees.

(Ord. C-7100 § 1 (part), 1993)

CHAPTER 2.50 - TECHNOLOGY AND INNOVATION COMMISSION

2.50.010 - Created.

There is created a commission to be known as the Technology and Innovation Commission.

(ORD-14-0015 , § 1, 2014)

2.50.020 - Purpose.

A. The purpose of the Commission shall be:
   1. To advise the Council on new technology, including research, development and operation of new technology;
   2. To provide a forum for the exchange of ideas to increase the effectiveness of information technology management;
   3. To support and assist in the strategic direction and implementation of information technology and communication; and
   4. To assess new technology to assist the City in improving efficiency, quality and accountability.

B. All recommendations of the Commission shall be submitted to the City Council in writing and shall include a summary on each particular recommendation presented for consideration.

C. The Commission shall not sit as an adjudicatory body on any matter. Each year the Commission shall prepare a work program outlining the focus for the Commission for review and approval by the City Council.

(ORD-14-0015 , § 1, 2014)

2.50.030 - Authority over City officers and employees.

The Commission shall neither interfere with nor impose itself on the powers and duties of the officers of the City as set forth in the City Charter, nor shall the Commission interfere with the management or operations of the City. Likewise, the Commission shall have no authority over employees of the City, and the provisions of Section 208 of the City Charter shall be applicable.

(ORD-14-0015 , § 1, 2014)

2.50.040 - Duties.

The duties of the Commission shall be to advise and make recommendations to the City Council on matters pertaining to technology and innovation within the City, and more specifically to advise and recommend to the City Council concerning the following:

A. The evaluation of research concerning emerging technology and its uses in City government and the community at large;

B. The identification of technology needs and opportunities in the community and the recommendation of program strategies for implementation by City staff;

C. The evaluation and recommendation of outreach plans for City technology programs;

D. Performing such other duties related to technology and innovation as may be requested from time to time by the City Council.

(ORD-14-0015 , § 1, 2014)

2.50.050 - Members.

A. All members shall be appointed by the Mayor subject to confirmation by the City Council. All members must have a commitment to improving technology in the City of Long Beach. No fewer than five (5) members of the Commission must reside in the City at the time of appointment, and must maintain residence within the City at all times during their service on the advisory body.

B. The Commission shall be comprised of seven (7) members.
   1. Three (3) at-large members, with no additional qualifications required;
   2. One (1) member with experience with technology startups/innovation;
   3. One (1) member with experience with mobile/app technology;
   4. One (1) member with experience in technology and education; and
   5. One (1) member with experience in networking, servers or databases.

C. No member may participate in any decision in which he or she has a material financial interest within the meaning of the California Political Reform Act. Each member shall file a statement of economic interest in accordance with the California Political Reform Act.

D. Whenever a member desires to resign from the Commission, he or she shall inform the chairperson in writing. Any member of the Commission may be removed by the Mayor with the consent and approval of the City Council. If a member is absent without the consent of the Commission from three (3) consecutive meetings, whether regular or special, such absence shall cause the members' retirement from the Commission. In the event a vacancy is created, it shall immediately be filled by the same method by which the member was appointed.

E. Notwithstanding the expiration of a term, a commissioner shall continue to serve until a successor has been appointed.

(ORD-14-0015 , § 1, 2014)

2.50.060 - Organization.

A. The Commission shall elect a chair and vice-chair from among its members annually, each for a term of one (1) year. The chair, or in the absence of the chair, the vice-chair, shall preside over the meetings of the Commission. No person shall serve more than two (2) successive one-year terms in either office.

B. Regular meetings shall be held not less than quarterly on a date established from time to time by resolution of the Commission.

(ORD-14-0015 , § 1, 2014)

2.50.070 - Term of office.

A. The term of office for members of the Commission shall be two (2) years. No member shall serve for more than four (4) consecutive terms.

B. Notwithstanding the provisions of Subsection A of this Section, three (3) members first appointed to the Commission, including the two (2) at-large members and one (1) other member as determined by lottery, shall serve for an initial one (1) year term. Members serving an initial one (1) year term shall be eligible for re-appointment to three (3) additional two (2) year terms.

(ORD-14-0015 , § 1, 2014)

2.50.080 - Applicability of Chapter 2.18 of the Long Beach Municipal Code.

Except as provided in this Chapter, the Commission shall operate and conduct its business in accordance with the provisions of Chapter 2.18 of this Code entitled "Advisory Boards, Commissions and Committees."

(ORD-14-0015 , § 1, 2014)

CHAPTER 2.52 - PUBLIC SAFETY ADVISORY COMMISSION

2.52.010 - Created.

There is created a Commission to be known as the Public Safety Advisory Commission.

(Ord. C-6069 § 1 (part), 1984)

2.52.020 - Purpose.

The purpose of the Commission shall be to make advisory policy recommendations to the City Council on public safety issues, to serve as a forum for community discussion of these public safety policy issues, and to encourage input and participation from all sectors of the community. The Commission is to consider only those public safety policy matters over which the City Council has control that are related to police and fire services. Specific emphasis shall be placed on:

A. Support and encouragement for expansion of the neighborhood watch and Citizens Emergency Response Team (CERT) programs. To this end, block captains of each organized neighborhood watch shall be invited to meet with the Commission at least twice each calendar year;
B. Specific public safety needs of the community, as directed by the City Council;
C. Methods of increasing public safety awareness by making recommendations on the best means of communication, such as through the schools, etc.;
D. Recommending commendations to private citizens and public employees for significant contributions to public safety;
E. Consideration of traffic flow within the City;
F. Special projects and programs furthering the interests of public safety, including promotion of a City-wide public safety fair; and
G. Methods of enhancing community relations with City departments involved in public safety.

All recommendations of the Commission shall be submitted to the City Council in writing and shall include a summary of citizen testimony before the Commission on each particular recommendation presented for consideration.

The Commission shall not sit as an adjudicatory body on any matter and shall have no authority to compel the attendance of persons before it.

The Commission shall not consider and/or attempt to resolve citizen complaints about specific incidents or allegations against public safety officers or other employees of the City, but may only address those broad policy issues set forth above which may be presented by such complaints.

(ORD-07-0031 § 1, 2007: Ord. C-6069 § 1 (part), 1984)

2.52.030 - Authority over City officers and employees.

The Commission shall neither interfere with nor impose itself on the powers and duties of the officers of the City as set forth in the City Charter, nor shall the Commission interfere with the management operations of the City. Likewise, the Commission shall have no authority over employees of the City, and

the provisions of Section 208 of the City Charter shall be applicable.

(Ord. C-6069 § 1 (part), 1984)

2.52.040 - Members.

A. The Commission shall be comprised of a total of thirteen (13) members. There shall be one (1) Commission member representing each of the nine (9) Councilmanic districts and four (4) members appointed at-large.

B. All members shall be appointed by the Mayor, subject to confirmation by the City Council. The members representing each Councilmanic district shall be appointed from a pool of at least three (3) nominees to be submitted by each member of the City Council to represent their respective Councilmanic district.

C. Three of the at-large members shall be appointed as a representative of the National Association for the Advancement of Colored People, the League of Latin Americans and the Asian Pacific Family Outreach, respectively, and shall be selected from a pool of at least three (3) nominees submitted to the Mayor by each of the organizations. The Mayor shall appoint the fourth at-large member as a representative of a minority group in the community which is not represented by the three (3) other at-large members.

D. It is the intent of the City Council that the Commission shall be constituted to provide a representative balance of members based on the demographic makeup of the City as reported by City's Department of Planning and Building; and, that the at-large appointments will be made to achieve this balance.

E. Whenever a member desires to resign from the Commission, he or she shall inform the Chairperson in writing. Any member of the Commission may be removed by the Mayor with the consent and approval of the City Council. If a member is absent without the consent of the Commission from three (3) consecutive meetings, whether regular or special, such absence shall cause the member's retirement from the Commission. In the event a vacancy is created, it shall immediately be filled by the same method by which the member was appointed.

(Ord. C-6069 § 1 (part), 1984)

2.52.050 - Term of office.

The term of office for members of the Commission shall be four (4) years. No member shall serve for more than two (2) consecutive terms. This Commission shall be deemed the successor to the Public Safety Advisory Committee created by the City Council by Resolution No. C-23492. Officers and members of that Committee on the effective date of this Chapter, shall automatically become officers and members of the Public Safety Advisory Commission serving in the same capacities as previously on the Public Safety Advisory Committee. For those officers and members who automatically become officers and members of the Public Safety Advisory Commission, their terms of office shall expire on the date such terms would have expired if the Public Safety Advisory Committee continued in existence. However, prior service on the Public Safety Advisory Committee and overlapping terms from the Public Safety Advisory Committee to the Public Safety Advisory Commission shall not be counted in the limitation of service on this commission to two (2) consecutive four (4) year terms.

(Ord. C-6069 § 1 (part), 1984)

2.52.060 - Applicability of Chapter 2.18 of the Long Beach Municipal Code.

Except as provided in this Chapter, the Commission shall operate and conduct its business in accordance with the provisions of Chapter 2.18 of this Code entitled "Advisory Boards, Commissions and Committees."

(Ord. C-6069 § 1 (part), 1984)

CHAPTER 2.54 - RECREATION COMMISSION

2.54.005 - Authority.

A. In accordance with Section 902 of the Long Beach City Charter, the City Council prescribes that the Recreation Commission shall have exclusive authority over all public leisure activities of a recreational character in or upon playgrounds, athletic fields, ball parks, recreation centers, swimming pools, streets, public buildings, play areas in parks, tennis courts and other suitable places used, owned, controlled or operated by the City within its corporate limits, and the activities in or upon them, and the use of all of the hereinabove described places for athletic sports, or contests, games, aquatic games, community leagues, pageants, dramatics, music, public amusements and entertainments and other recreational and play programs or activities, whether herein specified or not, excepting therefrom, however, all activities conducted in or upon land, water areas and all public buildings and facilities situated upon the tide or submerged lands granted to the City of Long Beach by the State of California pursuant to Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1958 first extraordinary session, and Chapter 138, Statutes of 1964, first extraordinary session and land, water areas and public buildings and facilities situated within the local coastal zone corporate limits of the City of Long Beach and the municipal golf links which shall remain under the jurisdiction of the City Council. The provisions of this Section shall apply to adults as well as to minors.

B. The Recreation Commission shall also perform the following duties:
    1. Recommend to the City Manager plans for the development, beautification and maintenance of public park and recreational areas, including parks, recreation centers, playgrounds, beaches, parkways and the City cemetery;
    2. Investigate and recommend to the City Manager the acquisition of land for parks and recreational purposes;
    3. Perform such other duties relating to park areas as may be required or suggested by the City Council.

(Ord. C-6159 § 1, 1985; Ord. C-6107 § 1, 1984; Ord. C-6066 § 1, 1984; Ord. C-5802 § 1, 1982; prior code § 2336)

2.54.010 - Appeal of decisions.

A. *Who may appeal.* Any aggrieved person may appeal a decision or action of the Recreation Commission involving a City sponsored program, service or facility to the City Council. For purposes of this Section, an "aggrieved person" means any person who personally or through a representative appeared and testified at a public meeting or hearing of the Recreation Commission in connection with the decision or action appealed or who by other appropriate means prior to a meeting or hearing informed the Recreation Commission of the nature of his concerns. "Aggrieved person" includes an applicant or other real party in interest.

B. *Time and place to file appeal.* An appeal must be filed within ten (10) calendar days after a decision or action, and the appeal shall be filed with the City Clerk on a form provided by the City. The City Clerk shall promptly notify the Recreation Department when an appeal is filed.

C.

Public hearing. The City Clerk shall set the appeal for hearing by the City Council by designating the hearing date on the Council's consent calendar. The hearing shall be held within thirty (30) days after the filing of the appeal, but for good cause, such hearing may be continued from time to time by the City Council.

D. *Notice of hearing.* Not less than ten (10) calendar days before the hearing, the City Clerk shall give notice of the hearing to the appellant, applicant or other real party in interest and to any other person who has made a written request for a notice. The City Clerk shall also give notice of hearing to the Recreation Commission by serving the notice on the Recreation Department.

E. *Written report.* Not less than five (5) days before the hearing, the Recreation Department shall file a written report with the City Clerk outlining the Recreation Commission's action or decision being appealed. Such report shall be distributed to City Councilmembers prior to the hearing and copies shall be made available to parties involved in the appeal on the hearing date.

F. *Hearing on appeal.* After a hearing, the City Council may affirm, modify or overrule the decision or action of the Recreation Commission but any such action of the Recreation Commission but any such action by the City Council shall require a two-thirds (2/3) majority vote. If the City Council fails to obtain the requisite votes to affirm, modify or overrule, the decision or action of the Recreation Commission shall stand.

G. *Fees.* By resolution, the City Council may set fees for the filing of an appeal.

(Ord. C-5676 § 1, 1981; prior code § 2335)

CHAPTER 2.57 - SENIOR CITIZEN ADVISORY COMMISSION

2.57.010 - Created.

There is created a Commission to be known and designated as the Senior Citizen Advisory Commission.

(Ord. C-5709 § 1 (part), 1981; prior code § 2395)

2.57.020 - Members.

The Senior Citizen Advisory Commission shall consist of nine (9) members. Members shall be selected from the elderly segment of the City's residents and shall be at least fifty (50) years of age. No paid representative of any public or private elderly service organization shall serve as a member of this Commission.

(ORD-09-0020, § 1, 2009; ORD-05-0014 § 1, 2005; Ord. C-5709 § 1 (part), 1981; prior code § 2395.1)

2.57.030 - Duties.

The duties of the Commission shall be as follows:

A. To act in an advisory capacity to any City department or City Council Committee concerned with senior citizen problems on all matters pertaining to older Americans and their needs;
B. To assemble information on problems and their solutions for older Americans through all available means including public hearings;
C. To be empowered on its own initiative to make recommendations to senior citizen service agencies on matters within its purview;
D. To act to facilitate coordination between existing and proposed programs for the elderly;
E. To carry out such studies as may be assigned to it by the City Council;
F. To from time to time report to the Mayor and City Council its findings.

Nothing herein contained shall be construed as investing the Commission, or any member thereof, with supervisory powers over the actions or duties of the City employees or the operations of City departments.

(Ord. C-5709 § 1 (part), 1981; prior code § 2395.2)

CHAPTER 2.63 - CULTURAL HERITAGE COMMISSION

FOOTNOTE(S):

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Note— Prior ordinance history: Ordinance C-6624.

2.63.010 - Purpose.

It is declared that the recognition, preservation, protection and use of cultural resources are necessary to the health, property, social and cultural enrichment and general welfare of the people. The purpose of this Chapter is:

A. To protect, enhance and perpetuate areas, districts, streets, places, buildings, structures, works of art, natural features and other similar objects which are reminders of past eras, events and persons important in local, State or national history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide for this and future generations significant examples of the physical surroundings in which past generations lived.

B. To develop and maintain appropriate settings and environments for these cultural resources;

C. To enhance the economic and financial benefits to the City and its inhabitants by promoting the City's tourist trade and interest and thereby stimulating community business and industry;

D. To intensify the visual and aesthetic character and diversity of the City and thus enhance its identity through the preservation of varied architectural styles which reflect the City's cultural, social, economic, political and architectural history;

E. To encourage public understanding and appreciation of the unique architectural and environmental heritage of the City through education programs; and

F. To strengthen civic pride in the beauty and notable accomplishments of the City's past, and thereby to encourage community involvement in the City's future.

(ORD-09-0003, § 1, 2009; Ord. C-6961 § 1 (part), 1992)

2.63.020 - Definitions.

A. "Alteration" means physical change to a place, building, structure, work of art or similar item subject to the provisions of this Chapter.

B. "Applicant" means a person, persons, association, partnership, corporation, or other business entity who applies for a certificate of appropriateness in order to undertake any environmental change on property subject to this Chapter.

C. "Archaeology" or "archeology" means the scientific study of the remains of past people and cultures as may be evidenced by artifacts, sites, implements, inscriptions, relics, etc.

D. "Certificate of appropriateness" means a written authorization issued pursuant to this Chapter to accomplish any environmental change to a landmark or affected structure within a landmark district.

E. "City" means the City of Long Beach.

F. "Director" shall mean the Director of Development Services or designee.

G. "Environmental change" means any alteration, demolition, removal or construction of any improvement or natural feature subject to the provisions of this Chapter.

H. "Improvement"; means any place, building, structure, work of art or similar object constituting a physical addition to real property or any part of such addition.

I. "Landmark" means any building, structure, permanent work of art, object, site or improvement, manmade or natural, which has special character or special historical, cultural, architectural, community or aesthetic value as part of the heritage of the City, State, or the United States and which has been designated as a landmark pursuant to the provisions of this Chapter.

J. "Landmark district" means any designated area which contains a number of structures or natural features having a special character or special historical, cultural, architectural, community or aesthetic value.

K. "Member" means any member of the Cultural Heritage Commission.

L. "Natural feature" means any tree, plant life or geological element subject to provisions of this Chapter.

M. "Ordinary repairs and maintenance" means any work done on any improvements or replacement of any part of an improvement for which a building permit is not required by law and where the purpose and effect of such work or replacement is to correct any deterioration, decay, or damage to such improvement in order to restore it to original condition prior to the occurrence of such deterioration, decay or damage.

N. "Owner" means the person, persons, association, partnership, corporation or other business entity appearing as the owner of such improvement, natural feature, or site on the last equalized assessment roll of the County.

O. "Person" means any individual, association, partnership, firm, corporation, public agency or political division.

(ORD-09-0003, § 1, 2009; Ord. C-6961 § 1 (part), 1992)

2.63.030 - Created—Members.

A. A Cultural Heritage Commission is created by this Chapter whose purpose shall be to recognize, protect and promote the retention, maintenance and use of landmarks and landmark districts in the City in accordance with this Chapter. Said Commission shall consist of seven (7) members who shall serve without compensation and who are residents of the City who have manifested a knowledge and interest in the City's heritage and landmark preservation.

B. Commission members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, archeology or other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography or cultural anthropology, to the extent that such professionals are available in the community. Commission membership may also include lay members who have special interest in, or who have demonstrated competence, experience, or knowledge in historic preservation or other historic preservation related disciplines.

C. The term of office and the number of terms of office of the members of the Commission shall be in accordance with and pursuant to the provisions of Chapter 2.18, as the provisions of Chapter 2.18 are presently worded or hereafter amended.

(ORD-09-0003, § 1, 2009; Ord. C-6961 § 1 (part), 1992)

2.63.040 - Duties.

The Cultural Heritage Commission shall have the following powers and duties:

A. To recommend to the City Planning Commission that specific areas, places, buildings, structures, natural features, works of art or similar objects having a significant historical, cultural, architectural, archaeological, community or aesthetic value as part of the heritage of the City, be designated as a landmark or landmark district; or
B. To review proposed substantial alterations to a designated landmark or to a contributing building or structure within a designated historic district, and to issue or deny a certificate of appropriateness thereon;
C. To encourage public interest in cultural preservation in the City;
D. To compile, maintain and update an informational local register of landmarks and historic districts and to publicize and periodically update the City's cultural resource survey;
E. To review and comment for advisory purposes only upon the conduct of land use, housing, redevelopment, public works and other types of planning and programs undertaken by any agency of the City, County, State or nation, within the City of Long Beach, as they relate to the cultural heritage of the City;
F. Upon authorization of the City Council, coordinate and cooperate with local, County, State and federal governments in pursuit of the Commission's purposes;
G. Subject to the consent of City Council, recommend acceptance by the City of gifts, grants and conservation easement donations consistent with the purposes for which the Commission was established;
H. To make and adopt, and periodically amend, rules and procedures governing the conduct of its business and provide for the administration of this Chapter consistent with Chapter 2.18 of this Code;
I. To assume whatever responsibility and duties may be assigned to it by the State under certified local government provisions of the National Historic Preservation Act of 1966, as amended; and
J. To perform any other functions consistent with the purposes herein that may be directed by the City Council.

(ORD-09-0003, § 1, 2009; Ord. C-6961 § 1 (part), 1992)

2.63.050 - Criteria for designation of landmarks and landmark districts.

A resource may be recommended for designation as a landmark or landmark district if it manifests one (1) or more of the following criteria:

A. It possesses a significant character, interest or value attributable to the development, heritage or cultural characteristics of the City, the southern California region, the State or the nation; or
B. It is the site of a historic event with a significant place in history; or
C. It is associated with the life of a person or persons significant to the community, City, region or nation; or
D. It portrays the environment in an era of history characterized by a distinctive architectural style; or
E. It embodies those distinguishing characteristics of an architectural type or engineering specimen; or
F. It is the work of a person or persons whose work has significantly influenced the development of the City or the southern California region; or

G. It contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or

H. It is a part of or related to a distinctive area and should be developed or preserved according to a specific historical, cultural or architectural motif; or

I. It represents an established and familiar visual feature of a neighborhood or community due to its unique location or specific distinguishing characteristic; or

J. It is, or has been, a valuable information source important to the prehistory or history of the City, the southern California region or the State; or

K. It is one of the few remaining examples in the City, region, State or nation possessing distinguishing characteristics of an architectural or historical type; or

L. In the case of the designation of a tree(s) based on historic significance, that the tree(s) is (are) associated with individuals, places and/or events that are deemed significant based on their importance to national, State and community history; or

M. In the case of the designation of a tree(s) based on cultural contribution, that the tree(s) is (are) associated with a particular event or adds (add) significant aesthetic or cultural contribution to the community.

(ORD-09-0003, § 1, 2009; Ord. ORD-05-0026 § 1, 2005; Ord. C-6961 § 1 (part), 1992)

2.63.060 - Procedures for designation of landmark or landmark district.

The Cultural Heritage Commission may recommend the designation of a landmark or landmark district either upon its own nomination or upon nomination by any interested group or individual including the owner or occupant of property proposed for such designation. Any nomination which includes a public building shall be submitted to the City Manager for his review. Comments and recommendations resulting from that review may be submitted to the Cultural Heritage Commission. The Commission shall take no further action on the nomination until receipt of the City Manager's comments and recommendations; provided that, if a written report by the City Manager is not received within thirty (30) days of submittal to him, the Cultural Heritage Commission may proceed with its review of the nomination and the formulation of a recommendation relating to the designation of a landmark or landmark district pursuant to the following procedures:

A. The Cultural Heritage Commission shall, as a part of its review process:
   1. Consult with affected property owners;
   2. Prepare a preliminary report on the nomination which shall include, among other things:
      a. Notification of affected City departments including, when public buildings are a part of the nomination, the City Manager;
      b. Confirmation and verification that the nomination conforms to the requirements of Section 2.63.050 of this Chapter;
      c. Preliminary research into the character and history of the structure or area proposed for designation; and
      d. A recommendation for final action by the Commission. If the Commission approves the nominated designation, then upon direction of the Commission, preliminary research, appropriate inventory forms and other supporting data as directed shall be completed

as necessary to prepare the matter for final determination by the Commission. Final action recommending approval or disapproval of the nominated landmark or landmark district shall be by a majority vote of the Commission.

B. If the Cultural Heritage Commission recommends approval, the Commission shall advise the Director of Development Services in writing of the proposed designation of a landmark or landmark district and secure from the Director of Development Services recommendations concerning the relationship of the proposed landmark or landmark district to the general plan of the City, its effect on the surrounding neighborhood and any other planning considerations which may be relevant to the proposed designation. If a written report by the Director of Development Services is not received within thirty (30) days of receipt of notice of a proposed designation, the Cultural Heritage Commission may conclude that the Director of Development Services has no objections to the designation and proceed with its consideration. The Cultural Heritage Commission shall acknowledge the recommendations, and incorporate them into their report to be submitted to the City Planning Commission. Included in the Cultural Heritage's Commission's report to the City Planning Commission shall be the Commission's recommended guidelines and standards to be applied to the subject property.

C. The City Planning Commission shall schedule a public hearing on the proposed designation of a landmark or landmark district as soon as practicable after receiving the proposal from the Cultural Heritage Commission. Written notice shall be placed in the mail to all owners of record of real property within the boundaries of the area proposed for designation and located within the distance specified in Subsection 21.21.302.B.4. of this Code or any successor Section thereto. In those instances where the owners petition the City for such designation, it shall be the petitioners' obligation to furnish a current list of names and legal mailing addresses to the City Development Services Department of all real property owners to be notified and pay such fee as shall be established by separate resolution. When the proposed designation is by City initiative, the Development Services Department shall be responsible for preparing the notification list. The public hearing shall be set for not less than ten (10) days, nor more than thirty (30) days subsequent to the date of written notice.

D. Within thirty (30) days after the close of the public hearing, the City Planning Commission shall make its recommendation on the proposed landmark or landmark district designation. These recommendations, together with the specific findings of fact constituting the basis for the Commission's decision shall be transmitted to the City Council.

E. The City Council shall consider the matter as soon as practicable after receiving the City Planning Commission's recommendation. If the City Council approves the landmark or landmark district designation, such approval shall be evidenced by ordinance. The City Clerk shall then notify the Director of Development Services of its action in order to ensure compliance with this Chapter.

F. The ordinance designating a landmark or landmark district shall include a description of the particular characteristics which justify the designation and which should therefore be preserved; shall set forth the reasons relative to Section 2.63.050 for the designation; shall develop a set of general guidelines to establish standards for future proposed changes, and shall delineate the location and boundaries of the landmark site or landmark district. A certified copy of such ordinance shall be recorded in the office of the County Recorder of the County of Los Angeles by the City Clerk immediately following its effective date.

G. The property included in the designation ordinance shall upon designation be subject to the controls and standards set forth in this Chapter.

H. The record owner of real property designated as a landmark or the record owner of a historically significant contributing property within a landmark district, or the City, on its own initiative, may petition to withdraw from designated status provided the same procedure described above to cause such designation is followed. Any owner of designated property that petitions for withdrawal from designated status shall furnish the materials required in Subsection C. of this Section and shall pay such fee as established by the City Council by resolution; provided, that in no case may real property be withdrawn from designated status unless it has lost those contributing qualities that led to its initial designation and the City Council, upon recommendation of the Cultural Heritage Commission and the Planning Commission, by resolution so finds.

I. Once the Cultural Heritage Commission has approved a nomination for designation proceedings, no permits for the alteration, remodel, enlarging, demolition or removal of a structure or improvement nominated for landmark status as provided in this Section shall be issued during the pendency of a review related thereto; provided, that the prohibition shall terminate on the one hundred eighty-first (181st) day following approval of the nomination for designation proceedings, and provided that, notwithstanding the provisions of this Subsection I., requests for building permits which the Director of Development Services determines will have no adverse effect on the architectural character of the nominated property, and which meet the guidelines for approval of certificates of appropriateness set forth in Section 2.63.070, may be approved during the pendency of review for nomination.

J. If the Cultural Heritage Commission fails to transmit a recommendation for landmark designation of any kind to the Planning Commission within sixty (60) days of its action to recommend such designation, any aggrieved or interested party may petition the Cultural Heritage Commission to do so within twenty (20) days of the expiration of said sixty (60) day period. If the recommendation is not transmitted within thirty (30) days after such petition, the nomination for designation shall be deemed null and void and of no further force and effect.

K. Recordation of landmarks and historic districts. All buildings or structures or areas designated as landmarks or landmark districts by the City Council pursuant to this Chapter shall be so recorded by the City in the office of the Los Angeles County Recorder. The document to be recorded shall contain a legal description of the property or properties, the date and substance of the designation, a statement explaining that the demolition, alteration, or relocation of the structure is restricted, and a reference to this Section authorizing the recordation.

(ORD-09-0003, § 1, 2009; Ord. C-7760 § 1, 2001; Ord. C-6961 § 1 (part), 1992)

2.63.070 - Procedures for administering the certificate of appropriateness.

A. No person owning, renting or occupying property which has been designated a landmark or which is situated in a designated landmark district, shall make any environmental change to such property unless a certificate of appropriateness has been issued authorizing such environmental change. Except as otherwise set forth in this Chapter, all environmental changes made to designated landmarks, or historically significant properties within landmark districts within the City, require a certificate of appropriateness whether or not the alteration, demolition, removal or construction of such property requires a City permit.

B. The Cultural Heritage Commission shall be responsible for considering and issuing certificates of appropriateness for those sites or improvements which have been designated as landmarks pursuant to the provisions of this Chapter; and also for substantial alterations made to contributing

structures/buildings or sites within a designated historic district. For the purpose of this Section, the term "substantial alteration" shall mean an alteration which jeopardizes a structure's individual eligibility as a contributing structure in the National Register of Historic Places, or its status as a contributing structure within a designated City historic district or in the California Register of Historical Resources, such as, but not limited to:

1. The addition, removal, alteration or substitution of defining architectural features, such that the building/structure is incapable of yielding important historical information about its period, including changes to the following: exterior siding (unless siding is replaced with siding of similar size and appearance), roof pitch, fenestration and the compatibility of additions in terms of general scale, massing and materials.
2. Isolation of a property or alteration of its setting such that the historic character and integrity are no longer reflected in the site. Examples may include the following: introduction of parking lots, removal of subsidiary buildings or relocation of a structure from its original site.
3. Use of surface cleaning or maintenance methods which endanger the building/structure, or object's historic building materials, such as sandblasting and improper masonry repointing.

The Director of Development Services shall be responsible for considering and issuing certificates of appropriateness for buildings/structures within designated landmark districts in all other instances, including, but not limited to; replacement of windows and doors (including screen doors) with like materials (e.g., wood window changed with wood or wood clad window of similar aesthetics); replacement/repair of siding with siding similar in size and appearance; replacement/repair of a porch or primary entry to the building/structure; replacement/repair of garage doors that are visible from the public right-of-way; or installation/repair of rain gutters.

C. An applicant for a certificate of appropriateness shall file an application with the Cultural Heritage Commission or Director of Development Services, as appropriate. The application shall contain all facts and information necessary to properly consider the matter. The applicant shall also pay such fee as is established by resolution of the City Council.

D. The Cultural Heritage Commission or, as appropriate, the Director of Development Services, shall only issue a certificate of appropriateness if it is determined that the proposed environmental change:

1. Will not adversely affect any significant historical, cultural, architectural or aesthetic feature of the concerned property or of the landmark district in which it is located and that issuance of the certificate is consistent with the spirit and intent of this Chapter;
2. Will remedy any condition determined to be imminently dangerous or unsafe by the Fire Department or the Development Services Department;
3. The proposed change is consistent with or compatible with the architectural period of the building;
4. The proposed change is compatible in architectural style with existing adjacent contributing structures in a historic landmark district;
5. The scale, massing, proportions, materials, colors, textures, fenestration, decorative features and details proposed are consistent with the period and/or compatible with adjacent structures;
6. The proposed change is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings of the U.S. Department of the Interior.

E.

If the Commission, or if authorized, the Director of Development Services, determines that the proposed environmental change will adversely affect any significant historical, cultural, architectural or aesthetic feature of the concerned property or of the landmark district in which it is located, the certificate of appropriateness shall be denied. If the Commission or the Director of Development Services finds that the adverse effects can be overcome by minor modifications to the application, a certificate of appropriateness with conditions may be issued.

F. Once a certificate of appropriateness is issued, the applicant may proceed with the proposed environmental change provided all other requirements of the City are met.

G. The California State Historical Building Code provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of qualified historic buildings or structures. This shall include structures on national, State or local historical registers or official inventories, such as the National Register of Historic Places, State historical landmarks, State points of historical interest, and City or County registers or inventories of historical or architecturally significant sites, places, historic districts or landmarks. The California State Historical Building Code, Part 8 of the Uniform Building Code, shall be used for any designated City landmark or contributing historic structure in a designated historic district through the City's building permit procedure.

H. The provisions of this Section shall not be construed so as to prevent the ordinary maintenance and repair of any exterior feature of a landmark, or building/structure of historic or contributing historical significance within a landmark district; or to prevent the construction, reconstruction, alteration, restoration or demolition of any feature which is necessary to remedy an immediately unsafe or dangerous condition as determined by the Fire Department and/or Development Services Department, excluding orders issued pursuant to Chapter 18.68 of this Code. In such cases, the work must be approved by the Director of Development Services, and no certificate of appropriateness shall be required. Examples of this work shall include, but not be limited to the following:

1. Construction, demolition or alteration of side and rear yard fences that does not alter the historical appearance or historical integrity of the structure;
2. Construction, demolition or alteration of front yard fences that does not alter the historical appearance or historical integrity of the structure;
3. Repairing or repaving of flat concrete work in the side and rear yard that does not alter the historical appearance or historical integrity of the structure;
4. Repaving of existing front yard paving, concrete work and walkways that does not alter the historical appearance or historical integrity of the structure;
5. Roofing work that does not alter the historical appearance or historical integrity of the structure;
6. Foundation work that does not alter the historical appearance or historical integrity of the structure;
7. Chimney work that does not alter the historical appearance or historical integrity of the structure;
8. Landscaping that does not alter the historical appearance or historical integrity of the structure;
9. Installation of water heaters, electrical box, air conditioning units or other utility items provided they are not visible from the public right-of-way;
10. Repainting, unless the repainting would alter the historical appearance or historical integrity of the structure.

The Director of Development Services shall determine whether or not the proposed work, alteration, construction or improvement constitutes ordinary maintenance and repair and is therefore exempt from the certificate of appropriateness requirement established by this Chapter.

I. Notwithstanding any other provisions of this Chapter, a certificate of appropriateness shall become void unless construction relating to the environmental change is commenced within twelve (12) months of the date of issuance. Certificates of appropriateness may be renewed for a twelve (12) month period by applying to the Commission staff or to the Director of Development Services. If the environmental change is not completed within twelve (12) months after the expiration of the last building permit, a new certificate of appropriateness shall be required.

(ORD-09-0003, § 1, 2009; Ord. C-7836 § 1, 2002; Ord. C-6971 § 1, 1992; Ord. C-6961 § 1 (part), 1992)

2.63.075 - Hearings and determinations.

All hearings conducted by the Cultural Heritage Commission and determinations by the Director of Development Services shall be conducted in accordance with the provisions of this Chapter and in the following manner:

A. For hearings to be conducted by the Cultural Heritage Commission, notice shall be given not less than fourteen (14) days, nor more than forty-five (45) days prior to the hearing. Notice of hearing shall be mailed or personally delivered to the applicant and to the owner(s) of the subject property or their authorized agent. Notice shall also be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll located within the distance specified in Subsection 21.21.302.B.4. of this Code or any successor Section thereto. Notice of hearing shall also be posted at the landmark site at least fourteen (14) days prior to the hearing in a form and manner deemed appropriate by the Director of Development Services.

B. The Director of Development Services shall consider all applications for certificates of appropriateness within his/her jurisdiction as set forth in Section 2.63.070. Determinations shall be made within forty-five (45) days after the applicant has submitted an application and the Director determines it to be complete. The Director has authority to approve, conditionally approve or deny an application. Determinations made pursuant to this Subsection shall not require a formal hearing or notice. In making his/her determination the Director shall make written findings in accordance with the criteria set forth in Subsections 2.63.070.D. and E. Rather than act on an application for a certificate of appropriateness within his/her jurisdiction, the Director of Development Services may, in his/her sole discretion, refer the application to the Cultural Heritage Commission for its determination. In such case the procedures set forth in Subsection 2.63.075.A. shall apply.

C. Hearings conducted by the Cultural Heritage Commission need not be conducted according to the technical rules of evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

D. After considering all of the testimony and evidence submitted, theCultural Heritage Commission shall render its decision within fifteen (15) calendar days of the hearing. The decision shall be in writing and shall include findings of fact, a summary of the relevant evidence, a statement of issues and a decision. A copy of the decision shall be provided to the applicant and to any other

person who has requested it. All hearings shall be conducted and decisions rendered no later than ninety (90) days from the date that an application has been deemed complete by the Director of Development Services.

(ORD-09-0003, § 1, 2009)

2.63.080 - Appeals.

Any person aggrieved by the denial or approval of a certificate of appropriateness may appeal such denial or approval in the following manner:

A. The appellant may file a notice of appeal, in writing, with the Department of Development Services within ten (10) calendar days after issuance of the written decision to deny or approve the application for a certificate of appropriateness. The appeal shall, in the case of a decision of the Cultural Heritage Commission, be heard by the Planning Commission, or in the case of a determination by the Director of Development Services, by the Cultural Heritage Commission. The appeal hearing shall be conducted no later than forty-five (45) days after the notice of appeal has been filed and deemed complete. Notice of the appeal hearing shall be provided to the appellant, the applicant, and to any person who has requested in writing that such notice be provided. Notice of the appeal hearing shall also be posted at the subject site at least fourteen (14) days prior to the hearing in a form and manner deemed appropriate by the Director of Development Services.

B. The appeal body may affirm, reverse or modify the action of the Cultural Heritage Commission or the Director of Development Services and may affix whatever conditions of approval as it deems reasonably necessary.

C. The decision of the Cultural Heritage Commission or the Planning Commission on appeal shall be final. Pursuant to California Code of Civil Procedure Section 1094.6, the time within which to seek judicial review of the final decision is ninety (90) days after the date the decision becomes final. The decision becomes final as of the date the appeal hearing is conducted and a decision is rendered.

(ORD-09-0003, § 1, 2009; Ord. C-7521 § 1, 1998; Ord. C-6961 § 1 (part), 1992)

2.63.090 - Publicly-owned resources.

The provisions of this Chapter shall also apply to any plans to alter, redecorate or refurbish the exterior or interior features, or make any environmental change, to any designated cultural resources owned by the City or other public entities. The Director of Development Services shall notify the Cultural Heritage Commission at least sixty (60) days in advance of such plans, allowing adequate time for the Commission to study and make recommendations on the plan.

(ORD-09-0003, § 1, 2009; Ord. C-6961 § 1 (part), 1992)

2.63.100 - Easements and development rights.

This Chapter shall empower the City to acquire facade easements or development rights to landmarks, or other cultural resources within a landmark district, through purchase, donation or condemnation. The easement or development rights shall be designed to run with the land in order to preserve or maintain the significant features of the landmark or cultural resource within the landmark district.

(ORD-09-0003, § 1, 2009; Ord. C 6961 § 1 (part), 1992)

2.63.110 - Penalties.

A. Any person who knowingly violates a requirement of this Chapter or knowingly fails to obey a lawful order issued by the Commission or the Director of Development Services, or to comply with a condition of approval of any certificate or permit issued under this Chapter shall be guilty of a misdemeanor and subject to provisions of Section 1.32.010 of this Code.

B. Any person who constructs, alters, removes or demolishes a cultural resource in violation of this Chapter shall be required to restore the building, object, site or structure to its appearance or setting prior to the violation. Any action to enforce this provision may be brought by the City or any other interested party. The civil remedy may be in addition to, and not in lieu of, any criminal prosecution and penalty and other remedy provided by law.

(ORD-09-0003, § 1, 2009; Ord. C 6961 § 1 (part), 1992)

CHAPTER 2.66 - REDEVELOPMENT AGENCY

FOOTNOTE(S):

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State Law reference— Provisions pertaining to redevelopment agencies, Health and Safety Code § 33100 et seq.

2.66.010 - Created.

It is determined that there is a need for a Redevelopment Agency to function in this community, and such agency is created.

(Prior code § 2360)

2.66.020 - Members—Appointment.

The Redevelopment Agency shall be governed by a Board consisting of seven (7) City residents, which shall be appointed by the Mayor, subject to confirmation by a majority of all of the members of the Council. Such Board members shall serve four (4) year terms.

A. In addition to the above-described requirements, at least three (3) members of the Board shall be appointed in the manner described in Subsection B. below.

B. Upon the occurrence of a vacancy (or the conclusion of a four (4) year term) in the Board member seats described in Subsection A. above, the Central Long Beach Redevelopment Project Area Committee, the North Long Beach Redevelopment Project Area Committee and the West Long Beach Industrial Redevelopment Project Area Committee shall promptly each nominate at least four (4) persons to fill each such vacancy or vacancies. The Mayor shall appoint the Board member or Board members from amongst such nominations, which appointment shall be subject to confirmation by a majority of all of the members of the Council.

C. In the event that any of the project area committees described in Subsection B. above, discontinues operation or fails to make nominations in a timely manner, the Mayor shall appoint the Board member or Board members from the nomination made by the remaining project area committees.

(Ord. C 7865 § 1 2003; Ord. C 7628 § 1, 1999; prior code § 2360.1)

2.66.030 - Members—Removal.

A member of the agency may be removed by an affirmative vote of not less than a majority of all members of the Council.

(Prior code § 2360.2)

2.66.040 - Redevelopment powers.

No redevelopment shall be undertaken by the agency except as to a duly designated redevelopment area.

(Prior code § 2360.3)

2.66.050 - Redevelopment area designation.

A redevelopment area may be designated only by a Council resolution, specifying therein, with particularity, the boundaries of such area, and which resolution is adopted by a majority of all members of the Council.

(Prior code § 2360.4)

2.66.060 - Plan adoption.

A redevelopment plan for all or part of a redevelopment area may only be adopted by ordinance of the Council, after consideration by the Council at a duly noticed public hearing called for the purpose of considering each plan.

(Prior code § 2360.5)

2.66.070 - Condemnation of property.

If a redevelopment plan provides for the condemnation of any real property, the Council shall not approve such plan except upon a finding that condemnation is necessary to the execution of the plan and that adequate provisions have been made for payment for the property to be so acquired.

(Prior code § 2360.6)

2.66.080 - Vacating offices.

If the agency has not redeveloped or acquired land for, or commenced the redevelopment of, a project, or entered into contracts for redevelopment within two (2) years after the effective date of the incorporation of this Chapter, the Council may, by ordinance, declare that there is no further need for the agency, thereby vacating the offices of the members thereof.

(Prior code § 2360.7)

CHAPTER 2.69 - CIVIL DEFENSE

FOOTNOTE(S):

--- (**10**) ---

State Law reference— Provisions pertaining to local disaster councils, Gov. Code § 8610 et seq.

2.69.010 - Purpose.

The declared purposes of this Chapter are to provide for the preparation and carrying out within this City of plans for the protection of persons and property in the event of a disaster, and to provide for the coordination of the emergency planning and disaster functions of this City with all other public agencies and affected private persons, corporations and organizations.

(Prior code § 2350)

2.69.020 - Emergency defined.

As used in this Chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat.

(Prior code § 2350.1)

2.69.030 - Emergency Council—Members.

The Emergency Council is created and its membership shall consist of the following:

A. The Mayor, who shall be Chairman;
B. The City Manager, who shall be Vice-Chairman;
C. The Coordinator of Emergency Services, who shall be the Executive Secretary;
D. The City Attorney or his representative;
E. Such Deputy Directors and Chiefs of Emergency Services appointed pursuant to this Chapter;
F. Such other representatives of civic, business, labor, veterans, professional, or other organizations within the community as may be appointed by the City Manager with the approval of the City Council, however, not to exceed five (5) in number.

(Prior code § 2350.2)

2.69.040 - Emergency Council—Duties.

It shall be the duty of the Emergency Council, and it is empowered, to review and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The

Emergency Council shall meet upon call of the Chairman, or with his consent or in his absence from the City or inability to call such meeting, upon the call of the Vice-Chairman.

(Prior code § 2350.3)

2.69.050 - Emergency Council—Responsibilities.

The City Emergency Council shall be responsible for:

A. Periodically reviewing the City emergency plan, which shall consist of a basic plan and separate annexes for each of the emergency services and special emergency situations when the Director deems appropriate. The plan shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency. The Emergency Council shall assure that the plan is consistent with this Chapter and appropriately provides for the organization, powers and duties, services, and staff as required for maximum effectiveness of the emergency organization. The basic portion of the plan shall take effect upon adoption by resolution of the City Council. Each annex shall be consistent with the adopted basic plan and take effect upon written approval of the Director.

B. Assignment of emergency duties and functions shall be set forth in the basic plan for City agencies and employees.

C. Amendments to the basic plan shall be placed on file with the City Council by the Director. Such amendments shall become effective thirty (30) days from the date of filing unless action is taken by the City Council during one of its regular or special sessions disapproving the Director's submission. In event an amendment is pending at the time that an emergency is proclaimed under provision of Subsections B.1 or B.2 of Section 2.69.060, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the City Council at a later date.

D. In assigning emergency duties and functions to City agencies and personnel, the Director shall place such responsibilities to best utilize the inherent competencies already existing in the governmental structure. When the requisite competency for a function is not available within the City government, the Director is authorized to seek assistance on a volunteer basis from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster.

E. The provisions of the basic plan, as filed with and approved by the City Council, shall be mandatory upon the agencies of City government and its employees, who shall diligently apply their efforts toward the development of the most effective disaster preparedness program within their means. The basic plan shall be considered supplementary to this Chapter and have the effect of law whenever an emergency, as provided in this Chapter, has been proclaimed.

(Prior code § 2350.6)

2.69.060 - Director—Duties.

A. There is created the position of Director of Civil Defense. This position shall be filled by the City Manager. The title of Director of Emergency Services is coterminous and equally applicable.

B. The Director is empowered to:

1.

Request the City Council to proclaim the existence or threatened existence of a local emergency and the termination thereof, if the Council is in session, or issue such proclamation, if the Council is not in session; provided, however, in the event that such proclamation is by the Director alone the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect. The City Council shall review at least every fourteen (14) days the need for continuing a local emergency and shall terminate it at the earliest possible date the conditions warrant;

2. Request the Governor of the State to proclaim a state of emergency when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;
3. Control and direct the efforts of the emergency organization of this City for the accomplishment of the purposes of this Chapter;
4. Direct cooperation between and coordination of the services and staff of the emergency organization of this City and resolve questions of authority and responsibility that may arise between them;
5. Represent the emergency organization of this City in all dealings with public or private agencies pertaining to emergencies as defined in this Chapter;
6. Appoint, with the consent of the City Council, and assistant Director of Civil Defense who, under his direction, shall also be known as the Coordinator of Emergency Services and be in charge of the Department of Emergency Preparedness;
7. Prepare and maintain, on a current basis, a disaster plan to be known as the City Emergency Plan. A portion of the Plan, referred to in the remainder of this Chapter as the basic plan, shall be effective upon approval of the City Council and shall be as more particularly described in this Chapter.

(Prior code § 2350.4)

2.69.070 - Director—Emergency powers.

In the event of the proclamation of a local emergency as provided in this Chapter, the proclamation of a state of emergency by the Governor or the State Director of the Office of Emergency Services, or by the President of the United States, the Director is empowered, within limitations provided by the City Charter, ordinances and laws applicable to the City:

A. To make, issue, and enforce rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;
B. To obtain vital services, supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the City for the fair value thereof;
C. To require emergency services of any City officer or employee, and, in the event of the proclamation of a state of emergency in the County in which this City is located or the existence of a state of war emergency, to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided in State law for registered emergency service workers;
D. To requisition necessary personnel or material of any City department or agency;
E.

To exercise all of his ordinary powers as City Manager, all of the special powers conferred upon him by this Chapter or by the Emergency Plan adopted pursuant thereto, all powers conferred upon him by any statute, agreement approved by the City Council, or by any other lawful authority;

F. To designate the order of succession to his office, to take effect in the event that he is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council;

G. To provide general supervision to the assistant Director, who, with the assistance of the Chiefs of the Emergency Services, shall develop an Emergency Plan and manage the emergency programs of this City, and who shall have such other powers and duties as may be assigned by the Director.

(Prior code § 2350.5)

2.69.080 - Emergency organization.

A. All officers and employees of this City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Subsections 2.69.070.A and 2.69.070.C and charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency organization of the City.

B. Each service Chief appointed by the Director shall be responsible for carrying out all duties and functions assigned in the basic plan and in the annex pertaining to his service. Duties will include the organization and trainof assigned City employees and volunteers. Each Chief, with the guidance and assistance of the assistant Director, shall formulate the operational plan for his service which, when approved by the Director, shall become an annex to the basic plan. The Chiefs shall be responsible for the care, maintenance and proper use of any special equipment and/or property which they may obtain or that might be assigned to them from time to time by the Director.

C. The Director shall prescribe those positions within the emergency organization for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Director a current list of three (3) persons as successors to his position. The list will be in order of succession and the person responsible will only designate persons capable of carrying out all assigned duties and functions.

(Prior code § 2350.7)

2.69.090 - American Red Cross duties.

A. The American Red Cross in the City shall, in time of emergency, make assistance available to needy individuals and families as provided for in its National Charter and subsequent agreements with the federal government.

B. The Director shall be responsible for arranging, through the Manager of the local Red Cross Chapter, for the participation of the Red Cross in the City's emergency organization as a part of the mass care service in case of war-caused emergency, and for the relationship between the Red Cross and the emergency organization in case of natural disaster.

(Prior code § 2350.8)

2.69.100 - Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City.

(Prior code § 2350.9)

2.69.110 - Violations.

No person shall:

A. Wilfully obstruct, hinder, or delay any member of the civil defense and emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Chapter, or in the performance of any duty imposed upon him by virtue of this Chapter;

B. Do any act in violation of any emergency declaration or curfew established by any lawful rule, regulation, order or directive issued pursuant to this Chapter;

C. Wear, carry or display, without authority, any means of identification specified by the civil defense and emergency agency of the State or of the City.

(Ord. C-7670 § 1, 2000; prior code § 2350.10)

CHAPTER 2.72 - EQUAL OPPORTUNITY CONTRACT COMPLIANCE PROGRAM

2.72.010 - Purpose.

The purpose of this Chapter is to obligate those contractors who contract with the City to comply with nondiscrimination and equal opportunity provisions of laws rules and regulations of the United States, the State and the City, except as provided in this Chapter. It shall obligate contractors to take affirmative action to insure the provision of equal opportunity in certain contracts. Appropriate provisions shall be incorporated into all contracts to accomplish this purpose.

(Ord. C-5315 § 1, 1977: prior code § 2800)

2.72.020 - Applicability.

Unless exempted, excepted or otherwise excused by law, no person, firm or corporation that contracts with the City to provide services or supplies shall be paid any public funds or other consideration, whether such service or supplies are delivered or not, unless such person, firm or corporation complies with the equal opportunity provisions of federal, State and City laws, rules and regulations and has filed such plan with the equal opportunity compliance officer of this City, an affirmative action plan, an employment action plan or equal service certification (standard or devised according to stated standards) as may be applicable and such plan has been approved by the equal opportunity compliance officer. An affirmative action plan previously accepted by a federal compliance agency will be considered acceptable for the requirements under Section 2.72.060.

(Ord. C-5315 § 1 (part), 1977: prior code § 2801)

2.72.030 - Definitions.

The following words and phrases shall be construed as defined in this Section unless from the context a different meaning is indicated and more particularly directed to use of such words and phrases:

"Affirmative action" means the taking of positive steps by the contractor or subcontractor to insure that its practices and procedures promote and effectuate employment retention and advancement of a particular class or category of persons generally described by race, color, religion, sex, ancestry, national origin, age and handicap. The action may involve the concept, when applicable of remedying the continuing effects of past discrimination.

"Affirmative action plan" means a written statement executed by the contractor which declares the contractor's policy for equal opportunity and affirmative action practices and is signed by an authorized managing official of the contractor. The plan declares the means and method of policy implementation and identifies the management level person responsible for the implementation of the plan. It contains a work force analysis of the race, ethnic, and sex grouping of persons within the contractor's work force by Equal Employment Opportunity -1 (EEO-1) job categories as designated by the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs. Minorities are defined for this purpose as persons of the following racial and ethnic groups: Black (negroes), Hispanic (including persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish origin or culture

regardless of race), Asians (including Pacific Islanders), American Indians (including Alaskan natives). It contains a utilization analysis as a comparison between the contractor's work force and the labor market availability (see definition under this Section).

It declares the contractor's goals and timetables for eliminating deficiencies as indicated by the utilization analysis. It further declares the corrective action measures as affirmative steps the contractor will take to meet established goals.

"Contract" means any agreement, franchise or lease, including agreements for any occasional professional or technical personal services for the performance of any work or service, the provision of any material or supplies or the rendition of any service to or for the City, which is let, awarded or entered into with or on behalf of the City.

"Contractor" means any person, firm, corporation, or any combination thereof, which submits a bid or enters into any contract with the City.

"Employment action plan" means a written statement executed by the contractor which declares the contractor's policy and the assignment of responsibility to a top management person to implement the plan to hire unemployed residents of Long Beach in the performance of the contract. It further declares a numerical goal of employed residents by job classification which the contractor will employ and the steps the contractor will take to achieve the goal.

"Employment practices" means any practice involving the recruitment of applicants, the selection of employees, the training of employees, the compensation of employees directly or indirectly, the promotion, demotion, layoff, suspension, termination of employees, or any other practice relating to employees in their work-related activities.

"Equal opportunity" means that opportunity which must be extended to all persons to participate in all activities, employment, programs or services in like proportions to their representation in the labor market or service area, as applicable.

"Equal service certification" means a written statement executed by the contractor in which the contractor certifies and agrees that he or she will not discriminate against any person in the provision of any service activity or in any program funded in whole or in part by the City, because of race, color, religion, national origin, ancestry, sex, gender identity, age or handicap, except where such exclusion is a bona fide service activity or programmatic necessity.

"Labor market availability" means the total recorded number of persons who are employed or unemployed and seeking work within the Standard Metropolitan Statistical Area (S.M.S.A.) as defined in the Department of Commerce, Bureau of Budget Publication, "Standard Metropolitan Statistical Areas," 1967, U.S. Government Printing Office, Washington, D.C. 20402, and which is applicable to the contractor's work force.

"Service activity" means any program or activity which promotes the City as a creative, active and socially responsive community.

"Subcontractor" means any person, firm, corporation or any combination thereof, which enters into a contract with a contractor to perform or provide a portion or part of any contract with the City.

(ORD-08-0016 § 1, 2008: Ord. C-5315 § 1 (part), 1977: prior code § 2802)

2.72.040 - Nondiscrimination clause required.

Every contract awarded by the City and every subcontract let by the contractor of the City shall contain the following clause:

"The contractor and subcontractor agree that they will not discriminate against any person in the performance of the contract and will comply with applicable federal, State and City of Long Beach, Equal Opportunity Laws, Rules and Regulations".

(Ord. C-5315 § 1 (part), 1977: prior code § 2803)

2.72.050 - Construction contracts for ten thousand dollars or more.

Every construction contract awarded by the City for the total amount of ten thousand dollars ($10,000.00) or more, and every subcontract let by the contractor of the City in those cases, shall require the contractor and any subcontractor to submit to the equal opportunity compliance officer of the City for approval prior to award of the contract an acceptable affirmative action plan. The contract shall further require the contractor to comply with the plan.

(Ord. C-5315 § 1 (part), 1977: prior code § 2804)

2.72.060 - Nonconstruction contracts for twenty thousand dollars or more.

Every nonconstruction contract awarded by the City for the total amount of twenty thousand dollars ($20,000.00) or more, and every subcontract let by the contractor of the City in those cases, shall require the contractor and any subcontractor to submit to the equal opportunity compliance officer of the City for approval prior to award of the contract an acceptable affirmative action plan or employment action plan or equal service certification, whichever is applicable to the contract, in accordance with the following provisions:

A. Contractors or subcontractors having a business location within the City and fifteen (15) or more employees shall submit an acceptable affirmative action plan which utilizes the combined Los Angeles and Orange Counties S.M.S.A.s to determine its labor market availability;
B. Contractors or subcontractors having a business location within Los Angeles or Orange County, except within Long Beach, and having fifty (50) or more employees shall submit an acceptable affirmative action plan or an acceptable employment action plan;
C. Contractors or subcontractors having a business location outside Los Angeles or Orange County and having fifty (50) or more employees shall submit an acceptable affirmative action plan;
D. Contractors or subcontractors who perform a personal service and who employ five (5) or more persons shall submit an acceptable affirmative action plan; and
E. Contractors or subcontractors who perform the requirements of a contract by members and directors of an organization and not with employees shall submit an acceptable equal service certification.

The contract shall further require that all contractors comply with their approved plans.

(Ord. C-5315 § 1 (part), 1977: prior code § 2805)

2.72.070 - Contractor records.

Contractors and subcontractors shall maintain such records and shall make such records available in such form and at such times as the equal opportunity compliance officer of the City shall reasonably require to determine compliance with the equal opportunity obligations of the contract. Contractors and subcontractors shall further provide reasonable access to job sites or business locations upon request of the equal opportunity compliance officer.

(Ord. C-5315 § 1 (part), 1977: prior code § 2806)

2.72.080 - Compliance and enforcement.

A. Contractors and subcontractors who achieve the goals of their respective affirmative action plans or employment action plans may be presumed to be in compliance with the equal opportunity affirmative action provisions of the contract. Contractors and subcontractors who fail to achieve their goals shall be evaluated for the corrective action measures taken to achieve such goals. Such corrective action measures shall include, but not be limited to:
    1. Notifying community organizations, news media and schools which are likely to yield applicants from groups who are underrepresented (i.e., minorities and females) in the contractor's work force of all available employment opportunities:
    2. Maintaining a file of names and addresses of each employment application from any underrepresented group for continued placement followup;
    3. Encouraging present employees to recruit applicants from underrepresented groups;
    4. Providing where feasible after school, summer and vacation employment for persons of underrepresented groups;
    5. Assuring that all personnel recruitment, selection and evaluation devices or procedures do not adversely affect or illegally discriminate against underrepresented groups;
    6. Developing or participating in training programs designed to increase the employability of underrepresented groups;
    7. Assuring that all activities, practices, and programs of the contracting entity do not illegally discriminate against or adversely affect underrepresented groups;
    8. Monitoring and evaluating affirmative action plan activities to assure compliance with the equal opportunity policy;
    9. Soliciting bids for subcontracting from minority and female subcontractors.
B. Contractors who do not achieve their goals, who fail to take at least the corrective actions indicated above, and who fail to submit timely documentation and reports are not in compliance with the equal opportunity provisions of the contract. Such failure shall be deemed to be a material breach of the contract. The equal opportunity compliance officer shall make such determinations of compliance and shall notify the awarding authority of such noncompliance and recommend appropriate sanctions.

(Ord. C-5315 § 1 (part), 1977: prior code § 2807)

2.72.090 - Noncompliance sanctions.

Contractors and subcontractors who fail to comply shall be given an opportunity to be heard by the awarding authority or their designates. The equal opportunity compliance officer shall be notified by the awarding authority and may attend and be heard at any hearing for this purpose before the imposition of any penalties or sanctions. However, if after such hearing the contractor or subcontractor remains in a status of noncompliance, the awarding authority may seek sanctions according to law including but not

limited to: (A) the withholding of payment; (B) suspension of the contract; (C) termination of the contract in whole or in part; (D) declaring the contractor a nonresponsive bidder or other appropriate sanctions. The City may in addition retain all moneys due or to become due on the contract. Contractors and subcontractors found to be nonresponsive shall be disqualified from being awarded a City contract for a period of five (5) years or until the contractor can demonstrate to the equal opportunity compliance officer that he is complying with the equal opportunity provisions of this Chapter.

(Ord. C-5315 § 1 (part), 1977: prior code § 2808)

2.72.100 - Appeals.

Contractors may appeal the imposition of sanctions under this Chapter to the City Council. Any such appeal shall be filed with the City Clerk no later than ten (10) days following the decision of the awarding authority.

(Ord. C-5315 § 1 (part), 1977: prior code § 2809)

2.72.110 - Implementing rules and regulations.

The Affirmative Action Office of the City shall promulgate the rules, regulations and forms for implementing the nondiscrimination, equal opportunity and affirmative action provisions of this Chapter. So far as practicable such rules and regulations shall be similar to those adopted under applicable federal executive orders.

(Ord. C-5315 § 1 (part), 1977: prior code § 2810)

2.72.120 - Notice to contractors of requirements.

A. Contractual proceedings where such notice inviting bids is being published pursuant to the City Charter shall specify that the provisions of Sections 2.72.010 through 2.72.130 are applicable to any contract awarded.

B. When a notice inviting bids is not published, the contractor shall be advised at the outset of negotiations that the provisions of Sections 2.72.010 through 2.72.130 will be a part of any contract entered into by the City as a result of such negotiations.

(Ord. C-5315 § 1 (part), 1977: prior code § 2811)

2.72.130 - Exemptions.

Exempt from the provisions of this Chapter are:

A. Contracts with other governmental jurisdictions;

B. Contracts with manufacturers located outside the continental United States;

C. Contracts with sole source suppliers of goods and services; and

D. Contracts resultant from emergencies where the general welfare is at stake.

(Ord. C-5315 § 1 (part), 1980: prior code § 2812)

CHAPTER 2.73 - EQUAL BENEFITS TO EMPLOYEES OF CITY CONTRACTORS

2.73.010 - Title and purpose.

This Chapter shall be known as the "Long Beach Equal Benefits Ordinance". The purpose of this Chapter is to protect the public health, safety and welfare by requiring that public funds be expended in such a manner as to prohibit discrimination in the provision of employee benefits by City contractors between employees with spouses and employees with domestic partners, and/or between domestic partners and spouses of such employees.

(ORD-09-0036, § 1, 2009)

2.73.020 - Definitions.

A. "Contractor" shall mean any person or persons, firm, partnership, corporation, or combination thereof, who enters into a contract with the City.

B. "Domestic partner" shall mean any person who has a currently registered domestic partnership with a governmental body pursuant to State or local law authorizing such registration or with his or her employer or his or her domestic partner's employer.

C. "Nonprofit" shall mean a nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code of 1954, which is exempt from taxation under Section 501(c)(3) of that Code, or any nonprofit educational organization qualified under Section 23701(d) of the Revenue and Taxation Code.

(ORD-09-0036, § 1, 2009)

2.73.030 - Contractors subject to requirements.

A. The following contractors are subject to this Chapter:

1. For-profit entities which enter into an agreement with the City for public works or improvements to be performed, or for goods or services to be purchased, for an amount of one hundred thousand dollars ($100,000.00) or more; and
2. For-profit entities which generate three hundred fifty thousand dollars ($350,000.00) or more in annual gross receipts and which occupy City property pursuant to a written agreement for the exclusive use or occupancy of said property for a term exceeding twenty-nine (29) days in any calendar year.

B. The requirements of this Chapter shall only apply to those portions of a contractor's operations that occur: (i) within the City; (ii) on real property outside the City if the property is owned by the City or if the City has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the City; and (iii) elsewhere in the United States where work related to a City contract is being performed. The requirements of this Chapter shall not apply to subcontracts or subcontractors of any contract or contractor.

C. The City Manager or designee will provide a report to the City Council regarding the implementation of the ordinance from which this Chapter derives no later than one (1) year following the effective date of the ordinance, and will consider among other items, whether the dollar thresholds set forth in Subsections A. and B. should be modified.

(ORD-09-0036, § 1, 2009)

2.73.040 - Nondiscrimination in provision of benefits.

A. No contractor subject to this Chapter pursuant to Section 2.73.030, shall discriminate in the provision of bereavement leave, family medical leave, health benefits, membership or membership discounts, moving expenses, pensions and retirement benefits or travel benefits or in the provision of any benefits other than bereavement leave, family medical leave, health benefits, membership or membership discounts, moving expenses, pensions and retirement benefits or travel benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of such employees except as set forth in Subsections A.1. and 2. below:

1. In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.
2. The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measure to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.

B. Provided that a contractor does not discriminate in the provision of benefits between employees with spouses and employees with domestic partners, a contractor may:

1. Elect to provide benefits to individuals in addition to employees' spouses and employees' domestic partners;
2. Allow each employee to designate a legally domiciled member of the employee's household as being eligible for spousal equivalent benefits; or
3. Provide benefits neither to employees' spouses, nor to employees' domestic partners.

C. A contractor will not be deemed to be discriminating in the provision of benefits where the implementation of policies ending discrimination in benefits is delayed following the first award of a City contract to a contractor after the effective date of this Chapter:

1. Until the first effective date after the first open enrollment process following the date the contract with the City is executed, provided that the contractor submits evidence that it is making reasonable efforts to end discrimination in benefits. This delay may not exceed two (2) years from the date the contract with the City is executed and only applies to benefits for which an open enrollment process is applicable.
2. Until administrative steps can be taken to incorporate nondiscrimination in benefits in the contractor's infrastructure. The time allotted for these administrative steps shall apply only to those benefits for which administrative steps are necessary and may not exceed three (3) months. An extension of this time may be granted at the discretion of the City Manager upon the written request of a contractor, setting forth the reasons that additional time is required.
3. Until the expiration of a contractor's current collective bargaining agreement(s) where all of the following conditions have been met:
    a. The provision of benefits is governed by one (1) or more collective bargaining agreement(s); and

b. The contractor takes all reasonable measures to end discrimination in benefits by either requesting that the union(s) involved agree to reopen the agreement(s) in order for the contractor to take whatever steps are necessary to end discrimination in benefits or by ending discrimination in benefits without reopening the collective bargaining agreement(s); and

c. In the event that the contractor cannot end discrimination in benefits despite taking all reasonable measure to do so, the contractor provides a cash equivalent to eligible employees for whom benefits are not available. Unless otherwise authorized, in writing by the City Manager, this cash equivalent payment must begin at the time the union(s) refuse to allow the collective bargaining agreement(s) to be reopened, or in any case no longer than three (3) months from the date the contract with the City was executed. This cash equivalent payment shall not be required where it is prohibited by Federal Labor Law.

D. Employers subject to this Chapter pursuant to Section 2.73.030, shall give written notification to each current and new employee of his or her potential rights under this Chapter in a form specified by the City. Such notice shall also be posted prominently in areas where it may be seen by all employees.

(ORD-09-0036, § 1, 2009)

2.73.050 - Required contract provisions.

Every contract subject to this Chapter shall contain provisions requiring it to comply with the provisions of this Chapter as they exist on the date when the contractor entered the contract with the City or when such contract is amended. Such contract provisions may include, but need not be limited to, the contractor's duty to promptly provide to the City documents and information verifying its compliance with the requirements of this Chapter and sanctions for noncompliance.

(ORD-09-0036, § 1, 2009)

2.73.060 - Waivers and exemptions.

A. The City may waive the requirements of this Chapter where the City Manager makes one (1) or more of the following findings:

1. Award of a contract or amendment is necessary to respond to an emergency;
2. The contractor is a sole source;
3. The contractor is a nonprofit entity as defined in Section 2.73.020, above;
4. Noncompliant contractors are capable of providing goods or services that respond to the City's requirements;
5. The contractor is a public entity;
6. The requirements of this Chapter are inconsistent with a grant, subvention or agreement with a public agency;
7. The City is purchasing through a cooperative or joint purchasing agreement;
8. The contract involves specialized legal services such that it would be in the best interests of the City to waive the requirements of this Chapter, as determined by the City Attorney;
9. The contract involves investment of trust moneys or agreements relating to the management of trust assets, City moneys invested in U.S. government securities or under pre-existing investment agreements, or the investment of City moneys where no person, entity or financial institution

doing business with the City which is in compliance with this Chapter is capable of performing the desired transactions or the City will incur financial loss if the requirements of this Chapter are enforced;

10. After taking all reasonable measures to find an entity that complies with this Chapter, the City may waive any or all requirements of this Chapter for any contract or bid package advertised and made available to the public, or any competitive or sealed bids received by the City as of the effective date of this Chapter under the following circumstances:
    a. There are no qualified responsive bidders or prospective contractors who comply with this Chapter and the contract is for goods, a service or a project that is essential to the City or City residents; or
    b. The requirements of this Chapter would result in the City's entering into a contract with an entity that was set up, or is being used for the purpose of evading the intent of this Chapter.

B. The requirements of this Chapter shall not be applicable to contracts executed or amended prior to the effective date of this Chapter, or to bid packages advertised and made available to the public, or any competitive or sealed bids received by the City prior to the effective date of this Chapter, unless and until such contracts are amended after the effective date of this Chapter and would otherwise be subject to this Chapter.

C. The City Manager or designee may issue regulations from time to time implementing the provisions of this Chapter.

D. The City Manager shall report to the City Council annually on the status of waivers and exemptions.

(ORD-09-0036, § 1, 2009)

2.73.070 - Retaliation and discrimination prohibited.

A. No employer shall retaliate or discriminate against an employee in his or her terms and conditions of employment by reason of the person's status as an employee protected by the requirements of this Chapter.

B. No employer shall retaliate or discriminate against a person in his or her terms and conditions of employment by reason of the person reporting a violation of this Chapter or for prosecuting an action for enforcement of this Chapter.

(ORD-09-0036, § 1, 2009)

2.73.080 - Employee complaints to City.

A. An employee who alleges violation of any provision of the requirements of this Chapter may report such acts to the City. The City Manager may establish a procedure for receiving and investigating such complaints and take appropriate enforcement action.

B. The City shall have the power to examine contractors' benefit programs covered by this Chapter.

C. Any complaints received shall be treated as confidential matters, to the extent permitted by law. Any complaints received and all investigation documents related thereto shall be deemed exempt from disclosure pursuant to California Government Code §§ 6254 and 6255.

(ORD-09-0036, § 1, 2009)

2.73.090 - Remedies.

A. Upon a finding by the City Manager that a contractor has violated the requirements of this Chapter, the City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided at law or in equity.

1. The City Manager shall be authorized to terminate said contract and bar the contractor from bidding on future contracts with the City for three (3) years from the effective date of the contract termination.
2. In the City Manager's sole discretion, a contractor found to have willfully violated the requirements of this Chapter may be required to pay liquidated damages.
3. The City may seek recovery of reasonable Attorneys' fees and costs necessary for enforcement of this Chapter.

B. Notwithstanding any provision of this Chapter or any other Chapter to the contrary, no criminal penalties shall attach for any violation of this Chapter.

C. No remedy set forth in this Chapter is intended to be exclusive or a prerequisite for asserting a cause of action to enforce any rights hereunder in a court of law. This Chapter shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

D. Nothing in this Chapter shall be interpreted to authorize a right of action against the City.

(ORD-09-0036, § 1, 2009)

CHAPTER 2.75 - AMBULANCE SERVICE

FOOTNOTE(S):

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State Law reference— Provisions authorizing cities to contract for ambulance service to serve their residents, Gov. Code § 38794.

2.75.010 - Rates.

A. Except as provided in Section 2.75.020, each person to or for whom emergency ambulance transportation service is furnished by the City by means of the municipally owned or operated emergency vehicle shall pay to the City a fee for such service in accordance with rates established by the City Council.

B. The amount of any fee established until paid shall be deemed a debt to the City and every such person shall be liable in an action in the name of the City in any court of competent jurisdiction therefor. The City Council is invested with the authority to prescribe reasonable rules and regulations with reference to such service.

(Ord. C-5691 § 1, 1981; prior code § 4280)

2.75.020 - Exemptions.

A. A person in the custody of the Police Department or an employee of the City injured while on duty to or for whom emergency ambulance transportation service is furnished by the City is exempt from the payment of the fee prescribed in Section 2.75.010

B. The City Manager may authorize the charging of and releasing from further accountability of all accounts incurred as the result of orders or instructions received from civilian defense or other competent major disaster relief authority or of any account determined by him to be noncollectible. Such authorization shall authorize the City accountant to discharge such item from his books and shall relieve such official from any further accountability therefor but such discharge shall not constitute a release of any person from liability for payment of any such account.

(Prior code § 4280.1)

CHAPTER 2.78 - UNCLAIMED PROPERTY

2.78.010 - Inventory.

The Chief of Police shall, on or before the first Monday in November of each year, and may, at other times which in his discretion appear desirable, make an inventory of all personal property which has come into the possession of the Police Department and has been unclaimed by the owner and will, at the time of any proposed sale or public use, have been in the possession of the Police Department for at least three (3) months.

(Ord. C-7049 § 1, 1992: prior code § 3570)

2.78.020 - Sale—Notice.

Such inventory shall give a brief description of all property so held. Public notice shall be given by publication in the official newspaper of the City at least five (5) days prior to any proposed sale. The notice shall contain a brief description of property to be sold, the time, place and manner of sale. It shall also contain a brief description of property to be kept or destroyed, and a statement that all of the listed property will be either sold, kept or destroyed if not claimed by the owner before the date set for sale.

(Prior code § 3570.1)

2.78.030 - Weapons, burglar's tools and liquor.

Any arms or weapons, except those arms or weapons considered by the Chief of Police to have value with respect to sporting, recreational or collection purposes, or burglar's tools listed in the notice shall be kept or destroyed by the Police Department, the Chief of Police to decide in his discretion whether any of such items should be kept or destroyed. All liquors listed in the notice shall be destroyed at the discretion of the Chief of Police.

(Prior code § 3570.4)

2.78.040 - Sale—Date.

The Chief of Police shall, on the first Saturday in December of each year, and may, at other times in his discretion, sell at public auction to the highest bidder all property except burglar's tools, liquors, drugs, and property to be kept for public use. Arms or weapons considered by the Chief of Police to have value with respect to sporting, recreational or collection purposes, may annually, between the first and tenth days of July, be offered for sale at public auction to persons licensed under federal law to engage in business involving any weapon purchased. Property that is needed or desired for public use will not be sold at public auction.

(Ord. C-7049 § 2, 1992: prior code § 3570.2)

2.78.050 - Sale—Deposit of proceeds.

All money received from the sale of such property shall be deposited in the general purpose fund of the City.

(Prior code § 3570.5)

2.78.060 - Unsold property disposition.

Any unclaimed property which has been properly inventoried, which is not being kept for public use, and which has been offered for sale and not sold may be summarily destroyed by the Chief of Police.

(Ord. C-7049 § 3, 1992: prior code § 3570.3)

CHAPTER 2.81 - PUBLIC SAFETY BUILDING

2.81.010 - Defined.

"Public safety building," as used in this Chapter, means the public safety building of the City, within which is located the Police Department, the Fire Department, and the City Prosecutor's Department or parts of said Departments and includes any and all areas or parts of said building as it now exists or as the same may hereafter be altered or changed.

(Prior code § 7495.1)

2.81.020 - Purpose.

It is declared that in accordance with Section 37359 of the California Government Code, it is the purpose of this Chapter to withdraw and limit the personal access or use by members of the public of the public safety building, which is owned and controlled by the City, and to make entry or use of said property without permission or in any manner other than as prescribed by reasonable regulations a trespass.

(Prior code § 7495)

2.81.030 - Limitation of access and regulation of use.

The City Manager shall have the authority to designate those portions of the public safety building to which the personal access and use of members of the public is withdrawn or limited as deemed necessary, and the City Manager shall establish reasonable regulations relating to the access and use of any such areas of the public safety building by members of the public. Said regulations shall be based upon the maintenance and preservation of the public health, safety, peace, welfare and to ensure the public safety building is used for its intended purposes. One (1) copy of such regulations shall be filed in the office of the City Clerk. Another copy shall be available for inspection by members of the public at or near the public entrance to the public safety building.

(Prior code § 7495.2)

2.81.040 - Compliance with regulations required.

No person shall enter or use any part of the public safety building to which the access or use has been withdrawn or limited by the City Manager without first fully complying with the regulations prescribed by the City Manager pursuant to Section 2.81.030, or unless a valid pass has been first obtained and is in the immediate possession of such person. Violation of any such regulation or entry into or use of any restricted area of the public safety building without permission or in a manner other than that prescribed by the City Manager is a misdemeanor.

(Ord. C-5936 § 1, 1983; prior code § 7495.4)

2.81.050 - Sign posting.

The City Manager shall cause appropriate signs to be posted in a conspicuous place at or near each and every entrance to the public safety building, giving notice of the effect of this Chapter and containing the substance of the regulations pertaining to the access or use by persons of the public safety building

which have been promulgated by the City Manager pursuant to Section 2.81.030.

(Prior code § 7495.3)

2.81.060 - Ejection of violators.

Any Policeman or other authorized employee of the City may use reasonable force to remove or expel from the public safety building any person who violates this Chapter and who upon being directed to leave refuses to do so. This provision is in addition to any other remedies provided by law.

(Prior code § 7495.5)

CHAPTER 2.83 - CLAIMS PROCEDURE

2.83.010 - General.

The provisions of this Section recognize that the general claims procedures against local public agencies, including the City, are governed by the provisions of Part 3 of Division 3.6 of the California Government Code, commencing with Section 900 and following.

(Ord. C-5753 § 1, 1981; prior code § 2711)

2.83.020 - Special claims procedure.

Pursuant to the authority of Section 935 of the Government Code of the State of California, the City establishes the following claims procedure for those claims for money or damages against the City which are excepted by Section 905 from Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code, and which are not governed by any other statutes or regulations expressly relating thereto:

A. Employee claims. Notwithstanding the exceptions contained in Section 905 of the Government Code of the State of California, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, compensating time off, vacation pay, sick leave pay, back pay and other expenses or allowances claimed due from the City, when a procedure for processing such claims is not otherwise provided by State or local law or memorandum of understanding, shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.4 of the Government Code of the State of California, and such claims shall further be subject to the provisions of Section 945.4 of the Government Code relating to the prohibition of suit in the absence of presentation of claims and action thereon by the City Council.

B. Contract and other claims. In addition to the requirements of Subsection 2.83.020.A. of this Section and notwithstanding the exemptions set forth in Section 905 of the Government Code of the State of California, all claims against the City for damages or money, when a procedure for processing such claims is not otherwise provided by State or local law, shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.4 of the Government Code of the State of California and such claims shall further be subject to the provisions of Section 945.4 of the Government Code relating to the prohibition of suit in the absence of presentation of claims and action thereon by the City Council. The foregoing reference to Government Code Section 910 shall not be construed to authorize a class claim, and no claim may be filed on behalf of a class of persons unless verified by every member of that class.

C. Late claims. When a claim required by the procedure to be presented within a period of less than one (1) year after the accrual of the cause of action is not presented within the required time, an application may be made to the City for leave to present such claim. Subdivision (b) of Section 911.4, Sections 911.6 to 912.2, inclusive, and Sections 946.4 and 946.6 of the California Government Code are applicable to all such claims.

(ORD-12-0003, § 1, 2012; Ord. C-5753 § 2, 1981; prior code § 2711.1)

CHAPTER 2.84 - CONTRACTS
DIVISION I. - GENERAL SUPPLIES AND MATERIALS

2.84.010 - Authority of City Purchasing Agent and others to contract.

The City Purchasing Agent, with the written approval of and in accordance with procedures provided by the City Manager, and such faithful performance bonds as the City Manager may deem reasonably necessary, is hereby authorized to bind the City through the issuance of a purchase order without advertising for bids for the purchase of services, labor, supplies, materials, goods, or other valuable consideration furnished to the City for amounts not exceeding one hundred thousand dollars ($100,000.00) and, if the purchase will be reimbursed by state or federal grant funds relating to homeland security, for amounts not exceeding five hundred thousand dollars ($500,000.00). For non-state or federal grant related purchases exceeding one hundred thousand dollars ($100,000.00), but not exceeding two hundred thousand dollars ($200,000.00), the City Purchasing Agent is authorized to issue a purchase order if the award is based on an Invitation to Bid (ITB) or a Request for Proposal (RFP) process, which results in at least three (3) bids or proposals conducted in conformance with this Code and applicable law and purchasing procedures as promulgated by the City Purchasing Agent.

Other persons, categorized as managers in each City department and as delegated authority by the City Purchasing Agent, may make purchases, but only within the limits set forth in this Section and only in accordance with regulations and any additional limitations as set forth by the City Purchasing Agent.

(ORD-12-0020 , § 1, 2012; Ord. C-7922 § 1, 2004; Ord. C-7650 § 1, 1999; Ord. C-6454 § 1, 1988; Ord. C-5745 § 1, 1981; Ord. C-5378 § 1, 1978; prior code § 2730)

2.84.020 - Nondiscrimination in City contracts and purchase orders.

All contracts and purchase orders between the City and other persons and entities of any kind shall contain language which prohibits discrimination in employment and discrimination with respect to performance under the contract or purchase order on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, AIDS, HIV status, age, disability, or handicap, subject to federal and State laws, rules and regulations.

(ORD-08-0015 § 1, 2008; Ord. C-7863 § 1, 2003)

2.84.030 - Local preference.

A. This Section implements Section 1803 of the City Charter and is based on findings that the amount of local preference described in this Section for local businesses is in the public interest and is necessary to ease disadvantages suffered by local businesses due to the higher costs of doing business in the City of Long Beach.

B. A bid for furnishing materials, equipment, supplies and nonprofessional services pursuant to Section 2.84.010 relating to the authority of the City's purchasing agent to make purchases for City departments reporting to the City Manager shall be reduced by the amount described below in making a determination whether or not the bidder is the lowest responsible bidder, if the bidder meets the following criteria:

1.

Has a current, valid business license from the City of Long Beach showing a place of business within the City limits; and

2. Has a current, valid seller's permit (also known as a sales tax permit) showing a place of business within the City limits.

C. A bid from a bidder meeting the criteria described in Subsection B of this Section shall be reduced by ten percent (10%). The maximum preference a bidder may be awarded pursuant to this Section and any other provision of law shall be ten percent (10%). However, in no case shall the maximum preference cost under this Section exceed ten thousand dollars ($10,000.00) for any bid.

D. This Section shall not apply to bids for purchases made by the Director of Library Services pursuant to Section 1801 of the City Charter or to purchases made pursuant to Section 1807 of the City Charter. This Section shall also not apply to bids for purchases funded by any Tidelands fund, by any grant funds, and by any funds received from the State of California. This Section shall not apply to bids for public works, as that term is defined in Section 1720(a) of the California Labor Code.

(ORD-09-0015, § 1 2009; Ord. 05-0020 § 1, 2005; Ord. C-7938 § 1, 2004)

2.84.040 - Establishment of insurance requirements for contracts, leases and the like.

A. All contracts, agreements, letters of understanding, letter agreements, memoranda of understanding, leases, permits, licenses and all other similar documents or other written agreements of any kind including, but not limited to, purchase orders and miscellaneous terms and conditions, in which the City of Long Beach, the Board of Water Commissioners, the Redevelopment Agency of the City of Long Beach, California, the Housing Authority of the City of Long Beach, California, and the Long Beach Housing Development Company are a party shall contain the requirements for insurance, bonds, and letters of credit (where such letters of credit serve in lieu of or as a supplement to bonds or insurance) described in regulations promulgated by the City Manager. The requirements in said regulations may only be modified or waived by the City's Risk Manager or, if there is no risk manager, then by the City Manager or the City Manager's designee or by an employee or consultant hired by the City to provide risk management services. If the Board of Water Commissioners, the Redevelopment Agency of the City of Long Beach, California, the Housing Authority of the City of Long Beach, California, or the Housing Development Company obtains the services of a risk manager, whether as an employee or as an independent contractor, then this Section shall not apply to that entity provided that such entity issues its own regulations relating to insurance requirements. Until such entity promulgates its own regulations, this Section shall apply.

B. The regulations issued by the City Manager shall establish minimum insurance requirements. Any department of the City or any of the entities listed above, when negotiating a contract, agreement, letter of understanding, letter agreement, memorandum of understanding, lease, permit, license, or similar document, or other written agreement of any kind may require higher limits, greater scope of coverage, or otherwise more stringent insurance requirements than stated in the regulations.

The regulations issued by the City Manager may enable the City Manager, or designee, to waive the insurance requirements, or any part thereof, based on an assessment of risk to be insured, the availability of insurance, the cost of insurance, and other objective factors commonly considered in risk management.

C. When a bond or insurance is required by regulations issued by the City Manager, the contract, agreement, letter of understanding, letter agreement, memorandum of understanding, lease, permit, license, or other similar document or other written agreement of any kind including, but not limited to, purchase orders and miscellaneous terms and conditions, shall not be effective until such bond or

insurance has been approved as to sufficiency by the City's Risk Management Bureau and approved as to form by the City Attorney. If the required bond or insurance becomes ineffective for any reason, then the contract, agreement, letter of understanding, letter agreement, memorandum of understanding, lease, permit, license, or other similar document or other written agreement of any kind, including, but not limited to, purchase orders and miscellaneous terms and conditions, shall be automatically suspended until such time as a new or renewed bond or insurance is provided that meets the requirements of the City Manager's regulations and is approved as to sufficiency and form.

D. Any bond or insurance required by the administrative regulations issued by the City Manager and provided to the City in accordance with this Section shall not be deemed to limit the liability of or to affect the indemnification from any party.

(Ord. C-7934 § 28, 2004)

DIVISION II. - (REPEALED)

DIVISION III. - PRIVATE WORK OR SERVICES CONTRACTS

2.84.050 - Authorized private contracts.

The City Council, based upon the respective findings set forth in this Section, determines that the following work or services to be contracted for can be performed by a private contractor as efficiently, effectively and at an estimated lower cost to the City than if said work or services were performed by employees of the City and declares that it has considered all other relevant factors and has determined that the performance of said work or services by a private contractor will not be detrimental or adverse to the best interests of the citizens of the City:

A. Coordination of the State Immunization Grant Program at the City's Health Department. Findings: The City Health Department has operated an immunization program under a special grant for the State since 1975. In July, 1978, the City, at the specific request of the State, created a civil service job classification of Immunization Program Coordinator to assure the proper coordination of said program. The State has informed the City that it will no longer approve a full-time coordinator for said program. In order to maintain the same level of service and satisfy State requirements, it is necessary to hire a coordinator of said program on an hourly contract rate basis and to eliminate the civil service job classification of Immunization Program Coordinator.

B. Elevator Maintenance and Repair. Since 1980, elevator maintenance work and services for all City facilities has been performed by private contractors. Prior to that time, the Public Service Bureau and the Civil Service Commission made a concerted effort to recruit employees to perform said work and services, but were unable to obtain qualified applicants, due to the large disparity between City and union wage rates, which disparity could not and cannot be overcome without impacting other crafts and supervisor pay rates. The elevator maintenance and repair work performed by a private contractor heretofore has been as efficient and effective as if said services were performed by City employees. Further, formal bids have been received for elevator maintenance and repair for those City facilities other than City Hall. Based thereon, the annual cost to the City if said work and services were performed by private contractor is approximately fifty-four thousand seven hundred dollars ($54,700.00); said annual cost if performed by City employees is approximately one hundred seventy-one thousand dollars ($171,000.00). Therefore, there is a cost savings in excess of one hundred sixteen thousand dollars ($116,000.00) if said work and services are performed by a private contractor rather than by City employees.

C. Starter Services for City Golf Courses. Findings: The continued use of City employee starters will cost two hundred ninety-three thousand dollars ($293,000.00), plus administrative costs, for fiscal year 1981—1982. Based upon the low bid received, contracting with the low bidder to provide these services will cost one hundred thirty-five thousand dollars ($135,000.00) per year, which represents an annual savings of one hundred fifty-eight thousand dollars ($158,000.00) for fiscal year 1981—1982, which annual savings will increase each ensuing year as the cost of providing these services by City employees increases. Furthermore, the low bidder offers a more effective and efficient service than can be provided by City employees. Contracting with the low bidder to provide these services also will enable the City to retain the present golf fees, which would have to be increased in the near future if these services continued to be provided by City employees.

D. Long Beach Convention and Entertainment Center. Findings: Pursuant to an agreement with the State of California dated September 12, 1974, the Long Beach Convention and Entertainment Center ("Center") and the revenues to the City from the operation thereof have been dedicated to and are a part of the Tidelands Trust. Since the dedication and opening of the Center in January, 1978, the operating expenses and parking authority and Gas Department revenue bond debt service obligations of the Center have exceeded the revenues for the same period. The deficits are due in part to the cost of work and services performed by City employees. At the direction of the City Council, the City Manager, on June 17, 1980 and December 16, 1980, solicited proposals for a qualified private contractor for the management of all operations and activities at the Center. None of the proposals received from either solicitation were responsive to the City's requirements and were rejected by the City Council. On April 14, 1981 the City Council authorized the City Manager to enter into negotiations to determine if an agreement for the assumption of operational activities at the Center by a private contractor could be structured which would be acceptable to a private contractor. Such an agreement has been negotiated, which by its terms provides a total labor cost saving to the City over the five (5) year term of the contract of two million two hundred fifteen thousand dollars ($2,215,000.00). It is, therefore, found and determined that the Center can be operated as efficiently, effectively, and at a lower estimated cost by a private contractor rather than City employees.

E. *Rehabilitation Treatment Services. Findings:* The City Health Department has operated alcohol rehabilitation, drug rehabilitation and drinking driver programs for several years. Federal, State and County budget cuts, along with increased costs, make it impossible for those programs to operate in a self-supporting mode. Attempting to reduce expenditures by decreasing staff created the cyclical problem of reducing service units generated, which in turn reduces revenues. Based upon the low bids submitted for case management services and the rates negotiated for professional services for the conduct of these programs for the period from October 1, 1982 to October 1, 1983, it has been determined that these services can be performed at a lower cost to the City through the use of private contractors than if said services or work were performed by employees of the City. If after the expiration of such contracts the City Manager determines that it would be in the best interests of the City to continue to provide these services through private contractors, the City Manager shall submit detailed comparative cost data and other relevant information to the City Council pertaining to the continued performance of such services by private contractors so that the City Council may determine whether the findings stated herein continue to exist in order that such contracts may be authorized by the City Council.

F.

Long Beach Museum of Art. Findings: Pursuant to a minute order adopted by the City Council at its meeting of July 24, 1985 the City entered into an "Agreement Delegating Authority for Maintenance and Operation of the Long Beach Museum of Art" with the Long Beach Museum of Art Foundation, a California nonprofit public benefit corporation. That agreement has two (2) terms, a development term and a management term. The development term commenced upon the signing of the agreement and contains certain conditions precedent which must be satisfied before the management term can begin. In fulfillment of one (1) of the conditions the Foundation has submitted a five (5) year development plan which clearly demonstrates that the services can be performed by the Foundation as efficiently and effectively as if the services were performed by employees of the City. Considering other relevant factors such as the proposed increase in spending on acquisition of artwork and exhibitions as well as the contemplated endowment for new facilities, it is determined that performance of said services by the contractor will not be detrimental or adverse to the best interests of the citizens of the City; in fact, it would be beneficial. It would cost the City a minimum of two million two hundred six thousand two hundred fifty dollars ($2,206,250.00) to maintain and operate the museum for the next five (5) years. Under the contract, the City would pay the Foundation three hundred fifty-seven thousand six hundred twenty-one dollars ($357,621.00) per year or one million seven hundred eighty-eight thousand one hundred five dollars ($1,788,105.00) for five (5) years which is a minimum savings of four hundred eighteen thousand one hundred forty-five dollars ($418,145.00). Therefore, it is found and determined that the Foundation can perform, operate and maintain the Long Beach Museum of Art at an estimated lower cost than if the work were performed by City employees.

(Ord. C-6335 § 1, 1987; Ord. C-6183 § 1, 1985; Ord. C-5888 § 1, 1982; Ord. C-5758 § 1, 1981; Ord. C-5752 § 1, 1981; Ord. C-5718 § 1, 1981; Ord. C-5628 § 1, 1980; Ord. C-5619 § 1, 1980; prior code § 2900)

DIVISION IV. - REAL ESTATE PURCHASE CONTRACTS

2.84.060 - Real estate purchase contracts.

A. Any person or entity selling real property to the City, for a sales price of one million dollars ($1,000,000) or more, shall be required to disclose in writing the identity of all third-party, finders, brokers and/or agents entitled to any compensation from the seller, or agent of the seller, resulting from the sale, and the nature and value of such compensation; provided, however that written disclosure shall not be required if such third-party's compensation is valued at less than ten thousand dollars ($10,000).

B. Seller shall preserve and maintain, for a period of not less than three (3) years after completion of the subject sale of real property, all financial records related to such sale, and such records shall be open to inspection, examination and audit by City upon three (3) days' advance notice of City's intention to exercise its rights hereunder.

C. If the City determines that the requirements of this Section have been violated by any person, the City shall assess a civil penalty against such person in an amount equal to ten percent (10%) of the total compensation paid by City to seller in connection with the subject sale of real property to the City. The City shall give notice of the assessment of this penalty to the seller, and the seller may appeal the imposition of this penalty to the City Council in accordance with Section 2.93. The civil penalty shall constitute a debt of the person charged to the City of Long Beach and is collectible by the City as an obligation or liability created by statute.

(ORD-14-0008 , § 1, 2014)

CHAPTER 2.86 - PUBLIC CONTRACTS

2.86.010 - General.

A. As a municipal corporation and Charter City, the City of Long Beach is exempt from and is not subject to the State Contract Act, Division 2, Part 2 of the Public Contract Code.

B. Notwithstanding anything to the contrary in the Public Contract Code, the requirements for and guidelines relating to a public works contract, including, but not limited to, notice, publication, the dollar amount of the public project triggering a bid, and the method of contracting during an emergency, shall be as set forth in the City Charter and in this Code.

(Ord. C-7819 § 1, 2002)

2.86.020 - Definitions.

A. Notwithstanding anything to the contrary in the Public Contract Code, "emergency" shall mean an unexpected occurrence that poses a risk to life, health, property or any public service or that poses a safety hazard, in the discretion of an officer of the City.

B. Notwithstanding anything to the contrary in the Public Contract Code, "public project" shall mean a project for the construction of publicly-owned infrastructure which has a useful life of at least five (5) years or a project for the alteration or substantial repair of publicly-owned infrastructure which will extend its useful life at least five (5) years.

C. Notwithstanding anything to the contrary in the Public Contract Code, "public works contract" shall mean an agreement for the construction of publicly-owned infrastructure which has a useful life of at least five (5) years or an agreement for the alteration or substantial repair of publicly-owned infrastructure which will extend its useful life at least five (5) years.

D. Notwithstanding anything to the contrary in the Public Contract Code, "responsible bidder" means a bidder who has demonstrated the attributes of trustworthiness, quality, fitness, capacity and experience to perform a public works contract, in the sole discretion of the City. A bidder is not responsible if a determination of nonresponsibility is made in accordance with Chapter 2.93 of this Title.

(Ord. C-7819 § 1, 2002)

2.86.030 - Mandatory prebid conference.

Notwithstanding anything to the contrary in the Public Contract Code, the City will identify the date, time and location of a mandatory prebid conference or site visit in the notice inviting bids for public works contracts, which date, time and location shall be at the sole discretion of the City.

(Ord. C-7819 § 1, 2002)

2.86.040 - Work by City forces; plans and specifications.

Notwithstanding anything to the contrary in the Public Contract Code, if the City has prepared plans and specifications in order to seek bids for a public project but the City decides to do the work with the City's own forces, then the City may alter the plans and specifications in its sole discretion prior to performing the work.

(Ord. C-7819 § 1, 2002)

2.86.050 - Contract provisions for architectural design services.

Notwithstanding anything to the contrary in the Public Contract Code, in the procurement of architectural design services the City shall not be required to commit to or disclose contract provisions regarding liability, indemnity, or any other subject prior to the selection of an architectural design company and the negotiation of a contract for such services. Contract provisions are subject to negotiation and the prior disclosure of or commitment to particular provisions may preclude the City from obtaining the best available services.

(Ord. C-7819 § 1, 2002)

2.86.060 - Alternates in bids.

Notwithstanding anything to the contrary in the Public Contract Code, the City reserves the right to determine the lowest responsible bidder based on an analysis of the base bid and any one (1) or more alternates, in the City's sole discretion. Subsequent to the bid opening and a determination of the lowest responsible bidder based on such analysis, the City additionally reserves the right in its sole discretion to award a public works contract that adds one (1) or more alternates to the work even if those alternates were not used in the analysis to determine the lowest responsible bidder.

(Ord. C-7819 § 1, 2002)

2.86.070 - Claims and the payment of claims related to public works contracts.

Notwithstanding anything to the contrary in the Public Contract Code regarding claims or the payment of claims, all claims relating to public works contracts and payments based on those claims shall be resolved in accordance with Title 1, Division 3.6, Part 4 of the California Government Code or in accordance with this Code. The City shall not be required to arbitrate any claim.

(Ord. C-7819 § 1, 2002)

2.86.080 - Bidder's security.

Notwithstanding anything to the contrary in the Public Contract Code, the City may deposit the bidder's security in the general fund or in any other fund or subfund, as directed by an officer of the City.

(Ord. C-7819 § 1, 2002)

2.86.090 - Rebids and phases of work.

A. Notwithstanding anything to the contrary in the Public Contract Code, the City may reject all bids and thereafter, in the discretion of the City Engineer or the Chief Engineer of the Long Beach Water Department, may rebid using the same plans and specifications, or may modify the plans and specifications by the addition or deduction of work and then rebid, or may determine that the public project is most feasible if done in phases and may then bid the public project in phases.

B. Notwithstanding anything to the contrary in the Public Contract Code, the City may at any time and in its sole discretion, whether or not after a bid and rebid, choose to construct a public project in phases or choose to split a public project into small items of work.

(Ord. C-7819 § 1, 2002)

CHAPTER 2.87 - PUBLIC WORKS CONTRACTS AND WAGES

FOOTNOTE(S):

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Cross reference— Further provisions on public facilities, see Title 16 of this Code.

DIVISION I. - CONTRACTS

2.87.010 - Definitions.

A. "General contractor" is defined as any person who undertakes, or offers to undertake, or does himself or through others, the construction, alteration, repair, addition to, subtraction from, improvement, moving, wrecking or demolishing any building or other structure, project, development or improvement, including the erection of scaffolding, or other structures, or works in connection therewith.

B. "Public work" or "public improvement" shall not include:

1. Work on streets, highways, alleys, bridges, and including all construction work financed with gasoline tax funds;
2. Work financed with federal and County funds, including County flood control work;
3. Construction work financed by motor vehicle license fees;
4. Work on sewers or storm drains;
5. Contracts awarded under the Improvement Act of 1911.

C. "Subcontractor" is defined as any person who undertakes, or offers to undertake, or does by himself or through others, for a general contractor, the furnishing of any labor or service in constructing, altering, repairing, adding to, subtracting from, altering, moving, wrecking, or demolishing any building or other structure, project, or development, or improvement, including the erection of scaffolding, or other structure, or works in connection therewith.

(Prior code §§ 7110.5, 7110.6 and 7110.7)

2.87.020 - Subcontractor—Identification.

The City Manager shall include in the specifications prepared for public work or improvement a provision that any general contractor bidding on such public work or improvement shall set forth in his bid the name and location of the place of business of each subcontractor who will perform labor or render service to the general contractor in the performance of said public work or improvement in an amount in excess of one-half of one percent (0.5%) of the general contractor's total bid, and the general contractor shall specify the portion of the work which will be performed by each of said subcontractors.

(Prior code § 7110)

2.87.030 - Subcontractor—Substitution prohibited.

A general contractor who has been awarded a contract, without the consent of the City Manager, shall neither:

A.

Substitute any person as a subcontractor in place of the subcontractor designated in the original bid;

B. Permit any such contract to be assigned or transferred or allow it to be performed by anyone other than the subcontractor listed in the bid;

C. Sublet or subcontract any portion of the work in excess of one-half of one percent (0.5%) of the general contractor's total bid as to which general contractor's original bid did not designate a subcontractor.

(Prior code § 7110.2)

2.87.040 - Subcontractor—Failure to specify.

If a general contractor fails to specify a subcontractor for any portion of the work to be performed under the contract in excess of one-half of one percent (0.5%) of the general contractor's total bid, then the general contractor shall perform such part of the work or improvement himself.

(Prior code § 7110.2)

2.87.050 - Subcontractor—Substitution authorization.

The City Manager may give his consent to a substitution of a subcontractor under any of the following conditions:

A. If the subcontractor named in the bid, after having a reasonable opportunity to do so, fails or refuses to execute a written contract when said written contract, based upon the general terms, conditions, plans and specifications for the project involved, or the terms of such contractor's written bid, is presented to him by the general contractor;

B. If the subcontractor listed fails, refuses or neglects, within a reasonable time after requested by the general contractor, to commence labor or service to be rendered by such subcontractor, or to diligently complete the service or labor after commencement thereof;

C. If the work being performed by the subcontractor is not being prosecuted in a manner satisfactory to the City Engineer.

(Prior code § 7110.3)

2.87.060 - Subcontractor—Emergency requirement.

The City Manager may permit the subletting or subcontracting of work in excess of one-half of one percent (0.5%) of the general contractor's total bid, as to which he did not designate a subcontractor, if he finds that public emergency or necessity requires such portion of the work to be subcontracted or sublet, and provided the facts constituting the emergency or necessity are set forth in writing and filed with the City Council.

(Prior code § 7110.4)

2.87.070 - Subcontractor—Responsibility for work.

No subcontractor shall be recognized as such by the City, and all persons engaged in the work of construction shall be considered as employees of the general contractor, and said general contractor shall be held responsible for the work of any subcontractor performed under any contract awarded by the City Manager.

(Prior code § 7110.8)

2.87.080 - Violation—Contract cancellation.

A general contractor violating any of the provisions of this Chapter, violates his contract and the City Manager may cancel the contract. After any such violation, the general contractor shall be penalized to the extent of twenty percent (20%) of the amount of the subcontract involved. Funds recovered through the application of this penalty shall be deposited in the general purpose fund of the City.

(Prior code § 7110.9)

DIVISION II. - WAGES

2.87.090 - Public work defined.

"Public work" as used in Sections 2.87.090 through 2.87.140 means the construction or repair of any public building, street, sewer, or other property or improvement work done under contract and paid for, in whole or in part, out of public funds.

(Prior code § 7120)

2.87.100 - Rates—Determination.

The Council shall, within thirty (30) days after the 31st day of July, 1953, by resolution, ascertain and determine the general prevailing rate of per diem wages and overtime wages in the City for each craft or type of laborer, workman, or mechanic required in the performance of public work. A copy of said resolution shall be filed in the office of the City Engineer, the office of the General Manager of the Water Department, and in the office of the Chief Engineer of the Harbor Department.

(Prior code § 7120.1)

2.87.110 - Rates—Amendment.

The Council shall, from time to time, as changes are made in the general prevailing rate of per diem wages and overtime wages in the City, amend said resolution or adopt a new resolution ascertaining and determining the general prevailing rate of per diem wages and overtime wages referred to in Section 2.87.100. Copies of such amendment, or new resolution, shall be filed with the parties designated in Section 2.87.100.

(Prior code § 7120.2)

2.87.120 - Bid advertisement to include rates.

The City Manager, the Board of Water Commissioners, the General Manager of the Harbor Department, or any other person authorized to advertise for bids for public work, shall include in the notice inviting bids a proviso to the effect that the Council has ascertained and determined the general prevailing rate of per diem wages and overtime wages for each craft, or type of laborer, workman or mechanic necessary to execute said contract; that a copy of said resolution is on file in the office of the City Engineer, the office of the General Manager of the Water Department, and the office of the Harbor Engineer of the Harbor Department, and that said job classifications, general prevailing rate of per diem wages and overtime wages therefor, are incorporated in said notice by such reference, with like force and effect as if expressly set forth in said notice, and that any contract awarded thereunder shall provide that the contractor must comply with the general prevailing rate of per diem wages and overtime wages as specified in said resolution.

(Prior code § 7120.4)

2.87.130 - Contract—Compliance with wage rates.

Any contract for public work awarded by the City Manager, the Board of Water Commissioners, the General Manager of the Harbor Department, or any other person authorized to award a contract for public work, shall provide that the contractor must comply with the general prevailing rate of per diem wages and overtime wages as set forth in the aforesaid resolution or amendment thereto, and shall provide that the contractor shall forfeit as a penalty to the City, a sum as determined by the City Council by resolution for each craft, or laborer, workman or mechanic for each day or portion thereof said laborer, workman or mechanic is paid less than the specified rate for work done by him under said contract or for any subcontractor under said contract.

(ORD-10-0014, § 3, 2010; Ord. C-6791 § 1, 1990: prior code § 7120.3)

2.87.140 - Contract—Rates incorporated.

The City Manager, the Board of Water Commissioners, the General Manager of the Harbor Department, or any other person authorized to award contracts for public work, shall in any contract so awarded, provide that the general prevailing rate of per diem wages and overtime wages, as ascertained and determined by resolution or amendment thereto, be incorporated in said contract by reference to said resolution, and be made a part of said contract with like force and effect as if expressly written therein.

(Prior code § 7120.5)

CHAPTER 2.90 - ENVIRONMENTAL IMPACT REPORTS

FOOTNOTE(S):

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State Law reference— Provisions pertaining to environmental impact reports, Pub. Res. Code § 2150 et seq.

2.90.010 - Determination of requirement.

The Director of Planning shall review all projects as defined in Section 21065 of the Public Resources Code of the State to determine:

A. Whether a project may have a significant effect on the environment or requires an environmental impact report pursuant to the provisions of the Environmental Quality Act of 1970 of the State (Pub. Res. C. § 21050 et seq.) as amended;

B. Whether an environmental impact report required by said Act meets the criteria of said Act, as amended, and the guidelines and regulations adopted pursuant thereto.

(Prior code § 9300)

2.90.020 - Fees.

Unless the City is the proponent of the project or the applicant or proponent is otherwise expressly exempt by law from the payment of a fee, the applicant or proponent of any project as defined herein shall pay to the City a fee as follows:

A. The preparation of a statement containing a finding that the project will not have a significant effect on the environment $50.00

B. The preparation of an environmental impact report with regard to such project $525.00

C. Duplication of environmental impact reports $0.15
per page

(Prior code § 9301)

CHAPTER 2.93 - CONDUCT OF HEARINGS

2.93.010 - Applicability.

This Chapter applies to the conduct of all hearings, appeals or investigations held by the City Council, the Planning Commission or the Board of Examiners, Appeals and Condemnation pursuant to this Code or any other applicable law where oral evidence or testimony is received and where personal or property rights are involved. This Chapter does not apply to and is not intended to infringe upon the right of a citizen to petition his government for redress. This Chapter applies to all City personnel who testify or present evidence in a hearing.

(Ord. C-5232 § 1 (part), 1976: prior code § 2780)

2.93.020 - Oath or affirmation.

A. All oral evidence or testimony shall be taken only on oath or affirmation. The presiding officer, the City Clerk or the Secretary of the respective Board or Commission may administer the oath. In a given case where many witnesses are expected to testify, the presiding officer has the discretion to have all prospective witnesses rise and be sworn at the same time at the outset of the proceedings.

B. The oath or affirmation may be administered as follows, the person who swears or affirms expressing his assent when addressed in the following form:

You do solemnly swear (or affirm, as the case may be), that the evidence you shall give in this issue (or matter), pending before this body, shall be the truth, the whole truth, and nothing but the truth, so help you God.

(Ord. C-5232 § 1 (part), 1976: prior code § 2780.1)

2.93.030 - Rules of evidence.

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

(Ord. C-5232 § 1 (part), 1976: prior code § 2780.2)

2.93.040 - Examination of witnesses.

In a contested proceeding each side shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; to impeach any witness and to rebut the evidence against him. The presiding officer has the discretionary authority to: limit the number of witnesses to testify for each side where their testimony would be cumulative or repetitive in nature; require each side to appoint one (1) spokesman for purposes of cross-examination;

limit or curtail any abusive, argumentative, repetitive, or otherwise irrelevant cross-examination; and in conformance with other rules in this Code place reasonable time limits on the right to cross-examine and the presenting of evidence.

(Ord. C-5232 § 1 (part), 1976: prior code § 2780.3)

2.93.050 - Hearing procedure—City Council.

A. Whenever it is provided that a hearing governed by this Chapter shall be heard by the City Council, the Council may, in its discretion, either conduct the hearing itself or appoint a Hearing Officer to conduct the hearing.

B. If a Hearing Officer conducts a hearing the following procedures shall apply:

1. Upon selection of a Hearing Officer, the City Clerk shall set the time and place for the hearing. Notice of hearing shall be sent to interested parties at least twenty (20) days before the hearing.
2. Any party may be represented by counsel; the hearings shall be public and shall be conducted pursuant to the provisions of this Chapter; and the City Clerk shall provide necessary tape recordings as may be reasonably required by the Hearing Officer.
3. The Hearing Officer shall determine the order of proceedings and shall afford all parties a reasonable opportunity to present any relevant evidence. If a party is absent, the Hearing Officer may proceed with the hearing in that party's absence if due notice was given and no explanation for the absence was given.
4. Other than at the hearing, there shall be no direct communication between the parties and the Hearing Officer on any matter related to the hearing. All oral or written communication from the parties shall be directed to the City Clerk for transmittal to the Hearing Officer.
5. The Hearing Officer shall render his decision not later than fifteen (15) days after the hearing is closed and shall immediately file a report with the City Council. At the request of the Hearing Officer, the City Council may extend this reporting period.
6. The report shall be in writing and shall include findings of fact, a summary of the relevant evidence, a statement of the issues, a resolution of the credibility of witnesses where there is conflicting testimony and a recommended decision. A copy of the report shall be served on all parties.
7. Upon receipt, the City Council shall set a time for a hearing to review and consider the report. Notice of hearing shall be sent to all interested parties at least ten (10) days before the hearing.
8. After review of the Hearing Officer's report, the City Council may adopt, reject or modify the recommended decision. In its discretion, the City Council may take additional evidence at the hearing or refer the case to the Hearing Officer with instructions to consider additional evidence.
9. Notice of the City Council's decision shall be served on all interested parties by the City Clerk and the decision takes effect upon such service. If notice is mailed, service is complete when mailed. Unless otherwise provided, this notice provision shall apply to all hearings including those not conducted by a Hearing Officer.

(Ord. C-6003 § 1, 1983)

2.93.060 - Hearing procedure on contractor's or vendor's nonresponsibility.

A. The City finds that, in order to promote integrity in its contracting processes and to protect the public interest, it shall be the City's policy to conduct business only with responsible contractors and vendors. Notwithstanding anything to the contrary in this Code, the provisions of this Section shall

apply to a determination of the nonresponsibility of a contractor or vendor.

B. Prior to awarding a contract, the City may determine that a contractor or vendor submitting a bid is nonresponsible for purposes of that bid. Before a determination of nonresponsibility is made there shall be a hearing by the Hearing Officer in accordance with the procedures stated in this Section.

C. The City Manager or designee shall act as Hearing Officer and shall conduct the hearing. Where the Board of Water Commissioners is the awarding authority, the Hearing Officer shall be the General Manager of the Water Department or designee.

At least fourteen (14) days prior to the hearing before the Hearing Officer, the Hearing Officer shall give written notice to the contractor or vendor which notice shall contain the evidence to be presented by the City relating to the issue of nonresponsibility and the date, time and location of the hearing.

D. At the hearing, the contractor and/or the contractor's attorney or the vendor and/or the vendor's attorney may submit documentary evidence and present witnesses. The City will submit into the record the evidence previously provided to the contractor or vendor and may present witnesses and offer rebuttal evidence. A recording of the hearing may be made at the option of the City or the contractor or vendor. The Hearing Officer will decide the order of proceeding and any time limits on the presentation of evidence and witnesses. If the contractor or vendor or their attorney does not appear at the hearing, the Hearing Officer may proceed if proper notice to the contractor or vendor was given. Other than at the hearing, there shall not be any direct communication between the contractor or vendor or anyone acting on the contractor's or vendor's behalf and the Hearing Officer. All other communications to the Hearing Officer shall be in writing and shall be submitted to the City Clerk at least one (1) day prior to the date of the hearing, for delivery to the Hearing Officer.

E. After the hearing, the Hearing Officer will promptly prepare a decision on the issue of nonresponsibility and deliver it to the contractor or vendor and to the City Attorney. The decision will state the basis for the determination of nonresponsibility or responsibility. The determination shall be based on the fitness and capacity of the contractor or vendor to satisfactorily perform the obligations of the contract, whether or not the contractor or vendor is qualified to perform those obligations, whether or not the contractor or vendor is trustworthy, and such other bases as may be relevant. The Hearing Officer may consider, among other things:

(1) Any act or omission or pattern or practice of acts or omissions that negatively reflect on the contractor's or vendor's quality, fitness or capacity to perform;

(2) Any act or omission that indicates a lack of integrity or honesty;

(3) The making of a false claim against the City or any other public entity or engaging in collusion;

(4) The contractor's or vendor's financial capability to perform;

(5) The contractor's or vendor's experience with its sureties and insurance companies;

(6) The contractor's or vendor's ability to perform on time and on budget, either in the present or as performed in the past;

(7) Whether or not contractor or vendor has performed satisfactorily in the past on its contracts with the City or any other public entity, including, but not limited to, whether or not contractor or vendor has been in default under a contract with the City or any other public entity;

(8) The contractor's or vendor's safety record;

(9) The contractor's or vendor's history of claims, litigation, and termination or disqualification on public projects; and

(10)

Contractor's or vendor's contract management skills, including, but not limited to, the use of scheduling tools, submission of schedules, compliance with prevailing wage rates, and certification of accurate payroll documents.

F. The City Clerk shall mail a copy of the decision to the contractor or vendor. The contractor or vendor shall have five (5) days to file a notice of appeal with the City Clerk. On receipt of such notice, the City Clerk shall set a time for a hearing on the appeal before the City Council and shall send written notice of the time of the appeal hearing to the contractor or vendor at least five (5) days prior to the hearing. The City Clerk shall set the time for the appeal hearing within fourteen (14) days after the City receives the notice of appeal but no sooner than five (5) days after the date shown on the notice to the contractor or vendor of the time of the appeal hearing. The City Clerk shall simultaneously send a copy of the decision of the Hearing Officer to the City Council.

If the Board of Water Commissioners is the awarding authority, the City Clerk shall immediately forward the notice of appeal to the General Manager of the Water Department who shall set the time for a hearing of the appeal before the Board of Water Commissioners and shall send written notice of the time of the appeal hearing to the contractor or vendor at least five (5) days prior to the hearing. The General Manager shall set the time for the appeal hearing on the date of the first meeting of the Board of Water Commissioners held after the General Manager receives the notice of appeal but which time is, nevertheless, at least five (5) days after the date shown on the notice to the contractor or vendor of the time of the appeal hearing. The General Manager shall simultaneously send a copy of the decision of the Hearing Officer to the Board of Water Commissioners.

G. No new evidence or testimony may be presented by either the City or the contractor or vendor at the appeal hearing. The City Council or the Board of Water Commissioners, in its discretion, may limit the time allotted for an oral presentation by both the City and the contractor or vendor. At the conclusion of the appeal hearing, the City Council or the Board of Water Commissioners shall receive the decision of the Hearing Officer and either adopt the decision of the Hearing Officer or make its own finding on the issue of nonresponsibility for the purposes of the particular contract, and the City Clerk shall send a certified copy of the minute entry to the contractor or vendor with respect to decision of the City Council or the Secretary to the General Manager of the Water Department shall send a certified copy of the order of the Board to the contractor or vendor. Service of the minute entry or order shall be deemed made when it is deposited in the mail.

H. The decision by the City Council or the Board of Water Commissioners on appeal to find a contractor or vendor nonresponsible for a particular contract is solely within the discretion of the body acting on behalf of the City.

(Ord. C-7805 § 1, 2002)

2.93.070 - Hearing procedure on contractor's or vendor's debarment.

A. Notwithstanding anything to the contrary in this Code, the provisions of this Section shall apply to the debarment of a contractor or vendor.

B. The City may debar a contractor or vendor from submitting bids on future contracts even if that contractor or vendor has an existing contract with the City at the time a decision is made to debar the contractor or vendor from future bids. "Debarment" means that a contractor or vendor is prohibited from submitting a bid, from receiving a contract award, and from receiving a purchase order from the City.

C.

Before a contractor or vendor is debarred there shall be a hearing by the Hearing Officer in accordance with the procedures stated in this Section.

D. The City Manager or designee shall act as Hearing Officer and shall conduct the hearing. Where the Board of Water Commissioners is the awarding authority, the Hearing Officer shall be the General Manager of the Water Department or designee.

At least fourteen (14) days prior to the hearing before the Hearing Officer, the Hearing Officer shall give written notice to the contractor or vendor which notice shall contain the evidence to be presented by the City relating to the issue of debarment and the date, time and location of the hearing.

E. At the hearing, the contractor and/or the contractor's attorney or the vendor and/or the vendor's Attorney may submit documentary evidence and present witnesses. The City will submit into the record the evidence previously provided to the contractor or vendor and may present witnesses and offer rebuttal evidence. A recording of the hearing may be made at the option of the City or the contractor or vendor. The Hearing Officer will decide the order of proceeding and any time limits on the presentation of evidence and witnesses. If the contractor or vendor or their Attorney does not appear at the hearing, the Hearing Officer may proceed if proper notice to the contractor or vendor was given. Other than at the hearing, there shall not be any direct communication between the contractor or vendor or anyone acting on the contractor's or vendor's behalf and the Hearing Officer. All other communications to the Hearing Officer shall be in writing and shall be submitted to the City Clerk at least one (1) day prior to the date of the hearing, for delivery to the Hearing Officer.

F. After the hearing, the Hearing Officer will promptly prepare a decision containing a determination to debar or not and deliver it to the contractor or vendor and to the City Attorney. The decision will state the basis for the determination on debarment. The determination shall be based on the fitness and capacity of the contractor or vendor to satisfactorily perform the obligations of the contract, whether or not the contractor or vendor is qualified to perform those obligations, whether or not the contractor or vendor is trustworthy, and such bases as may be relevant. The Hearing Officer may consider, among other things:

(1) Whether or not the contractor or vendor has previously been found to be nonresponsible;

(2) The commission by the contractor or vendor of any act or omission or pattern or practice of acts or omissions that negatively reflects on the contractor's or vendor's quality, fitness or capacity to perform;

(3) The commission of any act or an omission that indicates a lack of integrity or honesty;

(4) The making of a false claim against the City or any other public entity or engaging in collusion;

(5) The contractor's or vendor's financial capability to perform;

(6) The contractor's or vendor's experience with its sureties and insurance companies;

(7) The contractor's or vendor's ability to perform on time and on budget, either in the present or as performed in the past;

(8) Whether or not contractor or vendor has performed satisfactorily in the past on its contracts with the City or any other public entity, including, but not limited to, whether or not contractor or vendor has been in default under a contract with the City or any other public entity;

(9) The contractor's or vendor's safety record;

(10) The contractor's or vendor's history of claims, litigation, and termination or disqualification on public projects; and

(11)

Contractor's or vendor's contract management skills, including, but not limited to, use of scheduling tools, submission of schedules, compliance with prevailing wage rates, and certification of accurate payroll documents.

G. The City Clerk shall mail a copy of the decision to the contractor or vendor. The contractor or vendor shall have five (5) days to file a notice of appeal with the City Clerk. On receipt of such notice, the City Clerk shall set a time for a hearing on the appeal before the City Council and shall send written notice of the time of the appeal hearing to the contractor or vendor at least five (5) days prior to the hearing. The City Clerk shall set the time for the appeal hearing within fourteen (14) days after the City receives the notice of appeal but no sooner than five (5) days after the date shown on the notice to contractor or vendor of the time of the appeal hearing. The City Clerk shall simultaneously send a copy of the decision of the Hearing Officer to the City Council.

If the Board of Water Commissioners, the City Clerk shall immediately forward the notice of appeal to the General Manager of the Water Department who shall set the time for a hearing of the appeal before the Board of Water Commissioners and shall send written notice of the time of the appeal hearing to the contractor or vendor at least five (5) days prior to the hearing. The General Manager shall set the time for the appeal hearing on the date of the first meeting of the Board of Water Commissioners held after the General Manager receives the notice of appeal but which time is, nevertheless, at least five (5) days after the date shown on the notice to the contractor or vendor of the time of the appeal hearing. The General Manager shall simultaneously send a copy of the decision of the Hearing Officer to the Board of Water Commissioners.

H. No new evidence or testimony may be presented by either the City or the contractor or vendor at the appeal hearing. The City Council or the Board of Water Commissioners, in its discretion, may limit the time allotted for an oral presentation by both the City and the contractor or vendor. At the conclusion of the appeal hearing, the City Council or the Board of Water Commissioners shall receive the decision of the Hearing Officer and either adopt the decision of the Hearing Officer or make its own finding on the issue of nonresponsibility for the purposes of the particular contract, and the City Clerk shall send a certified copy of the minute entry to the contractor or vendor with respect to decision of the City Council or the Secretary to the General Manager of the Water Department shall send a certified copy of the order of the Board to the contractor or vendor. Service of the minute entry or order shall be deemed made when it is deposited in the mail.

I. The decision by the City Council or the Board of Water Commissioners on appeal to debar a contractor or vendor is solely within the discretion of that body acting on behalf of the City. The City Council or Board of Water Commissioners shall determine the length of time that the contractor or vendor is debarred, which time period may not exceed three (3) years.

(Ord. C-7805 § 2, 2002)

CHAPTER 2.96 - JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS

2.96.010 - Statute of limitations.

Unless otherwise specifically provided by statute or ordinance, the provisions of Section 1094.6 of the Code of Civil Procedure pertaining to judicial review of administrative decisions, shall be applicable to all adjudicatory administrative decisions of the City Council or any Board or Commission where a hearing is required.

(Ord. C-5426 § 1, 1978: prior code § 2781)

CHAPTER 2.97 - EMERGENCY RESPONSE COST RECOVERY

2.97.010 - Definitions.

A. *"Expense of an emergency response"* means those costs incurred by the City of Long Beach in making any appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the response to the particular incident, including, but not limited to, the costs of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(Ord. C-6428 § 1 (part), 1987)

2.97.020 - Emergency response cost recovery program.

Pursuant to the authority vested in the City of Long Beach by State statute, each person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle, boat, vessel, or aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response, or whose intentionally wrongful criminal act proximately causes any incident resulting in appropriate emergency response, shall pay to said City the expense of such an emergency response. In no event shall a person's liability under this Chapter exceed the maximum allowable under State statute, and all costs assessed pursuant to this Chapter 2.97 shall reasonably relate to the actual cost of the expense incurred by the City.

(Ord. C-6428 § 1 (part), 1987)

2.97.030 - Collection of costs.

The expense of an emergency response shall be charged against the person liable for the expenses under this Chapter. The charge constitutes a debt of that person to the City of Long Beach, and is collectible by said City in the same manner as in the case of an obligation under a contract, expressed or implied.

(Ord. C-6428 § 1 (part), 1987)

CHAPTER 2.99 - RECORDS REPRODUCTION COST RECOVERY

2.99.010 - Duplication costs.

The City shall charge and collect the fees for the duplication of any record, paper or instrument in an amount consistent with applicable State law.

(Ord. C-7365 § 1, 1995: Ord. C-6930 § 1 (part), 1991)

CHAPTER 3.04 - ANNUAL BUDGET PROCEDURE

3.04.010 - Purpose.

The purpose of this Chapter is to establish procedures for the consideration and adoption of the annual City budget by the City Council; to specify the type of information to be included in the City Manager's recommended budget; to require periodic reports to the City Council on the status of budget implementation; and to provide opportunities for meaningful citizen involvement in the annual budget process. Its provisions are intended to enable the City Council to establish budget policies and guidelines prior to the City Manager's submittal of the recommended budget and to establish priorities for programs within the adopted budget.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670)

3.04.015 - Fiscal year of City.

A. Pursuant to Section 1700 of the City Charter and based upon the City Manager's recommendation, the fiscal year periods for the City in all matters of accounting, receipts, expenditures, obligations, estimates and appropriations are hereby prescribed as follows:
    1. Through June 30, 1995, the fiscal year shall commence on July 1 of each year and end on June 30 of the following year.
    2. Beginning on July 1, 1995, a transitional fiscal year shall commence on July 1, 1995, and end on September 30, 1996.
    3. Beginning on October 1, 1996, and each year thereafter, the City's fiscal year shall commence on October 1 of each year and end on September 30 of the following year.
B. All accounting will be maintained based on applicable Generally Accepted Accounting Principles (GAAP) or as required by law, and shall be published for each fiscal year prescribed herein.
C. The City Manager and/or his designees shall provide by regulations, orders, instructions, and guidelines for the orderly transition by all offices, departments, agencies and instrumentalities of the City from the use of the fiscal year in effect on the date of enactment of this Section to the use of the new fiscal year prescribed by this Section. The City Manager shall prepare and submit to the City Council any such additional proposed legislation the City Manager may consider necessary to implement and accomplish said transition.

(Ord. C-7300 § 1, 1994)

3.04.020 - Preliminary information gathering.

Not less than one hundred twenty (120) days prior to the beginning of each fiscal year the City Manager shall file a report with the City Council which prescribes the schedule and procedure by which all City departments shall submit budget requests. The City Manager shall also include in such report an analysis of the City's fiscal condition, budget issues for the forthcoming fiscal year, and recommendations, if any, for the establishment of budget policies and guidelines by the Council. Prior to establishing such general policies and guidelines the City Council shall hold one (1) or more public hearings to obtain public comments on the City's program needs and priorities.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.1)

3.04.030 - Recommended budget—Submittal.

Not less than forty-five (45) days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council a recommended budget and budget message for the forthcoming year. Said recommended budget shall comply with the policies and guidelines established pursuant to Section 3.04.020. The City Manager shall also prepare a separate briefing document summarizing the recommended budget which shall be made available at no charge to the public.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.2)

3.04.040 - Recommended budget—Contents.

The City Manager's recommended budget shall include:

A. A comprehensive summary of the proposed expenditures;
B. Estimates of anticipated revenues from all sources;
C. Comparative historical data on revenues and expenditures for the latest and the immediately preceding fiscal year;
D. Detailed budget proposals for each program identifying the nature and purpose of the program, the proposed expenditures by major category of cost, the sources of funding for those expenditures, and the number of personnel positions requested;
E. Such supporting schedules as are necessary to determine the City's appropriations limit for the forthcoming fiscal year pursuant to Article XIII B of the California Constitution;
F. A proposed five (5) year capital improvement program that projects which capital improvements are most needed, where they should be located, when they should be provided, and how they should be financed;
G. Provision for the financing of capital projects expected to be begun, continued or completed in the forthcoming fiscal year.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.3)

3.04.050 - Recommended budget—Public availability.

The City Manager's recommended budget, budget message and supporting schedules shall be a public record in the office of the City Clerk open to public inspection and shall be maintained at all branch libraries of the City for the use of interested persons. Copies of budget documents shall be available for sale at the office of the City Clerk for actual cost of reproduction.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.4)

3.04.060 - Citizen participation.

It shall be the policy of the City Council to encourage active citizen participation in the annual budget process. In addition to public hearings required by this Chapter, individual Councilmembers are encouraged to conduct such neighborhood meetings on the recommended budget as are necessary to assist the Councilmembers in representing the interests of the citizens of Long Beach. Whenever additional public hearings on fiscal matters are required by State or federal law, the City Council shall combine such hearings with regular budget hearings, to the extent possible, in order to ensure complete and comprehensive consideration of the City's fiscal plan.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.5)

3.04.070 - Public hearings.

Before adoption of the budget, the City Council shall hold one (1) or more public hearings on the City Manager's recommended budget. At the meeting at which the budget message and recommended budget are submitted as provided in Section 3.04.030, the City Council shall determine the place and time of the public hearings on the budget, and shall cause a notice of the hearings to be published in accordance with law. At such public hearings all interested persons shall be given an opportunity to be heard regarding program priorities, revenue estimates, proposed expenditures or any other matter relating to the adoption of the budget.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.6)

3.04.080 - Study sessions.

From time to time the City Council may conduct study sessions on the recommended budget which shall be open to the public and duly noticed in accordance with Section 54950 et seq., of the California Government Code.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.7)

3.04.090 - Appropriations limit.

Prior to the beginning of each fiscal year, the Council shall, by resolution, establish the appropriations limit for the forthcoming fiscal year pursuant to Article XIII B of the California Constitution. Such appropriations limit may thereafter be revised from time to time as provided by law.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.8)

3.04.100 - Adoption.

Following the public hearing required by Section 3.04.070, the City Council may change the recommended budget except as to expenditures required by law; provided, however, that if the Council increases the total proposed expenditures from any fund, such increase shall not exceed the estimated resources available for that fund, nor shall total appropriations exceed the appropriations limit established pursuant to Section 3.04.090. Said budget shall thereafter be adopted as the official budget for the forthcoming fiscal year.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.9)

3.04.110 - Appropriation ordinance.

Prior to the start of the fiscal year, the City Council shall pass an ordinance authorizing expenditures in conformance with the adopted budget and the appropriations limit established pursuant to Section 3.04.090.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.10)

3.04.120 - Failure to adopt.

Should the City Council fail to adopt a budget and appropriation ordinance prior to commencement of a fiscal year, the City Manager's recommended budget shall be deemed to be the budget for that year, and expenditures shall be made in accordance therewith.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.11)

3.04.130 - Budget adjustments—Transfers of appropriations.

A. The City Council, upon written recommendation of the City Manager, may authorize the transfer of any portion of any unencumbered appropriation balance from one (1) department to another department financed by the same fund. If the transfer affects the appropriations for the department of an elected official or other department not under the City Manager's administrative jurisdiction, the concurrence of the department head in the recommendation for transfer shall be required.

B. The City Manager may at any time authorize transfers within a department or program for which the City Manager is administratively responsible. Transfers of appropriations within other departments of the City may be authorized by the heads of such departments.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.12)

3.04.140 - Budget adjustments—Increases or decreases in appropriations.

All budget increases or decreases for a fund shall be approved by the City Council; provided, that appropriations may never exceed estimated resources available or the allowable appropriations limit.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.13)

3.04.150 - Appropriations lapse.

All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.14)

3.04.160 - Reports.

As soon as possible after the end of each quarter, the City Manager shall report to the City Council on the status of the budget, comparing estimated revenues to actual receipts and comparing authorized appropriations to actual expenditures and encumbrances.

(Ord. C-5669 § 1 (part), 1981: prior code § 2670.15)

CHAPTER 3.08 - COMMUNITY REDEVELOPMENT AGENCY ADMINISTRATIVE FUND

FOOTNOTE(S):

--- (**1**) ---

State Law reference— Provisions on the community redevelopment agency administrative fund, Health and Safety Code § 33610 et seq.

3.08.010 - Created.

In compliance with the California Redevelopment Law there is created and established a special fund to be known as the community redevelopment agency administrative fund.

(Prior code § 2613)

3.08.020 - Funds deposited.

Such sums of money that may be appropriated by the City Council deemed necessary for the administrative expense and overhead of the Redevelopment Agency shall be paid into the fund created and established in this Chapter.

(Prior code § 2613.1)

3.08.030 - Use of funds.

The money deposited in the fund shall be used to meet the administrative expenses and overhead of the Redevelopment Agency.

(Prior code § 2613.2)

CHAPTER 3.12 - DEFERRED COMPENSATION FUND

3.12.010 - Created.

A deferred compensation fund is created and established which shall be continued in existence as a revolving fund and maintained on a continuing basis from year to year. This fund is created and established pursuant to the authority of the Charter of the City.

(Ord. C-5586 § 1, 1980)

3.12.020 - Source of funds.

All compensation, receipt of which has been deferred pursuant to participation agreements between the City and its employees, shall be transferred from the general purpose fund, or any other City funds from which compensation is paid City employees, to the deferred compensation fund, on the date compensation is due and payable to City employees, or as soon thereafter as is practicable.

(Ord. C-5586 § 2, 1980)

3.12.030 - Disbursements.

There shall be paid from the deferred compensation fund such sums, in such manner and to such persons or entities, as provided in the City's deferred compensation plan and the participation agreements between the City and its participating employees.

(Ord. C-5586 § 3, 1980)

CHAPTER 3.16 - GAS REVOLVING FUND

FOOTNOTE(S):

--- (**2**) ---

Charter reference— Charter provisions on revenue and taxation generally, and on the gas revolving fund, see the City Charter.

3.16.010 - Created.

Pursuant to the City Charter there is created and established a revolving fund to be known as the gas revolving fund, the moneys of which shall not be subject to transfer at the close of a fiscal year. The money in such fund shall be transferred thereto by the City Treasurer from the gas revenue fund in accordance with the provisions of this Chapter. There shall not be in excess of five thousand dollars ($5,000.00) in the gas revolving fund so transferred. The specific amount of money in the gas revolving fund equal to, or less than, said sum shall be reasonably determined by the City Treasurer from time to time in accordance with the estimated demands upon such fund pursuant to the requirements of Section 3.16.020. The City Treasurer shall transfer to the gas revolving fund from the gas revenue fund money in accordance with such determination. The gas revolving fund shall be administered by an employee in the Commercial Services Division of the Financial Management Department holding the position of cashier and designated by the Supervisor of said Division.

(Ord. C-5852 § 1, 1982: prior code § 2611)

3.16.020 - Use of funds.

A. The moneys in the gas revolving fund shall be used solely for the following purposes:
    1. For making change in connection with collections of the Gas Department;
    2. For making refunds of money received in overpayment of gas bills or assessments levied for services rendered by the Gas Department;
    3. For refunding meter deposits made by customers of the Gas Department to guarantee payment of gas bills or other refunds proper to be made from the gas sundry deposits fund and gas meter deposit fund;
    4. For reimbursement of cash collected by employees of the Commercial Services Division of the Financial Management Department which, at a later date, has been determined to be counterfeit by the U.S. Treasury;
    5. For fees and expenses incurred in court actions initiated by the Commercial Services Division of the Financial Management Department.
B. Reimbursement to the gas revolving fund shall be made monthly by requisition and demand on the gas revenue fund for all expenditures made from the gas revolving fund during the preceding calendar month for purposes authorized by the Subsections A.2, 4, 5 and 6 of this Section, and reimbursement to the gas revolving fund shall be made monthly by requisition and demand, or by check or otherwise, on the gas sundry deposits fund or gas meter deposit fund for all expenditures from the gas revolving fund during the preceding calendar month authorized by Subdivision A.3 of

this Section. All expenditures and uses of money in the gas revolving fund shall be fully accounted for daily by receipts, sales tickets or other supporting evidence thereof. The Director of the Financial Management Department is the authorized person to request reimbursement to this fund.

(Ord. C-5852 § 2, 1982: prior code § 2611.1)

CHAPTER 3.20 - IMPREST CASH FUNDS

3.20.010 - Created/Purpose.

There is established for all City departments, including the Water and Harbor Departments, imprest cash funds to effect economies in the processing of nominal City expenditures, subject only to advance approval by the City Auditor of the procedures, amount and general purpose of such funds.

(Ord. C-6169 § 1, 1985: Ord. C-5277 § 1, 1977: prior code § 2770)

3.20.020 - Administration.

Subject to the advance approval by the City Auditor, each appointing authority shall determine the amount, purposes and uses of the imprest cash fund for each department of the City under the control of said appointing authority, and the City Manager is authorized to promulgate, by administrative regulation, all necessary administration and accounting procedures for disbursing, reimbursing and controlling all imprest cash funds.

(Ord. C-6169 § 2, 1985: prior code § 2770.1)

CHAPTER 3.24 - REDEVELOPMENT REVOLVING FUND

FOOTNOTE(S):

--- (**3**) ---

Cross reference— Provisions on the redevelopment revolving fund, see Health and Safety Code § 33620 et seq.

State Law reference— Provisions on the community redevelopment agency administrative fund, see Chapter 3.08 of this Title.

3.24.010 - Created.

Pursuant to the California Redevelopment Law, there is created and established a special fund to be known as the redevelopment revolving fund.

(Ord. C-5366 § 1 (part), 1977: prior code § 2614)

3.24.020 - Funds deposited.

For the purpose of raising money to be deposited in the redevelopment revolving fund, the City Council may appropriate money or the City may issue and sell its general obligation bonds. After an initial appropriation, any future appropriations made by the City Council shall be made a part of its annual budget process.

(Ord. C-5366 § 1 (part), 1977: prior code § 2614.1)

3.24.030 - Use of funds.

Any money in the redevelopment revolving fund may be paid to the Redevelopment Agency of the City upon such terms and conditions as the City Council may prescribe for use in any of the redevelopment projects within the City and for any of the following purposes:

A. Deposit in a trust fund to be expended for the acquisition of real property in a project area;
B. The clearance, aiding and relocation of site occupants and preparation of any project area for redevelopment;
C. Any expenses necessary or incidental to the carrying out of the redevelopment plan which has been adopted by the City Council.

(Ord. C-5366 § 1 (part), 1977: prior code § 2614.2)

3.24.040 - Repayment to redevelopment revolving fund.

For purposes of this Chapter, the Redevelopment Agency of the City shall maintain accurate and current records of expenditures within or for the benefit of each of its redevelopment projects. All money expended from this fund as specified in this Chapter shall be returned to the fund as soon as money becomes available to the Redevelopment Agency for such purposes as determined by the Redevelopment Agency of the City from tax increment funds, from the sale of tax allocation bonds or other funds which become available to the Redevelopment Agency. All money received by the agency from the sale, lease or encumbering of property acquired with money from this fund in excess of the money required to repay

the loans and interest thereon authorized by this Chapter shall be redeposited in the fund and may thereafter be expended without further Council action in accordance with this Chapter and subject to such other terms and conditions as the City Council may hereafter prescribe.

(Ord. C-5366 § 1 (part), 1977: prior code § 2614.3)

CHAPTER 3.28 - RETIREMENT AND SOCIAL SECURITY FUND

3.28.010 - Created.

To effectuate the provisions of the City Charter, relating to City employee retirement and Social Security benefits, there is created and established a revolving fund to be known as the retirement and Social Security fund, the moneys of which shall not be subject to transfer at the close of a fiscal year, but shall be maintained on a continuing basis from year to year.

(Ord. C-5437 § 1 (part), 1978: prior code § 2615)

3.28.020 - Deposit of funds.

The City Council shall annually levy and cause to be collected taxes on all taxable property in the City sufficient to provide funds in amounts necessary to discharge the City's obligations to its employees created by the electorate by the adoption of the provisions of the City Charter. All money so collected shall be deposited in the retirement and Social Security fund. All interest earned on investment of money in the fund shall be credited to the fund.

(Ord. C-5437 § 1 (part), 1978: prior code § 2615.1)

3.28.030 - Use of funds.

The money deposited in the retirement and Social Security fund shall be used for the redemption and discharge of the City's indebtedness and obligation to its employees, their spouses and beneficiaries relating to prior service benefits set forth in the City Charter, the Social Security Act contributions set forth in the City Charter and the indebtedness and obligations under the City's police and fire retirement system set forth in the City Charter. Money in this fund may be used to pay all costs and expenses relating to the redemption and discharge of the indebtedness and obligation referred to in this Section and may be transferred to other funds to effectuate payment of such indebtedness and obligations.

(Ord. C-5437 § 1 (part), 1978: prior code § 2615.2)

CHAPTER 3.32 - SPECIAL GAS TAX STREET IMPROVEMENT FUND

FOOTNOTE(S):

--- (**4**) ---

State Law reference— Provisions on the apportionment of moneys to cities having a special gas tax street improvement fund, Str. and H. C. §§ 2106, 2107 and 2113; provisions on expenditures of moneys so apportioned, Str. and H. C. § 186.3.

3.32.010 - Created.

In compliance with the provisions of Section 198 of the State Streets and Highways Code there is created and established a special fund to be known as the special gas tax street improvement fund.

(Prior code § 2612)

3.32.020 - Funds deposited.

All money received by the City from the State under the provisions of the Street and Highways Code for the acquisition of real property or interests therein for, or the construction, maintenance or improvement of streets other than State highways, shall be paid into the fund created and established in this Chapter.

(Prior code § 2612.1)

3.32.030 - Use of funds.

All moneys in the fund shall be expended exclusively for the purposes authorized by and subject to all of the provisions of Article 5, Chapter 1, Division 1, of the State Streets and Highways Code.

(Prior code § 2612.2)

CHAPTER 3.36 - SPECIAL PUBLIC IMPROVEMENT FUND

FOOTNOTE(S):

--- (**5**) ---

Editor's note— The original source of the special public improvement fund was the cigarette tax established by Ord. C-4559, operative on January 1, 1967, and repealed by Ord. C-4685, effective August 22, 1967.

3.36.010 - Created.

The special public improvement fund heretofore created pursuant to Section 2469.2 of the 1955 Code, now repealed, is created and continued. Said fund shall be a continuing fund not subject to transfer at the close of the fiscal year. Said fund shall be used for the acquisition of improved and unimproved real property, construction of improvements on real property, financing off-street parking facilities and off-street parking districts, civic beautification, and similar projects which are authorized in the annual budget of the special public improvement fund or subsequently approved by the City Council to be financed from the special public improvement fund. All moneys heretofore and hereafter collected under the provisions of Chapter 4B of the 1955 Code, now repealed, including taxes, penalties and interest shall be deposited by the Tax Collector to the credit of said fund. All moneys heretofore and hereafter deposited in the special public improvement fund shall remain in said fund until expended.

(Prior code § 2460)

CHAPTER 3.40 - WARRANTS

3.40.010 - Registration—Insufficient funds.

A. Whenever a warrant is drawn upon the Treasurer and such warrant is payable out of any fund in the City Treasury or out of moneys in the custody of the Treasurer, and such warrant represents an amount in excess of the unapplied money in the fund upon which such warrant is drawn, the Treasurer shall, upon the date that such warrant is countersigned by him, endorse upon the back thereof the date of his countersignature and that the same is not paid for want of money in the fund upon which such warrant is drawn and bears interest at the rate of four percent (4%) per year from the date of such registration to and including the date upon which the Treasurer advertises that such warrant is payable upon presentation. Endorsement by the Treasurer in the manner prescribed in this Subsection shall constitute the registration of such warrant.

B. After the registration thereof, the Treasurer shall deliver or transmit the same to the payee, or payees, named thereon.

C. The Treasurer shall keep a separate warrant register account for each of the funds in the City Treasury against which warrants are registered under this Section, and the Treasurer shall stamp on said warrant register the date on which any warrant is registered, and the date on which such warrant is advertised as payable.

D. Whenever, from time to time, there are sufficient moneys in any fund in the City Treasury upon which warrants have been drawn and registered to pay in the order of their priority, all or at least five (5) or more of the registered warrants outstanding against any such fund, together with interest thereon as provided in this Section, the Treasurer shall immediately publish notice that such warrants are redeemable, by advertising one (1) time in the official newspaper of the City. The notice shall read substantially as follows:

"NOTICE TO HOLDERS OF CITY OF LONG BEACH WARRANTS. City of Long Beach warrants, Registration Number _____ to Registration Number _____, inclusive, drawn on the City Treasurer of the City of Long Beach, are payable upon presentation to the City Treasurer of the City of Long Beach.

_____
(Name of City Treasurer)
City Treasurer of the City of
Long Beach, California."

E. Warrants registered in accordance with the provisions of this Section shall cease to bear interest on the date following the day on which said advertisement appears. Warrants registered as provided for in this Section, together with interest thereon as provided in this Section, shall constitute a prior lien, in the order of registration of such warrants, on any moneys thereafter received into the fund in the City Treasury upon which such warrants are drawn, and such warrants, and interest thereon, as provided in this Section, shall be paid in the order of their registration; provided, that such registered warrants, and interest thereon as provided in this Section, shall not take priority over unregistered warrants drawn upon the same fund and outstanding at the time of such registration. No money shall be withdrawn or paid from any fund in the City Treasury upon which warrants have been drawn and

registered, except to pay registered warrants drawn thereon, in the order of their priority, together with interest thereon as provided in this Section, or to pay unregistered warrants drawn on said fund and outstanding at the time of such registration, until all of the registered warrants drawn on such fund have been paid. Interest on each registered warrant as provided in this Section shall have the same priority as the registered warrant upon which it is payable.

F. Upon the presentation of any registered warrant to the Treasurer for payment, after the Treasurer has published notice that such warrant is redeemable, the Treasurer shall pay to the payee of the warrant, or his assignee, the amount for which the warrant is drawn, together with interest thereon at the rate of four percent (4%) per year from the date of the registration of the warrant to and including the date upon which the Treasurer advertised that such warrant would be payable upon presentation, said interest to be paid from the same fund out of which the principal of the warrant is paid, and the Treasurer shall be entitled to credit for the amount of interest so paid.

G. For the purposes of this Chapter "unapplied money" means money in any fund in the City Treasury for which outstanding warrants have not been already drawn, and which would remain in such fund if all outstanding warrants drawn upon such fund were paid.

(Prior code § 2620)

3.40.020 - Bonds—Registration—Insufficient funds.

A. Whenever the principal or interest coupon of any general obligation bond issued by the City is due and payable and such bond or interest coupon is presented and surrendered to the Treasurer, and there is not sufficient moneys in the fund out of which such bond or interest is payable or such bond or interest coupon represents an amount in excess of the unapplied money in the fund out of which such bond or interest coupon is payable, the Treasurer shall, upon the date that such bond or interest coupon is presented and surrendered to him, draw his warrant payable out of the fund from which such bond or interest coupon is payable and he shall, upon the date that such warrant is drawn by him, endorse his signature upon the back thereof, the date of his signature and that the same is not paid for want of money in the fund upon which such warrant is drawn and bears interest at the rate of four percent (4%) per year from the date of such registration, to and including the date upon which the Treasurer advertises that such warrant is payable upon presentation. Endorsement by the Treasurer in the manner prescribed in this Subsection shall constitute the registration of such warrant.

B. After the registration thereof, the Treasurer shall deliver or transmit the same to the payee or payees named thereon.

C. The Treasurer shall keep a separate warrant register account for each of the funds in the City Treasury against which warrants are registered under this Section, and the City Treasurer shall stamp on the warrant register the date on which any warrant is registered, and the date on which the warrant is advertised as payable.

D. Whenever, from time to time, there are sufficient moneys in any fund in the City Treasury upon which warrants have been drawn and registered to pay, in the order of their priority, all or at least five (5) or more of the registered warrants outstanding against any such fund, together with interest thereon as provided in this Section, the Treasurer shall immediately publish notice that such warrants are redeemable, by advertising one (1) time in the official newspaper of the City. Said notice shall read substantially as follows:

"NOTICE TO HOLDERS OF CITY OF LONG BEACH WARRANTS. City of Long Beach warrants, Registration Number _____ to Registration Number _____, inclusive, drawn on the City Treasurer of the City of Long Beach, are payable upon presentation to the City Treasurer of the City of Long Beach.

_____
(Name of City Treasurer)
City Treasurer of the City of
Long Beach, California."

E. Warrants registered in accordance with the provisions of this Section shall cease to bear interest on the date following the day on which said advertisement appears. Warrants registered as provided for in this Section, together with interest thereon as provided in this Section, shall constitute a prior lien, in the order of registration of such warrants, on any moneys thereafter received into the fund in the City Treasury upon which such warrants are drawn, and such warrants, and interest thereon, as provided in this Section, shall be paid in the order of their registration; provided, that such registered warrants, and interest thereon as provided in this Section, shall not take priority over unregistered warrants drawn upon the same fund and outstanding at the time of such registration. No money shall be withdrawn or paid from any fund in the City Treasury upon which warrants have been drawn and registered except to pay registered warrants drawn thereon, in the order of their priority together with interest thereon as provided in this Section, or to pay unregistered warrants drawn on said fund and outstanding at the time of such registration, until all of the registered warrants drawn on such fund have been paid. Interest on each registered warrant as provided in this Section shall have the same priority as the registered warrant upon which it is payable.

F. Upon the presentation of any registered warrant to the Treasurer for payment, after the Treasurer has published notice that such warrant is redeemable, the Treasurer shall pay to the payee of the warrant, or his assignee, the amount for which the warrant is drawn, together with interest thereon at the rate of four percent (4%) per year from the date of the registration of the warrant to and including the date upon which the Treasurer advertised that the warrant would be payable upon presentation, the interest to be paid from the same fund out of which the principal of the warrant is paid, and the Treasurer shall be entitled to credit for the amount of interest so paid.

G. For the purposes of this Chapter "unapplied money" means money in any fund in the City Treasury for which outstanding warrants have not been already drawn, and which would remain in such fund if all outstanding warrants drawn upon such fund were paid.

(Prior code § 2620.1)

3.40.030 - Cancellation.

Whenever any warrant heretofore or hereafter issued by the City, or heretofore or hereafter issued by any officer of the City who is charged with the issuance of such warrant, have remained unpaid for the period of two (2) years after such warrant has become payable, it shall be the duty of the office issuing such warrant to cancel the same. The amount of all warrants cancelled under the provisions of this Chapter shall revert to the fund in the City Treasury against which the warrants were drawn, and shall be entered upon the books of the officer issuing the warrant to the credit of the fund in the same manner as other moneys paid into the City Treasury. Warrants cancelled under the provisions of this Section shall be null and void. The officer shall each keep a register of warrants cancelled under this Section, in which register there shall be entered the number, date and amount of the warrant, the name of the person in whose favor it was drawn, the fund out of which it was payable and the date of its cancellation.

(Prior code § 2620.2)

CHAPTER 3.44 - CHECKS

3.44.010 - Cancellation time limit.

Whenever the City uses checks as a disbursement medium, the following cancellation procedures shall apply:

A. On the face of each check shall be printed: "Not payable after ninety days from date of check".

B. After a period of ninety (90) days from the date shown on a check has expired, and such check has not been presented to the drawee bank for payment, the City Treasurer shall submit a written cancellation order to the drawee bank, upon which such check was drawn, informing the drawee bank not to honor or to make payment of the check subsequent thereto.

C. Whenever any check issued by the City is unpaid for a period of ninety (90) days from the date of the check and the City Treasurer has submitted a written cancellation order to the drawee bank on the check, the City Treasurer shall cancel the check.

D. The amount of all checks cancelled pursuant to authority granted by this Section shall revert to the respective funds in the City Treasury against which the checks were drawn.

E. Checks cancelled pursuant to the provisions of this Section shall be null and void.

F. The City shall keep an appropriate record of checks cancelled, which record shall include, but not be limited to, the date, payee, amount, and fund against which the check was drawn.

G. The City Treasurer shall issue a duplicate check to the payee shown on a cancelled check upon surrender by the payee of the cancelled check which duplicate check shall be in the full amount of the original cancelled check and shall be paid as though it were the original.

(Ord. C-5550 § 1 (part), 1980: prior code § 2630)

3.44.020 - Lost or destroyed checks.

Whenever any check legally drawn by the City is alleged to have been lost, stolen or destroyed before it has been paid by the City and before it has become void, the following procedures shall be followed with respect thereto:

A. The City Treasurer, upon being advised that the check has been lost, stolen or destroyed, shall immediately place a stop payment order on the check, in writing, with the bank upon which the check was drawn.

B. The person entitled to payment of the check may apply for issuance of a duplicate check by executing and filing with the City Treasurer a declaration under penalty of perjury in a form which shall be approved by the City Attorney.

C. Upon the written approval by the City Attorney of the executed and filed declaration under penalty of perjury, the Department of Financial Management shall prepare a duplicate check for the full amount of the original check, which duplicate check shall be paid by the City Treasurer as though it was the original.

D. Any loss incurred in connection with the issuance of the duplicate check shall be charged against the fund against which the duplicate check was drawn.

(Ord. C-5550 § 1 (part), 1980: prior code § 2631)

3.44.030 - Dishonored checks.

Whenever any check is made payable to the City in payment of any fee, rate, charge, tax, assessment, or other liability and said check is returned unpaid by the maker's bank, there shall be imposed upon the maker thereof a returned check charge.

The amount of the returned check charge, which shall not exceed the City's cost of processing said check, shall be established from time to time by the City Council by resolution.

(ORD-10-0014, § 4, 2010; Ord. C-6000 § 1, 1983)

CHAPTER 3.48 - CLAIMS AND REFUNDS

3.48.010 - City Attorney authority.

Except as set forth below, the City Attorney is authorized to settle or compromise any claim or litigation, against the City or any officer, agent or employee thereof, without prior consent of the City Council, in an amount not to exceed five thousand dollars ($5,000.00) as to any single person, firm or corporation. With regard to workers' compensation claims, the City Attorney is authorized to settle or compromise any claim or litigation without the prior consent of the City Council in an amount not to exceed fifty thousand dollars ($50,000.00) as to any single person, firm or corporation. The City Attorney is authorized to settle or compromise any claim of five thousand dollars ($5,000.00) or less that the City has against other persons. The City Attorney is also authorized to execute and deliver to said other persons any instrument in writing necessary or advisable in connection with any settlement. Payment or settlement of all other claims shall be pursuant to authority granted by the City Council, and the City Attorney shall notify the City Council of any claims of five thousand dollars ($5,000.00) or less which are paid or compromised pursuant to the authority provided in this Section.

(Ord. 07-0011 § 1, 2007: Ord. C-5921 § 1, 1982: prior code § 2710)

3.48.020 - Cancellation of uncollectible delinquent accounts receivable and claims for damage to City property.

A. The Director of Financial Management is authorized and directed to terminate further efforts to collect, and to order removed from the accounts of the City, any account or claim of one thousand dollars ($1,000.00) or less, or portion thereof, that the City has against any other person, firm, or corporation in any of the circumstances set forth in Subsection C. of this Section.

B. The City Manager is authorized and directed to terminate further efforts to collect, and to order removed from the accounts of the City, any account or claim in excess of one thousand dollars ($1,000.00), or portion thereof, that the City has against any other person, firm, or corporation in any of the circumstances set forth in Subsection C. of this Section.

C. Collections may be terminated pursuant to Subsections A. or B. of this Section in, and only in, one (1) or more of the following circumstances:

1. The collection of the account or claim is barred by the statute of limitations;
2. The department initially responsible therefor, collection services, any collection agency with whom the City has contracted to collect such account or claim, and the City Attorney have exhausted every reasonable means of collecting the account or claim and the Director of Financial Management under Subsection A., or the City Manager under Subsection B. of this Section, is of the opinion that further efforts to collect the account or claim will constitute an idle and useless act and an unnecessary expenditure of public funds;
3. An account or claim or portion of an account or claim which is the subject of a settlement or compromise agreement authorized by the City Council;
4. That portion of an account or claim in excess of small claims court jurisdiction which the City Attorney has advised should be waived and which is not recoverable from the judgment debtor following judgment by the small claims court on the account or claim; or

5. The collection account represents the portion of an account otherwise due and owing that is in excess of maximum payment received from Medicare/Medicaid for the payment of that account.

(Ord. C-6510 § 1, 1988: Ord. C-5388 § 1, 1978: prior code § 2710.1)

3.48.030 - Refund—Payable when.

Unless expressly prohibited by any other ordinance of, or law applicable to, the City, so much of any money paid to the City by any person may be refunded to him or her, as will equal:

A. The amount paid, if it is determined that no law or ordinance required the making of such payment;
B. The amount paid in excess of the payment required by any law or ordinance;
C. The amount paid, if the application is withdrawn by such person prior to the City taking any action thereon, or having incurred any expense in connection therewith;
D. The amount paid for the participation in an event prior to the occurrence thereof, and which event, as to such person, did not occur, and the City did not incur any expense by reason thereof;
E. The amount paid to reimburse the City for its expense in making an investigation in connection with an application filed by such person if such application is withdrawn prior to there having been made any substantial investigation.

(Prior code § 2715)

3.48.040 - Refund—Conditions of payment.

The refund may be made to the person who paid the money under any of the following conditions:

A. If the amount paid is one thousand dollars ($1,000.00) or less and if the department head to which the money was paid authorizes the refund in accordance with prior written authorization of and subject to conditions imposed by the City Manager;
B. If the amount paid is ten thousand dollars ($10,000.00) or less and if the department head to which the money was paid, with the approval of the City Attorney, authorizes the refund; provided, however, that refunds of one thousand dollars ($1,000.00) or less made in accordance with the provisions of Subsection A. of this Section shall not require the approval of the City Attorney;
C. If the amount paid is more than ten thousand dollars ($10,000.00) and the department head to which the money was paid, with the approval of the City Attorney and the City Council, authorizes the refund.

(ORD-06-0011 § 1, 2006: Ord. C-6664 § 1, 1989: Ord. C-5558 § 1, 1980: Ord. C-5377 § 1 (part), 1977: prior code § 2715.1)

3.48.050 - Refund—Payee deceased.

If the person entitled to the refund is an individual and such person becomes deceased, the refund may be made to such person entitled to receive the money.

(Prior code § 2715.2)

3.48.060 - Refund—Time limitation of payment.

Any refund made pursuant to this Chapter must be authorized by the department head with the approval of the City Attorney or the City Attorney and the City Council, provided the refund is made within one (1) year after payment of the money to the City, or if an application for a refund is filed by the person entitled to the money, the application therefor must be filed within such one (1) year period.

(Ord. C-5377 § 1 (part), 1977: prior code § 2715.3)

3.48.070 - Refund—Conflicting provisions.

If any ordinance of the City or any law applicable thereto expressly authorizes, in certain contingencies, the making of a refund of money paid to the City or prescribes the procedure therefor, such ordinance shall control in making the refund. The Council declares that its intent, in adopting this Chapter, is to provide for the making of refunds of money paid to the City, under the conditions set forth in this Chapter, not otherwise expressly prohibited by any ordinance or law applicable to the City or not otherwise expressly authorized by such ordinance or law.

(Prior code § 2715.4)

CHAPTER 3.52 - BONDS AND PUBLIC IMPROVEMENT FINANCING
DIVISION I. - REVENUE BONDS

FOOTNOTE(S):

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State Law reference— Provisions on revenue bonds, Gov. C. § 54300 et seq.

3.52.110 - Issuance resolution—Required.

The City Council, exercising the powers reserved to the City under the Constitution of the State of California and provisions of the Charter of the City, by resolution, may issue and sell revenue bonds when the public interest and necessity require; provided, however, that where the revenue bonds are to be issued for the purpose of any department of the City which has its own Board of Commissioners, the bonds, with the approval of the City Council expressed by resolution, may be issued and sold on behalf of the City by the Board of Commissioners of the department.

(Ord. C-5971 § 1 (part), 1983: Ord. C-5618 § 2 (part), 1980: prior code § 2750)

3.52.115 - Projects authorized.

Revenue bonds may be issued, sold and delivered under the authority of this Division for the purpose of financing or refinancing any public project

(Ord. C-7085 § 4, 1993)

3.52.120 - Issuance resolution—Adoption.

At a regular or special meeting and by a majority vote of all members, the City Council or the Board of Commissioners of a department, if the revenue bonds are to be issued for a purpose of the department, shall adopt a resolution authorizing the issuance of said bonds without the requirement of submitting the proposition of issuing revenue bonds to the qualified voters. The resolution shall state all the terms and conditions upon which the bonds are being offered for sale, that the bonds are to be revenue bonds payable exclusively from revenues and such other funds as may be legally available for such purpose, and that the bonds are not to be secured by the taxing power of the City.

(Ord. C-7085 § 1, 1993: Ord. C-5971 § 1 (part), 1983: Ord. C-5618 § 2 (part), 1980: prior code § 2750.1)

3.52.130 - Sale and issuance of bonds.

A. Revenue bonds may be sold by the City Council or the Board of Commissioners upon either: (1) competitive bid as provided in Subsection B of this Section; or (2) by negotiated private sale pursuant to and in accordance with a resolution adopted by a majority of all members of the City Council or of the Board of Commissioners.

B. If revenue bonds are to be sold by competitive bid, then before selling the bonds or any part thereof, the City Council or the Board of Commissioners of the department, if the bonds are to be issued for a purpose of the department, shall give notice inviting sealed bids by publication of the notice once in a newspaper of general circulation within the City at least ten (10) days prior to the date of opening bids stated in the notice, together with such other notices as may be required by law. If satisfactory bids

are received, the revenue bonds offered for sale shall be awarded to the lowest responsible bidder. If no bids are received, or if the City Council or the Board of Commissioners determines that the bids received are either not responsive to the notice inviting the same or not satisfactory as to price or responsibility of the bidders, the City Council or the Board of Commissioners may reject all bids received, if any. In the event no bids are received or all bids are rejected, the City Council or the Board of Commissioners may either readvertise or sell the bonds at private sale subject to confirmation thereof by resolution adopted by a majority of all members of the City Council or of the Board of Commissioners. The private sale may then be made upon terms and conditions other than those contained in the resolution authorizing issuance of the revenue bonds and the notice inviting bids therefor.

(Ord. C-7085 § 2, 1993: Ord. C-6142 § 1, 1985: Ord. C-5971 § 1 (part), 1983: Ord. C-5618 § 2 (part), 1980: prior code § 2750.2)

3.52.140 - Statutes adopted.

In addition to, and not as a limitation of, the authority provided by Section 3.52.110, the City may exercise all of the rights and powers and perform the duties and covenants contained in the Revenue Bond Law of 1941 (commencing with Government Code Section 54300), if included in the resolution authorizing issuance of the revenue bonds, which are by this reference, with the exceptions stated in this Section, incorporated in this Section. Government Code Sections 54380 through 54388, both inclusive, and Sections 54310, 54402, and 54418 are not incorporated in this Section and shall not be applicable to revenue bonds issued by the City Council or the Board of Commissioners of a department.

(Ord. C-7085 § 3, 1993: Ord. C-5971 § 1 (part), 1983: Ord. C-5618 § 2 (part), 1980: prior code 2750.3)

3.52.150 - Construction.

This Division shall be liberally construed.

(Ord. C-5971 § 1 (part), 1983: Ord. C-5618 § 2 (part), 1980: prior code § 2750.4)

DIVISION II. - INDUSTRIAL DEVELOPMENT REVENUE BONDS

Subdivision 1. - General Provisions and Definitions

3.52.210 - Recitals.

For the purpose of this Division, the following recitals shall apply:

A. The City of Long Beach (the "City") is a municipal corporation and Charter City duly organized and existing under a freeholders' Charter pursuant to which the City has the right and power to make and enforce all laws and regulations in respect to municipal affairs and certain other matters in accordance with and as more particularly provided in Section 3, 5 and 7 of Article XI of the Constitution of the State of California and Section 109 of Article I of the Charter of the City (the "Charter").

B. The City Council of the City acting under and pursuant to the powers reserved to the City under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and Section 109 of Article I of the Charter, finds that the public interest and necessity require the establishment by the procedural ordinance codified in this Division of a procedure for the authorization, issuance and sale of revenue bonds by the City for the purpose of providing financing or refinancing to certain industrial, commercial and manufacturing participants, or to certain nonprofit participants, for certain purposes as specified herein.

(Ord. C-7058 § 1, 1992: Ord. C-5971 § 1 (part), 1983)

3.52.212 - Citation.

This Division contains a procedural ordinance for the authorization, issuance and sale of industrial development bonds in the City of Long Beach and may be cited as the "City of Long Beach Industrial Development Revenue Bond Law."

(Ord. C-5971 § 1 (part), 1983)

3.52.214 - Findings and declarations.

The City Council finds and declares that it is necessary, essential, a public purpose and a municipal affair for the City to be authorized to provide financing to induce manufacturing, industrial, commercial and nonprofit enterprises to locate in the City, to expand, enlarge or modernize existing enterprises, to promote commerce and industry, as well as educational and cultural opportunities, within the City.

(Ord. C-7058 § 2, 1992: Ord. C-5971 § 1 (part), 1983)

3.52.216 - Definitions.

Unless the context otherwise requires, the terms used in this Division shall have the following meanings:

A. "Bonds" means any bonds, notes, certificates, debentures or other obligations issued by the City pursuant to this Chapter and payable exclusively from revenues as in this Chapter defined and from any other funds specified in this Chapter upon which such obligations may be made a charge and from which they are payable.

B. "City" means the City of Long Beach.

C. "Cost" means the total of all costs incurred by or on behalf of a participant as are approved by the City as reasonable and necessary for carrying out all works and undertakings necessary or incident to acquisition, construction, financing or refinancing of a facility. "Cost" shall include all such costs, including costs for construction undertaken by a participant as its own contractor, which under generally accepted accounting principles are not properly chargeable as an expense of operation and maintenance.

D. "Council" means the City Council of the City of Long Beach.

E. "Facility" means any land, building or other improvement for use by any industry for manufacturing, processing or assembling any agricultural or manufactured products, by any commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining or industry, or by any person for the carrying on of commercial and/or retail enterprises, or the providing of offices for any business, educational or cultural purpose, on a rental or lease basis, or for the support or operation of airport facilities and related hotels, roadways and parking facilities; or any research enterprise for the foregoing; including without limitation all real or personal property necessary to the operation of such facility.

F. "Participant" means any person, company, corporation, partnership, firm, or other entity or group of entities engaged in operations within this City or desiring to establish, improve or expand such operations, which requires financing pursuant to the terms of this Chapter.

G. "Revenues" means amounts received by the City as repayment of principal, interest, and all other charges with respect to a loan under this Chapter, any proceeds received by the City from mortgage, hazard or other insurance on or with respect to such a loan, all other rents, charges,

fees, income and receipts derived by the City from the financing or refinancing of a facility under this Chapter, any amounts received by the City as investment earnings on moneys deposited in a reserve fund or any similar fund securing bonds, and such other moneys as the Council may, in its discretion lawfully designate as revenues.

(Ord. C-7058 § 3, 1992; Ord. C-5971 § 1 (part), 1983)

Subdivision 2. - Financing Industrial Development Facilities

3.52.220 - Use of proceeds.

A. The City may use the proceeds of bonds issued hereunder to make, purchase, or otherwise contract for the making of, a mortgage or other secured or unsecured loan, upon such terms and conditions as the City shall deem proper, to any participant for the cost of acquiring or constructing a facility or financing thereof; provided, however, that no such loan shall exceed the total cost of such facility as determined by the participant and approved by the City.

B. The City may sue the proceeds of bonds, or other moneys provided by or on behalf of a participant, to acquire, construct, enlarge, remodel, renovate, alter, improve, furnish, equip and lease a facility solely for the purpose of selling or leasing such a facility to such participant, and may contract with such participant to undertake on behalf of the City to construct, enlarge, remodel, renovate, alter, improve, furnish and equip such facility.

The City may sell or lease, upon such terms and conditions as the City shall deem proper, to a participant any facility owned by the City under this Chapter, including a facility conveyed to the City in connection with a financing under this Division but not being financed hereunder.

(Ord. C-5971 § 1 (part), 1983)

3.52.221 - Application for participation.

Any person may apply to the City for approval as a participant and for approval of a facility for financing under this Division by submitting an application to the City in the form approved by the City.

(Ord. C-5971 § 1 (part), 1983)

3.52.222 - Equal opportunity/affirmative action.

The City shall require the participants and contractors or subcontractors engaged in the construction of a facility financed under this Division to provide equal opportunity for employment, without discrimination as to race, marital status, sex, color, religion, national origin or ancestry. The City shall also require that participants engaged in the acquisition, construction, installation, reconstruction, rehabilitation or improvement of a facility financed under this Division shall submit as a part of their applications hereunder an affirmative action program.

(Ord. C-5971 § 1 (part), 1983)

3.52.223 - Standards and procedures for applications.

The City Manager shall propose standards and procedures for applications submitted under this Division and shall prepare a form for such applications, such standards, procedures and form to be approved by the City before participants may apply for the financing of facilities hereunder.

(Ord. C-5971 § 1 (part), 1983)

3.52.224 - Application fees.

The City may charge participants application, commitment, financing and other fees, in order to recover all direct administrative and other costs and expenses incurred in the exercise of the powers and duties conferred by this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.225 - Financing assistance.

The City may obtain, or aid in obtaining, from any department or agency of the United States or of the State of California or any private company, any insurance or guarantee as to, or of, or for the payment or repayment of, interest or principal, or both, or any part thereof, on any loan, lease or sale obligation or any instrument evidencing or securing the same, made or entered into pursuant to the provisions of this Division; and may accept payment in such manner and form as provided therein in the event of default by a participant, and may assign any such insurance or guarantee as security for bonds.

(Ord. C-5971 § 1 (part), 1983)

3.52.226 - Cost controls.

The City may fix rents, payments, fees, charges and interest rates for financing under this Division and may agree to revise from time to time such rents, payments, fees, charges and interest rates to reflect changes in interest rates on bonds, losses due to defaults or changes in other expenses related to this Division, including City administrative expenses.

(Ord. C-5971 § 1 (part), 1983)

3.52.227 - Loan security.

The City may hold deeds of trust or mortgages as security for loans under this Division and may pledge or assign the same as security for repayment of bonds. Such deeds of trust or mortgages may be assigned to, and held on behalf of the City by, any bank or trust company appointed to act as trustee by the City in any resolution or indenture providing for issuance of bonds.

(Ord. C-5971 § 1 (part), 1983)

3.52.228 - Professional services.

The City may employ such engineering, architectural, financial, accounting, legal or other services as may be necessary in the judgment of the City for the purposes of this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.229 - Additional powers.

In addition to all other powers specifically granted by this Division, the City may do all things necessary or convenient to carry out the purposes of this Chapter.

(Ord. C-5971 § 1 (part), 1983)

Subdivision 3. - Bonds

3.52.230 - Issuance.

A. The City may, from time to time, issue bonds for any of the purposes specified in Section 3.52.208. Bonds shall be negotiable instruments for all purposes, subject only to the provisions of such bonds for registration.

B. Every issue of bonds shall be a limited obligation of the City payable from all or any specified part of the revenues and the moneys and assets authorized in this Division to be pledged or assigned to secure payment of bonds. Such revenues, moneys or assets shall be the sole source of repayment of such issue of bonds. Bonds issued under the provisions of this Division shall not be deemed to constitute a debt or liability of the City or a pledge of the faith and credit of the City but shall be payable solely from specified revenues, moneys and assets. The issuance of bonds shall not directly, indirectly, or contingently obligate the City to levy or pledge any form of taxation or to make any appropriation for their payment.

All bonds shall contain on the face thereof a statement to the following effect:

Neither the faith and credit nor the taxing power of the City is pledged to the payment of the principal of, or premium or interest on this bond.

(Ord. C-5971 § 1 (part), 1983)

3.52.231 - Form of bonds.

Bonds may be issued as serial bonds, term bonds, installment bonds or pass-through certificates or any combination thereof. Bonds shall be authorized by resolution of the Council and shall bear such date or dates, mature at such time or times, bear interest at such fixed or variable rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, be subject to such terms of redemption and have such other terms and conditions as such resolution or any indenture authorized by such resolution to be entered into by the City may provide. Bonds may be sold at either a public or private sale and for such prices as the City shall determine. Pending preparation of definitive bonds, the City may issue temporary bonds, which shall be exchanged for such definitive bonds when prepared.

(Ord. C-5971 § 1 (part), 1983)

3.52.232 - Terms and conditions.

Any resolution authorizing any bonds or any issue of bonds, or any indenture authorized by such resolution to be entered into by the City, may contain provisions respecting any of the following terms and conditions which shall be a part of the contract with the holders of such bonds:

A. The terms, conditions and form of such bonds and the interest and principal to be paid thereon;
B. Limitations on the uses and purposes to which the proceeds of sale of such bond may be applied, and the pledge or assignment of such proceeds to secure the payment of such bonds;
C. Limitations on the issuance of additional parity bonds, the terms upon which additional parity bonds may be issued and secured, and the refunding of outstanding bonds;
D. The setting aside of reserves, sinking funds and such other funds as are necessary and the regulation and disposition thereof;
E. The pledge or assignment of all or any part of the revenues and the use and disposition thereof, subject to such agreements with the holders of bonds as may then be outstanding;
F. Limitation on the use of revenues for expenditures for operating, administration or other expenses of the City or a participant;
G.

Specification of the acts or omissions to act which shall constitute a default in the duties of the City or a participant to holders of such bonds, and providing the rights and remedies of such holders in the event of default, including any limitations on the right of action by individual bondholders;

H. The appointment of a corporate trustee to act on behalf of the City and the holders of its bonds, the pledge or assignment of loans, deeds of trust, mortgages and any other contracts to such trustee, and the rights of such trustee;

I. The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of such bonds the holders of which must consent thereto, and the manner in which such consent may be given; and

J. Any other provisions which the Council may deem reasonable and proper for the purposes of this Chapter and the security of the bondholders.

(Ord. C-5971 § 1 (part), 1983)

3.52.233 - Lien and pledge.

Any pledge of revenues or other moneys or assets pursuant to the provisions of this Division shall be valid and binding from the time such pledge is made. Revenues, moneys and assets so pledged and thereafter received by the City shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the City, irrespective of whether such parties have notice thereof. Neither the resolution nor any indenture by which a pledge is created need be filed or recorded except in the records of the City.

(Ord. C-5971 § 1 (part), 1983)

3.52.234 - Disclaimers of liability.

Neither the members of the Council, the officers or employees of the City, nor any person executing any bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

(Ord. C-5971 § 1 (part), 1983)

3.52.235 - City purchase of bonds.

The City shall have the power out of any funds available therefor to purchase its bonds. The City may hold, pledge, cancel, or resell such bonds, subject and in accordance with agreements with bondholders.

(Ord. C-5971 § 1 (part), 1983)

3.52.236 - Rights of holders.

Any holder of bonds issued under the provisions of this Division or any of the coupons appertaining thereto, and any trustee appointed pursuant to any resolution authorizing the issuance of bonds, except to the extent the rights thereof may be restricted by such resolution or any indenture authorized thereby to be entered into by the City, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect or enforce any and all rights specified in law or in such resolution or indenture, and may enforce and compel the performance of all duties required by this Chapter or by such resolution or indenture to be performed by the City or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of rates, fees, interest, the charges authorized and required by the provisions of such resolution or indenture to be fixed, charged, and collected.

(Ord. C-5971 § 1 (part), 1983)

3.52.237 - Refunding of bonds.

A. The City may issue bonds for the purpose of refunding any bonds then outstanding including the payment of any redemption premiums thereof and any interest accrued or to accrue to the earliest or any subsequent date or dates of redemption, purchase, or maturity of such bonds.

B. The proceeds of bonds issued for the purpose of refunding any outstanding bonds may, in the discretion of the City, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds, either at their earliest or any subsequent redemption date or dates or upon the purchase or retirement at the maturity thereof and may, pending such application, be placed in escrow, to be applied to such purchase or retirement at maturity or redemption on such date or dates as may be determined by the City.

C. Pending use for purchase, retirement at maturity or redemption of outstanding bonds, any proceeds held in escrow pursuant to Subsection 3.52.237.B may be invested and reinvested as provided in the resolution or indenture. Any interest or other increment earned or realized on any such investment may be applied to the payment of the outstanding bonds to be refunded or to the payment of interest on the refunding bonds. After the terms of escrow have been fully satisfied and carried out, any balance of such proceeds and any interest or increment earned or realized from the investment thereof may be returned to the City to be used by it for any lawful purpose.

D. All bonds issued pursuant to this Section shall be subject to the provisions of this Division in the same manner and to the same extent as other bonds issued pursuant to this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.238 - Validity.

The validity of the authorization and issuance of any bonds is not dependent on and shall not be affected in any way by any proceedings taken by the City for the making of any loan or the entering into of any agreement, or by the failure to make any load or enter into any agreement, for which bonds are authorized to be issued under this Chapter.

(Ord. C-5971 § 1 (part), 1983)

Subdivision 4. - Supplemental Provisions

3.52.240 - Liberal construction.

This Division, being necessary for the welfare of the City and its inhabitants, shall be liberally construed to effect its purposes.

(Ord. C-5971 § 1 (part), 1983)

3.52.242 - Validity of proceedings.

If the jurisdiction of the Council to order the proposed act is not affected, any omission of any officer of the City in proceedings under this Division or any other defect in the proceedings shall not invalidate such proceedings or the bonds issued pursuant to this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.244 - Authority for issuance of bonds.

This Division is full authority for the issuance of bonds by the City for the purposes specified herein.

(Ord. C-5971 § 1 (part), 1983)

3.52.246 - Alternative procedure.

This Division shall be deemed to provide a complete, additional, and alternative method for doing the things authorized thereby, and shall be regarded as supplemental and additional to the powers conferred by other laws. The issuance of bonds under the provisions of this Division need not comply with the requirements of any other law applicable to the issuance of bonds. The purposes authorized hereby may be effectuated and bonds may be issued for any such purposes under this Division notwithstanding that any other law may provide for such purposes or for the issuance of bonds for like purposes and without regard to the requirements, restrictions, limitations, or other provisions contained in any other law.

(Ord. C-5971 § 1 (part), 1983)

DIVISION III. - HEALTH FACILITIES BONDS

Subdivision 1. - General Provisions and Definitions

3.52.312 - Citation.

This Division may be cited as the "City of Long Beach Charitable Institutions Revenue Bond Law".

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.314 - Declaration of necessity.

The Council hereby finds and declares that it is necessary, essential, a public purpose and a municipal affair for the City to be authorized to provide financing to charitable institutions within the City that provide facilities and services to residents of the City in order to aid such charitable institutions in containing costs and thereby to enable such charitable institutions to lower costs to the public and to provide better and more efficient service than would otherwise prevail. Unless the City intervenes to provide such financing, the costs of providing such facilities and services may increase at an ever-accelerating pace because such institutions cannot obtain financing at reasonable rates from private sources.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.316 - Definitions.

Unless the context otherwise requires, the terms defined in this Division shall have the following meanings:

A. "Bonds" means any bonds, notes, certificates, debentures or other obligations issued or entered into by the City pursuant to this Division and payable exclusively from revenues as in this Division defined and from any other funds specified in this Division upon which such obligations may be made a charge and from which they are made payable.

B. "City" means the City of Long Beach.

C. "Cost" means the total of all costs incurred by or on behalf of a participating institution necessary or incident to the acquisition, construction, rehabilitation or improvement of a facility, or the refunding or refinancing of obligations incurred to finance such acquisition, construction, rehabilitation or improvements as are approved by the City as reasonable and necessary for carrying out all works and undertakings necessary or incident to acquisition, construction, financing or refinancing of a facility.

D. "Council" means the City Council of the City of Long Beach.

E. "Facility" means any facility, place or building within the City which is maintained and operated for charitable purposes consistent with the purposes for which a participating institution is organized, as evidenced by its articles and bylaws or other Charter documents, and by a determination letter from the Internal Revenue Service, which facility is available to, and serves, the general public of the City. "Facility" shall include any and all structures or improvements related or appurtenant to a facility, required or useful for its operation, but shall not include any facility or building used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

F. "Participating institution" means a private nonprofit corporation or association authorized by the laws of the State of California to provide or operate a facility as defined in this Division and which, pursuant to the provisions of this Division, undertakes the financing of the acquisition and construction of a facility or undertakes the refunding or refinancing of obligations incurred to finance the acquisition and construction of a facility.

G. "Revenue" means amounts received or to be received by the City as repayment of principal, interest, and all other charges with respect to a loan under this Division, any proceeds received by the City from mortgage, hazard or other insurance on or with respect to such a loan, all other rents, charges, fees, income and receipts derived by the City from the financing or refinancing of a facility under this Division, any amounts received by the City as investment earnings on moneys deposited in a reserve fund or any similar fund securing bonds, and such other moneys as the Council may, in its discretion, lawfully designate as revenues.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

Subdivision 2. - Financing Health Facilities

3.52.320 - Loan for facility and refinancing or refunding.

A. The City may make, purchase, or otherwise contract for the making of, a secured loan, upon such terms and conditions as the City shall deem proper, to any participating institution with a facility located or to be located in the City, or to any corporation which is a nonprofit corporation in California or a sister State of the United States of America which is the sole member of a participating institution located or to be located in the City, for the cost of acquiring or constructing a health facility or financing thereof; provided, however, that no such loan shall exceed the total cost of such facility as determined by the participating institution and approved by the City.

B. The City may make, purchase, or otherwise contract for the making of a secured loan, upon such terms and conditions as the City shall deem proper, to any participating institution located or to be located in the City, or to any corporation which is a nonprofit corporation in California or a sister State of the United States of America which is the sole member of a participating institution located or to be located in the City, or exchange its bonds in order to refund or refinance outstanding obligations of such participating institution incurred to finance the cost of acquiring or constructing a facility, whether or not such obligations were incurred prior to or after the enactment of this Division, if the City finds that such refunding or refinancing is in the public interest and either alleviates a financial or operating hardship of such participating institution, or is in connection with other financing by the City for such participating institution or may be expected to result in lower charges or expenses or containment of the rate of increase thereof, or any combination thereof.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.321 - Sale or lease of facility by City.

The City may acquire, construct, enlarge, remodel, renovate, alter, improve, furnish, equip, own or lease as lessee a facility for the purpose of simultaneously selling or leasing such facility to a participating institution located or to be located in the City, or to any corporation which is a nonprofit corporation in California or a sister State of the United States of America which is the sole member of a participating institution located or to be located in the City, and may designate such participating institution as its agent to undertake to construct, enlarge, remodel, renovate, alter, improve, furnish, and equip such facility.

The City may sell or lease, upon such terms and conditions as the City shall deem proper, to any such participating institution or member corporation any facility owned by the City under this Division, including a health facility conveyed to the City in connection with a financing under this Division but not being financed or refinanced hereunder.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.322 - Recovery of costs and expenses by City.

The City may charge participating institutions and member corporations application, commitment, financing and other fees, in order to recover all administrative and other costs and expenses incurred in the exercise of the powers and duties conferred by this Division.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.323 - Insurance or guarantee of payment.

The City may obtain, or aid in obtaining, from any department or agency of the United States or of the State of California or any private company, any insurance or guarantee as to, or of, or for the payment or repayment of, interest or principal, or both, or any part thereof, on any loan, lease or sale obligation or any instrument evidencing or securing the same, made or entered into pursuant to the provisions of this Division; and may accept payment in such manner and form as provided therein in the event of a default by a institution or member corporation, and may assign any such insurance or guarantee as security for bonds.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.324 - Fixing rents, fees, rates, etc.

The City may fix rents, payments, fees, charges and interest rates for financing under this Division and may agree to revise from time to time such rents, payments, fees, charges and interest rates to reflect changes in interest rates on bonds, losses due to defaults or changes in other expenses related to this Division, including City administrative expenses.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.325 - Deeds of trust or mortgages as security.

The City may hold deeds of trust or mortgages as security for loans under this Division and may pledge or assign the same as security for repayment of bonds. Such deeds of trust or mortgages may be assigned to, and held on behalf of the City by, any bank or trust company appointed to act as trustee by the City in any resolution or indenture providing for issuance of bonds.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.326 - Employment of experts and consultants.

The City may employ such engineering, architectural, financial, accounting, legal or other services as may be necessary in the judgment of the City for the purposes of this Division.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.327 - Do all things necessary and convenient.

In addition to all other powers specifically granted by this Division, the City may do all things necessary or convenient to carry out the purposes of this Division.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

Subdivision 3. - Bonds

3.52.330 - Issue limited obligation bonds.

A. The City may, from time to time, issue bonds for any of the purposes specified in Sections 3.52.320 and 3.52.321. Bonds shall be negotiable instruments for all purposes, subject only to the provisions of such bonds for registration.

B. Every issue of bonds shall be limited obligation of the City payable solely from all or any specified part of the revenues and the moneys and assets authorized in this Division to be pledged or assigned to secure payment of bonds. Such revenues, moneys or assets shall be the sole source of repayment of such issue of bonds. Bonds issued under the provisions of this Division shall not be deemed to constitute a debt or liability of the City or a pledge of the faith and credit of the City but shall be payable solely from specified revenues, moneys and assets. The issuance of bonds shall not directly, indirectly, or contingently obligate the City to levy or pledge any form of taxation or to make any appropriation for their payment.

C. All bonds shall contain on the face thereof a statement to the following effect:

Neither the faith and credit nor the taxing power of the City of Long Beach, the State of California, nor any political subdivision thereof is pledged to the payment of the principal of or premium or interest on this bond.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.331 - Amount of bonds.

In determining the amount of bonds to be issued, the City may include all costs of the issuance of such bonds, reserves for debt service and for repairs, replacement, additions and improvements, and capitalized bond interest for such period as the City may determine.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.332 - Type, form and sale of bonds.

Bonds may be issued as serial bonds, term bonds, installment bonds or pass-through certificates of participation, revenue notes or any combination thereof, in any interest rate mode designated for the bonds. Bonds shall be authorized by resolution of the Council and shall bear such date or dates, mature at such time or times, bear interest at such fixed or variable rate or rates, be payable at such time or times, be in such denominations, be in such form, either book-entry or certificated, be executed in such manner, be payable in lawful money of the United States of America at such place or places, be subject to such terms of redemption and have such other terms and conditions as such resolutions or any indenture

authorized by such resolution to be entered into by the City may provide. Bonds may be sold at either a public or private sale and for such prices as the City, acting on behalf of the participating institution, shall determine. Pending preparation of definitive bonds, the City may issue temporary bonds, which shall be exchanged for such definitive bonds when prepared.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.333 - Terms and conditions of bonds.

Any resolution authorizing any bonds or any issue of bonds, or any indenture authorized by such resolution to be entered into by the City, may contain provisions respecting any of the following terms and conditions, which shall be a part of the contract with the holders of such bonds:

A. The terms, conditions and form of such bonds and the interest and principal to be paid thereon.
B. Limitations on the uses and purposes to which the proceeds of sale of such bonds may be applied, and the pledge or assignment of such proceeds to secure the payment of such bonds.
C. Limitations on the issuance of additional parity bonds, the terms upon which additional parity bonds may be issued and secured, and the refunding of outstanding bonds.
D. The setting aside of reserves, sinking funds, and such other funds as are necessary and the regulation and disposition thereof.
E. The pledge or assignment of all or any part of the revenues and the use and disposition thereof, subject to such agreements with the holders of bonds as may then be outstanding.
F. Limitation on the use of revenues for expenditures for maintenance and operation, administration or other expenses of the City.
G. Specification of the acts or omissions to act which shall constitute a default in the duties of the City, a participating institution or a member corporation to holders of such bonds, and providing the rights and remedies of such holders in the event of default, including any limitations on the right of action by individual bondholders.
H. The appointment of a corporate trustee to act on behalf of the City and the holders of its bonds, the pledge or assignment of loans, deeds of trust, mortgages and any contracts or agreements to such trustee, and the rights of such trustee.
I. The procedures, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of such bonds, the holders of which must consent thereto, and the manner in which such consent may be given.
J. Any other provisions which the Council may deem reasonable and proper for the purposes of this Division and the security of the bondholders.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.334 - Pledge of revenues.

Any pledge of revenues, other moneys or assets, or any centralized pool of said revenues, other moneys or assets, pursuant to the provisions of this Division shall be valid and binding from the time such pledge is made. Revenues, moneys and assets so pledged and thereafter received by the City shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in

tort, contract, or otherwise against the City, irrespective of whether such parties have notice thereof. Neither the resolution nor any indenture by which a pledge is created need be filed or recorded except in the records of the City.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.335 - Liability of Council and officers.

Neither the members of the Council, the officers or employees of the City, nor any person executing any bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1, (part), 1983)

3.52.336 - Purchase of bonds by City.

The City shall have the power out of any funds available therefor to purchase bonds issued hereunder. The City may hold, pledge, cancel, or resell such bonds, subject to and in accordance with agreements with the bondholders.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.337 - Compelling performance.

Any holder of bonds issued under the provisions of this Division and any trustee appointed pursuant to any resolution or indenture authorizing the issuance of bonds, except to the extent the rights thereof may be restricted by such resolution or any indenture authorized thereby to be entered into by the City may, either at law or in equity, by suit, action, mandamus, or other proceeding protect or enforce any and all rights specified in law or in such resolution or indenture, and may enforce and compel the performance of all duties required by this Division or by such resolution or indenture to be performed by the City or by any officer, employee or agent thereof, including the fixing, charging, and collecting of rates, fees, interest, and charges authorized and required by the provisions of such resolution or indenture to be fixed, charged, and collected.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.338 - Refunding bonds—Use of proceeds.

A. The City may issue bonds for the purpose of refunding any bonds then outstanding, including the payment of any redemption premiums thereof and any interest accrued or to accrue to the earliest or any subsequent date or dates of redemption, purchase, or maturity of such bonds.

B. The proceeds of bonds issued for the purpose of refunding any outstanding bonds may, in the discretion of the participating institution and the City, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds, either at their earliest or any subsequent redemption date or dates or upon the purchase or retirement at the maturity thereof and may, pending such application, be placed in escrow, to be applied to such purchase or retirement at maturity or redemption on such date or dates as may be determined by the City.

C. Pending use for purchase, retirement at maturity or redemption of outstanding bonds, any proceeds held in escrow pursuant to Subsection 3.52.338.B may be invested and reinvested as provided in the applicable resolution or indenture. Any interest or other increment earned or realized on any such investment may be applied to the payment of the bonds to be refunded or to the payment of interest on the refunding bonds. After the terms of the escrow have been fully satisfied and carried out, any

balance of such proceeds and any interest or increment earned on such proceeds and any interest or increment earned or realized from the investment thereof may be returned to or upon the order of the participating institution to be used by it for any lawful purpose.

D. All bonds issued pursuant to this Section shall be subject to the provisions of this Division in the same manner and to the same extent as other bonds issued pursuant to this Division.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.339 - Independent validity of bonds.

The validity of the authorization and issuance of any bonds is not dependent on and shall not be affected in any way by any proceedings taken by the City for the making of any loan or the entering into of any agreement, or by the failure to make any loan or enter into any agreement, for which bonds are authorized to be issued under this Division.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

Subdivision 4. - Supplemental Provisions

3.52.340 - Liberal construction.

This Division, being necessary for the welfare of the City and its inhabitants, shall be liberally construed to effect its purposes.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.341 - Effect of omission or defect.

If the jurisdiction of the Council to order the proposed act is not affected, any omission of any officer of the City in proceedings under this Division or any other defect in the proceedings shall not invalidate such proceedings or the bonds issued pursuant to this Division.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.342 - Authority.

This Division is full authority for the issuance of bonds by the City for the purposes specified herein.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.343 - Provisions of this Division are complete, alternative.

This Division shall be deemed to provide a complete, additional, and alternative method for doing the things authorized thereby, and shall be regarded as supplemental and additional to the powers conferred by other laws. The issuance of bonds under the provisions of this Division need not comply with the requirements of any other law applicable to the issuance of bonds. The purposes authorized hereby may be effectuated and the bonds may be issued for any such purposes under this Division notwithstanding that any other law may provide for such purposes or for the issuance of bonds for like purposes and without regard to the requirements, restrictions, limitations or other provisions contained in any other law.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.344 - Inconsistencies with other statutes.

To the extent that the provisions of this Division are inconsistent with the provisions of any general statute, a special act or parts thereof, including the Long Beach Municipal Code provisions or City Charter provisions respecting Revenue Bonds, the provisions of this Division shall be deemed controlling.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

3.52.345 - Supplemental City policies.

The City Council and City staff may, from time to time, establish policies respecting the issuance of bonds hereunder, including a fee schedule for City costs and expenses and minimum requirements for ratings that are assigned to the City's bonds issued hereunder.

(Ord. C-7636 § 1, 1999)

3.52.346 - Partial invalidity.

If any section, subsection, sentence, clause or phrase of this Division is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Division. The City Council hereby declares that it would have adopted this Division and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

(Ord. C-7636 § 1, 1999: Ord. C-5971 § 1 (part), 1983)

DIVISION IV. - LONG BEACH ASSESSMENT DISTRICT BONDS

Subdivision 1. - General Provisions and Definitions

3.52.410 - Citation of Division.

This Division may be cited as the "Long Beach Assessment District Procedural Ordinance."

(Ord. C-5971 § 1 (part), 1983)

3.52.412 - General.

This Division is intended to provide an alternative procedure for the financing by the City of Long Beach of the acquisition or improvement of various public improvements. Such improvements may be payable in whole or in part out of the proceeds of assessments or assessment bonds, and secured by assessments to be levied against benefited property.

(Ord. C-5971 § 1 (part), 1983)

3.52.414 - Definitions.

Unless the context otherwise requires, the terms used in this Division shall have the following meanings:

"Acquisition," or any of its variants, means and includes the acquisition of existing improvements, authorized to be made, constructed or acquired under this Division whether or not such improvements are in existence and installed in place on or before the date of adoption of the resolution of intention for the acquisition thereof.

"Clerk" means the City Clerk of the City of Long Beach.

"Improvement" means and includes all work, improvements, appliances or facilities which the City has the power to finance under its Charter and which are for a public purpose or which are necessary or incidental to a public purpose, including but not limited to the construction, reconstruction, maintenance and repair of all or part of any such work or improvement. "Improvements" shall also include without limitation any use or capacity rights in any improvement, electric current, gas or other illuminating agents for power or lighting service, and any real property, rights-of-way, easements or interests in real property, acquired or to be acquired by gift, purchase or eminent domain, and which are necessary or convenient in connection with the construction or operation of any work of improvement authorized to be acquired or to be made or constructed under this Division. Improvement also includes the conversion of existing electric or communication facilities and the construction, reconstruction or relocation of any other electric or communication facilities which may be incident thereto. For purposes of the preceding sentence, the terms "conversion" and "electric or communication facilities" shall have the meanings given to such terms in Section 5896.2 of the California Streets and Highways Code.

"Install," or any of its variants, includes construct, reconstruct, extend, repair and maintain.

"Legislative body" means the City Council of the City of Long Beach.

"Owner" means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the county recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over the same for himself or herself, or as the executor, administrator, or guardian of the owner. If the property is leased, the possession of the tenant or lessee holding and occupying such property shall be deemed to be the possession of the owner.

Where the City Council determines that less than the fee interest in property is to be assessed pursuant to Section 3.52.421, "owner" shall include the person owning the interest in the property which is to be subject to the lien of the assessment, as reflected in documents duly recorded in the County Recorder's office.

"Report" means the report prepared by the City Engineer pursuant to Sections 3.52.425 and 3.52.426.

(ORD-08-0007 § 1, 2008; Ord. C-5971 § 1 (part), 1983)

3.52.415 - Initiation of proceedings for conversion of electric or communication facilities.

Proceedings for the financing of improvements of the character described in the third and fourth sentence of the definition of "improvement" in Section 3.52.414 shall be initiated either by a petition which describes the boundaries of the proposed assessment district, generally describes the proposed conversion and requests that proceedings for the conversion be taken pursuant to this Division, which petition is signed by the owners of land within the proposed assessment district on which more than one-half (½) of the proposed assessments are to be levied, as such owners are shown by the last equalized assessment roll used by the City or are otherwise known to the City; or a determination by the City Council that the City or a public utility has voluntarily agreed to pay over fifty percent (50%) of all costs of conversion, excluding costs of user's connections to underground electric or communication facilities. Upon presentation of the petition and a certificate by the engineer of work or City Engineer as to the sufficiency thereof, or upon the making of such determination by the City Council, the City Council may adopt a resolution of intention described in Section 3.52.420 with respect to the formation of an assessment district to finance the improvements referred to in this Section.

(ORD-08-0007 § 3, 2008)

Subdivision 2. - Creating District, Resolution of Intention, Report and City Contribution

3.52.420 - Resolution of intention.

Whenever the public interest or convenience requires, the City Council may declare that the City shall finance the construction, installation or acquisition of any improvement by the adoption of a resolution declaring the City's intention to finance such improvement under the provisions of this Division. The resolution of intention shall include the following information:

A. A brief description of the proposed improvements;
B. A brief description of the exterior boundaries of the proposed assessment district;
C. If applicable, provisions for the issuance of bonds to represent any unpaid assessments;
D. Provisions for the disposal of any surplus remaining in the improvement fund after the completion of the improvement.

(Ord. C-5971 § 1 (part), 1983)

3.52.421 - Assessment of less than fee interest.

Where the fee interest in the property to be assessed is vested in the City or another public agency and subject to satisfaction of all other applicable legal requirements, the City Council may impose the lien of the assessment against less than the fee interest, including without limitation a leasehold interest, and the resolution of intent shall describe this lesser interest to be assessed.

(Ord. C-5971 § 1 (part), 1983)

3.52.422 - Authority to create assessment district—Territory includable.

The City Council may make all or a designated portion of the cost and expenses of the acquisition or installation of any improvement, including construction-period interest, chargeable upon an assessment district. The City Council shall designate the assessment district in its resolution of intention, and shall declare it to be the district benefitted by the acquisition or installation and to be assessed to pay so much of the cost and expense thereof as the City Council shall determine. The territory comprising said district may, but need not, include all, or be confined to, or extend beyond, the lots and lands fronting upon the improvement, or be contiguous, and the district may consist of separate and distinct areas or sections. The work performed in one (1) section need not benefit the other section or sections.

(Ord. C-5971 § 1 (part), 1983)

3.52.423 - Manner of description of district.

The district may be described by:

A. Stating its exterior boundaries;
B. Giving a description thereof according to any official or recorded map; or
C. Referring to a plat or map on file in the office of the City Clerk or City Engineer at the time of passing the resolution of intention, which shall indicate by a boundary line the extent of the territory included in the proposed district, and shall govern for all details as to the extent of the assessment district.

(Ord. C-5971 § 1 (part), 1983)

3.52.424 - Proceedings in which description not required.

The assessment district need not be described in any of the notices, resolutions, orders or determinations provided for this Division, other than the resolution of intention. Any description of said district in such other proceedings shall be sufficient if it refers to the resolution of intention for a description of the district.

(Ord. C-5971 § 1 (part), 1983)

3.52.425 - Call for report.

In the resolution of intention the City Council shall refer the proposed improvement to the City Engineer to make and file with the City Clerk a report in writing.

(Ord. C-5971 § 1 (part), 1983)

3.52.426 - Requisites of report.

The Engineer's report shall contain:

A. A brief description of the acquisition or installation of any improvement proposed to be financed, which description may refer to any plans and specifications.

B. An estimate of the total cost of the improvement, an estimate of the amount which would be borne by the City, if any, and the amount to be assessed against the benefitted lands within the assessment district.

C. A diagram showing the assessment district, reference to assessor's parcel numbers or other identification of parcels within the district and, if necessary, the boundaries and dimensions of the parcels or subdivisions of land within the district as they existed at the time of the passage of the resolution of intention. Each parcel or subdivision shall be given a separate number upon the diagram.

D. A proposed assessment of the total amount of the cost and expenses to be assessed upon the several parcels or subdivisions of land in the district, which assessment shall be in proportion to the estimated benefits to be received by such parcels or subdivisions, respectively, from the improvement. When any portion or percentage of the cost and expenses of the improvement is ordered to be paid out of the Treasury of the City of Long Beach or otherwise by unassessed contribution of any governmental entity, the amount of such portions or percentages shall first be deducted from the total estimated cost and expenses of the improvement, and the assessment upon the property proposed in the report shall include only the remainder of the estimated cost expenses. The assessment shall refer to the parcels or subdivisions by their respective numbers as assigned pursuant to Section 3.52.426.E.

E. If it is proposed that the lien of the assessment shall be against less than the fee interest of the land pursuant to Section 3.52.421, a description of this lesser interest. The report need not be detailed and shall be sufficient if it provides adequate information from which to identify the improvements, the cost of installation or acquisition, the boundaries of the assessment district and the manner of assessment of property within the district.

(Ord. C-5971 § 1 (part), 1983)

3.52.427 - Consideration of report—Modification.

The report provided for in Sections 3.52.425 and 3.52.426 shall be filed with the City Clerk and the Clerk shall present it to the City Council for consideration. The City Council may modify it in any respect. The report as modified shall stand as the report for the purpose of all subsequent proceedings except that it may be confirmed, modified, or corrected as provided in this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.428 - Authority for City or other governmental entities to contribute to cost.

At any time or times prior to confirmation of the assessment, the City Council may provide for a contribution or contributions by the City or other governmental entities of any part of the cost and expenses of the proposed work, and it shall not be necessary to set forth or give notice of such contribution in the resolution of intention or in any other proceedings under this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.429 - Appropriation of contribution by installments.

The City Council may, in its discretion, provide that any contribution being made pursuant to Section 3.52.428 may, to the extent of the fund so designated, be appropriated in such installments as the City Council may determine, provided that the total amount of such installments shall have been appropriated at or prior to the completion of the work.

(Ord. C-5971 § 1 (part), 1983)

Subdivision 3. - Hearing and Notice

3.52.430 - Time of hearing.

After passing on the report, the City Council by resolution shall appoint a time and place for hearing protests to the proposed improvement and shall direct the City Clerk to give notice of the hearing as provided in this Division, and shall designate a daily or weekly newspaper published and circulated in the City in which the notice shall be published. The first publication of said notice shall be made not less than ten (10) days prior to the date of the public hearing stated in said resolution. The hearing shall be held not less than twenty (20) days after the passage of the resolution.

(Ord. C-5971 § 1 (part), 1983)

3.52.431 - Notice of improvement—Posting.

After the passage of the resolution of intention, the filing of the report, and the setting of the time and place for hearing protests, the City Clerk shall cause notices of the passage of the resolution to be posted. The notices shall be posted conspicuously on all open streets within the district, at not more than three hundred feet (300') apart on each street so posted, but not less than three (3) in all.

The notices shall:

A. Be headed "notice of improvement," in letters of not less than one inch (1") in height;
B. In legible characters state the fact and date of passage of the resolution of intention, the filing of the report and the time and place set for hearing of protests;
C. Briefly described the improvement proposed to be financed;
D. Refer to the resolution of intention and report for further particulars;

E. All posting must be fully completed at least ten (10) days before the date set for hearing protests or objections.

(Ord. C-5971 § 1 (part), 1983)

3.52.432 - Publication of notices.

The City Clerk shall cause a notice similar in substance to the notice described in Section 3.52.431 to be published pursuant to Section 6066 of the Government Code. The notice shall be posted and first published at least ten (10) days before the date set for hearing of protests.

(Ord. C-5971 § 1 (part), 1983)

3.52.433 - Substantial compliance sufficient.

No proceeding shall be held invalid for failure to post any street or streets if Sections 3.52.432 and 3.52.434 have been substantially complied with.

(Ord. C-5971 § 1 (part), 1983)

3.52.434 - Notice to property owners.

At least fifteen (15) days before the date set for hearing of protests, the City Clerk shall mail, postage prepaid, notices of the adoption of the resolution of intention and the filing of the report to all persons owning real property proposed to be assessed whose names and addresses appear on the last equalized assessment roll for City taxes, as updated by the County Assessor, or who are known to the City Clerk. If it is proposed to assess less than the fee interest of the property, notice shall also be mailed to the owner of the interest proposed to be assessed. The failure of the City Clerk to mail the notice to any property owner or the failure of any property owner to receive the notice shall not affect the validity of any proceedings taken under this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.435 - Contents of notice to property owners.

The notice shall contain:

A. A statement of the time, place, and purpose of the hearing on the resolution of intention and report;
B. A statement of the total estimated cost of the proposed improvement, and whether such improvement is to be acquired, installed or constructed;
C. The estimated amount, as shown by the report, to be assessed against the particular parcel covered by the notice, and the legal interest in real property to be assessed;
D. A statement that any person interested may file a protest in writing as provided in this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.436 - Affidavit of Clerk.

Upon the completion of the mailing of the notices, the City Clerk shall file with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of this Division for publishing, posting, and mailing notices.

(Ord. C-5971 § 1 (part), 1983)

Subdivision 4. - Protest

3.52.440 - Protests.

Any interested person may object to the proposed improvement, the extent of the assessment district, or to the proposed assessment by filing a written protest with the City Clerk at or before the time set for the hearing. Such protest must contain a description of the property in which each signer thereof is interested sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll (as updated by the County Assessor) as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property or the parties to be assessed. The Clerk shall endorse on each protest the date of its receipt, and at the time appointed for the hearing shall present to the City Council all filed protests.

Any document filed as a "protest" before the City Council orders the publication of the resolution of intention shall not be considered a protest in compliance with this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.441 - When further proceedings barred.

If the protests are against the proposed improvement and the City Council finds that such protests are signed by the owners of more than one-half (½) of the area of the land included within the assessment district, all further proceedings under the resolution of intention are barred, unless the protests are overruled by an affirmative vote of two-thirds (2/3) of the members of the City Council. The City Council may confirm, modify, or reject the proposed assessment.

(Ord. C-5971 § 1 (part), 1983)

3.52.442 - Majority protest.

If it shall be necessary, in order to find whether a majority protest exists, to determine whether any or all of the signers of written protests are the "owners" of the property to be assessed, the City Council shall make such determination from the last equalized assessment roll, any written evidence submitted with a written protest and any other evidence received at the hearing. The City Council shall be under no duty to obtain or consider any other evidence as to ownership of the property and its determination of ownership shall be final and conclusive.

(Ord. C-5971 § 1 (part), 1983)

3.52.443 - Right of mortgagee or beneficiary to protest on certain acquisitions.

If the proposed improvement includes the acquisition of any improvements constructed pursuant to the provisions of the Subdivision Map Act (commencing at Section 66410, California Government Code) and such improvements were financed, in whole or in part, from the proceeds of any loan secured by a mortgage or deed of trust upon any lands within the proposed assessment district, upon submission of evidence satisfactory to the City Council of the foregoing, the mortgagee or beneficiary under any such mortgage or deed of trust may protest in the same manner and to the same extent as the owner of such lands.

(Ord. C-5971 § 1 (part), 1983)

3.52.444 - Protests—Confirmation of assessment.

When upon the hearing the proposed assessment is confirmed as filed, modified, or corrected, the City Council by resolution shall approve the acquisition or installation of the proposed improvement, declare that the funds collected from the assessments or sale of bonds be utilized for said purposes and declare its action upon the report and assessment. The resolution shall be final as to all persons, and the assessment thereby levied upon the respective parcels or subdivisions of land in the assessment district.

(Ord. C-5971 § 1 (part), 1983)

3.52.445 - Waiver of protest by unanimous consent.

Notwithstanding anything in Subdivisions 3 or 4 of this Division, the owners of property to be assessed, together with any mortgagee or beneficiary described in Section 3.52.443 may waive, by unanimous consent, the right to notice, protest and hearing provided in Subdivisions 3 and 4, in which case the City Council may confirm, modify or reject the assessment by resolution without such notice and hearing.

(Ord. C-5971 § 1 (part), 1983)

Subdivision 5. - Change of Work, Boundaries of Assessment District, Amounts of Assessments or Proceedings

3.52.450 - Change of work, boundaries of assessment district, amounts of assessments or proceedings and construction of provisions.

Changes of work, boundaries, assessments or the like shall be permitted in accordance with the provisions of the Municipal Improvement Act of 1913, Division 12, Chapter 4.5 of the California Streets and Highways Code, Sections 10351 through 10358. Said provisions are hereby adopted and referred to and made part of this Division with the same force and effect as though specifically set forth herein, and, as so adopted, shall be construed to conform to and be consistent with the provisions of this Division.

(Ord. C-5971 § 1 (part), 1983)

Subdivision 6. - Levying and Collecting the Assessment

3.52.460 - Levying and collecting the assessment.

The manner in which the assessment shall be levied and collected shall be as provided in the Municipal Improvement Act of 1913, Division 12, Chapter 5 of the California Streets and Highways Code, Sections 10404 and 10425 through 10430. Said provisions are hereby adopted and referred to and made part of this Division with the same force and effect as though specifically set forth herein, and as so adopted, shall be construed to conform to and be consistent with the provisions of this Division.

(Ord. C-5971 § 1 (part), 1983)

Subdivision 7. - Assessment Bonds

3.52.470 - Assessment bonds.

Any assessment bonds issued under this Division may be issued as provided for in the Improvement Act of 1911, Division 7, Part 5 of the California Streets and Highways Code commencing with Section 6400 thereof; or in the Improvement Bond Act of 1915, Division 10 of said Streets and Highways Code commencing with Section 8500; and except for those exceptions and amendments provided in Sections

3.52.471 through 3.52.475 of this Subdivision inclusive, are hereby adopted and referred to and made part of this Division with the same force and effect as if specifically set forth herein, and as so adopted, shall be construed to conform to and be consistent with the provisions of this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.471 - Provisions of Improvement Bond Act of 1915 excepted.

Sections 8502 and 8809 of the California Streets and Highways Code are expressly excluded from the operative effect of Section 3.52.470 and are inapplicable to the City of Long Beach in the context of this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.472 - Section 8652 of Improvement Act of 1915 amended.

Notwithstanding the provisions of Section 3.52.470, Section 8652 of the Streets and Highways Code are incorporated herein, shall read as follows:

The bonds shall be in the form prescribed by resolution of the City Council. By way of example only, the Bonds may be in substantially the following form:

CITY OF LONG BEACH
ASSESSMENT BOND
(NAME OF PROJECT)

Under and by virtue of the Long Beach Assessment District Procedural Ordinance, and that certain resolution of issuance dated _____, 19 _____, (the "Resolution"), the City of Long Beach (the "Issuer") will on the _____ day of _____, 19 _____, out of the redemption fund for the payment of the bonds issued upon the assessment made for the work upon and improvements on certain streets (or on _____ Street, or in improvement district No. _____, or on certain rights-of-way owned by, or by other suitable description), [or for the laying out, opening, extending, widening, straightening or acquiring of certain streets], as they are more particularly set forth and described in a resolution of intention passed by the City Council on the _____ day of _____, 19 _____, pay to, or registered assigns, the sum of _____ ($_____) with interest thereon from the interest payment date preceding the date of registration of this Bond to which interest has been paid or duly provided for (unless this Bond is registered as of an interest payment date, in which event it shall bear interest from said date; or unless this Bond is registered after a regular record date (which shall be the _____ day of the month preceding an interest payment date) and before the following interest payment date, and if the Issuer shall not default in the payment of interest due on such interest payment date, in which event it shall bear interest from such interest payment date; or unless this Bond is registered prior to the first regular record date, in which event it shall bear interest from _____) until payment of such principal sum shall be discharged as provided in the Resolution, at the rate of _____ percent (_____%) per annum, payable on _____ in each year. The principal (or redemption price) hereof is payable upon surrender hereof at the office of the Treasurer of the City of Long Beach, California, and the interest hereon is payable by check or draft mailed to the person in whose name this Bond (or one (1) or more predecessor Bonds) is registered as of the close of business on the regular record date preceding the applicable interest payment date (subject to certain exceptions set forth in the Resolution) at such person's address as it appears on the registration books of the Trustee.

This bond is one (1) of several annual series of bonds of like date, tenor and effect, but differing in amounts and maturities, issued by the City of Long Beach under said ordinance for the purpose of providing means for paying for the work and improvement described in said resolution of intention, and is secured by the moneys in said redemption fund and by the unpaid assessments made for the payment of said work, and, including principal and interest, is payable exclusively out of said fund.

This bond is issued on the express condition that the City of Long Beach has no obligation whatsoever to include in any tax levy any amount, or to levy a special tax, for the purpose of paying any delinquent assessment or interest, or for the purpose of paying for lands purchased or to be purchased at any tax sale or foreclosure held under provisions of the aforementioned Long Beach Assessment District Procedural Ordinance, or for the purpose of paying the installment of any assessment or of interest thereon.

The interest is payable _____ to wit: On _____ in each year hereafter; provided, that the first installment is for the interest to the second day of _____, 19 _____, and thereafter the interest installments are for the semiannual interest.

The Bonds are issuable only as fully registered Bonds without coupons. Subject to the limitations and upon payment of the charges, if any, provided in the Resolution, Bonds may be exchanged at the office of the Treasurer of the City of Long Beach, California for a like aggregate principal amount of Bonds of other authorized denominations.

The transfer of the Bond is registrable on the registration books of the Treasurer upon surrender of this Bond for registration of transfer at the aforesaid offices of the Treasurer, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Treasurer duly executed by, the registered owner hereof in person or by his attorney duly authorized in writing, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the Resolution. Upon such registration of transfer a new Bond or Bonds, of any authorized denomination or denominations, of the same maturity for the same aggregate principal amount, will be issued to the transferee in exchange herefor.

The Issuer and the trustee, if any, may treat the person in whose name this Bond is registered as the absolute owner hereof for all purposes, and the Issuer and such trustee shall not be affected by any notice to the contrary.

This bond will continue to bear interest after maturity at the rate above stated; provided, it is presented at maturity and payment therefor is refused upon the sole ground that there are not sufficient monies in said redemption fund with which to pay same. If it is not presented at maturity interest thereon will run until maturity.

This bond may be redeemed and paid in advance of maturity upon the _____ day of _____ in any year by giving the notice provided in the Resolution and by paying principal and accrued interest together with a premium [if applicable] equal to _____.

In witness whereof, said _____ of _____ has caused this bond to be signed by the Treasurer of the City of Long Beach and by the City Clerk and has caused the City Clerk to affix thereto its corporate seal all on the _____ day of _____, 19 _____.

_____
City Treasurer

_____

City Clerk

(Ord. C-5971 § 1 (part), 1983)

3.52.473 - Section 8804 of Improvement Bond Act of 1915 amended.

Notwithstanding the provisions of Section 3.52.470, Section 8804 of the Streets and Highways Code as incorporated herein, shall read as follows:

> The City Council may, but need not, direct, in the proceedings for the issuance of the bonds, that, notwithstanding the provisions of Section 8805 of the California Streets and Highways Code, the City shall, unless a resale has been made by it, from time to time when due pay and transfer into the redemption fund from such funds as may be available at the end of any fiscal year the amount of any future delinquent installments of the assessment and interest thereon pending redemption, and no redemption shall be made until any such subsequent payments, with interest and penalties, shall also be paid. If there are no available funds in the Treasury of the City of Long Beach with which to make payment of the amount of the delinquent assessment and interest for which the property was sold, the tax collector or City Treasurer—Revenue Officer shall delay the entry of the certificate of sale until such funds are available. However, the period of redemption from such tax sale shall not be extended thereby nor shall the rights or privileges of the property owner be in any way affected.

(Ord. C-5971 § 1 (part), 1983)

3.52.474 - Section 8806 of the improvement Bond Act of 1915 amended.

Notwithstanding the provisions of Section 3.52.470, Section 8806 of the Streets and Highways Code as incorporated herein, shall read as follows:

> The City Council may, but need not, direct in the proceedings for the issuance of the Bonds that, notwithstanding the provisions of Section 8805 of the California Streets and Highways Code, the City shall, unless a resale has been made by it, from time to time when due pay and transfer into the redemption fund from such funds as may be available at the end of any fiscal year the amount of any future delinquent installments of the assessment and interest thereon pending redemption, and no redemption shall be made until any such subsequent payments, with interest and penalties, shall also be paid.

(Ord. C-5971 § 1 (part), 1983)

3.52.475 - Section 8650 of the Improvement Bond Act of 1915 amended.

Notwithstanding the provisions of Section 3.52.470, Section 8650 of the Streets and Highways Code as incorporated herein, shall read as follows:

> Except as the City Council body shall provide otherwise under Section 8650.1, the bonds shall be issued in series and a portion of the aggregate principal sum thereof shall be payable annually commencing not later than 3 years from the date of issue. The bonds shall bear interest at a rate or rates to be fixed by the City Council from the 31st day after recording the assessment, or from their date if the work was done under the Municipal Improvement Act of 1913, on all sums unpaid, until the whole of the principal sum and interest are paid.
>
> Interest shall be payable at the times and in the manner provided by resolution of the City Council.

(Ord. C-5971 § 1 (part), 1983)

3.52.476 - Previously initiated proceedings.

The City Council may determine that assessment bonds shall be issued as provided in this Subdivision 7 represent and be secured by assessments which shall be made to pay the cost of any improvement which is made in any of the streets, avenues, lanes, alleys, courts, public places or public ways of the City, or in, over, or through any property or rights-of-way owned by the City, and which is authorized in proceedings initiated either prior to or subsequent to the effective date of this Division, by the Municipal Improvement Act of 1913, Division 12 of the California Streets and Highways Code or by the improvement Act of 1911, Division 7 of the California Streets and Highways Code or which is made to pay the cost of any other improvement which is charged and assessed upon real property pursuant to any other provision of law, including any other provision of the Long Beach Municipal Code.

(Ord. C-5971 § 1 (part), 1983)

Subdivision 8. - Urgency Proceedings

3.52.480 - Urgency proceedings.

In the event there is an urgent need to proceed with an improvement, the acquisition, construction, repair or installation of which is required to be commenced in advance of the completion of assessment proceedings under this Division, the City Council may declare that such an urgent need exists for the acquisition and improvements and by resolution may direct that the City proceed with the project and that funds be advanced therefor. Thereafter, the City shall cause assessment proceedings to be instituted under this Division.

At the completion of such proceedings, the assessments collected, either in cash or through the sale of bonds, may be paid directly to the City in reimbursement of funds advanced by the City.

(Ord. C-5971 § 1 (part), 1983)

Subdivision 9. - Miscellaneous

3.52.490 - Rules of construction.

This Division shall be liberally construed in order to effectuate its purposes. No error, irregularity, informality and no neglect or omission of any officer, in any procedure taken under this Division, which does not directly affect the jurisdiction of the City Council to order the work or improvement, shall avoid or invalidate such proceeding or any assessment for the cost of work done thereunder. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the City Council in accordance with the provisions of this Division.

(Ord. C-5971 § 1 (part), 1983)

3.52.492 - Resumption of hearings not regularly adjourned.

Whenever in any proceedings under this Division, a time and place for any hearing by the City Council is fixed and, from any cause, the hearing is not then and there held or regularly adjourned to a time and place fixed, the power of the City Council in the premises shall not thereby be divested or lost, but the City Council may proceed anew to fix a time and place for the hearing, and cause notice thereof to be given by

publication by at least one (1) insertion in a daily, semiweekly or weekly newspaper, such publication to be at least five (5) days before the date of the hearing, and thereupon the City Council shall have power to act as in the first instance.

(Ord. C-5971 § 1 (part), 1983)

3.52.494 - Nonexclusiveness of division.

This Division is not exclusive. The City Council shall have power to provide other procedures or to follow procedures and powers now or hereafter provided by general law for the financing of improvements authorized hereunder. The procedures and powers herein are alternative to such other procedures and powers. When proceeding under this Division, its provisions only need to be followed.

(Ord. C-5971 § 1 (part), 1983)

3.52.496 - Incorporation effect.

When provisions of general law or acts are incorporated in this Division, such incorporation shall be interpreted to mean the wording of the general law or acts then in effect at the date the City Council adopts its resolution of intention to participate in a project, unless the City Council shall provide otherwise.

(Ord. C-5971 § 1 (part), 1983)

3.52.498 - Necessary or convenient procedure authorized.

Any procedure not expressly set forth in this Division but deemed necessary or convenient to carry out any of its purposes is authorized.

(Ord. C-5971 § 1 (part), 1983)

DIVISION V. - SPECIAL TAX FINANCING IMPROVEMENT PROCEDURES

Subdivision 1. - General Provisions

3.52.511 - Short title.

This Division shall be known and may be cited as the "Long Beach Special Tax Financing Improvement Law."

(Ord. C-6611 § 1, 1989)

3.52.512 - Municipal and State affairs—Authority conferred by Division—Applicability of laws.

In any proceedings undertaken pursuant to this Division as municipal affairs, any general laws referred to in this Division are deemed a part of this Division.

In the event that any proceeding undertaken pursuant to this Division shall be adjudged a State affair it shall be declared and deemed to be intended that the proceedings were had pursuant to any applicable general law or laws.

This Division provides an alternative method of financing certain public and private capital facilities and municipal services. The provisions of this Division shall not affect or limit any other provisions of law authorizing or providing for the furnishing of facilities or services, or the raising of revenue for these

purposes. The City may use the provisions of this Division instead of or in conjunction with any other method of financing part or all of the cost of providing the authorized kinds of public and private capital facilities and municipal services.

(Ord. C-6611 § 1, 1989)

3.52.513 - Conflicting provisions—Severability.

A. Any provision in this Division which conflicts with any general law or act shall prevail over the other such provision in connection with any proceedings taken pursuant to this Division.

B. In the event any portion of this Division shall be declared illegal, unenforceable, or unconstitutional, such provision shall be deemed severable from the rest of the provisions of this Division.

(Ord. C-6611 § 1, 1989)

3.52.514 - Actions or determinations—Proceedings.

The City Council may take any actions or make any determinations which it determines are necessary or convenient to carry out the purposes of this Division and which are not otherwise prohibited by law.

(Ord. C-6611 § 1, 1989)

3.52.515 - Definitions.

Unless the context otherwise requires, the definitions contained in this Section shall govern the construction of this Division.

A. "Clerk" means the City Clerk of the City of Long Beach.

B. "Community facilities district" or "district" means a district established pursuant to this Division for the purpose of financing facilities and/or services.

C. "Cost" means the expense of constructing or purchasing the facility and of related land, right-of-way, easements, including incidental expenses, and the cost of providing authorized services, including incidental expenses.

D. "Debt" means any binding obligation to repay a sum of money, including obligations in the form of bonds, certificates of participation, long-term leases, loans from government agencies, or loans from banks, other financial institutions, private businesses or individuals.

E. "Incidental expense" includes all of the following:

1. The cost of planning and designing facilities to be financed pursuant to this Division, including the cost of environmental evaluations of those facilities;
2. The costs associated with the creation of the district, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the district;
3. Any other expenses incidental to the management, administration, completion, and inspection of the construction and/or acquisition of the facilities.

F. "Landowner" or "owner" or "owner of land" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of the land by the City Clerk. Notwithstanding the foregoing, "landowner" or "owner" or "owner of land" means, with respect to any land which is the subject of condemnation action, the person entitled to possession of the land. The City Council has no obligation to obtain other information as to the ownership of the land, and its determination of ownership shall be final and conclusive for the purposes of this Division. The City or any other public agency is not a landowner or owner of land for purposes of

this Division, unless the land owned by the City or any public agency or any leasehold therein would be subject to a special tax levied pursuant to this Division as provided in Sections 3.52.5113 or 3.52.5114

G. "Legislative body" means the legislative body or governing board of any local agency, and with respect to the City shall mean the City Council.

H. "Local agency" means any City or County, whether general law or chartered, special district, redevelopment agency, school district, joint powers entity created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1, or any other municipal corporation, district, or political subdivision of the State.

I. "Rate" means a single rate of tax or a schedule of rates.

(Ord. C-6611 § 1, 1989)

3.52.516 - Establishment of a community facilities district to finance certain services.

A community facilities district may be established under this Division to finance any one (1) or more municipal services within an area including, but not limited to, the following:

A. Police protection services, including, but not limited to, criminal justice services. Criminal justice services shall not be limited to providing services for jails, detention facilities, and juvenile halls;

B. Fire protection and suppression services, and ambulance and paramedic services;

C. Recreation program services, library services and the operation and maintenance of parks, parkways, open space, and museums and cultural facilities;

D. Flood and storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems;

E. Maintenance of sanitary sewer system facilities and storm drainage facilities of the City including, but not limited to, sanitary sewer mains, laterals, manholes, pump stations, and appurtenances of the City to convey, treat, and dispose of sewage, and all storm drainage lines, mains, inlets, channels and all appurtenances of the system of the City designed to convey storm waters by cleaning, repairing and removal of debris, rubbish and other solid waste;

F. Any other municipal services which the City is authorized by law to provide.

For purposes of this Division, municipal services that may be financed include the performance by employees of functions, operations, maintenance and repair activities.

(Ord. C-6611 § 1, 1989)

3.52.517 - Other financing powers of a community facilities district.

A community facilities district may also finance the purchase, construction, expansion, improvement or rehabilitation of any real or other tangible property with an estimated useful life of three (3) years or longer or may finance planning and design work which is directly related to the purchase, construction, expansion or rehabilitation of any real or tangible property. The facilities need not be physically located within the district. A district may finance the purchase of facilities whose construction has been completed before or after the adoption of the resolution of formation if the facility is or was constructed pursuant to plans approved by the City, and the facility is inspected by the City and found to be in compliance with applicable City building codes and standards. For example, a community facilities district may finance facilities, including, but not limited to, the following:

A. Local park, recreation, parkway, and open space facilities;

B. Elementary and secondary school sites and structures;

C. Libraries;

D. The district may also finance the construction or undergrounding of natural gas pipeline facilities, telephone lines, facilities for the transmission or distribution of electrical energy, and cable television lines. The district may enter into an agreement with a public utility to utilize those facilities to provide a particular service and for the conveyance of those facilities to the public utility. Any reimbursement by the public utility made to the district shall be utilized to reduce or minimize the special tax levied within the district or improvement area, or to construct or acquire additional facilities within the district or improvement area, as specified in the resolution of formation;

E. The district may also pay in full all amounts necessary to eliminate any fixed special assessment lines or to repay or defease any indebtedness secured by any tax, fee, charge, or assessment levied within the area of a community facilities district or may pay debt service on that indebtedness;

F. Improvements to or rehabilitation of real property related to fire suppression and/or asbestos removal;

G. Any other facilities, public or private, which the City is authorized by law to contribute revenue to, or construct, own or operate.

(Ord. C-6611 § 1, 1989)

3.52.518 - School facilities financed by a community facilities district—Cost sharing by State Allocation Board—Ownership transferred to State—Savings.

A. All or any part of the cost of any school facilities financed by a community facilities district may be shared by the State Allocation Board pursuant to Section 17718.5 of the California Education Code.

B. If the State Allocation Board shares in any part of the cost of the school facilities, the ownership of those facilities and the real property upon which the facilities are located shall be transferred to the State of California. A copy of the deed by which the title is transferred shall be recorded in the office of the County Recorder of the County in which the property is located. The deed shall be indexed by the County recorded in the grantor-grantee index to the name of the school district as grantor and to the State of California as grantee. In addition, the community facilities district shall take one (1) or more of the following actions:

1. Reduce the amount of bonds authorized to be issued by the community facilities district;
2. Reduce the amount of any special tax which is levied within the community facilities district;
3. Reduce the amount of outstanding bonds or provide for the defeasance of outstanding bonds;
4. Shorten the period of time during which a special tax is levied within the community facilities district.

C. The amount of savings achieved pursuant to the actions taken in accordance with Subsection B of this Section shall be in an amount equal to the amount of costs shared by the State Allocation Board pursuant to Section 17718.5 of the California Education Code.

D. The City Council hereby finds and declares that this Section 3.52.518 is intended to be in furtherance and not in derogation of education and school financing, and thus an appropriate part of this Division despite the fact that education is a State affair.

(Ord. C-6611 § 1, 1989)

3.52.519 - Transfer of funds—Use of money—Interest.

The City Council may from time to time transfer moneys to a community facilities district or to a zone within a community facilities district, for the benefit of the district or zone, from any funds available to the City. The City Council also may appropriate any of the City's available moneys to a revolving fund to be used for the acquisition of real or personal property, engineering or other services, or the construction of structures or improvements needed in whole or in part to provide one (1) or more of the facilities or services of a community facilities district.

The district may reimburse the City for any amount transferred or appropriated pursuant to this Section 3.52.519, together with interest at the rate per annum, as determined by the City Council.

(Ord. C-6611 § 1, 1989)

3.52.5110 - Advances of funds or work in-kind—Acceptance by legislative body—Use—Repayment—Agreement—Conditions.

A. At any time either before or after the formation of a community facilities district, the City Council may accept advances of funds or work in-kind from any source, including, but not limited to, private persons or private entities and may provide for the use of those funds or that work in-kind for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating a community facilities district. The City Council may enter into an agreement with the person or entity advancing the funds or work in-kind to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work in-kind, as determined by the City Council, with or without interest, under all of the following conditions:
    1. The proposal to repay the funds or the value or cost of the work in-kind, whichever is less, is included in the resolution of intention or the resolution of formation to establish the district, or in the resolution of consideration to alter the types of public facilities and services provided within an established district;
    2. Any proposed special tax or change in special tax is approved by the qualified electors of the district pursuant to this Division. Any agreement may specify that if the qualified electors of the district do not approve the proposed special tax or change in a special tax, the local agency shall return any funds which have not been committed for any authorized purpose by the time of the election to the person or entity advancing the funds;
    3. Any work in-kind accepted pursuant to this Section shall have been performed or constructed pursuant to plans approved by the City, and the work in-kind shall be inspected by the City and found to be in compliance with applicable City building codes and standards.

B. Any such agreement shall not constitute a debt or liability of the City.

(Ord. C-6611 § 1, 1989)

3.52.5111 - Liberal construction of Division—Error—Irregularity, neglect or omission.

This Division shall be liberally construed in order to effectuate its purposes. No error, irregularity, informality, and no neglect or omission of any officer, in any procedure taken under this Division, which does not directly affect the jurisdiction of the City Council to order the installation of the facility or the provision of service, or the levy of the special taxes, shall void or invalidate such proceeding or any levy for the costs of a facility or service.

(Ord. C-6611 § 1, 1989)

3.52.5112 - Failure to receive notice, resolution, order, or other matter not affecting proceedings.

The failure of any person to receive a notice, resolution, order, or other matter shall not affect in any way whatsoever the validity of any proceedings taken under this Division, or prevent the legislative body from proceeding with any hearing so noticed.

(Ord. C-6611 § 1, 1989)

3.52.5113 - Special tax—Property acquired by public entity through negotiated transaction or by gift or devise—Voluntary application of special tax.

If property not otherwise exempt from a special tax levied pursuant to this Division is acquired by a public entity through a negotiated transaction, or by gift or devise, the special tax shall, notwithstanding Section 3.52.551, continue to be levied on the property acquired and shall be enforceable against the public entity that acquired the property.

Notwithstanding any other provision of this Division, any public agency other than a City, county or school district may subject property owned by it to the levy of special taxes, if it shall certify to the City Council: (a) its agreement to do so, (b) that it intends to dispose of such property by transfer to a nongovernmental agency at some time in the future, and (c) that it agrees to cooperate in the sale of the property if necessary to obtain funds to pay any special taxes levied upon such property.

(Ord. C-6611 § 1, 1989)

3.52.5114 - Special tax—Special assessment on property acquired by public entity through eminent domain.

If property subject to a special tax levied pursuant to this Division is acquired by the City or any public entity or entities through eminent domain proceedings, the obligation to pay the special tax shall be treated, pursuant to Section 1265.250 of the California Code of Civil Procedure as if it were a special annual assessment. For this purpose, the present value of the obligation to pay a special tax to pay the principal and interest on any indebtedness incurred by the district prior to the date of apportionment determined pursuant to Section 5082 of the California Revenue and Taxation Code shall be treated the same as a fixed lien special assessment.

(Ord. C-6611 § 1, 1989)

3.52.5115 - Application of Division—Municipal officials—Powers and duties.

This Division applies insofar as the City has the power to install or contribute revenue for any of the facilities or provide or contribute revenue for any of the services authorized under this Division. The officers of the City who have similar powers and duties as the municipal officers referred to in this Division shall have the powers and duties given by this Division to the municipal officials. Where no similar officer exists, the City Manager of the City shall appoint a person or designate an officer to perform the duties under this Division.

(Ord. C-6611 § 1, 1989)

3.52.5116 - Joint community facilities agreement or joint exercise of powers agreement.

A. The City Council may enter into a joint community facilities agreement with any other local agency pursuant to this Division or into a joint exercise of powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the California Government Code to exercise any power authorized by this Division if the City Council adopts a resolution declaring that such a joint agreement would be beneficial to the residents of the City or the district.

B.

Notwithstanding Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the California Government Code, a contracting party may use the proceeds of any special tax or charge levied pursuant to this Division or of any bonds or other indebtedness issued pursuant to this Division to provide facilities or services which that contracting party is otherwise authorized by law to provide, even though another contracting party does not have the power to provide those facilities or services.

C. The agreement entered into pursuant to this Section 3.52.5116 may provide for the division of responsibility to provide any of the facilities or services among the entities entering into the agreement. The agreement shall provide for the allocation and distribution of the proceeds of any special tax levy among the parties to the agreement.

(Ord. C-6611 § 1, 1989)

Subdivision 2. - Proceedings to Create a Community Facilities District

3.52.521 - Institution of proceeding—Request—Petition—Fee.

Proceedings for the establishment of a community facilities district may be instituted by the City Council on its own initiative and shall be instituted by the City Council when any of the following occurs:

A. A written request for the establishment of a district, signed by two (2) members of the legislative body, describing the boundaries of the territory which is proposed for inclusion in the district and specifying the type or types of facilities and/or services to be financed by the district, is filed with the legislative body;

B. A petition requesting the institution of the proceedings signed by the requisite number of registered voters, as specified in Subsection D of Section 3.52.523, is filed with the City Clerk. The petition may consist of any number of separate instruments, each of which comply with all of the requirements of the petition, except as to the number of signatures;

C. A petition requesting the institution of the proceedings signed by landowners owning the requisite portion of the area of the proposed district, as specified in Subsection D of Section 3.52.523, is filed with the City Clerk.

The written request filed pursuant to Subsection A of this Section and the petitions filed pursuant to Subsections B and C of this Section shall be accompanied by the payment of a fee in an amount which the Finance Director determines is sufficient to compensate the City for all costs incurred in conducting proceedings to create a district pursuant to this Division, and shall not be considered received until such payment has been made to the City.

(Ord. C-6611 § 1, 1989)

3.52.522 - Prohibition of LAFCO from review, approval or disapproval of creation of or annexation or detachment of territory from a district.

Notwithstanding Paragraph (2) of Subdivision (a) of Section 54790 of the California Government Code, a local agency formation commission shall have no power or duty to review and approve or disapprove a proposal to create a community facilities district or a proposal to annex territory to, or detach territory from, such district, pursuant to this Division.

(Ord. C-6611 § 1, 1989)

3.52.523 - Petition—Contents—Findings as to requisite number of signers.

A petition requesting the institution of proceedings for the establishment of a community facilities district shall do all of the following:

A. Request the City Council to institute proceedings to establish a community facilities district pursuant to this Division;
B. Describe the boundaries of the territory which is proposed for inclusion in the district;
C. Generally state the type or types of facilities and/or services to be financed by the district;
D. Be signed by not less than ten percent (10%) of the registered voters residing within the territory proposed to be included within the district or by owners of not less than ten percent (10%) of the area of land proposed to be included within the district.

If the City Council finds that the petition is signed by the requisite number of registered voters residing within the territory proposed to be included within the district or by the requisite number of owners of land proposed to be included within the district, that finding shall be final and conclusive.

(Ord. C-6611 § 1, 1989)

3.52.524 - Resolution of intention to establish district—Time for adoption.

Within six (6) months after either a written request by two (2) members of the City Council or a petition requesting the institution of proceedings for the establishment of a community facilities district is filed with the City Clerk, it shall adopt a resolution of intention to establish a community facilities district in the form specified in Section 3.52.525.

(Ord. C-6611 § 1, 1989)

3.52.525 - Resolution of intention to establish district—Contents.

Proceedings for the establishment of a community facilities district shall be instituted by the adoption of a resolution of intention to establish the district which shall do all of the following:

A. State that a community facilities district is proposed to be established under the terms of this Division and describe the boundaries of the territory proposed for inclusion in the district, which may be accomplished by a reference to a map on file in the office of the City Clerk, showing the proposed community facilities district;
B. State the name proposed for the district in substantially the following form: "Community Facilities District No. _____ of the City of Long Beach";
C. Generally state the type or types of facilities and/or services proposed to be financed by the district pursuant to this Division. If the purchase of completed facilities or the incurring of incidental expenses is proposed, the resolution may identify those facilities or expenses;
D. State that, except where funds are otherwise available, a special tax sufficient to pay for all facilities and/or services, secured by recordation of a continuing lien against all nonexempt real property in the district, will be annually levied within the area of the district. The resolution shall specify the rate and method of apportionment and manner of collection of the special tax in sufficient detail to allow each landowner or resident within the proposed district to estimate the maximum amount that he or she will have to pay;
E. Fix a time and place for a public hearing on the establishment of the district which shall not be less than ten (10) or more than sixty (60) days after the adoption of the resolution and direct the giving of notice as provided in Section 3.52.527 and, if desired, Section 3.52.528 hereof;

F. Direct the preparation and filing of the report under Section 3.52.526 hereof;

G. Contain a description of the proposed voting procedure.

(Ord. C-6611 § 1, 1989)

3.52.526 - Report and estimate of costs by responsible officers—Part of hearing record.

At the time of the adoption of the resolution of intention to establish a community facilities district, the City Council shall direct the Finance Director or another appropriate officer to file or cause to be prepared and filed at or before the time of the hearing, a report with the City Clerk containing a brief description of the facilities and services proposed to be financed by type and an estimate of the cost of providing those facilities and services, together with an estimate of the costs of any bond issuance and the City's administration of the district. If the purchase of completed facilities or the payment of incidental expenses is proposed, the report shall contain an estimate of the cost of those facilities or incidental expenses. The report shall be made a part of the record of the hearing on the resolution of intention to establish the district.

(Ord. C-6611 § 1, 1989)

3.52.527 - Required notice of hearing.

A. The City Clerk shall publish a notice of the hearing once in a newspaper of general circulation in the proposed district. Publication shall be complete at least seven (7) days prior to the date of the hearing.

B. The notice shall contain all of the following information:

1. The text of the resolution of intention to establish the district;
2. The time and place of the hearing on the establishment of the district;
3. A statement that at the hearing the testimony of all interested persons or taxpayers for or against the establishment of the district, the extent of the district, or the furnishing of specified types of facilities and/or services will be heard. The notice shall also describe, in summary, the effect of protests made by registered voters or landowners against the establishment of the district, the extent of the district, the furnishing of a specified type of facilities or services, or a specified special tax, as provided in Section 3.52.5210
4. A description of the proposed voting procedure.

(Ord. C-6611 § 1, 1989)

3.52.528 - Optional notice of hearing.

The City Council may also direct the City Clerk to give notice of the hearing by first-class mail to each registered voter and to each landowner within the proposed district. This notice shall be mailed at least ten (10) days before the hearing and shall contain the same information as is required to be contained in the notice published pursuant to Section 3.52.527, except that the entire text of the resolution of intention may be omitted if the date, number and fact of its adoption are shown and the proposed facilities and/or services are briefly described and the proposed amounts and method of apportionment of the special tax are shown.

(Ord. C-6611 § 1, 1989)

3.52.529 - Protests—Interested persons or taxpayer.

At the hearing, protests against the establishment of the district, the extent of the district, or the furnishing of specified types of facilities or services within the district may be made orally or in writing by any interested persons or taxpayers. Any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the alleged irregularities and defects. To be counted under Section 3.52.5210 any written protest shall be filed with the City Clerk on or before the time fixed for the hearing. The City Council may waive any irregularities in the form or content of any written protest and at the hearing may correct minor defects in the proceedings. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

(Ord. C-6611 § 1, 1989)

3.52.5210 - Written protest—Further proceedings to create district—Elimination of special tax or types of facilities or services from resolution of formation.

If fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is more, residing within the territory proposed to be included in the district, or the owners of one-half (½) or more of the area of the land in the territory proposed to be included in the district and not exempt from the special tax, file written protests against the establishment of the district, and protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to create the specified community facilities district or to levy the specified special tax shall be taken for a period of six (6) months from the date of the decision of the City Council.

If the majority protests are only against the furnishing of a specified type or types of facilities or services within the proposed district, or against levying a specified special tax, those types of facilities or services or the specified special tax shall be eliminated from the resolution of formation.

(Ord. C-6611 § 1, 1989)

3.52.5211 - Hearing—Continuances—Time limitation—Exception—Modification of resolution of intention—Determination to abandon or proceed with establishment of district.

The hearing may be continued from time to time without further notice under Sections 3.52.527 or 3.52.528, but shall be completed within six (6) months of the original hearing date. The City Council may modify the resolution of intention by eliminating proposed facilities or services, or by changing the rate or method of apportionment of the proposed special tax so as to reduce the maximum special tax to be levied on all or a portion of the property within the proposed district, or by removing territory from the proposed district. At the conclusion of the hearing, the City Council may abandon the proposed establishment of the community facilities district or may, after passing upon all protests, determine to proceed with establishing the district, except as provided in Section 3.52.5210 hereof.

(Ord. C-6611 § 1, 1989)

3.52.5212 - Adoption of resolution of formation establishing district—Contents—Finding concerning validity and conformity of prior proceedings.

If the City Council determines to establish the district, it shall adopt a resolution of formation establishing the district. The resolution of formation shall incorporate by reference all of the information required to be included in the resolution of intention to establish the district specified in Section 3.52.525. If a special tax is proposed to be levied in the district to pay for any facilities and/or services and the special tax has not been eliminated by majority protest pursuant to Section 3.52.5210, the resolution shall state that fact and all of the following:

A.

Determine whether all proceedings were valid and in conformity with the requirements of this Division, which finding shall be final and conclusive;

B. State that the proposed special tax to be levied within the district has not been precluded by majority protest pursuant to Section 3.52.5210

C. Identify any facilities and/or services, as may be changed under Sections 3.52.5210 or 3.52.5211 hereof, proposed to be funded with the proceeds of the special tax;

D. Set forth the proposed rate and method of apportionment of the special tax;

E. Set forth the name, address, and telephone number of the office, department, or bureau of the City which will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and which will be responsible for estimating future special tax levies pursuant to Section 3.52.552

F. State that upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the district and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City Council ceases;

G. Set forth the County of recordation and the book and page in the Book of Maps of Assessments and Community Facilities Districts in the County Recorder's office where the boundary map of the proposed community facilities district has been recorded pursuant to Sections 3111 and 3113 of the California Streets and Highways Code;

H. Provide for the conduct of the election required under Section 3.52.5217 hereof;

I. At the option of the City Council, provide for the establishment of or change in the appropriations limit under Section 3.52.5216 hereof.

(Ord. C-6611 § 1, 1989)

3.52.5213 - Special tax—Basis for apportionment.

A tax imposed pursuant to this Division is a special tax and not a special assessment, and there is no requirement that the tax be apportioned on the basis of benefit to any property. However, a special tax levied pursuant to this Division may be on or based on benefit received by parcels of real property, the cost of providing facilities and/or services available to each parcel, or any other reasonable basis as determined by the City Council. A special tax apportioned on any of these bases shall not be construed to be on or based upon the ownership of real property.

(Ord. C-6611 § 1, 1989)

3.52.5214 - Noncontiguous areas—Alteration of boundaries.

A. A community facilities district may include areas of territory that are not contiguous.

B. In establishing the boundaries of the district, the City Council may alter the exterior boundaries of the district to include less territory than that described in the recorded boundary map but it may not include any territory not described in that map.

(Ord. C-6611 § 1, 1989)

3.52.5215 - Boundaries of district—Inclusion of lands devoted to agricultural, timber or livestock uses.

Land devoted primarily to agricultural, timber, or livestock uses and being used for the commercial production of agricultural, timber or livestock products may be included in a community facilities district only if such land is contiguous to other land which is included within the described exterior boundaries of the community facilities district, and only if the legislative body finds that the land will be benefited by any of the types of public facilities and service proposed to be provided within the district. The land may, however, be included in the community facilities district, if the owner requests its inclusion.

(Ord. C-6611 § 1, 1989)

3.52.5216 - Establishment or changing appropriations limit—Election on propositions, adjustment.

The City Council may submit a proposition to establish or change the appropriations limit, as defined by Subdivision (h) of Section 8 of Article XIII B of the California Constitution, of a community facilities district to the qualified electors of a proposed or established district. The proposition establishing or changing the appropriations limit shall become effective if approved by the qualified electors voting on the proposition and shall be adjusted for changes in the cost of living and changes in populations, as defined by Subdivisions (b) and (c) of Section 7901 of the California Revenue and Taxation Code, except that the change in population may be estimated by the legislative body in the absence of an estimate by the State of California Department of Finance, and in accordance with Section 1 of Article XIII B of the California Constitution. For purposes of adjusting for changes in population, the population of the district shall be deemed to be at least one (1) person during each calendar year.

(Ord. C-6611 § 1, 1989)

3.52.5217 - Special tax levy—Election—Voter qualifications—Ballots.

A. By resolution, the City Council shall submit the levy of any special taxes to the qualified electors of the proposed community facilities district in the next general election or in a special election to be held, notwithstanding any other requirement, including any requirement that elections be held on specified dates contained in the California Elections Code, at least five (5) days, but not more than one hundred eighty (180) days, following the adoption of the resolution of formation. The legislative body shall provide the resolution of formation, a certified map of sufficient scale and clarity to show the boundaries of the district, and a sufficient description to allow the election official to determine the boundaries of the district to the official conducting the election after the adoption of the resolution of formation, if requested by the official conducting the election. Assessor's parcel numbers for the land within the district shall be included if it is a landowner election or the district does not conform to an existing district's boundaries, if requested by the official conducting the election. If the election is to be held less than one hundred twenty-five (125) days following the adoption of the resolution of formation, and the election official is other than the City Clerk the concurrence of the election official conducting the election shall be required. However, any time limit specified by this Section or requirement pertaining to the conduct of the election may be waived with the unanimous consent of the qualified electors of the proposed district and the concurrence of the election official conducting the election. In the event of such unanimous waiver, the election official shall be the City Clerk.

B. Except as otherwise provided in Subsection C of this Section, if at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the proposed community facilities district for each of the ninety (90) days preceding the date of the protest hearing, the vote shall be by the registered voters of the proposed district, with each voter having one (1) vote. Otherwise, the vote shall be by the landowners of the proposed district and each landowner who is the owner of record at the close of the protest hearing, or the authorized

representative thereof, shall have one (1) vote for each acre or portion of an acre of land that he or she owns within the proposed community facilities district. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner. Notwithstanding the foregoing, if the vote is to be by the landowners of the proposed district as described in the second preceding sentence, as an alternative to having such landowner have one (1) vote for each acre or portion of an acre of land that a landowner owns within the proposed community facilities district, the legislative body may provide that each landowner have a vote for each dollar of special tax that may be levied on such landowner's land to be included in the proposed community facilities district, based upon the proposed rate and method of apportionment and manner of collection of special tax for the proposed community facilities district, and the special taxes thereby to be levied in the first full fiscal year following formation of the proposed community facilities district; provided that the legislative body finds that such alternative method of voting is more reflective of the burden of the special tax to be levied in the proposed community facilities district.

C. If the proposed special tax will not be apportioned in any tax year on any portion of property in the district in residential use in that tax year, as determined by the legislative body, the legislative body may provide that the vote shall be by the landowners of the proposed district whose property would be subject to the tax if it were levied at the time of the election. Each of these landowners shall have one (1) vote for each acre, or portion thereof, that the landowner owns within the proposed district which would be subject to the proposed tax if it were levied at the time of the election.

D. Ballots for the special election authorized by Subsection A of this Section may be distributed to qualified electors by mail with return postage prepaid or by personal service by the election official. The election official may provide a certificate of the proper mailing or delivery of ballots, which certificate shall constitute conclusive proof of mailing or delivery in the absence of fraud. The voted ballots shall be returned to the election officer conducting the election not later than the time specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

(ORD-08-0007 § 2, 2008; Ord. C-6611 § 1, 1989)

3.52.5218 - Elections—Law governing.

A. Except as otherwise provided in this Division, the provisions of law regulating elections of the City, insofar as they may be applicable, shall govern all elections conducted pursuant to this Division. Except as provided in Subsection B of this Section, there shall be prepared and included in the ballot material provided to each voter an impartial analysis, and arguments and rebuttals, if any.

B. Analysis and arguments may be waived with the unanimous consent of all the qualified electors.

(Ord. C-6611 § 1, 1989)

3.52.5219 - Ballot materials.

A. If the election is to be conducted by mail or hand-delivered ballot, the election official conducting the election shall provide ballots and election materials pursuant to Subsection D of Section 3.52.5217 and Section 3.52.5218, together with all supplies and instructions necessary for the use and return of the ballot.

B. The identification envelope for return of ballots used in landowner elections shall contain the following:

1. The name of the landowner;
2. The address of the landowner;

3. A declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope;
4. The date of signing and place of execution of the declaration immediately described above;
5. The printed name and signature of the voter;
6. The address of the voter;
7. A notice that the envelope contains an official ballot and is to be opened only by the election official.

(Ord. C-6611 § 1, 1989)

3.52.5220 - Special tax levy—Effect of voter approval or disapproval.

A. After the canvass of returns of any election pursuant to Section 3.52.5217, the legislative body may levy any special tax as specified in the resolution of formation adopted pursuant to Section 3.52.5212 within the territory of the district, if two-thirds (2/3) of the votes cast upon the question of levying the tax are in favor of levying that tax.

B. After the canvass of returns of any election conducted pursuant to Section 3.52.5217, the legislative body shall take no further action with respect to levying the special tax within the community facilities district for six (6) months from the date of the election, if the question of levying that specified special tax fails to receive approval by two-thirds (2/3) of the votes cast upon the question.

(Ord. C-6611 § 1, 1989)

3.52.5221 - Application of California Streets and Highways Code with respect to special taxes—Filings.

A. Upon a determination by the legislative body that the requisite two-thirds (2/3) of votes cast in an election held pursuant to Section 3.52.5217 are in favor of levying the special tax, the City Clerk shall record or cause to be recorded the notice of special tax lien provided for in Section 3114.5 of the California Streets and Highways Code, whereupon the lien of the special tax shall attach as provided in Section 3115.5 of the California Streets and Highways Code. The notice of special tax lien shall be recorded in the office of the County Recorder in each County in which any portion of the district is located.

B. Division 4.5 (commencing with Section 3100) of the California Streets and Highways Code applies with respect to any special tax levied pursuant to this Division. This Division is a "principal act" as that term is defined in Section 3100 of the California Streets and Highways Code.

(Ord. C-6611 § 1, 1989)

3.52.5222 - Special tax—Levy and apportionment.

Upon approval of a special tax pursuant to Subsection A of Section 3.52.5220, the special tax may be levied only at the rate and may be apportioned only in the manner specified in the resolution of formation, except as provided in Subdivision 3 of this Division V, and except that the legislative body may levy the special tax at a rate lower than that specified in the resolution of formation. In addition, the special tax may be levied only so long as it is needed to pay the principal and interest on debt incurred in order to construct facilities under authority of this Division, or so long as it is needed to pay the costs and incidental expenses of services or of the construction of facilities authorized by this Division.

When the City Council determines that the special tax shall cease to be levied, the City Council shall direct the City Clerk to record a Notice of Cessation of Special Tax which shall state that the obligation to pay the special tax has ceased and that the lien imposed by the Notice of Special Tax Lien is extinguished. The Notice of Cessation of Special Tax shall identify the book and page of the Book of Maps of Assessment and Community Facilities Districts wherein the map of the boundaries of the district is recorded, and wherein the Notice of Special Tax Lien is recorded.

(Ord. C-6611 § 1, 1989)

Subdivision 3. - Changes in Authorized Facilities, Services and Special Taxes

3.52.531 - Types of facilities and services provided.

Except as otherwise provided in this Subdivision, the City Council may, at any time, after conducting a public hearing, eliminate one (1) or more of the types of facilities and services specified in the resolution of formation to establish the existing district but may not finance any types of facilities and services that were not specified in the resolution of formation.

(Ord. C-6611 § 1, 1989)

3.52.532 - Resolution of consideration—Change in facilities, services and taxes.

The City Council shall not adopt a resolution of consideration to reduce the rate of any special tax or terminate the levy of any special tax if the proceeds of that tax are being utilized to retire any debt incurred pursuant to this Division unless the City Council determines that the reduction or termination of that tax would not interfere with the timely retirement of that debt. Otherwise, the City Council may adopt a resolution of consideration when:

A. If the City Council determines that the public convenience and necessity require any change in the types of authorized facilities or services which should be financed by an established community facilities district, that the rate or method of apportionment of a special tax should be changed, or that a new special tax should be proposed, the City Council may adopt a resolution of consideration to alter the types of facilities or services to be financed by the district, to levy a new special tax or special taxes, or, except as provided in Subsection B of this Section, to alter the rate or method of apportionment of the special tax; or

B. If a petition signed by fifty percent (50%) or more of the registered voters residing in the district, or by the owners of fifty percent (50%) or more of the territory within the district, is filed with the City Clerk requesting that proceedings be commenced to change the types of facilities or services financed by the district or that the rate or method of apportionment of an existing special tax be changed, or that a new special tax be levied, the City Council shall within ninety (90) days thereafter adopt a resolution of consideration in the form specified in Section 3.52.533 to make those changes within the community facilities district. Any petition filed by landowners shall be accompanied by the payment of such fee as the finance director determines is sufficient to compensate the City for all costs incurred in conducting proceedings pursuant to this Subdivision.

(Ord. C-6611 § 1, 1989)

3.52.533 - Resolution of consideration—Form.

The resolution of consideration shall contain the following:

A. State the name of the existing district and refer to the resolution of formation for further particulars;
B. Generally describe the territory included in the district or make reference to the recorded boundary map thereof;
C. Specify the changes in facilities and/or services which the district is authorized to finance;
D. Specify any new special taxes which would be levied to pay for new or existing facilities and services and any proposed alteration to the rate or method of apportionment of an existing special tax;
E. Fix a time and place for a hearing upon the resolution of consideration which shall not be less than ten (10) or more than sixty (60) days after the adoption of the resolution of consideration.

(Ord. C-6611 § 1, 1989)

3.52.534 - Notice of hearing.

The City Clerk shall give or cause to be given notice of the hearing in the same manner, containing the same information as applicable, and within the same time as provided for the giving of notice of a hearing on a resolution of intention to establish a community facilities district under Section 3.52.527 hereof.

(Ord. C-6611 § 1, 1989)

3.52.535 - Protests—Elimination from resolution—Continuation, hearing.

The provisions of Sections 3.52.529 through 3.52.5222 shall apply to the proceedings for changes.

(Ord. C-6611 § 1, 1989)

3.52.536 - Dissolution of districts.

The legislative body may, by ordinance, dissolve any existing district which it has created upon making all of the following determinations:

A. That the district is not obligated to pay any outstanding debt; and
B. That the district has no authorization to levy any special tax.

Upon dissolving a district, the City Council shall cause an addendum to be recorded to the Notice of Special Tax Lien pursuant to Section 3114.5 of the California Streets and Highways Code which shall state that the community facilities district and all associated liens, if any, have been dissolved.

(Ord. C-6611 § 1, 1989)

Subdivision 4. - Annexation of Territory

3.52.541 - Authorization.

The City Council may annex territory to an existing community facilities district as provided in this Subdivision. The annexed territory need not be contiguous to territory included in the existing community facilities district.

(Ord. C-6611 § 1, 1989)

3.52.542 - Adoption of resolution of intention.

If the City Council determines that public convenience and necessity require that territory be added to an existing community facilities district, or if one (1) or more of the voters residing within certain territory or landowners request the City Council to include territory within the district, the City Council may adopt a resolution of intention to annex the territory.

(Ord. C-6611 § 1, 1989)

3.52.543 - Resolution of intention—Contents.

The resolution of intention to annex the territory shall do all of the following:

A. State the name of the existing community facilities district;
B. Generally describe the territory included in the existing district and the territory proposed to be annexed;
C. Specify the types of facilities and/or services provided pursuant to this Division in the existing district and the types of facilities and/or services to be provided in the territory proposed to be annexed; and include a plan for sharing facilities and providing services that will be provided in common with the existing district and the territory proposed to be annexed;
D. Specify any special taxes which would be levied within the territory proposed to be annexed to pay for facilities and/or services provided pursuant to this Division within that territory. A special tax proposed to pay for services to be supplied within the territory proposed to be annexed shall be equal to any special tax levied to pay for the same services in the existing district, except that a higher or lower tax may be levied within the territory proposed to be annexed to the extent that the actual cost of providing the services in that territory is higher or lower than the cost of providing those services in the existing district. A special tax proposed to pay for facilities financed with bonds secured by the existing community facilities district shall be the same as the tax levied in the existing district for that purpose, except that a higher special tax may be levied for that purpose within the territory proposed to be annexed to compensate for the interest and principal previously paid by the existing community facilities district, less any depreciation allocable to the facility as determined by the City Council in its sole discretion;
E. Specify any alteration in the special tax rate levied within the existing community facilities district as a result of the proposed annexation. The maximum tax rate in the existing community facilities district may not be increased as a result of proceedings pursuant to this Subdivision;
F. Fix a time and place for a hearing upon the resolution which shall not be less than ten (10) nor more than sixty (60) days after the adoption by the City Council of the resolution of intention to annex territory pursuant to Section 3.52.542

(Ord.C-6611 § 1, 1989)

3.52.544 - Notice of hearing.

The City Clerk shall give notice of the hearing in the same manner and within the same time as provided for the giving of notice of a hearing on a resolution of intention to establish a community facilities district, as required by Section 3.52.527.

The notice shall do all of the following:

A. Contain the text of the resolution adopted pursuant to Section 3.52.543
B. State the time and place for the hearing;

C. State that at the hearing the testimony of all interested persons for or against the annexation of territory to the community facilities district or the levying of special taxes within the territory proposed to be annexed will be heard.

(Ord. C-6611 § 1, 1989)

3.52.545 - Protests.

At the hearing, protests against the proposals described in the resolution of intention may be made orally by any interested person. Any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularities or defects to which objection is made. All written protests shall be filed with the City Clerk prior to the time fixed for the hearing. The City Council may waive any irregularities in the form or content of any written protest and at the hearing may correct minor defects in the proceedings. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

(Ord. C-6611 § 1, 1989)

3.52.546 - Abandonment of proposal—Required number of written protests.

If fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is more, residing within the existing community facilities district, or if fifty percent (50%) or more of the registered voters or six (6) registered voters, whichever is more, residing within the territory proposed for annexation, or if the owners of one-half (½) or more of the area of land in the territory proposed to be annexed, file written protests against the proposed addition of territory to the existing community facilities district, and protests are not withdrawn so as to reduce the protests to less than a majority, no further proceedings shall be undertaken for a period of six (6) months from the date of decision of the City Council on the issues discussed at the hearing.

(Ord. C-6611 § 1, 1989)

3.52.547 - Continuance and duration of hearing—Abandonment of proceedings—Submission of special tax question to electors.

The hearing may be continued from time to time, but shall be completed within six (6) months. At the conclusion of the hearing, the legislative body may abandon the proceedings or may, after passing upon all protests, submit the question of levying special tax within the area proposed to be annexed to the existing community facilities district to the qualified electors of the area proposed to be annexed, in the manner specified for elections in Subdivision 2 of this Division V.

(Ord. C-6611 § 1, 1989)

3.52.548 - Addition of territory with full legal effect—Special tax levy.

After the canvass of returns of any election conducted in accordance with Section 3.52.547, the City Council shall determine that the area proposed to be annexed is added to and part of the existing community facilities district with full legal effect, and the City Council may levy any special tax within the annexed territory, as specified in the resolution of intention to annex adopted pursuant to Section 3.52.542, if two-thirds (2/3) of the votes cast on the proposition are in favor of levying the special tax.

(Ord. C-6611 § 1, 1989)

3.52.549 - Failure to receive approval of two-thirds of voters—Prohibition of further action.

After the canvass of returns of any election conducted in accordance with Section 3.52.547, the City Council shall take no further action on annexing the territory proposed to be annexed to the community facilities district for a period of six (6) months from the date of the election if less than two-thirds (2/3) of the votes cast on the proposition are in favor of levying the special tax.

(Ord. C-6611 § 1, 1989)

Subdivision 5. - Procedures for Levying

3.52.551 - Ordinance—Tax rate and apportionment—Exemption of governmental properties and entities from special tax—Use of tax proceeds—Tax collection, penalties, etc.

After a community facilities district has been created and authorized to levy specified special taxes pursuant to Subdivisions 2, 3 or 4 of this Division V, the City Council may, by ordinance, levy the special taxes at the rate and apportion them in the manner specified in the resolution of formation or consideration, as applicable, adopted pursuant to Subdivisions 2, 3 or 4 of this Division V. Any such ordinance, after adoption, shall remain in effect until repealed by a later ordinance. The City Council may, by resolution, clarify any aspect of the levy of the special tax as provided by the ordinance.

Properties or entities of the State, federal, or other local governments shall, except as otherwise provided in Sections 3.52.5113 or 3.52.5114, be exempt from the special tax. No other properties or entities are exempt from the special tax unless the properties or entities are expressly exempted in the resolution of formation to establish a district adopted pursuant to Section 3.52.5212 or in a resolution of consideration to levy a new special tax or special taxes or to alter the rate or method of apportionment of an existing special tax as provided in Section 3.52.533.

The proceeds of any special tax may only be used to pay, in whole or part, the cost of providing facilities, services and incidental expenses of the City or the district pursuant to this Division. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedures, sale, and lien priority in case of delinquency as is provided for ad valorem taxes, unless another procedure has been authorized in the resolution of formation establishing the district and adopted by the City Council. The tax collector may collect the special tax at intervals as specified in the resolution of formation, including intervals different from the intervals at which the ordinary ad valorem property taxes are collected. The Tax Collector may deduct the reasonable administrative costs incurred in collecting the special tax.

All special taxes levied by a community facilities district shall be secured by the lien imposed pursuant to Section 3115.5 of the California Streets and Highways Code. This lien shall be a continuing lien and shall secure each levy of special taxes. The lien of the special tax shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied, and canceled, or until the special tax ceases to be levied by the City Council in the manner provided in Section 3.52.5222.

(Ord. C-6611 § 1, 1989)

3.52.552 - Designation of office for special tax computation.

The City Council shall designate an office, department, or bureau of the City which shall be responsible for annually preparing the current roll of special tax levy obligations by assessor's parcel number on nonexempt property within the district and which will be responsible for estimating future special tax levies. The designated office, department, or bureau shall establish procedures to promptly

respond to inquiries concerning current and future estimated tax liability. Neither the designated office, department, or bureau, nor the City Council, shall be liable if any estimate of future tax liability is inaccurate.

(Ord. C-6611 § 1, 1989)

3.52.553 - Actions or proceedings to attach, review, set aside, void, or annual levy of special tax or increase in special tax—Time for commencement—Time for perfection of appeal from final judgment.

Any action or proceeding to attack, review, set aside, void or annul the levy of a special tax or an increase in a special tax pursuant to this Division, bonded indebtedness authorized, or to be incurred pursuant to this Division, shall be commenced within thirty (30) days after the special tax or the bonded indebtedness, as applicable, is approved by the voters. Any appeal from a final judgment in that action or proceeding shall be perfected within thirty (30) days after the entry of judgment.

(Ord. C-6611 § 1, 1989)

3.52.554 - Disclosure of the special tax.

A. If a lot, parcel, or unit of a subdivision is subject to a special tax levied pursuant to this Division for which a public report is not required pursuant to Article 2 (commencing with Section 11010) of Chapter 1 of Part 2 of Division 4 of the California Business and Professions Code, the subdivider, his or her agent, or representative, shall not sell, or lease for a term exceeding five (5) years, the lot, parcel, or unit, or cause it to be sold or leased for a term exceeding five (5) years, until the prospective purchaser or lessee of the lot, parcel, or unit has been furnished with and has signed a written notice as provided in this Section. The notice shall contain the heading "NOTICE OF SPECIAL TAX" in type no smaller than 8-point type, and shall state the following in clear and simple language:
   1. That the property being purchased is or will be subject to a special tax;
   2. The maximum annual amount of the special tax, and the number of years for which it will be levied;
   3. The types of facilities or services to be paid for with the proceeds of the special tax.

B. "Subdivision," as used in Subsection A of this Section, means improved or unimproved land that is divided or proposed to be divided for the purpose of sale, lease, or financing, whether immediate or future, into two (2) or more lots, parcels, or units for residential use and includes a condominium project, as defined by Section 1350, a community apartment project, a stock cooperative, and a limited-equity housing cooperative, as defined in Sections 11004, 11003.2, and 11003.4, respectively, of the California Business and Professions Code.

C. If any disclosure required to be made by this Section is delivered after the execution of an agreement to purchase, the buyer shall have three (3) days after delivery in person or five (5) days after delivery by deposit in the mail, to terminate his or her agreement by delivery of written notice of that termination to the owner, subdivider, or agent. Any disclosure delivered after the execution of an agreement to purchase shall contain a statement describing the buyer's right, method and time to rescind as prescribed by this Subsection.

D. The failure of the buyer or lessee to sign the notice shall not invalidate any grant, conveyance, lease, or encumbrance.

E. Any person or entity who willfully violates the provisions of this Section shall be liable to the purchaser of a lot or unit which is subject to the provisions of this Section for actual damages, and in addition thereto, shall be guilty of a public offense punishable by a fine in an amount not to exceed

five hundred dollars ($500.00). In an action to enforce such liability or fine, the prevailing party shall be awarded reasonable Attorney's fees.

(Ord. C-6611 § 1, 1989)

3.52.555 - Manner of fixing and collecting charges.

For any community facilities district or zone thereof, the City Council may fix and collect charges in the same manner as for miscellaneous extended services in County service areas.

(Ord. C-6611 § 1, 1989)

3.52.556 - Use of charges for authorized facilities and services.

Any charges collected pursuant to this Division may only be used for facilities and services authorized by this Division.

(Ord. C-6611 § 1, 1989)

3.52.557 - Notice of cancellation of special tax.

In the event that the special tax is permanently satisfied as to a particular parcel of land, the City Clerk shall prepare and record in the office of the County Recorder of the County in which the parcel of land is located, and the County Recorder shall accept for recordation, a Notice of Cancellation of Special Tax Authorization as to that parcel. The Notice of Cancellation of Special Tax Authorization shall identify with particularity the special tax being cancelled, shall contain the legal description and assessor's parcel number of the particular parcel of land subject to the tax, and shall contain the name of the owner of record of the parcel. The City Clerk shall mail the original Notice of Cancellation of Special Tax Authorization to the owner of the property after recording the document. The City Clerk may specify a charge for the preparation and recordation of this notice.

(Ord. C-6611 § 1, 1989)

Subdivision 6. - Bonds

3.52.561 - Resolution to incur bonded indebtedness.

Whenever the City Council deems it necessary for an existing or proposed community facilities district to incur bonded indebtedness, it shall, by resolution, set forth all of the following:

A. A declaration of the necessity for the indebtedness;
B. The purpose for which the proposed debt is to be incurred;
C. The amount of the proposed debt;
D. The time and place for a hearing by the City Council on the proposed debt issue.

(Ord. C-6611 § 1, 1989)

3.52.562 - Inclusion of certain costs and estimated costs in proposed bonded indebtedness.

The amount of the proposed bonded indebtedness may include all costs and estimated costs incidental to, or connected with, the accomplishment of the purpose for which the proposed debt is to be incurred, including, but not limited to, the estimated costs of construction or acquisition of buildings, or both; acquisition of land, rights-of-way, water, sewer or other capacity or connection fees; lease payments for school facilities that are relocated, satisfaction of contractual obligations issued pursuant to this Division, architectural engineering, inspection, legal, fiscal, and financial consultant fees; environmental

review and monitoring costs; bonded and other reserve funds; discount fees; interest on any bonds of the district due and payable prior to the expiration of one (1) year from the date of completion of all of the facilities, not to exceed five (5) years; election costs; administrative expenses of the City in administering the district or the levy and collection of the special taxes; and all costs of issuance of the bonds, including, but not limited to, fees for bond counsel, costs of obtaining credit ratings, bond insurance premiums, fees for letters of credit, and other credit enhancements costs, and printing costs.

(Ord. C-6611 § 1, 1989)

3.52.563 - Notice of hearing on resolution.

The City Clerk shall publish a notice of the hearing in a newspaper of general circulation circulated within the district. The notice shall state:

A. The time and place of the hearing;
B. At that time and place any person interested, including all persons owning property in the district, will be heard upon the proposed debt issue.

(Ord. C-6611 § 1, 1989)

3.52.564 - Hearing.

At the time and place fixed for the hearing on the resolution declaring the necessity for incurring the bonded indebtedness or at any time and place to which the hearing is adjourned, the City Council shall proceed with the hearing.

At the hearing any person interested, including persons owning property within the district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness.

(Ord. C-6611 § 1, 1989)

3.52.565 - Improvement area—Resolution designating—Application of proceedings.

For purpose of financing of, or contributing to the financing of, specified facilities, the City Council may by resolution designate a portion or portions of the district as one (1) or more improvement areas. An area shall be known as "Improvement Area No. _____" of "Community Facilities District _____ of the City of Long Beach." After the designation of an improvement area, all proceedings for purposes of a bond election and for the purpose of levying special taxes for payment of the bonds shall apply only to the improvement area for those specified facilities.

(Ord. C-6611 § 1, 1989)

3.52.566 - Resolution—Bonded indebtedness.

After the City Council has held the hearing described in Subsection D of Section 3.52.561, if it deems it necessary to incur the bonded indebtedness, it shall by resolution state all of the following:

A. That it deems it necessary to incur the bonded indebtedness;
B. The purpose for which the bonded indebtedness will be incurred;
C. Either of the following in accordance with its previous determination;
    1. That the whole of the district will pay for the bonded indebtedness;
    2.

That a portion of the district will pay for the bonded indebtedness, which portion shall be described in the resolution of the City Council made pursuant to Section 3.52.565

D. The principal amount of debt to be incurred;

E. The maximum term of the bonds to be issued, which term shall not exceed fifty (50) years;

F. The maximum annual rate of interest to be paid, payable annually or semiannually, or in part annually and in part semiannually, or in such other manner as shall be provided by the City Council;

G. That the proposition will be submitted to the voters;

H. The date of the special community facilities district election (which may be consolidated with a general or special district election, including an election to levy a special tax) at which time the proposition shall be submitted to the voters;

I. If the election is not conducted by mail or hand-delivered ballot, the hours between which the polls shall be open;

J. If the election is conducted by mail or hand-delivered ballot, the hour when the ballots are required to be received in the office of the election officer conducting the election, and that if all qualified electors have voted, the election shall be closed.

(Ord. C-6611 § 1, 1989)

3.52.567 - Resolution to incur bonded indebtedness—Notice of election—Publication.

The resolution provided for in Section 3.52.566 shall constitute the notice of such special bond election and such resolution shall be published in a newspaper of general circulation circulating within the district.

(Ord. C-6611 § 1, 1989)

3.52.568 - Elections pursuant to this Article—Laws and rules applicable.

Except as otherwise provided in this Article, the provisions of the California Elections Code relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections insofar as they may be applicable shall govern all elections pursuant to this Subdivision, except that voting shall be conducted in the manner specified in Section 3.52.5217 of this Division.

Propositions relating to the levy of a special tax, incurring of bonded indebtedness, or to establish or change an appropriations limit, or any combination thereof, under this Division, may be combined into one (1) ballot proposition as determined by the City Council.

If the area designated in the resolution adopted pursuant to Section 3.52.566 does not include the entire community facilities district, a separate ballot shall be prepared for the vote upon the proposition to authorize bonds and to levy a special tax for payment of such bonds and only the voters entitled thereto shall be given such ballots.

(Ord. C-6611 § 1, 1989)

3.52.569 - Resolution relating to form, execution and issuance of bonds.

If more than two-thirds (2/3) of the votes cast at the election are in favor of incurring the indebtedness, the legislative body may, by resolution, at the time or times it deems proper, provide for the following:

A. The form of the bonds;
B. The execution of the bonds;
C. The issuance of any part of the bonds;
D. The appointment of one (1) or more banks or trust companies within or without the State having the necessary trust powers as trustee, fiscal agent, paying agent, or bond registrar;
E. The execution of a fiscal agent agreement, trust agreement or indenture securing the bonds;
F. The pledge or assignment of any revenues of the community facilities district to the repayment of the bonds;
G. The investment of any bond proceeds and other revenues, including special tax revenues, by the trustee or fiscal agent in any securities or obligations described in the resolution, fiscal agent agreement, indenture, trust agreement, or other instrument providing for the issuance of the bonds;
H. The date or dates to be borne by the bonds and the time or times of maturity of the bonds and the place or places and time or times that the bonds shall be payable;
I. The interest, fixed or variable, to be borne by the bonds;
J. The denominations, form, and registration privileges of the bonds;
K. Any other terms and conditions determined to be necessary by the City Council.

(Ord. C-6611 § 1, 1989)

3.52.5610 - Action to foreclosure liens—Cumulative remedy—Resolution to diligently pursue foreclosure action.

A. As a cumulative remedy, if bonds are outstanding, the City Council may, not later than four (4) years after the due date of the last installment of principal thereof, order that any delinquent special taxes levied in whole or in part for payment of the bonds, together with any penalties, interest, and costs, be collected by any action brought in the superior court to foreclose the lien of special tax.
B. The City Council may covenant for the benefit of bondowners to commence and diligently pursue to completion any foreclosure action regarding delinquent installments of any amount levied as a special tax for the payment of interest or principal of any bonds that are issued.

(Ord. C-6611 § 1, 1989)

3.52.5611 - Credits for delinquent taxes.

A. When any foreclosure actions are ordered, the Tax Collector shall be credited upon the current tax roll with the amount charged on account of the delinquent special taxes to be sued on, including applicable penalties, interest, and costs, and the tax collector shall be relieved of further duty in regard thereto. Any amounts not the subject of a foreclosure action shall remain collectible by the Tax Collector.
B. The Tax Collector may charge the actual cost incurred in removing these sums from the tax roll. This charge shall be added to the costs to be recovered in the foreclosure action.

(Ord. C-6611 § 1, 1989)

3.52.5612 - Delinquent taxes, procedures.

At any time after the Tax Collector has been relieved of his or her duty to collect sums under Section 3.52.5611 and before judgment in a foreclosure action, the City Council shall dismiss the action upon payment of all of the following:

A. The amount of any delinquent special taxes together with any penalties, interest, and costs accrued thereon to date of complete payment hereunder;
B. Costs of suit, including, but not limited to, litigation guarantees provided by title companies with respect to all claims of ownership or interest in the subject property;
C. Attorney's fees authorized by the local agency; and
D. The Tax Collector's costs authorized by Subsection B of Section 3.52.5611

(Ord. C-6611 § 1, 1989)

3.52.5613 - Foreclosures.

The foreclosure action shall be brought in the name of the City, and may be brought within the time specified in Section 3.52.5610. The complaint may be brief and need only include the following allegations:

A. That on a stated date, a certain sum of special taxes, levied against the subject property, describing it, pursuant to this Division, became delinquent;
B. On that date, bonds issued pursuant to this Division, payable in whole or in part by the subject special taxes, were outstanding if applicable;
C. That the City Council has ordered the foreclosure.

(Ord. C-6611 § 1, 1989)

3.52.5614 - Judgments.

Any judgment shall decree the amount of the continuing lien against each parcel to be foreclosed, and shall order the parcel to be sold on execution as in other cases of the sale of the real property by process of the court. The judgment amount shall include reasonable Attorney's fees to be fixed by the court, together with interest, penalties, and other authorized charges and costs, all calculated up to date of judgment. The foreclosure action shall be governed and regulated by the provisions of this Division, and also where not in conflict with this Division, by other provisions of law generally applicable to foreclosure actions.

Property sold hereunder may not be sold for less than the amount of the judgment plus post-judgment interest and authorized costs with the consent of the owners of fifty-one percent (51%) by principal amount of the outstanding bonds.

(Ord. C-6611 § 1, 1989)

3.52.5615 - Errors.

No special tax installment, interest or penalties thereon, or deed shall be held invalid for any error in computation if the error is found to be comparatively negligible, or is found to be in favor of the owner of the real property affected thereby.

(Ord. C-6611 § 1, 1989)

3.52.5616 - Signatures on bonds or coupons—Place bonds are payable.

The bonds shall be signed by the Mayor and countersigned by the City Clerk. All signatures on the bonds may be printed, lithographed, or engraved. If any officer whose signature appears on the bonds ceases to be that officer before the delivery of the bonds, his or her signature is as effective as if he or she had remained in office. All bonds shall be payable at the office of the City Treasurer or at the office of any agent designated by the City.

(Ord. C-6611 § 1, 1989)

3.52.5617 - Special tax or charge for outstanding bonded debt.

When the City Council fixes and levies special taxes and charges for the community facilities district it shall also fix and levy that amount of special taxes and charges within the community facilities district which is required for the payment of the principal of and interest on any outstanding bonded debt of the community facilities district, including any necessary replenishment or expenditure of bond reserve funds or accumulation of funds for future bonded payments. The special tax or charge shall be levied and collected by the same officers and at the same time and in the same manner that all other special taxes and charges are levied and collected for the community facilities district or in any other manner specified by the City Council. The special taxes and charges shall not exceed the authority granted by Subdivisions 2, 3 or 5 hereof. All of the collections for payment of principal and interest on bonds shall be paid into the community facilities district bond or similar fund and reserve or other fund for the particular community facilities district and shall be used solely for the payment of the principal of and interest on the outstanding bonds of the community facilities district.

(Ord. C-6611 § 1, 1989)

3.52.5618 - Action to determine validity of bonds or special tax levy.

Any action to determine the validity of bonds issued pursuant to this Division or the validity of any special taxes levied pursuant to this Division may be brought pursuant to Chapter 9 (commencing with Section 860 of Title 10 of Part 2 of the California Code of Civil Procedure) but shall, notwithstanding the time limits specified in Section 860 of the California Code of Civil Procedure, be commenced within thirty (30) days after the voters approve the issuance of the bonds or the special tax if the action is brought by an interested person pursuant to Section 863 of the California Code of Civil Procedure. Any appeal from a judgment in that action or proceeding shall be commenced within thirty (30) days after entry of judgment.

(Ord. C-6611 § 1, 1989)

3.52.5619 - Sale of bonds.

The City may sell the bonds so authorized at public or private sale, at the times and in the manner the City Council deems appropriate. However, all bonds sold at public sale shall be sold on sealed proposals after advertising for bids by publication of notice of sale, not less than five (5) days prior to the date of sale, in a newspaper of general circulation circulating in the City. If no bids are received or the bids received are not satisfactory as to price or responsibility of the bidders, the City Council or its designee may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

(Ord. C-6611 § 1, 1989)

3.52.5620 - Force, value and use of bonds—Exemption from State taxation.

Any bonds issued by a district organized under the provisions of this Division are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State.

(Ord. C-6611 § 1, 1989)

3.52.5621 - Refunding bonds—Resolution.

The City Council may, by resolution, authorize the issuance of new bonds to refund any or all of the district bonds outstanding or improvement area bonds outstanding that have been issued pursuant to this Subdivision.

The City Council may issue refunding bonds without repeating any of the procedures required for the approval of the original bond issue, if the City Council determines that the total net interest cost to the maturity on the refunding bonds plus the principal amount of the refunding bonds does not exceed the total net interest cost to maturity on the bonds to be refunded plus the principal amount of the bonds to be refunded. Subject to such limitations, the principal amount of the refunding bonds may be more than, less than, or the same as the principal amount of the bonds to be refunded.

The total authorized amount of the bonded indebtedness of a district or an improvement area therein, as approved by the qualified voters thereof, shall not be reduced by the principal amount of any refunding bonds issued to refund any or all outstanding bonds of the district or improvement area.

(Ord. C-6611 § 1, 1989)

3.52.5622 - Refunding bonds—Resolution for issuance.

If the City Council determines to issue refunding bonds pursuant to this Division it shall adopt a resolution providing for their issuance. The resolution shall:

A. Describe the bonds being refunded and state the date on which it is anticipated that the refunding will occur;
B. Fix the date of the refunding bonds;
C. Designate the denomination or denominations of the refunding bonds;
D. Fix the minimum rate or rates of interest to be paid on the refunding bonds;
E. Fix the maturity dates of the refunding bonds, which may exceed the latest maturity date of the bonds being refunded, provided that the latest maturity date of the refunding bond shall not be in excess of fifty (50) years from the date of issuance of the bonds to be refunded;
F. Designate the place or places of payment of principal and interest on the refunding bonds and on the bonds to be refunded;
G. Describe the form of the refunding bonds.

(Ord. C-6611 § 1, 1989)

3.52.5623 - Sale of refunding bonds.

The City Council may sell the refunding bonds at public or private sale. The proceeds of any sale of refunding bonds for cash shall be applied only as permitted by this Division.

(Ord. C-6611 § 1, 1989)

3.52.5624 - Amount of proceeds and investments in funding fund.

The proceeds of the refunding bonds and the earnings thereon shall be in an amount sufficient to meet either the requirements of Subsection 3.52.5624.A or 3.52.5624.B of this Section at the time of issuance of the refunding bonds, as certified by a certified public accountant licensed to practice in this State.

A. The proceeds (including any amounts in any reserve fund established for the bonds to be refunded not needed for purposes of the refunding bonds) and investments, together with any interest or other gain to be derived from any such investment, shall be in an amount sufficient to

pay the principal, interest, and redemption premiums, if any, on the refunded bonds as they become due or at designated dates prior to maturity and the costs of issuance of the refunding bonds.

B. The proceeds (including any amounts in any reserve fund established for the bonds to be refunded not needed for purposes of the refunding bonds) and investments, together with any interest or other gain to be derived from any such investment, shall be in an amount sufficient to pay the principal, interest, and redemption premiums, if any, on the refunding bonds prior to the maturity of the bonds to be refunded or prior to a designated date or dates before the maturity of the bonds to be refunded, the principal and any redemption premiums due on the refunded bonds at maturity or upon that designated date or dates, and the costs of issuance of the refunding bonds.

(Ord. C-6611 § 1, 1989)

3.52.5625 - Refunding bonds—Use of savings—Reduction of tax levy.

Any savings achieved through the issuance of refunding bonds shall be used to reduce the special taxes which were levied to retire the bonds being refunded. At the time the City Council makes a determination to issue the refunding bonds, it shall determine and cause to be made any reduction in the annual tax in the district, which reduction shall be made on a pro rata basis.

(Ord. C-6611 § 1, 1989)

3.52.5626 - Callable bonds.

Any bonds issued may be made callable in the document providing their terms. When bonds are made callable a statement to that effect shall be set forth on the face of the bonds. Callable bonds may be redeemed on any interest payment date prior to their fixed maturity in the amounts, manner and prices prescribed in the document providing their terms.

(Ord. C-6611 § 1, 1989)

DIVISION VI. - STRUCTURAL SEISMIC RESISTANCE AND STRUCTURAL REPAIR ASSESSMENT DISTRICT FORMATION

Subdivision 1. - Definitions and General Provisions

3.52.570 - Description by reference to plan or map filed and open to public inspection.

Any resolution, notice, report, diagram or assessment which is required to contain a description of the improvements, the boundaries of the assessment district or the parcels therein, or the lines and dimensions of any parcel of lands may, for a full and detailed description thereof, refer to any plan or map which is on file with the City Engineer, City Clerk, the County Auditor or the assessor of the County and which is open to public inspection. The plan or map so referred to shall govern for all details of the description.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.571 - Construction governed by definitions.

Unless the context otherwise requires, the definitions contained herein shall govern the construction of this Division. For purposes of this Division, words importing the singular number shall include the plural number and vice versa, and words importing persons shall include firms, associations, corporations, partnerships, districts, agencies and bodies, unless the context clearly requires otherwise.

"Assessed" and "assessment" as used in Subdivision 3 mean assessments made pursuant to Subsection 3.52.582.E, as corrected and modified by the City Council. "Assessed" and "assessments" do not include assessments to pay administrative costs made pursuant to Subsection 3.52.582.F.

"Assessment district" means the district of land or certain specified parcels (which may be contiguous or noncontiguous parcels) within the City to be benefited by the improvements and to be specially assessed to pay the costs and expenses of the improvements and the damages caused by the improvements.

"Assessment Engineer" means the City Engineer or such other officer of the City or competent person employed or contracted by the City responsible for preparing the report required by Section 3.52.581, who is a registered professional engineer certified by the State of California.

"Auditor" means any person at the City who is charged with the duty of extending taxes upon the assessment rolls and lists.

"Bond", and any of its variants, means bonds, notes, commercial paper or other evidences of indebtedness, or lease, installment purchase or other agreements or certificates of participation therein.

"City" means the City of Long Beach, California.

"City Clerk" means the person who is or acts as Clerk of the City Council and/or the Assessment Engineer when such individual is deputized as City Clerk.

"City Council" means the Council of the City.

"County" means the County of Los Angeles, California.

"Improvement", and any of its variants, includes all work and improvements, whether acquired, installed or constructed, authorized or undertaken by the City or by any owner which are necessary or incidental to comply with the provisions of Chapter 18.68, any amendments thereto, or any other provision of law relating to the health, safety and welfare of the citizens of the City, and which are necessary for or incidental to a public purpose.

"Incidental expenses" shall include, but not be limited to, the incidental expenses specified in Section 5024 of the Streets and Highways Code.

"Owner" means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office of the County, or the person in possession of the property or buildings, exercising acts of ownership over the same for himself, or as the executor, administrator, guardian or conservator of the owner. If the property is leased, the possession of the tenant or lessee holding and occupying such property shall be deemed to be in the possession of the owner.

"Resolution of Intention" means the resolution of the City required by Section 3.52.579.

"State" means the State of California.

"Tax Collector" means the person who is charged with the duty of collecting taxes, advertising delinquent lists of unpaid taxes, selling lands thereunder and executing certificates of sale and deeds thereon.

"Treasurer" means the City Treasurer or any designated agent.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.572 - Selection of newspaper.

Whenever in Subdivision 2 and Subdivision 3 a notice, resolution, order or other matter is required to be published and the manner of such publication is not specified, it shall be published in a daily, semiweekly or weekly newspaper published and circulated in the City and which is selected by the City Council for that purpose, or by the City Clerk or other officer issuing the notice or responsible for the publication where the City Council has not selected any newspaper for that purpose.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.573 - Time of publication.

Whenever in Subdivision 2 and Subdivision 3 a notice, resolution, order or other matter is required to be published and the time for such publication is not specified, it shall be published in the newspaper once.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.574 - Time and place of posting.

Whenever in Subdivision 2 and Subdivision 3 a notice, resolution, order or other matter is required to be posted and the time or method for such posting is not specified, the City Clerk shall conspicuously post the notice, resolution, order or other matter on or near the door of the City Council's regular meeting place for not less than seventy-two (72) hours.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.575 - Publication or posting of notice, resolution, order or other matter—Clerk—Validation of proceedings.

Whenever any notice, resolution, order, or other matter is required to be published or posted, and the duty of posting, publishing or procuring the same is not specifically enjoined upon any officer or person, the City Clerk shall post or procure the publication or posting thereof, as the case may be.

No step in any proceeding shall be invalidated or affected by any error or mistake or departure from the provisions of this Division as to the officer or person posting or publishing, or procuring the publication or posting, of any notice, resolution, order or other matter when the same is actually published or posted for the time required.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.576 - Failure to mail or receive notice—Validation of proceedings.

The failure of the City Clerk or Assessment Engineer to mail any notice or the failure of any person to receive the same shall not affect in any way whatsoever the validity of any proceedings taken under this Division nor prevent the City Council from proceeding with any hearing so noticed.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.577 - Notice—Publication of notice, order—Necessity—Validity.

No notice, nor any publication of any notice, order, resolution or other matter, other than that expressly provided in Subdivision 2 and Subdivision 3 of this Division, shall be necessary to give validity to any of the proceedings provided in this Division.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.578 - Compliance with Article XIII D of California Constitution.

Notwithstanding any provision of this Division, in the event of any conflict between the requirements of this Division and those of Article XIII D of the California Constitution, the provisions of said Article XIII D shall prevail.

(Ord. C-7480 § 1, 1997)

Subdivision 2. - Procedures for Forming Assessment Districts and Levying Assessments

3.52.578.1 - Power to construct, acquire, install improvements—Acquisition of land and easements.

Whenever the public interest or convenience requires, the City Council may acquire, construct or install, or may make funds available to enable the owners of parcels of land within the assessment district to acquire, construct or install, any or all of the improvements, and the City may acquire by gift, purchase or eminent domain proceedings, land, rights-of-way, leases and easements necessary for any such works and improvements.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.579 - Resolution of Intention.

Before authorizing the City or any Owner to proceed with any Improvement in accordance with the provisions of this Subdivision and for which an assessment will be levied on parcels of land within the proposed Assessment District, the City Council shall adopt a resolution declaring its intention to do so. The Resolution of Intention shall (i) briefly describe the nature of the proposed Improvements, (ii) specify the exterior boundaries of the Assessment District and the parcels of land which will have a special benefit conferred upon them and upon which an assessment will be imposed, (iii) declare the intention of the City Council to issue Bonds payable from the assessments, if any Bonds are to be issued, as contemplated by Subdivision 3, (iv) declare the intention of the City Council to levy an assessment for any such Improvements, (v) declare the intention of the City Council to levy an assessment or a fee to pay administrative costs of the City incurred as a result of the assessments or any Bonds if it intends to levy such an assessment or fee, (vi) describe the methods of apportionment over time of any assessment proposed under this Subdivision which shall be consistent with the requirements of Article XIII D of the California Constitution, (vii) if the Improvements are to be constructed, acquired or installed by the affected Owners or their designated appointees or contractors, the procedure for the Owners to apply for funds, including the contents of any reports, certificates or estimates which must be submitted to the Assessment Engineer for approval as a prerequisite to receiving such funds, (viii) provide for the disposal of any surplus remaining in any accounts of an improvement fund after completion of the Improvements, (ix) state the intention of the City, if applicable, to exclude from the Assessment District all properties belonging to Owners who have provided notice of their intent not to be part of the Assessment District in accordance with Section 3.52.595, (x) state, if applicable, the determination of the City Council to provide a penalty on delinquent installments of assessments in accordance with Section 3.52.613, (xi) name an

Assessment Engineer for the Assessment District, (xii) state the procedures for Owners to protest against the proposed Improvements, Assessment District and assessments, and (xiii) separate the general benefits from the specific benefits imposed on properties in the Assessment District. The descriptions need not be detailed and shall be sufficient if they enable the Assessment Engineer to generally identify the nature, location and extent of the Improvements and the location of, or the parcels included in, the Assessment District. The Resolution of Intention may also contain a brief statement of the intention of the City Council to enter into an agreement with any other public agency or public utility for the performance of any work or service by such public agency or public utility in connection with the Improvements.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.580 - Payment of cost and expenses out of General Fund authorized.

In the Resolution of Intention, the City Council may order that a specified portion or percentage of the cost and expenses of the Improvements shall be paid out of the General Fund of the City or from any other fund as the City Council may designate.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.581 - Call for report.

In the Resolution of Intention, the City Council shall refer the proposed Improvements to the Assessment Engineer named in the Resolution of Intention and direct such Assessment Engineer to make and file with the City Clerk a report in writing.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.582 - Contents of report.

The report of the Assessment Engineer to whom the Improvements are referred by the City Council shall contain the following:

A. A general description of the proposed Improvements including the general nature and extent of the Improvements.
B. A general description of any Improvements already acquired, constructed or installed and any other works, appliances or property necessary or convenient for the operation of the Improvements, if such works, appliances or property are to be acquired, constructed or installed as part of the Improvements.
C. An estimate of the proposed cost of the Improvements and of the proposed cost of the Incidental Expenses to be incurred in connection with the Improvements including, but not limited to, expenses relating to the financing of the Improvements, the establishment of a reserve fund for the Bonds and the registration of Bonds.
D. A diagram showing, as they existed at the time of the passage of the Resolution of Intention, all of the following:
    1. The exterior boundaries of, or the parcels included in, the Assessment District.
    2. The boundaries of, or the parcels included in, any zones within the Assessment District.
    3. The lines and dimensions of each parcel of land within the Assessment District. Each parcel, including any condominium interest, as defined in Section 783 of the Civil Code of the State of California, shall be given a separate number upon the diagram. The diagram may refer to

the County Assessor's maps for a detailed description of the lines and dimensions of any parcels, in which case those maps shall govern for all details concerning the lines and dimensions of the parcels.

E. A proposed assessment of the total amount of the costs and expenses of the proposed Improvements upon the several parcels of land in the Assessment District. Such proposed assessment shall include the formula pursuant to which the amount of the assessment was determined. The methods of apportionment over time of any assessment shall also be stated. When any portion or percentage of the cost and expenses of the Improvements is ordered to be paid out of the General Fund or other fund of the City pursuant to Section 3.52.580, the amount of that portion or percentage shall first be deducted from the total estimated cost and expenses of the Improvements, and the assessment upon property proposed in the report shall include only the remainder of the estimated cost and expenses. The assessment shall refer to the parcels by their respective numbers as assigned pursuant to Subsection 3.52.582.D.

F. A proposed maximum annual assessment upon the several parcels within the Assessment District to pay costs incurred by the City and not otherwise reimbursed which result from the administration and collection of assessments or from the administration or registration of any associated Bonds and reserve or other related funds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.583 - Allowance for interest.

If Bonds are to be issued pursuant to Subdivision 3 hereof, the costs and expenses of the proposed Improvements may include an allowance for interest not exceeding two (2) years' estimated interest on the Bonds from the date thereof. The amount of the allowance for interest shall be paid into the redemption fund for the Bonds upon sale and delivery of the Bonds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.584 - Loans to special funds.

To expedite the conduct of proceedings and the construction, acquisition or installation of any Improvements, the City Council may at any time transfer into a special fund designated by the name of the improvement proceeding, out of any available funds of the City, such sums as it deems necessary. The sums so transferred are a loan to the special fund and may, or at the discretion of the City Council shall, be repaid out of the proceeds of the assessments provided for in this Subdivision.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.585 - Consideration of report—Modification.

When the report provided for in Sections 3.52.581 and 3.52.582 is filed with the City Clerk, he or she shall present such report to the City Council for consideration. The City Council may modify such report in any respect. The report, as modified, shall stand as the report for the purpose of all subsequent proceedings except that such report may be confirmed, modified or corrected as provided in this Subdivision.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.586 - Public hearing of protests.

After passing on the report, the City Council by resolution shall appoint a time and place for hearing protests to the proposed Improvements, the proposed Assessment District and/or the proposed assessments and shall direct the City Clerk or the Assessment Engineer to give notice of the hearing as provided in this Subdivision, and shall designate a daily or weekly newspaper published and circulated in the City in which the notice shall be published. The hearing shall be held not less than thirty (30) days after the passage of such resolution unless the City Clerk or the Assessment Engineer receives written consents, signed by each Owner of a parcel within the Assessment District, to an earlier hearing date or to a waiver of the protest hearing.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.587 - Waiver of protest hearing and notices.

Notwithstanding anything to the contrary contained in this Subdivision, any provision contained herein requiring the mailing, publication or posting of notices or requiring a public protest hearing within a specified time period may be waived or modified with the consent of all of the Owners of parcels of land included within an Assessment District. Any such waiver or modification shall be in writing and shall be executed by each Owner of each parcel of land included or proposed to be included in the Assessment District; provided, however, that any such written waiver or modification may be executed by an Owner in counterparts. If the City Clerk or the Assessment Engineer shall receive any such executed waiver or modification, it shall be deemed an amendment to the provisions of this Subdivision with respect to the Assessment District which is the subject of such waiver or modification.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.588 - Notice of passage of Resolution of Intention—Posting.

After the adoption of the Resolution of Intention, the filing of the report and the setting of the time and place for hearing protests, the City Clerk or the Assessment Engineer shall cause notices of the passage of the Resolution of Intention to be posted. The notices shall be posted conspicuously on all the open streets contingent to the parcels of land within the proposed Assessment District, at not more than three hundred feet (300') apart on each street so posted, but no less than three (3) in all.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.589 - Publication of notice.

The City Clerk or the Assessment Engineer shall also cause a notice similar in substance to the notice described in Section 3.52.590 to be published in the City pursuant to Section 6066 of the Government Code. The notices shall be posted and first published at least twenty (20) days before the date set for hearing of protests.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.590 - Contents of notice.

The notices required by Sections 3.52.588 and 3.52.589 shall, except as otherwise noted:

A. Be headed "Notice of Improvements and Formation of Assessment District", in letters of not less than one inch (1") in height (except for the notice required by Section 3.52.589).

B. In legible characters, state the fact and date of passage of the Resolution of Intention, the filing of the report and the time and place set for hearing of protests.

C.

Briefly describe the Improvements proposed to be constructed, acquired or installed, the proposed Assessment District and the proposed assessments.

D. Refer to the Resolution of Intention and report for further particulars.

E. Contain the name and telephone number of a local department or agency designated by the City Council to answer inquiries regarding the protest proceedings.

F. Contain any other information required under Section 4(c) of Article XIII D of the California Constitution.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.591 - Effect of failure to post.

No proceeding shall be held invalid for failure to post notices on any street or streets if the sections herein relating to notices have been substantially complied with or if waivers meeting the requirements set forth in Section 3.52.587 have been received.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.592 - Notice to Owners.

At least forty-five (45) days before the date set for hearing of protests, the City Clerk or the Assessment Engineer shall mail, postage prepaid, notices of the adoption of the Resolution of Intention and the filing of the report to all persons owning real property proposed to be assessed whose names and addresses appear on the last equalized assessment roll for City taxes or who are known to the City Clerk or the Assessment Engineer. If property assessed by the State of California under Section 14 of Article XIII of the Constitution is proposed to be assessed, such notice shall be mailed to every Owner of such property at the address thereof shown on the last board roll transmitted to the County Auditor.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.593 - Contents of notice to Owners.

The notice mailed to Owners pursuant to Section 3.52.592 shall contain:

A. A statement of the time, place and purpose of the hearing on the Resolution of Intention and report.

B. A statement of the proposed Improvements, the extent of the territory to be assessed and the maximum proposed cost of the Improvements.

C. The amount, as shown by the report, to be assessed against the particular parcel covered by the notice.

D. A statement that any person interested may file a protest in writing as provided in this Subdivision and such statement shall specify the mechanics of filing a protest and, if applicable, the intention of the City to exclude from the proposed Assessment District all properties belonging to Owners who have provided notice of their intent not to be part of such Assessment District.

E. The name and telephone number of the department or agency designated by the City Council to answer inquiries regarding the protest proceedings.

F. The notice also shall contain the information and ballot required under Sections 4(c) and (d) of Article XIII D of the California Constitution.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.594 - Affidavit of City Clerk or Assessment Engineer.

Upon the completion of the mailing of the notices, the City Clerk or the Assessment Engineer, as appropriate, may file with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of this Subdivision for publishing, posting and mailing notices.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.595 - Filing of protests—Evidence of property ownership—Duties of City Clerk or Assessment Engineer.

After the City Council passes on the report pursuant to Sections 3.52.585 and 3.52.586, any interested person may object to the proposed Improvements, the extent of the Assessment District or to the proposed assessments, by filing a written protest with the City Clerk on or before the time set for the hearing. The protest shall contain a description of the property in which each signer thereof is interested sufficient to identify the property, and, if the signers are not shown on the last equalized assessment roll as the Owners of the property, the protest shall contain or be accompanied by written evidence that the signers are the Owners of the property. In addition the written protest shall contain, if applicable, a statement that such Owner requests the removal of its property from the proposed Assessment District. The City Clerk shall endorse on each protest the date of its receipt and, at the time appointed for the hearing, the City Clerk shall present to the City Council all protests filed with him or her. Only the protests filed with the City Clerk in accordance with this Section shall be considered by the City Council.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.596 - Waiver of right to protest.

Any written protest not made at the time and in the manner provided in Section 3.52.595 shall be deemed to be waived voluntarily by any person who might have made such protest and such person shall be deemed to have consented to the proposed Improvements, the extent of the Assessment District, the proposed assessment and any other act, determination or proceeding on which protest could be made.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.597 - Correction of error or informality.

The City Council may remedy, revise and correct any error or informality in any act, determination or proceeding of the City Council or any officer of the City. The City Council may confirm, amend, alter, modify or correct the assessment and diagram in such manner as the City Council shall deem just and may instruct and direct the officer or person making the same to correct them in any particular.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.598 - Majority protest—Withdrawal of protests.

If the City Council finds that any protest against the proposed Improvements, the proposed Assessment District or the proposed assessment is made by the Owners of more than one-half (½) of the parcels of land within the proposed Assessment District (excluding those Owners of parcels of land who have been previously removed from the proposed Assessment District at such Owner's request), and protests are not withdrawn so as to reduce the protests to less than a majority (excluding those Owners of parcels of land who have been previously removed from the proposed Assessment District at such Owner's request), no further proceedings shall be taken for a period of one (1) year from the date of the decision of the City Council on the hearing, unless the protests are overruled by an affirmative vote of four-fifths (4/5) of the members of the City Council pursuant to its powers under Article 16, Section 19 of

the California Constitution. Any person making a protest may withdraw the protest, in writing, at any time prior to the conclusion of the protest hearing. The City Council may confirm, modify or correct the proposed assessment.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.599 - Majority protest—Determination of ownership of signers—Evidence considered.

If it shall be necessary, in order to find whether a majority protest exists, to determine whether any or all of the signers of written protests are the Owners of property to be assessed, the City Council shall make such determination from the last equalized assessment roll, any written evidence submitted with a written protest and any other evidence received at the hearing. The City Council shall be under no duty to obtain or consider any other evidence as to ownership of property and its determination of ownership shall be final and conclusive.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.600 - Public hearing; confirmation of assessment.

A. The City Council shall conduct a public hearing upon the proposed assessment not less than forty-five (45) days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the City Council shall consider all protests against the proposed assessment and tabulate the ballots. The City Council shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property. The provisions of this Section 3.52.600 shall prevail over any conflicting provisions of this Division VI.

B. When, upon the hearing, the proposed assessments provided for in Subsection 3.52.582.E and the maximum annual assessment provided for in Subsection 3.52.582.F are confirmed as filed, as modified, or as corrected, the City Council, by resolution, shall authorize the proposed Improvements to be constructed, acquired or installed in accordance with the provisions of this Subdivision, and declare its action upon the report, the establishment of the Assessment District and the assessments. The resolution shall be final as to all persons, and the assessments shall thereby be levied upon the respective parcels of land in the Assessment District.

C. If an annual assessment to pay for administrative costs is provided for pursuant to Subsection 3.52.600.B, the City Council shall determine, by resolution, the amount of the annual assessment for this purpose, which shall not exceed the maximum assessment provided for in Subsection 3.52.600.B and shall not exceed a reasonable estimate of costs actually incurred or likely to be incurred. This determination may be included in the resolution adopted pursuant to Subsection 3.52.600.B. The City Council may subsequently determine by resolution that the annual assessment shall be a different amount, but in no event shall the annual assessment exceed the maximum annual assessment provided for in Subsection 3.52.600.B. Resolutions adopted pursuant to this Subdivision shall be final as to all persons, and the annual assessment in the amount determined shall thereby be levied annually until changed by resolution adopted pursuant to this Section. These assessments may be collected in the same manner and in the same installments as the assessments levied pursuant to Subsection 3.52.600.B, and may be combined with those assessments for collection in any manner which is convenient and economical.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.601 - Authority for City Council to make changes in Assessment District, assessments or proceedings.

A. Unless the power to proceed shall have ceased at the conclusion of the hearing on the proposed Improvements, the proposed Assessment District and the proposed assessments because of a majority protest, at any time before completion of such proceedings, the City Council may make changes in, to or from the boundaries of or the parcels included in the proposed Assessment District, the Improvements authorized to be constructed, acquired or installed, the assessments (including the amounts of any of the individual assessments therein), or in the proceedings, or any act, determination or provision made, or permitted to be made, by the City Council under and pursuant to this Subdivision, which act, determination or provision does not affect the jurisdiction of the City Council to order the Improvements or the assessment. The City Council shall not change the Assessment District to include any territory which will not, in its judgment, be potentially benefited by the Improvements.

B. At any time after the passage of the resolution provided for in Subsection 3.52.600.B, the City Council may make changes in or modify the Improvements with respect to a particular parcel of land within the Assessment District with the written consent of the Owner thereof, and the City Council may reduce the assessment with respect to a particular parcel of land within the Assessment District without the need for any such written consent.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.602 - Changes to be made on notice and hearing—Exceptions.

All changes shall be made on notice and hearing as herein provided, except changes may be made:

A. At the hearing on the report, which:
   1. Eliminate a portion of the Assessment District without increasing the amount of any assessment by reason thereof or substantially affecting the distribution of benefits from the Improvements; or
   2. Exclude territory which will not be benefited by the remaining Improvements without increasing the amount of any assessment by reason thereof; or
   3. Modify the Improvements or the assessment with respect to a particular parcel of land within the Assessment District with the written consent of the Owner thereof;

B. At any time after the Improvements are ordered and during the pendency of the proceedings, which:
   1. Exclude territory which will not be benefited by the remaining Improvements without increasing the amount of any assessment by reason thereof; and

C. At any time after the passage of the resolution provided for in Subsection 3.52.600.B, which:
   1. Modify the Improvements or reduce the assessment with respect to a particular parcel of land within the Assessment District with the written consent of the Owner thereof.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.603 - Resolution—Description of proposed changes—Reference to maps, plats, etc.—Publication.

Before ordering any changes made, other than as provided in Section 3.52.602 hereof, the City Council shall adopt a resolution briefly describing the changes proposed to be made, stating the amount of the estimated increase or decrease in the cost of the Improvements by reason of the proposed

changes, if applicable, and giving notice of a time and place when and where any interested person having any objection to the changes proposed to be made may appear before the City Council and show cause why the changes should not be ordered. The resolution shall also contain the name and telephone number of a local department or agency designated by the City Council to answer inquiries regarding the hearing proceedings. The resolution may describe the changes by referring to maps, plats, plans, profiles, detailed drawings or specifications on file in the office of the City Clerk or Assessment Engineer, which shall indicate the changes proposed to be made and which shall govern for all details thereof. The resolution shall be published pursuant to Section 6061 of the Government Code at least ten (10) days prior to the date of the hearing.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.604 - Proposals to include additional territory or to increase assessment—To whom copy to be mailed.

If the resolution adopted pursuant to Section 3.52.603 proposes to include additional territory in the Assessment District, or to increase any assessment without written consent of the affected Owner, at least twenty (20) days prior to the hearing fixed therein, the City Clerk or the Assessment Engineer shall mail a copy of said resolution to all persons owning real property within said additional territory, or whose assessment is increased, whose names and addresses appear on the last equalized assessment roll or as known to the City Clerk or the Assessment Engineer.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.605 - Written objection to proposed changes—Filing with City Clerk—Hearing and determination—Jurisdiction to order changes—Conclusiveness of order.

Written objection to the proposed changes may be filed with the City Clerk by any interested person at any time not later than the time set for the hearing. The City Council shall hear and pass upon such objections at the time appointed, or at any time to which the hearing thereof may be adjourned, and its decision thereof shall be final and conclusive. If no written objections to said changes have been delivered to the City Clerk up to the hour set for hearing thereon or if said objections have been heard and found by the City Council to be insufficient or have been overruled or denied, immediately thereupon the City Council by an affirmative vote of four-fifths (4/5) of its members shall acquire jurisdiction to order said changes made. The decision and determinations of the City Council ordering such changes after notice and hearing shall be final and conclusive upon all persons entitled to appeal thereupon to the City Council.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.606 - Proceedings when supplemental assessment deemed necessary—Credit.

If, as a result of any proposed changes or other events, the City Council shall determine that a supplemental assessment shall be necessary, the proceedings provided for by this Subdivision may either be combined with or conducted separately from the proceedings for such supplemental assessment. If said proposed changes shall eliminate or substantially reduce the estimated benefits to be received from the Improvements by any parcel of land within the Assessment District, the City Council shall not order any such changes without ordering a corresponding credit upon the individual assessment theretofore imposed upon such parcel. Said credit shall be made in the manner provided in Section 3.52.626.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.607 - Limitations.

Any changes made pursuant to this Chapter shall be subject to the limitations, if any, contained in any law applicable to the proceedings (including but not limited to Article XIII D of the California Constitution), which law may impose limitations upon the amount by which the estimated cost of the Improvements may be increased by reason of such changes.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.608 - Contest of validity.

The validity of an assessment or supplementary assessment levied under this Subdivision shall not be contested in any action or proceeding unless the action or proceeding is commenced within thirty (30) days after the assessment is levied pursuant to Subsection 3.52.600.A. Any appeal from a final judgment in such an action or proceeding shall be perfected within thirty (30) days after the entry of judgment.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.609 - Diagram and assessment—Transmission and recordation.

Upon the passage of the resolutions provided for in Section 3.52.600, the City Clerk shall transmit to the Assessment Engineer the diagram and assessments adopted pursuant to Section 3.52.600, and any changes, modifications or corrections made by the City Council in accordance with this Subdivision. The City Clerk shall likewise transmit to the Assessment Engineer any diagrams or assessments which are subsequently changed or modified by the City Council pursuant to Subsection 3.52.601.B.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.610 - Recording diagram and assessment.

The Assessment Engineer shall record or cause to be recorded the diagram and assessments received pursuant to Section 3.52.609 in a book to be kept for that purpose in his or her office. Upon the date of such recordation, the assessment shall become due and payable in accordance with its terms, except that the City Council may provide in the resolution adopted pursuant to Section 3.52.600 that all or any portion of the assessment becomes due and payable on the dates necessary for payment of the Bonds which represent the assessment or portion thereof.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.611 - Recordation of notice of assessment.

Upon the passage of the resolution provided for in Subsection 3.52.600.B, or upon modification of the Improvements or the assessment with respect to a particular parcel within Assessment District pursuant to Subsection 3.52.601.B, the City Clerk or Assessment Engineer shall record a notice of assessment, as provided in Section 3114 of the Streets and Highways Code, modified to reflect any annual assessment for administrative costs, whereupon the assessment shall attach as a lien upon the property assessed, as provided in Section 3115 of the Streets and Highways Code, except that the annual assessment for administrative costs shall become a lien at the same time the property tax becomes a lien each year.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.612 - Notice to Owners of recordation of assessment.

A. Notice of recordation of assessment shall be given as provided in this Section.

B. Upon recordation of the assessment, the City Clerk or the Assessment Engineer shall mail, as provided in Subdivision (a) of Section 5070 of the Streets and Highways Code, a statement containing all of the following:

1. A designation by street number, or some other description, of the property assessed sufficient to enable the Owner to identify it.
2. The amount of the assessment.
3. The date of the recordation of the assessment.
4. The time and place of payment of the assessment and the effect of failure to pay within such time.
5. If Bonds are to be issued, a statement of that fact.

C. The City Clerk or the Assessment Engineer also shall give notice by publication pursuant to Section 6066 of the Government Code, which notice shall state all of the following:
1. That the assessment has been recorded as provided in Section 3.52.611
2. The time and place of payment of the assessment and the effect of failure to pay within such time.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.613 - Annual payment of assessments—Amount—Delinquency—Penalty.

A. Except as otherwise provided in the Resolution of Intention, the unpaid assessments shall be payable in annual series corresponding in number to the number of years of principal payments (including payments at maturity and mandatory sinking serial payments) payable with respect to the Bonds issued in connection with such assessments. The annual proportion of each assessment, together with the annual interest on the assessment, shall be payable in the same manner and at the same time and in the same installments as the general ad valorem taxes on real property are payable, and the assessment installments and the annual interest on the assessment shall be payable and become delinquent at the same times and in the same proportionate amounts and, except as provided in Subsection 3.52.613.B, shall bear the same proportionate penalties and interest after delinquency as do the general ad valorem taxes on real property.

B. The City Council may provide, in the Resolution of Intention, that a penalty of two percent (2%) per month of the total amount of the delinquent installment shall be added to the delinquent installment on the July 1 following the delinquency date and an additional penalty of two percent (2%) of the amount of the delinquency shall be added at the beginning of business on the first day of each succeeding month until that delinquent installment and all penalties thereon are fully paid. This penalty shall be in lieu of all other monthly penalties assessed by other provisions of law, but shall not prevent the City from imposing a delinquency penalty of ten percent (10%). The Treasurer or the designated paying agent shall collect the penalties with, and as a part of, the delinquent installments, or the City Council may designate another official and another method of collection. All penalties collected shall be used as provided in the resolution authorizing the issuance of the Bonds to which the assessments pertain.

C. Notwithstanding the foregoing, the resolution authorizing the issuance of the Bonds, or the City Council by separate resolution, may provide for another method or other methods for the payment of unpaid assessments, including but not limited to direct billing by the City of the assessments, payment of past due assessments in installments to resolve delinquencies, and reductions of assessments as described in Subsections 3.52.636.D, 3.52.640.B and/or Section 3.52.643

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.614 - Interest on unpaid assessments—Computation.

Interest on all unpaid assessments shall begin to run from the date of the Bonds and shall be computed at the rate specified in the Bonds secured by such assessments. Such interest shall for each year be computed and collected up to the next second day of September succeeding, no deduction being made by reason of any installment of such assessment being due or paid prior thereto in such year.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.615 - Auditor's record of unpaid assessment—Collection costs.

A copy of the order of the Assessment Engineer determining the assessments remaining unpaid in accordance with Subdivision 3 and upon the security of which Bonds are issued shall be filed in the office of the Auditor. The Auditor shall keep a record in his or her office showing the several installments of the principal and interest on said assessments which are to be collected in each year. The Auditor shall annually enter in his or her assessment roll on which taxes will next become due, opposite each parcel of land affected in a space marked "private improvement for public benefit assessment", or by other suitable designation, the several installments of such assessment coming due during the fiscal year covered by such assessment roll, including in each case the interest due on such total unpaid assessments. The Auditor shall also add a maximum of five percent (5%) of the amount of the installments and of the interest so entered, not to exceed the Treasurer's estimate of the expenses of collection and in any case not to exceed eight dollars ($8.00) per parcel per installment, except with the Owner's written consent. The expenses of collection shall include necessary administrative expenses of the City incurred in providing the Auditor with current information regarding the ownership or division of the affected parcels of land to ensure the proper entry by the Auditor in his or her assessment roll of the several installments of the assessment coming due during the fiscal year covered by the assessment roll and the timely collection of the installments. The percentages, and the amount represented by the installments, when collected shall belong to the City and shall cover the expenses and compensation of the Treasurer incurred in the collection of the assessments, and of the interest and penalties added on to the assessments. No other percentage or amount shall be claimed by the City Council for the collections.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.616 - Registration expenses—Pro rata share entered in assessment roll annually—Inclusion of estimated expenses in assessment and amount of Bonds.

In addition to the amounts set forth in Section 3.52.615, the Auditor shall further annually enter in the assessment roll on which taxes will next become due, opposite each parcel or land affected, in the manner set forth in Section 3.52.615, each parcel's pro rata share based on the amount of the assessment as a percentage of the total dollar value of all assessments then payable of the annual expenses of the City in connection with the registration of the Bonds under the system of registration authorized by Chapter 1.5 (commencing with Section 5050) of Division 6 of Title 1 of the Government Code, as determined by the City Treasurer. The expenses shall include the amount or estimated amount necessary to pay the fees and charges coming due during the fiscal year covered by the assessment roll of corporate or other authenticating agents, transfer agents, registrars, paying agents or other agents of the City. If the City performs any transfer, registration, authentication, payment or other function described in this Section, the expenses shall include a pro rata amount of the salaries of the City employees involved in the performance of the functions and all other costs incurred by the City in connection with the functions.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.617 - County collection for City—Report—Expenses.

The City Treasurer may request the County Auditor to, within ninety (90) days after each installment becomes delinquent, render to the City a detailed report showing the amounts of the installments, interest, penalties and percentages so collected on each proceeding and from what property collected, identifying any properties which are delinquent and the amount and length of time in arrears, and also giving a statement of the percentages retained for the expenses of making such collections.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.618 - Payment under protest.

Taxpayers shall have the same right to pay assessments together with interest and any penalties thereon under protest as they have to pay general City taxes under protest, but their written protest must accompany each such payment.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.619 - Land not separately assessed on tax roll.

If any parcel of land affected by any assessment is not separately assessed on the tax roll so that the installment of the assessment to be collected can be conveniently entered thereon, then the Auditor shall enter on the roll a description of the lot or parcel affected with the name of the Owners if known, but otherwise the Owners may be described as "unknown Owners", and extend the proper installment opposite the same.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.620 - Advance collection to meet interest payments.

If it appears to the City Council that, according to the dates when taxes are collected in the City, there will be an insufficient amount on hand to pay the interest when due according to the method of collection provided by this Subdivision, the City Council may direct that such interest or some portion of it be collected in the year preceding that in which the same would otherwise be collected, and thereupon such interest or portion thereof shall be extended on the rolls for such preceding year and be due and collected therein.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.621 - Amounts to be paid by Owner.

A. The Owner of assessed land, except land which has been ordered to judicial foreclosure pursuant to Section 3.52.636 (unless otherwise permitted under Section 3.52.636 or Section 3.52.638), may prepay the assessment and remove the lien of the assessment by paying to the Treasurer all of the following:
    1. The amount of any delinquent installments of principal and interest, together with penalties accrued to the date of prepayment;
    2. The unpaid, nondelinquent principal of the assessment, including principal posted to the tax roll for the current fiscal year but not yet paid;
    3. An allowance for redemption premium, calculated by multiplying the amount of the unmatured principal by the redemption premium percentage stated in the Bonds (unmatured principal excludes principal due during the fiscal year of prepayment);
    4. A reasonable fee, fixed by the Treasurer, for the cost of administering the prepayment and the advance redemption of Bonds;
    5.

Interest accrued to the next call date of the Bonds (the next call date shall be the next Bond interest payment date which is not less than ninety (90) days after the date of prepayment), with credit given, or a refund provided, for installments of interest posted to the current tax roll and actually paid; and

6. If applicable, a credit for a portion of the amount, if any, in the reserve fund calculated pursuant to Section 3.52.717

B. The Owner of assessed land, except land which has been ordered to judicial foreclosure pursuant to Section 3.52.636, may prepay the assessment in part and remove the lien of the assessment in part by paying to the Treasurer all of the following:

1. The amount of any delinquent installment of principal and interest, together with penalties accrued to the date of prepayment;
2. A portion of the unpaid, nondelinquent principal of the assessment in increments of five thousand dollars ($5,000.00);
3. An allowance for redemption premium, calculated by multiplying the amount of the unmatured principal being prepaid by the redemption premium percentage stated in the Bonds;
4. A reasonable fee, fixed by the Treasurer for the cost of administering the prepayment and the advance redemption of Bonds; and
5. Interest accrued to the next call date of the Bonds (the next call date is the next Bond interest payment date which is not less than ninety (90) days after the date of prepayment).

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.622 - Assessment prepayment subaccount of Bond redemption fund—Deposits—Disbursements.

Upon receiving a partial or full prepayment of an assessment, the Treasurer shall deposit it in an assessment prepayment subaccount of the Bond redemption fund. All prepayments may be commingled in a single account. From the account the Treasurer shall make disbursements as follows:

A. The administrative fee shall be deposited in the General Fund of the City.

B. Delinquent assessment installments shall be transferred to the redemption fund for the Bonds. If a special reserve fund has been established and is then being maintained under the resolution authorizing the issuance of the Bonds and has been depleted on account of the delinquencies, the delinquent amounts shall be transferred instead to the special reserve fund.

C. The installment of principal due in the fiscal year of prepayment shall be transferred to the redemption fund for the Bonds.

D. Interest accrued to the next call date shall be transferred to the redemption fund for the Bonds.

E. Penalties, and interest above the interest rate on the Bonds shall be promptly disbursed: (i) if a special reserve fund is then maintained under the resolution authorizing the issuance of the Bonds, as provided in Subsection 3.52.622.B above in the same manner as for delinquent assessment installments; or (ii) if no such reserve fund is maintained, to the registered Owner of the Bonds.

F. The balance in the assessment prepayment account shall be used to advance the maturity of Bonds to the next call date as provided in Subdivision 3. The amount of Bonds to be retired shall be the maximum for which principal and redemption premium, if applicable, may be paid in full from the prepayment account. Accrued interest on Bonds to be retired shall be paid from the redemption fund.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.623 - Tender of Bond in payment of assessment; tenders at foreclosure sales.

A. Any interested Owner, any Owner of Bonds or the City, shall have the right to tender to the Treasurer in payment or part payment of any assessment installment or interest or penalties thereon which may be due or payable, any Bond which was sold and delivered upon the assessments, the said Bond to be taken at par and credit to be given for the accrued interest shown thereby computed to date of such tender. The Treasurer shall thereupon cancel such Bond and shall cause proper credit therefor to be entered on the records of such assessment in the office of the Auditor and Tax Collector.

B. If the highest bid for a lot or parcel sold pursuant to a judgment of foreclosure and order of sale exceeds five thousand dollars ($5,000.00) and the highest bidder elects to treat the sale as a credit transaction pursuant to Code of Civil Procedure Section 701.590(c), the balance due as provided in that Section may be paid in full or in part by tender of Bonds; provided, however, that the highest bidder must tender cash, certified checks or cashier's checks (and not Bonds) with its bid for costs of foreclosure (including attorney fees) and administrative charges incurred by the City with respect to removing the assessments from the rolls of the City or the County Treasurer Tax-Collector, any other administrative charges, and any amounts described in Subsections 3.52.638.B.3 and 4 or Subsections 3.52.638.C.1, 2, 3 and 4.

Tender of Bonds shall be made to the Treasurer within seven (7) days of the date of the sale. Tender of cash or certified check or cashier's check for the balance of the sale price also shall be made to the levying officer within seven (7) days of the date of the sale. The Treasurer shall be charged with authenticating such tender and shall, within ten (10) days of the date of the sale, submit a written receipt to the levying officer who conducted the sale for the amount of the Bond tender accepted. The levying officer shall total the cash, certified checks and cashier's checks and any Treasurer's written receipt(s) for tendered Bonds to determine if the amount of the bid, plus accruing costs and interests, has been paid. If for any reason Bonds and/or the balance of the sale price are not tendered within seven (7) days of the date of sale (as required by the first two (2) sentences of this paragraph), the bidder shall forfeit any amounts accompanying its bid (as described in the last sentence of the preceding paragraph), with the amounts so forfeited to be used to pay administrative costs and expenses of the foreclosure sale, foreclosure attorney fees and any other administrative expenses, with the balance to be remitted to the City for deposit in the City General Fund.

C. The Treasurer is hereby authorized to establish procedures for the administration of this Section 3.52.623, which may contain limitations on, among other matters, the dates on which tenders may be made and the manner in which credit for Bonds tendered will be applied.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.624 - Insufficiency of assessment—Payment of deficit from General Fund or supplemental assessment.

If the first assessment or the sale of Bonds to represent assessments levied pursuant to this Subdivision fails to raise sufficient money to pay all costs, damages and expenses of the Improvements, including any judgments rendered in the action and proceedings mentioned in this Subdivision and the costs and expenses thereof, the City Council may pay the deficit out of the General Fund, or may order a supplemental assessment to pay the deficit.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.625 - Supplemental assessment.

The supplemental assessment shall be made and collected in the same manner, as nearly as possible, as the initial assessment. Subsequent supplemental assessments may be made, if necessary, to pay for the Improvements. At the hearing the City Council may confirm, modify or correct the supplemental assessment. The decision of the City Council thereon is final.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.626 - Credit to assessment and supplemental assessment.

If there is no supplemental assessment, the entire amount of any surplus in any account of the Improvement Fund shall be applied as a credit to the assessment payable by the Owner or Owners of the parcel or parcels for which the Improvement was constructed and/or acquired or, as an alternative, may be used to call outstanding Bonds, to repay any advances or loans by the City to the Assessment District or in respect of any Bonds (including, but not limited to, under Sections 3.52.584 or 3.52.635), or pay any costs of the City incurred in the administration of the Assessment District that have not theretofore been reimbursed to the City, as the City Council or the City Treasurer may determine. If any supplemental assessment has been levied, any portion of the surplus shall be applied as a credit to the assessment or supplemental assessment, or both, or, as an alternative, may be used to call outstanding Bonds, to repay any advances or loans by the City to the Assessment District or in respect of any Bonds (including, but not limited to, under Sections 3.52.584 or 3.52.635), or pay any costs of the City incurred in the administration of the Assessment District that have not theretofore been reimbursed to the City, as the City Council or the City Treasurer may determine. The amount, if any, apportioned to each such parcel shall be credited against the next installment or installments unpaid upon it.

Any Bonds called pursuant to this Section shall be selected in accordance with Section 3.52.700.

There shall be transferred to the General Fund of the City any portion of the surplus which has not been paid to or claimed by the persons entitled thereto within two (2) years after the due date of the last installment of principal of the Bonds.

If any work to be performed as part of the Improvements is deleted or abandoned, the surplus in the account of the Improvement Fund with respect to such Improvement resulting from the deletion or abandonment, as applicable, of such work may be returned to the Owner or Owners of that parcel or parcels, in the manner provided above as a credit against such Owners' assessment.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.627 - Powers of City Council.

The City Council shall possess all powers necessary for, incidental to, or convenient for, the collection, enforcement, administration or distribution of the assessment in accordance with its Charter and California law.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.628 - Sale—No right of redemption.

Upon default in the payment of any installment of principal or interest on any assessment or reassessment, the lands securing such installments and assessments shall be sold, except as otherwise permitted under this Division, in the same manner in which real property in the City is sold for the nonpayment of general ad valorem taxes, but there shall be no specific right of redemption even though

there may be such a right in connection with real property in the City that is sold for the nonpayment of ad valorem taxes. Any right of redemption shall only be as expressly provided in the assessment proceedings or as required by law.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.629 - Effect of certificate of sale or deed.

If any parcel of land is sold for the nonpayment of taxes and of any installment of any assessment thereon, or of the penalties, interest or costs on the same, or for the nonpayment of any installment of the assessment or of the penalties, interest or costs on the same, any certificate of such sale and deed issued pursuant thereto is primary evidence of the regularity of all proceedings had prior thereto, and shall be conclusive evidence of all things of which Bonds issued upon the security thereof are conclusive evidence, and prima facie evidence of the regularity of all proceedings subsequent to the issuance of the Bonds, and such deed conveys to the grantee the absolute title to the lands described therein, free of all encumbrances, except the lien for other State, County and City taxes and unpaid installments, interest and penalties under the same proceeding and except all public improvement assessments which may have priority thereover.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.630 - Purchase by the City.

A. The City may be the purchaser: (1) at any delinquency sale in the same manner in which it becomes or may become the purchaser of property sold for nonpayment of general ad valorem taxes, or (2) at a foreclosure sale as otherwise permitted under Section 3.52.638. If the City becomes the purchaser it may credit bid the amount of the delinquent assessment and of the delinquent interest for which the property is sold, without any requirement for then payment of the delinquent amount or any requirement for payment or transfer into the redemption fund.

B. If the City takes title to a lot or parcel in its own name or on behalf of the Owners of the Assessment District Bonds, the City:

    1. Shall not be required to pay any assessment installments while it is the Owner although the installments shall continue to be levied.
    2. Shall not be liable for injury or damages arising out of or related to its ownership or operation of the property, whether the injury or damage arises out of an act or omission of the City or any other person unless the injury or damages arise out of the sole active negligence of the City. Under no circumstances shall the City be liable for exemplary, punitive, or emotional distress damages.
    3. Shall not be liable for any costs associated with environmental hazards or cleanup.

C. Bondholders on whose behalf the City holds title to a lot or parcel pursuant to Section 3.52.638 shall not be parties to any lawsuit, claim, or action related to the property and shall not be liable for any injury or damages arising out of or related to the property.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.631 - Assignment of City's rights.

Nothing in this Chapter shall be deemed to prohibit the City from assigning rights granted to it under this Chapter to a third party.

(Ord. C-7480 § 1, 1997)

3.52.632 - [Intentionally omitted].

(Ord. C-7480 § 1, 1997)

3.52.633 - [Intentionally omitted].

(Ord. C-7480 § 1, 1997)

3.52.634 - Purchase subject to unpaid assessments.

Except as otherwise may be reduced under the provisions of Subsections 3.52.636.D, 3.52.640.B and/or Section 3.52.643, the purchaser (other than the City), at the Tax Collector's sale, or at a resale by the City if the City has become the purchaser, or at a foreclosure sale by order of the court, shall take the property subject to all unpaid installments of principal or interest on any assessment or reassessment, interest and penalties, costs, fees and other charges under the same proceeding which are not satisfied by application of the sales proceeds, and subject to all public improvement assessments which may have priority thereover.

(Ord. C-7480 § 1 1997: Ord. C-6723 § 1 (part), 1990)

3.52.635 - City payment of taxes—Temporary transfer to redemption fund.

The City shall have the right to advance and pay any other taxes wherever necessary to protect its interest in property against which there is a delinquent assessment. It may also at its discretion temporarily transfer moneys into the redemption fund from other funds in which such moneys are not immediately needed. If the City has determined to obligate itself to use available funds to cure any deficiency in the redemption fund pursuant to Subsection 3.52.659.C, it shall temporarily transfer available funds to the redemption fund upon determining that a deficiency exists. The moneys so transferred to be used to pay sums due from the redemption fund and to be retransferred therefrom out of the first available receipts.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.636 - Cumulative remedy—Time for ordering commencement of action—Covenant to commence and prosecute action; reduction of assessments.

A. As a cumulative remedy, if any assessment or reassessment or installment thereof, or of any interest thereon, together with any penalties, costs, fees and other charges accruing under applicable taxation provisions are not paid when due, the City Council may order that the same be collected by an action brought in the superior court to foreclose the lien thereof as provided by this Chapter.

B. The City Council may, by resolution adopted prior to issuance of Bonds under Subdivision 3, covenant for the benefit of Bondholders to commence and diligently prosecute to completion any foreclosure action regarding delinquent installments of any assessments or reassessments which secure the Bonds that are to be issued. The resolution may specify a deadline for commencement of the foreclosure action and such other terms and conditions as the City Council may determine to be reasonable regarding the foreclosure action.

C. Except as may be reduced under the provisions of Subsection 3.52.636.D below, Subsection 3.52.640.B and/or Section 3.52.643, all installments, interest, penalties, costs, fees and other charges that are delinquent at the time of the ordering of a foreclosure action shall be collected in the action. In the event that a lot or parcel of property has not been sold pursuant to judgment in the foreclosure action at the time that subsequent installments and interest became delinquent, the court may include the subsequent installments, interest, penalties, costs, fees and other charges in the judgment or modified judgment.

D. Notwithstanding the previous provisions of this Section 3.52.636, the Treasurer may, before or after judgment or sale, waive delinquency penalties and redemption penalties if: (i) the waivers apply only to delinquent parcels, and (ii) the waivers are available only with respect to parcels for which all past due and currently due assessments and all other costs due are paid in full within a limited period of time specified by the Treasurer.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.637 - Costs of action—Attorney's fee.

Costs in the action shall be fixed and allowed by the court and shall include a reasonable Attorney's fee, interest, penalties and other charges or advances authorized by this Subdivision, and when so fixed and allowed by the court the costs shall be included in the judgment.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.638 - Judicial sale—Amount of payment—City bidding—City as purchaser—Attorney fees and costs—Applicable law.

A. The court shall have the power to adjudge and decree a lien against the parcel of land covered by the assessment or reassessment for the amount of the judgment and to order the premises to be sold on execution as in other cases of the sale of real property by the process of the court except:
   1. The minimum bid amount provided in Section 3.52.636 shall apply instead of subdivision (a) of Section 701.620 of the Code of Civil Procedure.
   2. The City may bid at the price provided in Section 3.52.636 by giving the levying officer a written receipt crediting all or part of the amount required to satisfy the judgment. If the City becomes the purchaser pursuant to bid, the provisions of Section 3.52.630 shall apply. The provisions of Section 3.52.634 shall apply to any subsequent sale by the City of the parcel.
   3. Notwithstanding subdivision (c) of Section 701.620 of the Code of Civil Procedure, if the minimum price required to be paid for a lot or parcel pursuant to Section 3.52.636 is not obtained at a foreclosure sale, upon written request of the Treasurer, the levying officer shall retain the writ of sale and, provided that the writ of sale has not been returned to the court pursuant to paragraph (1) of subdivision (a) of Section 699.560 of the Code of Civil Procedure, may publish notice of sale pursuant to Section 701.540 of the Code of Civil Procedure without relevying on the property.
   4. Notwithstanding subdivision (c) of Section 701.620 of the Code of Civil Procedure, if the minimum price required to be paid for a lot or parcel pursuant to Section 3.52.636 is not obtained at a foreclosure sale, the Treasurer may, in his sole discretion, make a written request to the levying officer conducting the sale to execute and deliver a deed of sale to the City or a nominee designated by the City, who shall take title to the lot or parcel on behalf of the Owners of the Bonds on whose behalf the suit was filed. Upon receiving the request and provided that the writ of sale had not been returned to the court pursuant to paragraph (1) of subdivision (a) of Section 699.560 of the Code of Civil Procedure, the levying officer shall execute and deliver the deed which shall satisfy the judgment and levy as to the lot or parcel so deeded. Receipt of a deed pursuant to this Subsection shall not be deemed a credit bid purchase pursuant to Subsection 3.52.638.C below.

B. Unless one (1) or more of the following amounts are otherwise reduced under the provisions of Subsections 3.52.636.D, 3.52.640.B and/or Section 3.52.643, the lot or parcel may not be sold unless the amount to be paid pursuant to the bid (including by tender of Bonds as described in Subsection 3.52.623.B) equals or exceeds the sum of all of the following amounts:

1. The amount of the judgment with costs and interest thereon.
2. Costs and interest on the judgment accruing after issuance of the writ pursuant to which the sale is conducted.
3. The levying officer's costs.
4. Any other amounts which are required by law to be bid in order that the lot or parcel may be sold.

C. The City may bid at the price provided for in Subsection 3.52.638.B by giving the levying officer a written receipt crediting all or part of the amount required to satisfy the judgment (or by means of tendering Bonds as described in Subsection 3.52.623.B), except that the City shall pay all of the following amounts in cash or by certified cashier's check:
   1. The levying officer's costs remaining unsatisfied.
   2. The amount of any preferred labor claims.
   3. Exempt proceeds.
   4. Any other claim that is required by law to be satisfied.

D. If the City becomes the purchaser pursuant to bid as provided for in Subsection 3.52.638.C and the City subsequently sells the property, the City shall distribute the proceeds of the sale in the following order of priority: (1) to pay costs and administrative expenses of the foreclosure sale (including attorney fees), (2) to reimburse the City for any amounts advanced by the City or costs incurred by the City in connection with the foreclosure sale, (3) to the redemption fund, to the extent of any delinquent assessments, and (4) the remainder to be paid to the Owners of the Bonds to which the assessments pertain. From the amount that the City is required to pay into the redemption fund, the City shall reimburse the special reserve fund, if any is then maintained under the resolution authorizing the issuance of Bonds pertaining to the related assessments, the amount, if any, of funds advanced from the special reserve fund to the redemption fund to cover delinquent installments of the assessment or reassessment and interest with respect to the lot or parcel of property which is sold. To the extent that the City has advanced funds other than, or in addition to, funds from a special reserve fund and the funds are included in the sale proceeds, the obligation of the City to remit amounts to the Bond Owners is reduced by a corresponding amount and said amount shall be transferred to the General Fund of the City.

E. Notwithstanding Subsection 3.52.638.D, the City is not required to pay into the redemption fund any amount that exceeds in the aggregate the sum of all of the following:
   1. The amount required to bring current delinquent installments of the assessment or reassessment and interest with respect to which the lot or parcel of property is sold.
   2. Simple interest on all the amounts from the dates of delinquencies until the date of sale, at the rate or rates of the Bonds.

F. If the lot or parcel of property is sold at the execution sale to a purchaser other than the City, the City shall pay the sale proceeds that it receives, up to the amount described in Subsection 3.52.638.E above, into the redemption fund. From the amount that the City is required to pay into the redemption fund, the City shall reimburse the special reserve fund, if any is then maintained under the resolution authorizing the issuance of Bonds pertaining to the related assessments, the amount, if any, of funds advanced from the special reserve fund to the redemption fund to cover delinquent installments of the assessment or reassessment and interest with respect to the lot or parcel of property which is sold. If the special reserve fund, if any, is thereby reimbursed, the City may

reimburse other funds advanced by the City to cover delinquent installments and interest. If not needed for such reimbursement, the City shall remit to the Owners of the Bonds any remaining interest and penalties to the extent that they are included in the sale proceeds received.

G. Notwithstanding Subsection 3.52.638.D, Attorney fees and costs awarded by the judgment and postjudgment interest are not required to be paid into the redemption fund or to be remitted to Bond Owners.

H. The foreclosure action shall be governed and regulated by this Subdivision and where not in conflict with this Subdivision, by the applicable laws of the State.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.639 - Credit upon assessment roll—Release of Tax Collector—Costs—Future assessments.

When any foreclosure actions are ordered, or when subsequent installments and interest that are also to be made the subject of a foreclosure action thereafter become delinquent, the Tax Collector shall be credited upon the assessment roll then in his or her hands with the amount charged against him or her on account of the assessments or reassessments to be sued on and he or she shall be relieved of further duty in regard thereto. The Tax Collector, in addition to the costs recovered in foreclosure, may charge the actual costs incurred in removing these sums from the tax roll.

Thereafter, the assessment or reassessment or installment thereof or interest thereon, and the penalties, costs, fees and other charges accrued under applicable taxable provisions, that are ordered or are otherwise to be collected in a foreclosure action, shall no longer be collectible by the Tax Collector, but shall be collectible in the manner and to the extent provided by this Subdivision. Installments, interest, penalties, costs, fees and other charges that do not become the subject of a foreclosure action shall remain collectible by the Tax Collector as otherwise provided by applicable law, subject to reduction pursuant to Subsection 3.52.640.B and Section 3.52.643 hereof.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.640 - Dismissal of foreclosure action—Required payments; assessment amnesty program.

A. At any time after the Tax Collector has been relieved of further duty with regard to amounts charged against him or her on account of the assessments or reassessments described by Section 3.52.639 and prior to a judgment of foreclosure, the City shall dismiss the foreclosure action upon payment of the sum of all of the following amounts:

   1. The amount of any delinquent installments of principal or interest of the assessment or reassessment, together with interest and penalties, costs, fees and other charges accrued thereon to the same extent that they accrue against real property for nonpayment of general property taxes (and are not otherwise reduced under the provisions of Subsections 3.52.636.D, 3.52.640.B and/or Section 3.52.643), to the date of payment.
   2. Costs of suit, including, but not limited to, service and recording fees and the costs of abstract or report of search of, or litigation guaranty with respect to, all claims of interest in the land.
   3. Attorney fees authorized by the City.
   4. The Tax Collector's costs authorized by Section 3.52.638

B. The City may, subject to the provisions set forth below, declare a "delinquent assessment amnesty program". Such program may be declared by the City Council if the total dollar amount of assessment delinquencies (not including delinquency penalties and redemption penalties) in the Assessment District have been equal to or greater than ten percent (10%) of the total assessment levy in each of

the two (2) most recent calendar years. Such delinquent assessment amnesty program shall begin and end on a date certain and shall not extend for a period of more than sixty (60) days. Notice of the delinquent assessment amnesty program shall be mailed to all property owners in the Assessment District at their address as it appears on the last secured roll at least thirty (30) days prior to the amnesty deadline, and shall contain at a minimum: (i) the name and phone number of the person representing the Assessment District who may be contacted to determine the amount due on any parcel if paid in accordance with the program; (ii) the method and place of payment; (iii) the deadline for the program and for making such payment; (iv) a statement in bold that the program expires on the payment deadline date and there will be no additional programs absent the authorization of the City Council; and (v) the percentage or maximum amount of penalties and interest that will be waived on any parcel. The delinquent assessment amnesty program shall provide that upon payment of: (i) all past due assessments, (ii) administrative costs (including costs to remove the assessments from the tax rolls, regular administrative costs, and fees associated with establishing and administering the assessment amnesty program), and (iii) fees and expenses of any foreclosure and sale proceedings (including the fees and expenses of foreclosure counsel) by the stated deadline, the Assessment District will waive some or all of the delinquency penalties and redemption penalties incurred with respect to such assessments. The percentage or maximum amount of penalties and interest waived shall be in the City Council's discretion.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.641 - Action in name of City—Time for commencement—Complaint.

The foreclosure action shall be brought in the name of the City, and may be brought at any time prior to the expiration of four (4) years subsequent to the last maturity of the principal of Bonds secured by the assessment or reassessment. The complaint may be brief and include substantially only the following allegations with reference to the assessment or reassessment sought to be collected:

A. That, on a date stated, the City Council passed its resolution ordering certain Improvements to be done, without describing the same.
B. That the Improvements were done pursuant to the resolution.
C. That an assessment to pay the cost of the Improvements was duly made and was authorized to be collected, but remained unpaid on a stated date.
D. That certain property (describing it) was therein assessed or reassessed a stated amount and that Bonds upon the security of the assessment or reassessment were duly issued under Subdivision 3, identifying by name the applicable issue of the Bonds, but it is not necessary to state the amount, number, denomination or other terms of the Bonds.
E. That, on a date stated, a certain sum came due against the described property on the assessment and had not been paid and that the City Council had ordered the action to foreclose.

No affirmative defenses shall be allowed by the Court in any foreclosure action, but this prohibition shall not prevent any claims being raised in a separate action for monetary damages or other relief unrelated to the foreclosure action.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.642 - Calculation of penalties, costs and interest.

The amount of penalties, costs and interest due shall be calculated up to the date of the judgment.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.643 - Failure of property to sell at minimum price—Petition to modify judgment—Notice—Hearing—Determinations—Purchase by Owners or holders of security interests prohibited—Attorney fees and costs.

A. In the event a lot or parcel of property fails to sell for the minimum price required by Section 3.52.636, the City may petition the court to modify its judgment and authorize the property to be sold at a lesser minimum price or without a minimum price. Notwithstanding the following provisions of this Section 3.52.643, the court shall modify its judgment and authorize the property to be sold at a lesser or no minimum price, without any notice or hearing, if the petition is accompanied by the written consents of the Owners of all of the Bonds outstanding.

B. Written notice of hearing on the petition under Subsection 3.52.643.A, unless otherwise not required by reason of the second sentence of Subsection 3.52.643.A, shall be given by certified or registered mail to all registered Owners of any outstanding Bonds secured, in whole or in part, by the delinquent assessment or reassessment, and to any paying, fiscal or other agents of the City appointed with respect to any of the Bonds. If any of the outstanding Bonds are payable to bearer and not registered to other than bearer, notice of the hearing, unless otherwise not required by reason of the second sentence of Subsection 3.52.643.A, shall also be given by publication at least once in a financial publication with national circulation and additionally as the court shall reasonably require. The hearing shall be held not earlier than ten (10) days after the notice is given.

C. The court may, after a hearing held pursuant to notice as provided for by Subsection 3.52.643.B, modify the judgment and authorize the property to be sold at a lesser minimum price or without a minimum price, if the court determines, based on the evidence introduced at the hearing, any of the following:

   1. Sale at the lesser minimum price or without a minimum price will not result in an ultimate loss to the Bondholders.
   2. Owners or holders of seventy-five percent (75%) or more of the outstanding Bonds, by principal amount, have consented to the petition and the sale will not result in an ultimate loss to the nonconsenting Bondholders.
   3. Owners or holders of seventy-five percent (75%) or more of the outstanding Bonds, by principal amount, have consented to the petition and all of the following apply:
      a. By reason of determination pursuant to Subsection 3.52.659.C, the City is not obligated to advance available funds to cure a deficiency.
      b. No bids equal to or greater than the minimum price have been received at the foreclosure sale.
      c. No funds remain in the special reserve fund, if any.
      d. The City has reasonably determined that a reassessment and refunding proceeding is not practicable, or has in good faith endeavored to accomplish a reassessment and refunding and has not been successful, or has completed reassessment and refunding arrangements which will, to the maximum extent feasible, minimize the ultimate loss to the Bondholders.
      e. No other remedy acceptable to Owners or holders of seventy-five percent (75%) or more of the outstanding Bonds, by principal amount, is reasonably available.
   4. Owners or holders of one hundred percent (100%) of the outstanding Bonds have consented to the petition.

Notwithstanding the foregoing, the court may take action to modify the judgment without any hearing, as permitted by the second sentence of Subsection 3.52.643.A at the written request of the City accompanied by the written consents of the Owners of all of the Bonds outstanding.

D. The assessment or reassessment lien upon property sold pursuant to this Section at a lesser price than the minimum price shall be reduced by the difference between the minimum price and the sale price.

E. The court shall permit participation by the Bondholders in its consideration of the petition as necessary to its determinations.

F. None of: (1) the property owner, (2) the holder of a security interest in the property, (3) any other defendant in the foreclosure action, (4) any agent, of any entity described in the foregoing clauses (1), (2) and (3), (5) any person or entity (including but not limited to spouses, minor children and relatives) who, with any such property owner, holder of security interest, defendant in the foreclosure action or agent (a) is a member of a partnership, limited liability company or controlled group of corporations (as defined in Section 1563(a) of the Internal Revenue Code, except that "more than 10 percent" shall be substituted for "at least 80 percent" each place it appears therein) and/or (b) would result in a disallowance of losses under Section 267 or 707(b) of the Internal Revenue Code, may purchase the property at the foreclosure sale for less than the minimum price determined pursuant to Section 3.52.638. Each purchaser at less than the minimum price shall certify in writing under penalty or perjury to the levying officer at the sale the purchaser's compliance with the requirements of this Subdivision.

G. The court may make provisions for the payment of attorney fees and costs incurred in proceedings pursuant to this Section as the court deems proper, and need not require that the fees and costs be paid out of the proceeds of any sale authorized pursuant to this Section.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.644 - Assessment as trust fund for Bonds.

In the event Bonds are ordered to be issued, the unpaid assessments, as shown on the list filed by the Assessment Engineer, and any reassessments which may be issued thereon or in lieu thereof, together with interest thereon shall remain and constitute a trust fund for the redemption and payment of the principal of the Bonds and for the interest which may be due thereon.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.645 - Assessment liens—Priority—Continuance—Notice.

From the date of the recordation pursuant to Sections 3114 and 3115 of the Streets and Highways Code, each assessment and reassessment and each installment thereof and the interest and penalties thereon under this Subdivision is a lien upon the land upon which they are levied. Pursuant to Article 13 of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, the lien of said assessments shall be coequal to and independent of the lien for general taxes, and, except as provided in Section 53936 of the Government Code, not subject to extinguishment by the sale of the property on account of the nonpayment of any taxes, and prior and superior to all liens, claims and encumbrances except: (a) the lien for general taxes or ad valorem assessments in the nature of and collected as taxes levied by the State or any County, City, special district or other local agency; (b) the lien of any special assessment or assessments the lien date of which is prior in time to the lien date of the assessment for which the deed is issued; (c) easements constituting servitudes upon or burdens to said lands; (d) water rights, the record title to which is held separately from the title to said lands; and (e) restrictions of record. Unless sooner

discharged, the lien continues for a period of ten (10) years from the date of recordation or, if Bonds are issued to represent the assessments, until the expiration of four (4) years after the due date of the Bonds. All persons have constructive notice of this lien from the date of the recordation.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.646 - Priority of reassessment and refunding assessment lien—Supplemental assessment.

The lien of a reassessment or a refunding assessment shall have the same priority as the original assessment to which it relates. A supplemental assessment is a new assessment.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.647 - Unmatured installments, interest and penalties secured by lien not within terms of general warranty of title.

Unmatured installments, interest and penalties secured by any such lien or liens shall not be deemed to be within the terms of any general warranty of title.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.648 - Reassessment.

If any assessment heretofore or hereafter issued is void or unenforceable, for any cause, or if Bonds are issued to represent or be secured by any assessments and such issuance is not effective through the curative provisions in relation thereto under the law pursuant to which the Improvements were authorized or under this Division to make them valid and enforceable, then a reassessment may be made. The reassessment shall be made upon the demand of the Owner or holder of Bonds aggregating one-third (1/3) of the principal amount outstanding, or upon order of the City Council, and shall be made in the manner and form provided by the law pursuant to which the Improvements were authorized, if any such valid procedure is provided, and otherwise as provided by Sections 5500 through 5510 of Chapter 19, Part 3, Division 7 (Improvement Act of 1911) of the Streets and Highways Code.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.649 - Reassessment as trust fund for Bonds—Issuance of new Bonds.

When made, the reassessment shall constitute a trust fund for the redemption and payment of the original Bonds issued against the original assessment; or the City Council may call in the original issue of Bonds outstanding and issue new Bonds upon the security of the reassessment in lieu thereof. If the City Council determines that new Bonds shall be issued upon the security of the reassessment, the notice of hearing upon the reassessment shall contain a declaration of intention to issue Bonds substantially in the form provided for in Section 3.52.663. Upon confirmation of the reassessment the City Council may issue the new Bonds after the same notice and hearing as is required for the original issuance of Bonds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.650 - Calling in original issue—Issuance of new Bonds.

If the City Council calls in the original issue of outstanding Bonds, the City Council may direct the Treasurer to, and the Treasurer shall thereupon, advance the maturity of the outstanding Bonds bearing interest in the manner provided in Subdivision 3, notwithstanding the fact that there may not be surplus moneys in the redemption fund with which to pay the same. New Bonds shall be issued in an aggregate amount equal to the total balance of the reassessment unpaid and shall bear interest from the date of recordation of the reassessment at the rate fixed by the City Council.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.651 - Ratable issuance to holders of original Bonds.

Except as otherwise provided in the Resolution of Intention, upon the surrender of the outstanding Bonds, the new Bonds shall be issued ratably to the holders of the original outstanding Bonds. Each holder of such original Bonds shall be entitled to such proportion of the new Bonds as the total amount of the principal and interest due him on his original Bonds, upon the date of the recordation of the reassessment, bears to the total amount of the principal of the new Bonds. In making distribution, the City Council may assign the different Bonds and allot maturities in such manner as to it shall seem equitable.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.652 - Apportionment of assessment.

If any lot or parcel of land upon which there is an unpaid assessment is divided, including a division into condominium interests as defined in Section 783 of the Civil Code, or the ownership of a portion of such lot or parcel of land is transferred to another person, the City Council may order the Assessment Engineer to file with the City Clerk an amended assessment of the original parcel of land affected by such division or transfer of ownership, segregating and apportioning the unpaid installments of the original assessment in accordance with the benefits to the several parts of the original parcel plus costs and fees of making the apportionment. The City Council shall, at the time of ordering the amended assessment, fix the amount of costs and fees for preparing the amended assessment, the notices and the amended assessment diagram.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.653 - Filing of report and amended assessment.

The Assessment Engineer shall file with the City Clerk a report and an amended assessment of the parcels of land described in the order of the City Council, together with a map or plat showing how such lots or parcels have been divided. The total amount of the assessments of the several portions of any one (1) original parcel shall be equal to the unpaid assessments upon the original parcel of land, plus the costs and fees for making the amended assessment, the notices and the amended assessment diagram as determined by the City Council under Section 3.52.652. The Assessment Engineer shall apportion the costs and fees to the respective parcels in proportion to the amount of the divided assessments against the parcels. Prior to making a division and prior to making the amended assessment, the Assessment Engineer shall notify the Owner of the original parcel assessed, as the name of the Owner appears on the last equalized roll for taxes, or as it is known to the Assessment Engineer, of the order of the City Council fixing the costs and fees of the apportionment, and directing that the payment thereof be made to the Assessment Engineer within fifteen (15) days of the notification. In the event the amount of the costs and fees of the apportionment is not paid within fifteen (15) days of the notification, the Assessment Engineer shall proceed to prepare the amended assessment and shall show separately thereon, but as a part of the total, the amount of costs and fees chargeable to each divided parcel. The Assessment Engineer shall deposit all such costs and fees in the General Fund of the City.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.654 - Time and place of hearing—Notice.

Upon the filing of the Assessment Engineer's report and amended assessment, the City Clerk shall fix a time and place for a hearing upon the amended assessment and shall give notice of the hearing by publication. The notice shall contain a statement of the time fixed for the hearing upon the amended

assessment and any objections thereto, which time shall not be less than fifteen (15) days from the first publication of the notice. The notice shall contain a reference to the original assessment and to the improvement proceedings, and shall refer to the report and map or plat of the amended assessment for particulars and no other description of the lots or parcels of land affected thereby shall be necessary.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.655 - Protests—Hearing—Finality of decision.

All persons interested in the original assessment, or in the lands affected thereby or in the Bonds secured thereby, may, at the time of the hearing or at the time to which the hearing may be continued, appear and protest against the amended assessment. At the hearing the City Council shall hear and determine all objections to the division of the assessments and shall confirm or modify the same. All determinations and decisions of the City Council shall be conclusive upon all persons entitled to object under the provisions of this Section. Final action of the City Council upon the report and amended assessment shall be taken on or before the fifteenth (15th) day of July of any year.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.656 - Filing amended assessment.

The City Clerk shall file the amended assessment as confirmed or modified by the City Council with the Auditor, who shall annually thereafter enter upon the assessment roll the installments becoming due on each component part of the original parcel opposite a description of the respective parcels so assessed. The amount charged for fees and costs as shown on the amended assessment as to each parcel shall be entered upon the assessment roll and shall be collected along with the first installment of the amended assessment. The Assessment Engineer shall deposit all such costs and fees in the General Fund of the City.

The amended assessment shall be accompanied by an amended map or plat prepared pursuant to Section 3.52.653. Such amended map or plat shall be designated "amended assessment diagram amending Assessment No. _____, Assessment District _____, State of California". The amended map or plat shall substantially conform to the requirements and specifications provided for in Section 3114 of the Streets and Highways Code, and shall be filed by the City Clerk in the office of the County Recorder of the County. The County Recorder may charge an appropriate fee for the expense incurred in filing the amended map or plat. The map or plat shall be cross-indexed by the Recorder to the original assessment diagram which it amends.

The amended map or plat shall include on its face that it amends the assessment diagram for Assessment District No. _____, City of Long Beach, County of Los Angeles, State of California prior recorded at Book _____ of Maps of Assessment Districts at page _____, in the office of the County Recorder for the County of Los Angeles, State of California.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

Subdivision 3. - Procedures for the Sale and Issuance of Bonds

3.52.657 - System for issuance of Bonds.

This Subdivision provides a system for the issuance of Bonds to represent and be secured by the assessments made to pay the costs and expenses of the Improvements and the provisions of this Subdivision shall not apply to or affect any other provisions of law. When any proceedings for the issuance of Bonds are commenced under this Subdivision, the provisions of this Subdivision and no other shall apply to such proceedings.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.658 - Power of City Council.

The City Council, exercising the powers reserved to the City under the Constitution of the State of California and its powers under the provisions of the Charter of the City, may determine that Bonds shall be issued as provided in this Subdivision to represent and be secured by the assessments levied pursuant to Subdivision 2. Such Bonds may be serial or term Bonds, or both, and shall be issued and sold to assist in the financing of the Improvements. The City Council may not issue Bonds secured by assessments levied pursuant to Subsection 3.52.600.B to pay administrative costs.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.659 - Resolution of Intention—Contents.

If the City Council determines that Bonds shall be issued as provided in this Subdivision to represent the expense of any proposed Improvement, it shall, in the Resolution of Intention to authorize the Improvements as contemplated in Section 3.52.579, do all of the following:

A. Declare that serial and/or term Bonds shall be issued pursuant to this Subdivision to represent the expenses of the proposed Improvements.
B. Specify the rate (whether variable or fixed) and the maximum rate of interest which the Bonds shall bear.
C. State the determination of the City as to whether the City will obligate itself to advance available funds from the City Treasury to cure any deficiency which may occur in the funds and accounts established for the payment of the Bonds. The determination made pursuant to this Section shall be clearly stated in the text of the Bonds issued pursuant to this Subdivision, and the title of the Bonds shall include the words "Limited Obligation Improvement" in the event that the City Council determines that the City will not be obligated to cure any deficiency in the funds and accounts established for the payment of the Bonds. A determination not to obligate itself, however, shall not prevent the City from, in its sole discretion, advancing such funds.
D. State, if applicable, that the Bonds issued pursuant to this Subdivision may be refunded under certain conditions and include specific conditions under which the Bonds may be refunded, including the maximum interest rate and the maximum number of years to maturity of the refunding Bonds. Also include a statement that any adjustment to assessments resulting from the refunding will be done on a pro rata basis.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.660 - Determination that Bonds not be subject to refunding until specified date.

The City Council may determine that Bonds issued pursuant to this Subdivision shall not be subject to refunding pursuant to the procedures of Section 3.52.661 hereof until a specific date which shall not be more than ten (10) years after the issuance date of the Bond. This determination, however, shall not apply to, or in any manner limit: (i) advancement of the maturity of any Bond or Bonds pursuant to the

procedures under Subdivision 2 or Subdivision 3, or (ii) the redemption and payment of any Bonds pursuant to subsequent assessment proceedings which provide for the payment in full of all amounts necessary to eliminate any fixed special assessment liens previously imposed upon any assessment parcel included in the new assessment district.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.661 - Refunding Bonds.

Any refunding of the Bonds shall be accomplished pursuant to the procedures of Division 11.5 (commencing with Section 9500) of the Streets and Highways Code, except that if, following the filing of the report specified in Section 9523 of the Streets and Highways Code and any subsequent modifications of the report, the City Council finds that each of the conditions specified in the Resolution of Intention is satisfied and that the adjustments to assessments are on a pro rata basis, the City Council may approve and confirm the report and may, without further proceedings, authorize, issue and sell the refunding Bonds pursuant to Chapter 3 (commencing with Section 9600) of Division 11.5 of the Streets and Highways Code.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.662 - Description of Bonds in assessment.

A description of the Bonds specifying the information required pursuant to Section 3.52.659 shall be inserted in the assessment prepared by the Assessment Engineer.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.663 - Form of Bond declaration.

The Bond declaration in the Resolution of Intention, assessment and notice of recording the assessment may be substantially in the following form:

> "Notice is hereby given that Bonds to represent unpaid assessments, and to bear interest at a rate not to exceed the maximum rate permitted by law, will be issued hereunder in the manner provided by Subdivision 3 of Division VI of the Long Beach Municipal Code, Chapter 3.52, and such Bonds shall mature not later than 39 years from the second day of September next succeeding 12 months from the original issuance date of such Bonds."

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.664 - List of unpaid assessments.

After confirmation of the assessment levied by the City Council for any Improvement and after thirty (30) days from the date of recording the assessment in the office of the Assessment Engineer, the Assessment Engineer shall make and file with the Treasurer a complete list of all such unpaid assessments.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.665 - Determination of amount of assessments payable—Delivery of Bonds.

The Treasurer shall determine the aggregate amount of such assessments and shall provide for the issuance of Bonds in such amounts and at such times as determined in accordance with the provisions of the trust indenture or resolution to be executed in connection with the issuance of the Bonds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.666 - Disposition of the Bonds.

The Bonds shall be sold at private sale, in such manner and place or places, either within or without the United States, and at such price or prices, above or below par, as the City Council shall determine by resolution.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.667 - Incidental expenses.

The estimated cost of Incidental Expenses of the Improvements shall be included in the assessments.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.668 - Effect of inability to issue the Bonds secured by particular unpaid assessments.

If Bonds cannot be issued upon the security of any particular unpaid assessments because of a restraining order, injunction or other cause not applicable to other unpaid assessments, the issuance of Bonds upon the security of the assessments not affected by such restraining order, injunction or other cause, shall not be delayed, and such Bonds may be issued in advance of the issuance of the Bonds so affected.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.669 - Principal and interest payments.

The Bonds shall be in such denominations, in such form, and payable at such time or times, in lawful money of the United States of America, and at such interest rate or rates, either fixed or variable, as the City Council shall determine by resolution.

The Bonds shall bear interest from the date of the Bonds on all sums unpaid, until the whole of the principal sum and interest are paid.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.670 - Date and division of issue—Classification of assessments as to maturity.

The City Council shall fix the date of the Bonds. The City Council may divide the principal amount of any issue into two (2) or more divisions and fix different dates for the payment of Bonds of each division. The Bonds of one (1) division may be made payable at different times than Bonds of any other division.

The City Council, in its discretion, may determine in like manner to classify assessments into different terms of maturity so that smaller assessments may be made to mature over a shorter period of time and, in that event, the Bond declaration in the Resolution of Intention, or in the change proceedings taken under and in accordance with the provisions of the same subdivision under which the Resolution of Intention was adopted, in the assessment and in the notice of recording the assessment, may recite that the Bonds shall mature a maximum rather than an exact number of years.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.671 - Maximum maturity date.

No Bond shall mature and be payable on a date which shall exceed thirty-nine (39) years from the second day of September next succeeding twelve (12) months from its original issuance date.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.672 - Redemption—Redemption premium.

Except as otherwise provided in the Resolution of Intention, each Bond, or any portion of the Bond in a fixed amount or any integral multiple of the fixed amount, shall be subject to redemption in advance of its maturity on any interest payment date upon payment to the registered owner of the principal and accrued interest to the date of redemption together with a redemption premium equal to five percent (5%) of the principal. Prior to the issuance of the Bonds, the City Council may reduce the redemption premium to an amount equal to not less than three percent (3%) of the principal for the first five (5) years of the term of the Bonds or eliminate the redemption premiums for redemptions occurring after the first five (5) years of the term of the Bonds, or both. Redemption premiums may also be eliminated by vote of the Bond Owners, as permitted under any amendment provisions of any resolution or indenture authorizing the issuance of Bonds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.673 - Bonds—Signatures—Seal.

The Bonds shall be signed by the Treasurer and the City Clerk. The City Council may by order authorize the use upon the Bonds of an engraved, printed or lithographed signature of the Treasurer and the City Clerk in place of a signature by hand. It may also authorize the seal to be placed in like manner on the Bonds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.674 - Effect of issuance.

The Bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings had prior thereto under this Subdivision and under the law pursuant to which the Improvements were constructed.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.675 - Authority to issue Bonds.

As an alternative to any other authority, the City Council may, at its discretion, issue Bonds bearing a variable interest rate pursuant to Subdivision 2 and Subdivision 3. This Subdivision does not alter or restrict authority to authorize assessment or issue Bonds pursuant to any other provision of Subdivision 2 and Subdivision 3 in any way. If the City Council in its discretion issues Bonds bearing a variable interest rate pursuant to this Subdivision, all provisions of this Subdivision shall apply to proceedings pursuant to this Subdivision, except as expressly provided in this Subdivision.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.676 - Unpaid assessments—Collection—Costs—Delinquency penalties and interest.

The unpaid assessments shall be payable in substantially the manner set forth in Section 3.52.613 of Subdivision 2, or in substantially the same manner, but at more frequent intervals, as provided by the City Council by resolution. The City Council may designate an official, including an official other than the County Tax Collector, or other agent, to collect and maintain records of the collection of the assessments, including a procedure other than through the property tax collection procedure prescribed in Subdivision 2. The City Council may authorize an additional assessment to pay the costs of collection, not to exceed the percentages or amounts set forth in Section 3.52.615, and an additional amount to cover the costs of registration, not to exceed the percentages and amounts set forth in Section 3.52.616. The City Council may authorize an additional assessment to pay for incidental expenses of the financing. The assessments

and the interest on the assessments for each pay period are payable at the end of the pay period and are delinquent thereafter, and shall bear the same proportionate penalties and interest after delinquency as the assessment installments in the subject proceedings.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.677 - Interest on unpaid assessments.

Interest on all unpaid assessments shall run from the date of the Bonds, and shall be computed for each interest pay period at the date determined pursuant to the terms of the Bond for that interest pay period.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.678 - Variable interest rate on Bonds.

The City Council may, by resolution, specify that the interest rate on the Bonds may vary from time to time as determined by a Bond index or some other means prescribed in the resolution.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.679 - Conversion of Bonds to fixed interest rate.

The City Council may, by resolution, specify terms and conditions under which the Bonds may be converted to a fixed interest rate.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.680 - Repurchase of Bonds—Costs.

The City Council may, by resolution, specify terms and conditions under which the City agrees to repurchase the Bonds. The City Council may secure a letter of credit or other instrument to secure payment or repurchase of any Bonds, and the resulting costs, including costs of initially securing, maintaining or making any payments arising from the exercise of a letter of credit or other instrument, may be treated as incidental expenses. The City Council may engage a remarketing agent and an indexing agent, subject to terms and conditions agreed to by the City Council, and the resulting costs may be treated as incidental expenses.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.681 - Notice of assessment—Unpaid assessments subject to variable interest rate.

The notice of assessment recorded with the office of the County Recorder of the County pursuant to Section 3114 of the Streets and Highways Code shall include the following statement:

"Notice is further given that unpaid assessments are subject to interest at a variable interest rate."

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.682 - Place of payment.

The Bonds and interest shall be paid at the office of the Treasurer, or of another paying agent, fiscal agent or trustee designated by the City Council.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.683 - Redemption fund.

The Treasurer or designated paying agent shall keep a redemption fund designated by the name of the Bonds into which he or she shall place all sums received from the collection of the assessments made for the payment of the cost of the Improvements upon which the Bonds are issued and, subject to the provisions of Subdivision 2 and/or the resolution under which the Bonds are issued, of the interest and penalties thereon and from which fund he shall disburse and pay the Bonds and the interest due thereon. Alternatively, if the Treasurer collects the assessments, all such sums received may be forwarded to the paying agent designated by the City Council for paying Bonds and interest. Under no circumstances shall the Bonds or the interest thereon be paid out of any other fund.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.684 - Bond register—Cancellation of paid Bonds.

The Treasurer or designated paying agent shall keep a register in his or her office showing the series, if any, number, date, amount, rate of interest, and holder of each Bond. The Treasurer or agent shall cancel each Bond which he or she pays.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.685 - Resolution—Issuance—Maximum maturity date.

The City Council may, by resolution, borrow money in anticipation of the sale of Bonds which have been authorized pursuant to this Subdivision, but which have not been sold and delivered, issue negotiable Bond anticipation notes therefor, and renew the notes from time to time. The maximum maturity of any Bond anticipation note, including the renewals thereof, shall not exceed three (3) years from the date of delivery of the original notes.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.686 - Source of principal and interest payments.

The principal and interest on the Bond anticipation notes may be paid from any money available for their payment. Any portion of the principal or interest which is due and payable shall be paid from the proceeds of the next sale of Bonds in anticipation of which the notes were issued.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.687 - Purposes—Use of proceeds.

The proceeds of Bond anticipation notes issued pursuant to this Chapter may be used for any purpose for which the Bonds in anticipation of which the notes were issued may be used.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.688 - Amount of issuance.

The Bond anticipation notes shall not be issued in any amount in excess of the aggregate amount of Bonds which the City Council has been authorized to issue, less the amount of any Bonds of the authorized issue which have been previously sold and less the amount of other Bond anticipation notes previously issued and still outstanding.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.689 - Resolution—Call and redemption prior to maturity.

The City Council may provide, in its resolution authorizing the issuance of Bond anticipation notes, that the notes shall be subject to call and redemption prior to maturity, at the option of the City Council, at the price or prices which are fixed in the resolution, but not to exceed a premium of six percent (6%) of the par value of the notes subject to redemption. The resolution shall fix the method of giving notice of redemption to the holders of the notes to be redeemed and the price or prices at which the note shall be subject to redemption. Any notes that are subject to call and redemption prior to maturity shall contain a recital to that effect on their face, and no note shall be subject to call or redemption prior to its fixed maturity date unless it contains that recital, unless otherwise consented to by the Owner of such note.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.690 - Manner of issuance and sale.

The Bond anticipation notes may be issued in the same manner as the Bonds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.691 - Contents of notes and resolution.

The Bond anticipation notes and the resolution authorizing them may contain any provisions, conditions or limitations which a resolution of the City Council authorizing the issuance of Bonds may contain.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.692 - Resolution—Remedy—Anticipated Bonds not sold at time or in amount specified—Default.

The City Council shall provide a remedy in its resolution authorizing the issuance of Bond anticipation notes if the anticipated Bonds cannot be sold at the time or in the amount specified in the resolution or if any default occurs with respect to the notes. Any remedy which is so provided shall limit the obligations of Owners within the area subject to assessment to the amount of the assessment authorized and levied, except that the City Council may enter into an agreement with any of the Owners within the district pledging some or all of the property of those Owners who are a party to the agreement as additional security for the notes.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.693 - Advancement of Bond maturity—Payment.

By proceeding in accordance with the provisions this Chapter the Treasurer may advance the maturity of any Bond to the second day of March or September in any year and pay and cancel the same whenever there is sufficient surplus moneys in the redemption fund for its retirement.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.694 - Notice of advanced maturity—Service or mailing.

Notice of advanced maturity shall be given in writing to the registered holder or Owner of the Bond by registered or certified mail or personal service, or in such other manner permitted by the resolution authorizing the issuance of the Bonds.

Service or mailing of the notice shall be made at least thirty (30) days before the date fixed for advanced maturity, unless otherwise waived by the Bond Owners.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.695 - Surrender—Payment—Premium—Failure to surrender for payment.

If notice of advanced maturity is given, the Bond shall mature and become payable on the date fixed for maturity in the notice. The Treasurer shall set aside to the credit of the Owner of the Bond the amount of principal and accrued interest then due on the Bond together with the redemption premium and the Bond shall then be deemed to have matured and interest shall cease to accrue on the Bond. The amount so set aside shall on the date fixed for maturity in the notice and upon the surrender and cancellation of the Bond be paid to the holder or Owner of the Bond.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.696 - Cost of notice of advanced maturity.

The costs of serving or publishing the notice of advanced maturity shall be paid from the redemption fund.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.697 - Notice covering more than one Bond.

More than one (1) Bond may be covered in a single notice of advanced maturity.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.698 - Tender of other Bonds for cancellation.

Prior to the surrender of any Bond or the setting aside of any funds, the Treasurer may waive and vacate any notice of advanced maturity upon being tendered for cancellation some other Bond or Bonds of an equivalent amount and, of a maturity not earlier than that noticed.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.699 - Selection of Bonds for advanced maturity.

In selecting Bonds for retirement, the Treasurer shall follow the procedure set forth in Section 3.52.700. The decision of the Treasurer in selecting Bonds for retirement shall be conclusive in the absence of fraud.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.700 - Manner of selecting Bonds for retirement.

The Treasurer shall select Bonds for retirement in accordance with the redemption provisions of the trust indenture or resolution executed in connection with the issuance of the Bonds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.701 - Alternative procedures.

Notwithstanding the foregoing provisions of this Subdivision, the City Council may, by resolution, establish alternative procedures for the advance retirement of the Bonds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.702 - Withholding payments—Report to City Council.

If it appears to the Treasurer that there is danger of an ultimate loss accruing to the Bondholders for any reason, he may either withhold payment on all matured Bonds and interest, or continue to make payment to be applied as provided in the resolution authorizing the issuance of the Bonds, and the

Treasurer may report the facts to the City Council.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.703 - Hearing—Date—Notice.

On receipt of any report of the Treasurer under Section 3.52.702, the City Council shall fix a date for hearing thereon. The City Clerk shall give notice of the hearing by posting for seven (7) days. At the hearing, the City Council shall determine whether in its judgment there will ultimately be insufficient money in the redemption fund to discharge the unpaid Bonds and interest. If it determines that in its judgment there will be no such shortage, it shall direct the Treasurer to pay matured Bonds and interest as presented, and as provided in the resolution authorizing the issuance of the Bonds, as long as there is available money in the redemption fund.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.704 - Proportionate payments.

If the City Council determines that in its judgment there will be a shortage in the redemption fund, it shall direct the Treasurer to pay, on a date to be determined by the Treasurer, to the holders of all outstanding and unpaid Bonds such proportion thereof as the amount of funds on hand bears to the total amount of the unpaid principal of the Bonds and the interest which has accrued or will accrue thereon. Similar proportionate payments shall thereafter be made periodically, as determined by the Treasurer, as moneys come into the redemption fund.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.705 - Payment of proportionate amounts—Interest—Premium—Notice to holders of unsurrendered Bonds.

Interest shall cease on payments made on account of principal from the date of payment, but interest shall continue to run on the unpaid principal at the rate specified in such Bonds until payment thereof be made. No premiums shall be paid on payments made in advance of the due date.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.706 - Supplemental hearings.

The City Council may hold supplemental hearings on like notice and such other and supplemental orders may be made from time to time as may be equitable and proper.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.707 - Temporary redemption fund deficiency—Priority for payment.

If a deficiency occurs in the redemption fund with which to pay past due Bonds, past due interest, or Bonds or interest which will become due during the current tax collecting year, but it does not appear to the Treasurer that there will be an ultimate loss to the Bondholders, he shall pay matured Bonds as presented and make interest payments when due, as long as there are available funds in the redemption fund, in accordance with the provisions of the trust indenture or resolution executed in connection with the issuance of the Bonds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.708 - Notice to holders of registered Bonds—Failure to present for payment.

When funds become available for the payment of any Bond which was not paid upon presentment, the Treasurer shall notify the registered Owner thereof by registered mail to present the Bond for payment. If the Bond is not presented for payment within ten (10) days after the mailing of the notice, interest shall cease to run on such Bond.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.709 - Hearing on supplemental assessment.

If a deficiency remains in the redemption fund after one (1) year from the issuance of the Bonds, the City Council may require all persons interested to appear before it at a day, hour and place fixed by it for a hearing and to show cause why a supplemental assessment should not be made to pay for the cost and incidental expenses of the original Improvements done upon which the original assessments were made and upon which the Bonds were issued.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.710 - Notice of hearing—Publication—Posting.

Notice of the hearing shall be given by publication, and shall also be posted by the City Clerk or Assessment Engineer in the same manner as provided by the law pursuant to which the Improvements were done for the posting of notices of the passage of the Resolution of Intention. The first publication of the notice and the posting shall be completed ten (10) days before the time fixed for the hearing.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.711 - Hearing—Levy of supplemental assessment.

At the time set for the hearing, the City Council shall proceed to hear any person appearing and may determine whether or not such deficiency was due to the fact that the original assessment for such cost and Incidental Expenses was not apportioned equitably or in accordance with benefits. The hearing may be postponed from time to time. If it appears to the City Council that the amount apportioned to any parcel was less than the amount which such parcel shall equitably bear according to the benefit which it received from the Improvement, the City Council may levy a supplemental assessment apportioning to such parcel the additional sums which it should equitably bear according to such benefits.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.712 - Costs of notice and supplemental assessment—Recordation of order levying assessment —Lien—Collection.

The cost of the publication and posting of the notice and of making the supplemental assessment may be included in the supplemental assessment. A copy of the order levying the supplemental assessment shall be recorded in the office of the Assessment Engineer and from and after such recording, the sum therein levied on any parcel shall be and constitute a lien thereon and thereafter bear interest at the rate specified in the Bonds. The several amounts levied by the supplemental assessment shall be extended on the next succeeding tax rolls to be delivered to the Tax Collector and shall be collected in the manner provided for the collection of installments of the original assessments.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.713 - Collection in annual installments—Advance payment of full amount.

The City Council may provide in its order levying the supplemental assessment that the supplemental assessments may be collected in annual installments during the remaining term of years during which the Bonds run. However, any Owner may pay the whole of the supplemental assessment subsequent to the order of the City Council and before the amount has been extended on the tax roll, whereupon interest shall cease on such assessment.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.714 - Disposition of proceeds.

All money collected on the supplemental assessment shall be paid into the redemption fund and be applied to the payment of the costs of publishing and posting the notice of hearing and of making the supplemental assessment and then to the payment of the Bonds and interest thereon. After satisfaction of the Bonds, repayment, if possible, of all funds collected on the supplemental assessment shall be made to those persons paying the same out of recoveries had through the collection of the delinquent installments of the assessments upon which the Bonds were originally issued and of the interest and penalties thereon, and then out of any surplus remaining in the redemption fund after repayment to the City of any advances made by the City and any costs incurred by it under Subdivision 2 and Subdivision 3.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.715 - Disposition of surplus.

If there is a surplus remaining in the redemption fund after payment of all Bonds and the interest thereon, that surplus shall first be applied to repayment to the City of any advances made by the City, and also of any costs incurred by it under Subdivision 2 and Subdivision 3. The remainder shall be repaid in accordance with the provisions of Section 3.52.714 to persons paying supplemental assessments, if any, and the balance may be proportionately credited upon the final installments due upon the assessments securing the Bonds and repaid to those persons whose assessments have been previously paid or may be transferred to the General Fund of the City.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.716 - Creation—Amount.

In any proceedings leading to the issuance of Bonds pursuant to this Subdivision, the City Council may include, as an incidental expense of the proceedings, an amount to create a special reserve fund for the Bonds. The amount so provided shall not exceed ten percent (10%) of the total amount of assessments to be levied under the proceedings.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.717 - Cash or advance payment of assessment—Reduction of assessment levied on parcel—Ratio.

Where a special reserve fund is created for a Bond issue, the assessment levied on any parcel for the payment of the Bond issue shall be reduced upon the payment, in whole or in part, of the assessment pursuant to provisions for either: (1) cash payments of assessments prior to the issuance of the Bonds, or (2) advance payment of assessments following the issuance of the Bonds.

The proportional reduction on the assessment in the case of clause (1) above, shall equal the ratio of the total amount initially provided for the special reserve fund to the total amount originally assessed in the proceedings for the Bond issue, and in the case of clause (2) above, shall equal the ratio of the total

amount in the special reserve fund, if any, at the time of advance payment of the assessment to the total amount of the Bonds outstanding at the time of advance payment of the assessment.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.718 - Transfer of sale proceeds to fund—Trust fund.

Upon receipt of the Bond sale proceeds, the amount so provided for the special reserve fund pursuant to Section 3.52.716 shall be transferred to the fund.

The special reserve fund shall be identified by the name of the proceedings under which the Bonds are issued and shall constitute a trust fund for the benefit of the Bondholders, subject to and to be administered in accordance with the provisions of this Chapter.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.719 - Availability of fund for transfer to redemption fund—Reimbursement from proceeds of redemption or sale.

The money in the special reserve fund shall be available for transfer into the redemption fund for the Bonds pursuant to Subdivision 2. The amount so advanced shall be reimbursed from the proceeds of redemption or sale of the parcel for which payment of delinquent installments was made from the special reserve fund, but only if the special reserve fund is then maintained with respect to the Bonds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.720 - Payment of assessment—Transfer to redemption fund of amount equal to assessment reduction.

Whenever an assessment is paid off following the issuance of Bonds, there shall be transferred from the special reserve fund to the redemption fund an amount equal to the reduction, if any, in the assessment determined pursuant to Section 3.52.717.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.721 - Adequacy of fund to retire Bonds—Discontinuance of principal and interest collection—Liquidation—Disposition of excess.

Whenever the balance in the special reserve fund is sufficient to retire all remaining outstanding Bonds in the issue, whether by advance retirement or otherwise, collection of the principal and interest on the assessments shall be discontinued and the special reserve fund shall be liquidated in retirement of the Bonds.

In the event that the balance in the fund at the time of liquidation exceeds the amount required to retire all outstanding Bonds in the issue, the excess shall be apportioned to each parcel upon which the individual assessment remained unpaid at the time the balance in the reserve fund was sufficient to retire all outstanding Bonds in the issue. The payments shall be made in cash to the respective Owners of the parcels except that, if the excess is not greater than one thousand dollars ($1,000.00), the excess may be transferred to the General Fund of the City.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.722 - Temporary investments.

Money in the special reserve fund may be temporarily invested in any authorized investments pursuant to Article 1 (commencing with Section 53600) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, or in any authorized investments pursuant to law.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.723 - Use of fund—Assessment credit—Advance Bond retirement.

Notwithstanding any other provision in this Chapter, for the purpose of providing for reduction of the amount of money in the special reserve fund during the term of the Bonds, the City Council may, by resolution adopted prior to the issuance of Bonds under this Subdivision, provide that money in the special reserve fund, including investment income, shall be used, in the amounts and at the times as the City Council may determine, for any or all of the following:

A. Credit upon the assessment in the manner provided in Section 3.52.626
B. Transfer to the redemption fund for advance retirement of the Bonds pursuant to this Subdivision.
C. Transfer to the improvement fund for payment of the costs of the construction of the Improvements.
D. Use for costs of administering the Assessment District, including foreclosure costs, costs of litigation, other attorney fees and financial advisor fees and expenses.

The resolution may specify the terms and conditions, as the City Council may determine to be reasonable, with respect to its authorization of any or all of the uses.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.724 - Errors in computation of amount due.

No Bonds assessment or installment thereof or of the interest or penalties thereon, or certificate of sale or deed, shall be held invalid for any error in the computation of the proper amount due on the same, if the error is found to be comparatively negligible, or is found to be in favor of the Owner of the real property affected thereby.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.725 - Examination by Superintendent of Banks—Certification of legal investment.

Upon the application of the City Council or of any holder or other interested party, the Superintendent of Banks shall examine the regularity of the issuance of Bonds under this Subdivision and the sufficiency of the security provided for the payment thereof and, if satisfied therewith, he or she may certify the same as suitable for investment by savings banks and trustees whereupon the Bonds may be used for investment of savings deposits and trust funds. The cost of any such examination may, on approval of the City Council, be paid out of any surplus money in the redemption fund not required for the payment of the interest or principal of the Bonds.

(Ord. C-7480 § 1, 1997: Ord. C-6723 § 1 (part), 1990)

3.52.726 - Judicial sale procedures.

Notwithstanding any provisions set forth in this Chapter, the judicial sale procedures set forth in California Streets and Highways Code Section 8832 shall govern judicial actions commenced to enforce the provisions of this Chapter.

(Ord. C-7632 § 1, 1999)

CHAPTER 3.56 - REAL PROPERTY TRANSFER TAX

FOOTNOTE(S):

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Editor's note— The operative date of this Chapter is the operative date of any ordinance adopted by the county, pursuant to Rev. and T. C. § 11901 et seq., or January 1, 1968, whichever is later.

State Law reference— Provisions on the real property transfer tax, Rev. and T. C. § 11901 et seq.

3.56.010 - Title.

The provisions of this Chapter shall be known as the real property transfer tax ordinance of the City. It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the State.

(Prior code § 2470)

3.56.020 - Imposed—Rate.

There is imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the City is granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrance remaining thereon at the time of sale) exceeds one hundred dollars ($100.00), a tax at the rate of twenty-seven and one-half cents for each five hundred dollars ($500.00) or fractional part thereof.

(Prior code § 2471)

3.56.030 - Administration.

The County Recorder shall administer this Chapter in conformity with provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any County ordinance adopted pursuant thereto.

(Prior code § 2478)

3.56.040 - Payment required.

Any tax imposed pursuant to Section 3.52.020 shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued.

(Prior code § 2472)

3.56.050 - Exemption—Governmental entities.

The United States or any agency or instrumentality thereof, any State or territory, or political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed pursuant to this Chapter with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefor.

(Prior code § 2474)

3.56.060 - Exemption—Security instruments.

Any tax imposed pursuant to this Chapter shall not apply to any instrument in writing given to secure a debt.

(Prior code § 2473)

3.56.070 - Exemption—Partnership transactions.

A. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this Chapter by reason of any transfer of an interest in a partnership or otherwise, if:
   1. Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and
   2. Such continuing partnership continues to hold the realty concerned.

B. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this Chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.

C. Not more than one (1) tax shall be imposed pursuant to this Chapter by reason of a termination described in Subsection B, and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

(Prior code § 2477)

3.56.080 - Exemption—Plans of reorganization or adjustment.

A. Any tax imposed pursuant to this Chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:
   1. Confirmed under the Federal Bankruptcy Act, as amended;
   2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title 11 of the United States Code, as amended;
   3. Approved in any equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended; or
   4. Whereby a mere change in identity, form or place of organization is effected.

B. Subsection B of this Section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five (5) years from the date of such confirmation, approval or change.

(Prior code § 2475)

3.56.090 - Exemption—Securities and Exchange Commission.

Any tax imposed pursuant to this Chapter shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

A. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

B. Such order specifies the property which is ordered to be conveyed; and

C. Such conveyance is made in obedience to such order.

(Prior code § 2476)

3.56.100 - Refunds.

Claims for refund of taxes imposed pursuant to this Chapter shall be governed by provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the State.

(Prior code § 2479)

CHAPTER 3.60 - SALES AND USE TAX

FOOTNOTE(S):

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State Law reference— Provisions authorizing cities to adopt codes and County ordinances by reference, Gov. C. §§ 50022.1—50022.10; provisions authorizing cities to levy sales and use taxes, Gov. C. § 37101; provisions regarding uniform local sales and use taxes, Rev. and T. C. § 7200 et seq.

3.60.010 - Title.

This Chapter shall be known as the uniform local sales and use tax provisions of the Long Beach Municipal Code.

(Prior code § 2411)

3.60.020 - Purpose.

The Council declares that this Chapter is adopted to achieve the following, among other, purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To adopt sales and use tax provisions which comply with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code of the State;

B. To adopt sales and use tax provisions which incorporate provisions identical to those of the Sales and Use Tax Law of the State insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

C. To adopt sales and use tax provisions which impose a one percent (1%) tax and provide a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practical to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;

D. To adopt sales and use tax provisions which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting City sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this Chapter.

(Prior code § 2412)

3.60.030 - Amendments to statutes adopted.

All amendments of the Revenue and Taxation Code enacted subsequent to the effective date of this Chapter which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this Chapter.

(Prior code § 2416)

3.60.040 - State agreement—Operative date conditions.

This Chapter shall become operative on April 1, 1956, and prior thereto this City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this Chapter; provided, that if this City has not contracted with the State Board of Equalization, as above set forth, prior to April 1, 1956, this Chapter shall not be operative until the first day of the first calendar quarter following the execution of such a contract by the City and by the State Board of Equalization; provided further, that this Chapter shall not become operative prior to the operative date of the uniform local sales and use tax ordinance of the County.

(Prior code § 2413)

3.60.050 - Sales tax.

A. For the privilege of selling tangible personal property at retail a tax is imposed upon all retailers in the City at the rate of one percent (1%) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the City on and after the operative date of this Chapter.

For the purposes of this Chapter all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one (1) place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

B. Except as provided in this Section, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Code, as amended and in force and effect on April 1, 1956, applicable to sales taxes are adopted and made a part of this Section as though fully set forth in this Section.

1. Wherever, and to the extent that, in Part 1 of Division 2 of the Revenue and Taxation Code the State is named or referred to as the taxing agency, the City shall be substituted therefor. Nothing in this Chapter shall be deemed to require the substitution of the name of the City for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the State under the provisions of that code; and, in addition, the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the Revenue and Taxation Code as adopted.

2. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by reason of this Section.
3. There shall be excluded from the gross receipts by which the tax is measured:
    a. The amount of any sales or use tax imposed by the State upon a retailer or consumer;
    b. Receipts from sales to operators of common carrier and waterborne vessels of property to be used or consumed in the operation of such common carriers or waterborne vessels principally outside of this City.
4. There shall be excluded from the gross receipts by which the tax is measured:
    a. The amount of any sales or use tax imposed by the State upon a retailer or consumer;
    b. The gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the City in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes;
    c. The gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the City in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

(Prior code § 2414)

3.60.060 - Use tax.

A. An excise tax is imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on or after the operative date of this Chapter, for storage, use or other consumption in the City at the rate of one percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

B. Except as provided in this Section, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Code, as amended and in force and effect on April 1, 1956, applicable to use taxes, are adopted and made a part of this Section as though fully set forth in this Section.
    1. Wherever, and to the extent that, in Part 1 of Division 2 of the Revenue and Taxation Code the state is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this Chapter shall be deemed to require the substitution of the name of this City for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the State, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible

personal property which would not be subject to tax by the State under the provisions of that code; and in addition, the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the Revenue and Taxation Code as adopted, and the name of the City shall not be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 nor in the definition of that phrase in Section 6203.

2. There shall be exempt from the tax due under this Section:
    a. The amount of any sales or use tax imposed by the State upon a retailer or consumer;
    b. The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any City and County, County, or City in this State;
    c. The storage or use of tangible personal property in the transportation or transmission of persons, property or communications, or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State;
    d. The use or consumption of property purchased by operators of common carrier and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels principally outside the City.
3. There shall be exempt from the tax due under this Section:
    a. The amount of any sales or use tax imposed by the State upon a retailer or consumer;
    b. The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any City and county, county or City in this State;
    c. The storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes;
    d. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government.

(Prior code § 2415)

3.60.070 - Operative date of exemptions.

A. Subsections 3.60.050.B.4 and 3.60.060.B.3 shall become operative on January 1st of the year following the year in which the State Board of Equalization adopts an assessment ratio for State-assessed property which is identical to the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, at which time Subsections 3.56.050.B.3 and 3.56.060.B.2 shall become inoperative.

B.

In the event that Subsections 3.60.050.B.4 and 3.60.060.B.3 become operative and the State Board of Equalization subsequently adopts an assessment ratio for State-assessed property which is higher than the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, Subsections 3.60.050.B.3 and 3.60.060.B.2 shall become operative on the first day of the month following the month in which such higher ratio is adopted, at which time Subsections 3.60.050.B.4 and 3.60.060.B.3 shall become inoperative until the first day of the month following the month in which the Board again adopts an assessment ratio for State-assessed property which is identical to the ratio required by local assessments by Section 401 of the Revenue and Taxation Code, at which time Subsections 3.60.050.B.4 and 3.60.060.B.3 shall again become operative and Subsections 3.60.050.B.3 and 3.60.060.B.2 shall become inoperative.

(Prior code § 2416.1)

3.60.080 - Existing sales and use tax suspended.

At the time this Chapter goes into operation, the provisions of Ordinance No. C-3541, commonly referred to as the sales and use tax ordinance, shall be suspended and shall not again be of any force or effect until and unless for any reason the State Board of Equalization ceases to perform the functions incident to the administration and operation of the sales and use tax imposed by this Chapter; provided, however, that if for any reason it is determined that the City is without power to adopt the provisions as contained in this Chapter, or that the State Board of Equalization is without power to perform the functions incident to the administration and operation of the taxes imposed by this Chapter, the provisions of Ordinance No. C-3541 shall not be deemed to have been suspended, but shall be deemed to have been in full force and effect at the rate of one percent (1%) continuously from and after April 1, 1956. Upon the ceasing of the State Board of Equalization to perform the functions incident to the administration and operation of the taxes imposed by this Chapter, the provisions of Ordinance No. C-3541 shall again be in full force and effect at the rate of one percent (1%). Nothing in this Chapter shall be construed as relieving any person of the obligation to pay to the City any sales or use tax accrued and owing by reason of the provisions of Ordinance No. C-3541 in force and effect prior to and including March 31, 1956.

(Prior code § 2420.1)

3.60.090 - Enjoining collection prohibited.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or this City, or against any officer of the State or this City, to prevent or enjoin the collection under this Chapter, or Part 1.5 of division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

(Prior code § 2420)

3.60.095 - Credit.

Every retailer subject to the sales or use tax imposed pursuant to Ordinance No. R.A. 1-93 of the Redevelopment Agency of the City shall receive a credit against his or her obligation to pay the tax imposed pursuant to Sections 3.60.050 or 3.60.060 in an amount equal to the sales or use tax due to the Redevelopment Agency of the City pursuant to said ordinance.

(Ord. C-7162 § 1, 1993)

CHAPTER 3.64 - TRANSIENT OCCUPANCY TAX

FOOTNOTE(S):

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State Law reference— Provisions authorizing cities to impose a tax on transients who occupy room space within the City, Rev. and T. C. §§ 7280 and 7281.

3.64.010 - Definitions.

The following terms, when used in this Chapter, shall for the purpose of this Chapter, have the following respective meanings except where the context clearly indicates a different meaning:

A. "Business license section" means the business license section, City Department of Financial Management.

B. "Guestroom" means any room or rooms or space or portion thereof in a "hotel", as defined in this Section, occupied, or intended, arranged or designed for occupancy.

C. "Hotel" means any apartment house, auto court, boarding house, bungalow court, club, hotel, inn, lodging house, motel, rooming house, camp, studio, dormitory, tourist home or other structure, private or public, or portion thereof, within the City offering or renting to transients for lodging, dwelling, or sleeping purposes, in guestrooms for compensation, and shall further include any trailer court, trailer spaces, or combinations of such spaces and trailers, including mobilehomes, timeshare units not occupied by the timeshare owner or a guest of the owner, and docked boats and ships, occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes. It does not mean any convalescent home or facility, home for the aged, hospital, jail, military installation, fraternity or sorority house recognized and approved by a Long Beach educational institution, nor does it mean a structure operated exclusively by an association or corporation for religious, charitable or educational purpose or purposes, no part of the earnings of which association or corporation inures to the benefit of any private shareholder or individual.

D. "Occupancy" means the use or possession, or the right to the use or possession, of any guestroom or rooms or space or portion thereof in any hotel for lodging, dwelling, or sleeping purposes.

E. "Occupant" means any individual who, for a consideration, uses, possesses or has the right to use any guestroom.

F. "Operator" means the person who is either the proprietor of the hotel or any other person who has the right to rent rooms within the hotel, whether in the capacity of owner, lessee, licensee, mortgagee in possession, sublessee or any other capacity. The owner or proprietor who is primarily responsible for operation of the hotel shall be deemed to be the principal operator. If the principal operator performs or assigns its functions, in whole or in part, through a managing agent, a booking agent, a room seller or room reseller, or any other agent or contractee,

including, but not limited to, online room sellers, online room resellers, and online travel agents, of any type or character other than an employee, those persons shall be deemed to be secondary operators.

A secondary operator shall be deemed an operator for purposes of this Chapter and shall have the same duties and liabilities as the principal operator, including, but not limited to, the collection and remittance of the full amount of the tax owed under the provisions of this Chapter to the City. A secondary operator may satisfy its obligations under the provisions of this Chapter by submitting the full amount of tax due under this Chapter, with credit for any taxes remitted to any other operator, either directly to the Director or through the principal operator. The principal operator may satisfy any potential liability it may have for taxes owed by a secondary operator by entering into a legally binding agreement with that secondary operator to remit the portion of the tax owed by the secondary operator directly to the City. Upon request, the principal operator shall provide the Director with copies of any such agreements.

Compliance with the provisions of this Chapter by either the principal operator or the secondary operator shall be deemed to require the payment and/or remittance of any amount other than the full amount of the tax owed by the transient.

G. "Person" means any individual, association, company, partnership, corporation, limited liability company, limited liability partnership, firm, joint venture, social club, fraternal club, organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination of individuals acting as a unit.

H. "Permanent lodger" means any occupant who, as of a given date, has occupied or has had the right of occupancy of any guestroom in a hotel for at least thirty (30) consecutive days next preceding such date.

I. "Rent" means the consideration charged, whether or not received, for occupancy of room or space in a hotel, valued in money, whether received in money, or goods, labor, or otherwise, including all receipts, cash, credits, property or services of any kind or nature, without any deduction therefrom whatsoever, including, but not limited to, credit card charges. If the charge made by a hotel includes any charge and services in addition to that for occupancy, such as food, then such amount shall be distinctly set out and billed as separate items with the appropriate tax charged. Nothing in this definition shall be construed to mean that rent is charged directly or indirectly for the occupancy of room or space in a hotel when that room or space is provided to the occupant as a compliment from the operator and where no consideration is charged to or received from any other person.

J. "Return" means any tax return filed or required to be filed as provided in this Chapter.

K. "Tax Collector" means the Tax Collector of the City.

L. "Transient" means any occupant who, for a period of not more than thirty (30) consecutive days, either at his or her own expense or at the expense of another, obtains the right of occupancy of a guestroom, for which occupancy rent is charged.

For an individual to avoid being deemed a transient during a thirty (30) consecutive day period, the individual exercising occupancy rights in a hotel must, prior to occupancy, enter into a written agreement with the hotel operator. The written agreement shall obligate a person to pay rent for the individual's occupancy for a period of at least thirty-one (31) consecutive days. The minimum substance of such written agreement shall contain the guest's name, address, period of occupancy,

rent and signature. If the written agreement requirements are satisfied, the individual exercising such occupancy rights shall not be considered a transient under this Chapter and, therefore, shall not be subject to the tax imposed pursuant to Sections 3.64.030 and 3.64.035. In the absence of the written agreement prior to the commencement of occupancy, the individual shall be deemed a transient and subject to the tax until the qualifying period (thirty (30) consecutive days) for nontransient status has been satisfied. On the thirty-first consecutive day, and on each consecutive day thereafter, the tax shall not apply. If the individual fails to stay for at least thirty-one (31) consecutive days, irrespective of the written agreement, then the tax shall be due.

Nothing in this definition or this Chapter shall be construed as prohibiting the operator from refunding or making a credit allowance to a person who has paid tax as required by this Chapter where it is established that the person was not a "transient" as defined herein or was exempt from the tax for any other reason, or had for any reason overpaid the tax.

In determining whether an individual is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified herein may be considered.

M. "Director" means the Director of Financial Management or his or her designee.

N. "Imposition" or "imposed" means the determination that the transient occupancy tax is applicable to and levied upon the transient and attaches as a condition of occupancy or the right to the use or possession of any room or rooms or space or portion thereof in any hotel for dwelling, lodging or sleeping purposes.

O. "Tax" means the transient occupancy tax imposed in Sections 3.64.030 and 3.64.035 which shall include all penalties, interest or other fees, costs and charges, if applicable, for collection purposes.

(ORD-05-0010 §§ 1—10, 2005; Ord. C-7770 §§ 1, 2, 2001; prior code § 2450)

3.64.020 - Administration.

It shall be the duty of the business license section to administer the provisions of this Chapter. The City may prescribe, adopt and enforce reasonable and necessary rules and regulations, forms, policies and procedures relating to the administration and enforcement of this Chapter, which shall be available at the business license office of the City.

(ORD-05-0010 § 11, 2005: prior code § 2459)

3.64.030 - Imposed.

Every transient shall pay a tax of six percent (6%) of the rent for his or her occupancy of a guestroom and the tax shall be collected by the operator from such transient at the time and in the manner provided in this Chapter. The tax is imposed for revenue purposes and is needed for the special advertising and promotion fund of the City.

(Prior code § 2451)

3.64.035 - General purpose tax imposed.

In addition to the tax imposed by Section 3.64.030, every transient shall pay a tax of six percent (6%) of the rent for his or her occupancy of a guestroom, and the tax shall be collected and accounted for separately from the tax imposed by Section 3.64.030 by the operator from such transient at the time and

in the manner provided in this Chapter. All the revenues collected from the tax imposed by this Section shall be deposited in the City's general purpose fund.

(Ord. C-7121 § 1, 1993: Ord. C-7008 § 1, 1992: Ord. C-6393 § 1, 1987: Ord. C-6051 § 2, 1984)

3.64.040 - Exemptions.

No tax shall be imposed under this Chapter upon:

A. Any person as to whom, or any occupancy as to which, it is beyond the power of the City to impose the tax provided in this Chapter;
B. Any federal or State of California officer or employee when on official government business, including employees of federal credit unions, and who provides proof that he or she is on official federal, State or federal credit union business;

Provided, however, that no exemption shall be granted under Subsections A or B of this Section except upon claim therefor made at the time rent is collected and under penalty of perjury, upon a form prescribed by the City business license section.

It shall be the duty of the operator to keep and maintain a written documentation in support of each exemption claimed for a period of five (5) years.

(ORD-05-0010 § 12, 2005: prior code § 2451.1)

3.64.045 - Credit.

Every transient subject to the transient occupancy tax imposed pursuant to Ordinance No. R.A. 1-90 of the Redevelopment Agency of the City, shall receive a credit against his or her obligation to pay the tax imposed pursuant to Section 3.64.030 in an amount equal to the transient occupancy tax due to the Redevelopment Agency of the City pursuant to such ordinance.

(Ord. C-6685 § 1, 1990)

3.64.050 - Collection.

A. On and after November 1, 1972, every operator receiving any payment for rent with respect to which a tax is due under this Chapter shall at the same time collect from the transient, or from the person making such payment, the amount of the tax imposed by this Chapter. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator.
B. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner provided in this Chapter.
C. The tax required to be collected under this Chapter shall be deemed to be held in trust for the account of the City by the person or persons required to collect the tax for the account of the City until payment thereof is made to the City. Any such tax imposed and required to be collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City.
D. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount. Any operator who undertakes legal or collection action to recover unpaid rent due from a transient shall include the amount of tax due from the transient in the amount sought to be recovered.

(ORD-05-0010 § 13, 2005: prior code § 2452)

3.64.055 - Refunds.

A. Where a tax has been collected based on rent for a period of thirty (30) days or less and the occupant subsequently completes thirty-one (31) consecutive days of occupancy, thereby qualifying as a permanent lodger, the operator shall return to such occupant an amount equivalent to the amount of the tax so collected either in cash or by crediting his or her account unless, however, the tax has been paid over to the business license section. In the latter case, the operator who collected the tax may within one (1) year after the date of the payment to the business license section, provided the operator has returned the equivalent amount of the tax to the permanent lodger or credited the lodger's account with that amount, either take credit for the amount so reimbursed on a subsequent return or file a claim for refund of the tax. Refund of the tax shall be made from the fund mentioned in Sections 3.64.035 and 3.64.100 in this Chapter in the same percentage.

B. Whenever the amount of tax has been overpaid, it shall be refunded or credited provided a claim is submitted in writing signed under penalty of perjury stating the specific grounds upon which the claim is founded and filed with the business license section upon forms furnished by the business license section within one (1) year of the date of payment to the City.

C. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the business license section that the individual from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

D. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the City by filing a claim in the manner provided in Subsection A of this Section, but only when the tax was paid by the transient directly to the business license section, or when the transient having paid the tax to the operator, establishes to the satisfaction of the business license section that the transient has been unable to obtain a refund from the operator who collected the tax.

E. No refund shall be paid under this Section unless the claimant establishes claimant's right to the refund by written records showing entitlement to the refund and unless claimant files the claim for refund within one (1) year after the date of payment of the tax to the City. Section 3.48.040 of this Title relating to the conditions of payment of refunds shall apply.

(ORD-06-0011 §§ 2, 3, 2006; ORD-05-0010 § 14, 2005)

3.64.060 - Credit cards.

The tax shall be computed on the total room rental, not exempt from taxation by this Chapter, without regard for finance charges or discounts paid to credit card companies.

(Prior code § 2453.1)

3.64.070 - Returns and remittances.

The operator collecting such tax shall prepare a return upon such forms and set forth therein such information as the business license section may prescribe and require, showing the amount of rent collected and the tax required to be collected and he or she shall sign the same and deliver it to the business license section together with a remittance of such tax. The returns and remittances shall be due on the tenth day of each month covering the amount of tax collected during the preceding month.

(Prior code § 2453)

3.64.080 - Records.

A. It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, or cause to be kept and preserved, for a period of five (5) years all records as may be necessary to compute the amount of any tax due under the provisions of this Chapter. Such records shall clearly substantiate the operator's gross receipts, the amount of room rentals, the rentals paid by permanent lodgers and exemptions claimed by officers and employees of the federal or State of California government and federal credit unions while they are on official business. Such records shall be made available for inspection by the City Auditor and City Finance Director or their authorized agents at all reasonable times.

B. The records maintained by the operator under this Section shall include, but not be limited to, the following:

1. Daily summary sheets for each day the hotel is open for business containing, at a minimum, the following:
    a. The name of at least one (1) individual occupying the room;
    b. The registration card number applicable to the room;
    c. The room number;
    d. The daily rate charged and amount collected or charged by credit card for rental of the room;
    e. The date occupancy commenced.
2. Registration cards shall be prenumbered and bear consecutive numbers preprinted on the registration cards by a print shop or manufacturer of the cards. Registration cards shall be maintained in sequential order. Voided cards shall be kept by operator for audit purposes. All registration cards shall be accounted for and the amount of the tax stated separately on the card.
3. Numbered Rooms. The operator shall fill out and maintain on file a registration card for each guestroom occupied which shall contain, at a minimum, the following information:
    a. The name of at least one (1) individual who will occupy, or be entitled to occupy, the room;
    b. The total number of people who will occupy or be entitled to occupy the room;
    c. The identification of room by number;
    d. The date the occupancy commences and the expected date of the departure of the transient; and
    e. The daily rent charged and amount collected as and for rental of the room with the amount of tax stated separately.
4. Exemptions. A written record of each occupancy charge for which an exemption is claimed, including the name of the individual occupying the room, dates of occupancy and reason(s) for exemption.
5. Bank Accounts. All operators shall keep bank statements and deposit slips showing hotel rents and other revenue for verification of the total revenue from operations.
6. Other data substantiating occupancy, rents, exemptions, claimed revenues and exemptions on tax payments, financial documentation, books and ledgers, bank records and similar financial information.

C. Every operator shall keep such records, receipts, invoices, registration cards and other pertinent papers in such form as the business license section may require.

D. The business license section or City Auditor, or any person authorized by the Director, may examine the books, papers, records, registration cards or other pertinent papers and records of any operator and may investigate the character of the business of the operator in order to verify the accuracy of the return made, or, if no return has been made by the operator, to ascertain and determine the amount required to be paid.

E. It is unlawful for the business license section or for any person having audit or administrative duty under this Chapter to make known, in any manner whatever except in the performance of his or her official duties, the business affairs, operations or information obtained from an investigation of the records of the operation.

(ORD-05-0010 15, 2005: prior code § 2457)

3.64.085 - Tax clearance certificate.

A. Within thirty (30) days after the operative date of this Section, the Director of Finance shall establish procedures which would allow a purchaser, transferee, or other person or entity attempting to obtain ownership of a hotel property which is required to collect tax, to make a written application for a "tax clearance certificate" to establish that the hotel operator has no unpaid taxes due to the City.

B. An administrative fee to cover the cost of issuing the certificate shall be established by resolution of the City Council and applications shall be available from the City Clerk and the business license section. No application for a certificate shall be accepted unless the application is fully completed and the administrative fee is paid in full.

C. Within ninety (90) days of receiving an application and payment of the administrative fee, the City shall do either of the following:

1. Issue the tax clearance certificate, or
2. Request the current hotel operator to make available the operator's transient occupancy tax records for the purpose of conducting an audit regarding transient occupancy taxes that may be due and owing from the operator.

D. The City shall complete an audit performed pursuant to Subsection 3.64.085.C.2 on or before ninety (90) days after the date that the current or former hotel operator has provided all books, records and information necessary to perform a complete tax audit.

E. Within thirty (30) days after completing the audit pursuant to Subsection 3.64.085.D, the City shall notify the applicant of one (1) of the following:

1. The City will issue a tax clearance certificate to the applicant; or
2. After completing the audit, the City has made a determination that the current operator has unpaid transient occupancy tax due and owing and no certificate will be issued; or
3. The operator's records are insufficient to make a determination of whether transient occupancy taxes may be due and owing and therefore the City will not issue a tax clearance certificate due to the insufficiency of the prior owner's records.

F. If the City does not comply with Subsections C through E, the purchaser, transferee, or other person or entity that obtains ownership of the hotel property shall not be liable for any transient occupancy tax obligations incurred prior to the purchase or transfer of the property from the operator.

G. For a tax clearance certificate issued under this Section, all of the following apply:

1. The certificate shall state the amount of tax due and owing for the subject property, if any.
2. The certificate shall state the period of time for which it is valid.
3.

The purchaser, transferee, or other person or entity who obtains ownership of the property may rely upon the tax clearance certificate as conclusive evidence of the tax liability associated with the property as of the date specified on the certificate.

H. Any purchaser, transferee, or other person or entity who does not apply for and obtain a tax clearance certificate under this Section, or who obtains a tax clearance certificate that indicates that tax is due and fails to withhold, for the benefit of the City sufficient funds in the escrow account for the purchase of the property to satisfy the transient occupancy tax liability, shall be held liable for the amount of tax due and owing from the operator on the property.

I. This Section may not be construed to relieve an operator or property owner of transient occupancy tax obligations incurred when an operator or owner of the property.

(Ord. ORD-05-0010 § 16, 2005)

3.64.090 - Cessation of business.

A. Whenever any operator required to collect and remit to the business license section a tax under this Chapter ceases to operate, dissolves, abandons, terminates, liquidates, sells, transfers, or disposes of his business, any tax payable under this Chapter shall become immediately due and payable and such operator shall immediately file a return and pay the tax due.

B. Upon cessation of operations, termination, dissolution, liquidation, bankruptcy or abandonment of a hotel operations by the operator, any operator, officer, or other person having control or supervision of, or who is charged with the responsibility for the filing of returns or payment of the tax, or who is under a duty to act for the operator in complying with this Chapter, shall be personally liable for any unpaid tax or penalty.

(Ord. ORD-05-0010 § 17, 2005: prior code § 2458)

3.64.100 - Special advertising and promotion fund.

All monies, including penalties, collected pursuant to Section 3.64.030 shall be deposited to a special fund to be known as the special advertising and promotion fund, which fund is created and established. Such fund shall be a continuing fund and not subject to transfer at the close of the fiscal year. Money credited to the special advertising and promotion fund may be expended for the following purposes only:

A. Refunds made pursuant to the provisions of Section 3.64.055

B. For advertising, promotional, and public relations projects calling attention to the City, its natural advantages, resources, enterprises, attractions, climate, and facilities;

C. For paying obligations incurred or to be incurred by the City to solicit and encourage developments and improvements on the tide and submerged lands granted to the City by the State by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1935, as further described in Chapter 29, Statutes of 1956, first extraordinary session, and Chapter 138, Statutes of 1964, first extraordinary session; provided, however, only monies collected and remitted to the City for occupancy of a guestroom situated on the tide and submerged lands and penalties and interest earnings attributable to such monies shall be expended for the purpose described in this Subsection.

(Ord. ORD-05-0010 § 18, 2005; Ord. C-6051 § 1, 1984: Ord. C-5545 § 1, 1979: prior code § 2455)

3.64.110 - Failure to collect or pay and notice of determination.

A. If any operator fails or refuses to collect the tax or to make, within the time provided in this Chapter, any return or remittance required by this Chapter, the business license section shall proceed in such manner as it may deem best to obtain facts and information on which to base its estimate of the tax due including, but not limited to, an audit of operator's records. As soon as the business license section procures such facts and information upon which to base an estimate of the tax due, it shall proceed to determine and assess against such operator the tax and penalties provided for by this Chapter. If an audit discloses underreporting or underpayment of ten percent (10%) or more of the tax, then the operator shall be charged for the cost of the audit, not to exceed one thousand five hundred dollars ($1,500.00).

B. The Director shall notify such operator with a notice of determination of tax due, which notice shall include both tax and penalties, if applicable, by first class mail, postage prepaid, to the operator's last known address.

(Ord. ORD-05-0010 § 19, 2005: prior code § 2456)

3.64.112 - Request for hearing with Director.

A. Any operator not in agreement with the notice of tax determination shall request a hearing in writing on the amount assessed within ten (10) days of the date contained in the notice of determination and pay a hearing fee which shall be the same fee as set by resolution for business license hearings. Upon a timely, written request and fee payment from the operator, the Director or his designee shall give not less than ten (10) days' written notice by mail to the operator to show cause at a time and place fixed in said notice, why the assessed amount should not be fixed for tax and penalty. The request for hearing shall be filed with the business license section.

B. Conduct at hearing. The operator may appear and offer evidence why the assessed tax and penalties should not be fixed. The operator may be represented by counsel.

C. Determination. The Director or his designee shall determine the proper tax and penalties to be remitted and shall give a written notice of final tax determination to the operator by first class mail, postage prepaid, containing the amount of tax and penalties due. The amount determined to be due shall be delinquent fifteen (15) days following the date on the final notice of tax determination, unless an appeal is taken to the City Council as provided in Section 3.64.115

D. Failure to timely request a hearing with the Director shall be deemed a waiver of the right to appeal as prescribed in Section 3.64.115 and to seek judicial review. The notice of determination assessed by the business license section shall become conclusive and immediately due and payable.

(Ord. ORD-05-0010 § 20, 2005)

3.64.115 - Appeal of final notice of determination.

A. Any operator not in agreement with the Director's final notice of determination with respect to the amount of tax and penalties as determined by the Director may appeal to the City Council by filing a notice of appeal with the City Clerk within fifteen (15) days of the date on the Director's final notice of determination of tax due. All fees for an appeal shall be the same as required for business license appeals as set by resolution and paid at the time of filing.

B. The City Council appeal and hearing shall be according to the procedures established in Chapter 2.93, except Section 2.93.060

C. The decision of the City Council shall be final and conclusive and any amount determined to be due for tax and penalties shall be due and payable within ten (10) days of the date on the notice of decision.

(Ord. ORD-05-0010 § 21, 2005)

3.64.120 - Delinquent payment penalty.

A. If any operator fails or refuses to remit to the business license section the proper amount of the tax required to be collected and paid under this Chapter on or before the last day of the month following the month in which said taxes were collected by the operator, and up to a period of thirty (30) days thereafter, shall have added to such tax a penalty of twenty-five percent (25%) of the amount of the tax, in addition to the amount of the tax, which penalty shall immediately become a part of the tax due for collection purposes.

B. Any operator who fails or refuses to remit to the business license section the proper amount of the tax required to be collected and paid under this Chapter for any period more than thirty (30) days following the date on which the remittance first became delinquent shall pay a delinquency penalty of fifty percent (50%) of the amount of the tax in addition to the amount of the tax, which penalty shall immediately become part of the tax due for collection purposes.

C. An additional penalty of one percent (1%) per month shall be assessed on the tax remaining unpaid more than sixty (60) days following the date on which the remittance first became delinquent.

(Ord. ORD-05-0010 § 22, 2005: Ord. C-5584 § 1, 1980: Ord. C-5508 § 1, 1979: prior code § 2454)

3.64.130 - Action to collect tax and enforcement of lien.

A. Any tax required to be paid by any transient under the provisions of this Chapter shall be deemed a debt owed by the transient to the City.

B. Failure of an operator to collect tax required to be paid by a transient shall not excuse the operator from the operator's obligation under this Chapter. Any such tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any tax required to be paid by any transient which is not collected by the operator is deemed a debt owed by the operator to the City.

C. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount including a reasonable attorney fee.

D. Assessment and lien. Whenever delinquent tax and penalties are not paid to the City after proper notification to the property/business owner and operator, the total uncollected amount including tax and penalties and administrative fees may become assessments, and the City Clerk or the City Clerk's duly authorized representative may compile a list of such assessments together with parcel number designations and address upon which the assessments are being fixed.

After notice and hearing, and upon confirmation of the imposition of the liens by resolution of the City Council and Mayor, the City Clerk shall file a certified copy of the approved resolution with the Los Angeles County Tax Collector, State of California, directing that all unpaid transient occupancy taxes, penalties and administrative fees be entered as lien charges against said property as it appears on the current assessment rolls. Liens will be collected at the same time and in the same manner, subject to the same penalties and interest upon delinquencies, as the general real property taxes are collected for the City of Long Beach. The City Clerk shall present for recording appropriate notices of the imposition of these liens with the Los Angeles County Recorder.

This Chapter does not give the City a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

(Ord. ORD-05-0010 § 23, 2005)

3.64.150 - Enjoining collection forbidden.

A. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the City or an officer thereof, to prevent or enjoin the collection of taxes sought to be collected pursuant to this Chapter and payment of all tax, interest and penalties shall be required as a condition precedent to seeking judicial review of any tax liability.

B. No suit or proceeding shall be maintained in any court for recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for each refund or credit has been duly filed pursuant to Section 3.64.055

(Ord. ORD-05-0010 § 24, 2005)

3.64.160 - Assessments, presumption and time limit for action to collect unpaid taxes.

In the case of an audit or investigation by the City, the Director may make a deficiency determination or assessment for transient occupancy tax not paid or remitted by a person required to pay or remit, as evidenced by information provided by such person or other persons to the Director, or based upon a reasonable estimate of the Director if complete evidence is not provided by the operator or person required to pay or remit the tax. Such reasonable estimate shall be entitled to a rebuttable presumption of correctness. Notwithstanding any other provision of law, except in the case of fraud or the failure of an operator to file a transient occupancy tax return, the City may institute an action to collect unpaid transient occupancy taxes within four (4) years of the date on which the transient occupancy taxes were required to be paid.

(ORD-05-0010 § 25, 2005)

CHAPTER 3.68 - UTILITY USERS TAX

3.68.010 - Utility users tax—Tax rate.

Notwithstanding any provision to the contrary in Sections 3.68.030 through 3.68.060 of this Chapter, the tax imposed therein shall be imposed at the rate set forth below:

Commencement Date	Rate
October 1, 2000	9.0%
April 1, 2001	8.0%
October 1, 2002	7.0%
October 1, 2003	6.0%
October 1, 2004, and thereafter	5.0%

(Ord. C-7735 § 1, 2001: prior code § 2480)

3.68.020 - Definitions.

Except where the context otherwise requires, the definitions given in this Section govern the construction of this Chapter:

A. "Ancillary telecommunications services" means services that are associated with or incidental to the provision, use or enjoyment of telecommunications services including, but not limited to, the following:
   1. Services that link two (2) or more participants of an audio or video conference call, including the provision of a telephone number.
   2. Services that separately state information pertaining to individual calls on a customer's billing statement.
   3. Services that provide telephone number information, and/or address information.
   4. Services offered in connection with one (1) or more telecommunications services, which offer advanced calling features that allow customers to identify callers or to manage multiple calls and call connections.
   5. Services that enable customers to store, send or receive recorded messages.

B. "Billing address" means the mailing address of a service user where a service supplier submits invoices or bills for payment by the service user.

C. "City" means the City of Long Beach.

D.

"Electrical corporation" has the same meaning as defined in Section 218 of the Public Utilities Code.

E. "Month" means a calendar month.

F. "Person" means, without limitation, any natural person; domestic, nonprofit or foreign corporation; firm; trust; estate; association; syndicate; joint stock company; limited liability company; partnership of any kind; joint venture; club; business or common-law trust of any kind; society; cooperative; receiver, trustee, guardian or other representative appointed by order of any court; municipal district; or municipal corporation (other than the City); or the manager, lessee, agent, servant, officer or employee of any of them.

G. "Service address" means the residential street address or the business street address of the service user's primary place of use.

H. "Service supplier" means any entity or person that provides telephone communication, electric, gas, or water service to a user of such services within the City.

I. "Service user" means a person required to pay a tax imposed by this Chapter.

J. "Tax administrator" means the revenue ad-ministrator of the City of Long Beach.

K. Telephone communication services" includes the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, whether or not such information is transmitted through interconnected service with the public switched network, whatever the technology used, whether such transmission, conveyance or routing occurs by wire, cable, fiber-optic, light wave, laser, microwave, radio wave (including, but not limited to, cellular service, commercial mobile service, personal communications service (PCS), specialized mobile radio (SMR), and other types of personal wireless service (see 47 USCA Section 332(c) (7) (C) (i)) regardless of radio spectrum used, switching facilities, satellite or any other technology now existing or developed after the adoption of this Section, and includes, without limitation, fiber optic, coaxial cable, and wireless. The term "telephone communication services" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such services are referred to as Voice over Internet Protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value added, and includes video and/or data services that are functionally integrated with telecommunications services. "Telephone communication services" include, but are not limited to, the following services, regardless of the manner or basis on which such services are calculated or billed: central office and custom calling features (including but not limited to call waiting, call forwarding, caller identification and three-way calling), local number portability, text messaging, ancillary telecommunication services, prepaid and post-paid telecommunications services (including but not limited to prepaid calling cards); mobile telecommunications service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); and value-added non-voice data service. For purposes of this Section, "private telecommunication service" means any dedicated telephone communications service that entitle a user to exclusive or priority use of communications channels. "Telephone communication service" does not include: internet access services; video programming services; and digital downloads, such as downloads of books, music, ringtones, games and similar digital products.

L.

"Telephone corporation" has the same meaning as defined in section 234 of the Public Utilities Code.

(Measure G, 11-4-2008, eff. 12-19-2008; prior code § 2480.1)

3.68.030 - Electricity users tax.

A. There is imposed a tax upon every person in the City using electrical energy in the City. The tax imposed by this Section shall be at the rate of ten percent (10%) of the charges made for such energy and shall be paid by the person paying for such energy.

B. "Charges," as used in this Section, includes charges made for: (1) metered energy, and (2) minimum charges for service, including customer charges, service charges, demand charges, standby charges, and annual and monthly charges.

C. As used in this Section, the term "using electrical energy" shall not be construed to mean the storage of such energy by a person in a battery owned or possessed by him or her for use in an automobile or other machinery or device apart from the premises upon which the energy was received; provided, however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries; nor shall the term include the mere receiving of such energy by an electrical corporation or governmental agency at a point within the City for resale.

D. There shall be excluded from the base on which the tax imposed in this Section is computed charges made for electricity used in the production or distribution of water. The term "water" as used in this Subsection shall not include wastewater, salt water, or any water used in the production of oil or gas.

(Ord. C-6897 § 1, 1991; Ord. C-6392 § 1, 1987: prior code § 2480.3)

3.68.040 - Gas users tax.

A. There is imposed a tax upon every person in the City using gas in the City which is delivered directly or indirectly through mains or pipes. The tax imposed by this Section shall be at the rate of ten percent (10%) of the charges made for such gas and shall be paid by the person paying for such gas.

B. "Charges", as used in this Section, shall include minimum charges for service of the gas commodity, whether owned by the City or the customer, and the gas transportation, including, but not limited to, customer charges, service charges, standby charges, and annual and monthly charges.

C. There shall be excluded from the base on which the tax imposed in this Section is computed: (1) charges made for gas which is to be resold and delivered through mains or pipes; (2) charges made for gas to be used in the generation of electrical energy by an electrical corporation or governmental agency; (3) charges made for compressed natural gas used for motor vehicle fuel.

(Ord. C-7224 § 1, 1994; Ord. C-6897 § 2, 1991: Ord. C-6745 § 1, 1990; prior code § 2480.4)

3.68.050 - Telephone users tax.

A. There is imposed a tax upon every person, other than a telephone corporation, who uses telephone communication services in the City, including intrastate, interstate, and international telephone communication services, to the extent permitted by federal and State law. Interstate calls shall be deemed to include calls to the District of Columbia. The telephone users tax is intended to, and does, apply to all charges within the City's tax jurisdiction, such as charges billed to a telephone account having a situs in the City as permitted by the Mobile Telecommunications Sourcing Act of 2000, 4 U.S.C. § 116 et seq. The tax imposed by this Section shall be at the rate of five percent (5%). The tax shall apply to all charges made for such telephone communication services and shall be collected from the service user by the services supplier or its billing agent. There is a rebuttable presumption that telephone communication services billed to a billing or service address in the City are used, in

whole or in part, within the City, and that such services are subject to taxation under this Chapter. There is also a rebuttable presumption that telephone communication services sold within the City that are not billed to a billing address or provided to a primary physical location (such as prepaid calling card services) are used, in whole or in part, within the City and are therefore subject to taxation under this Chapter.

B. As used in this Section, the term "charges" shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the telephone communication services.

C. The tax administrator may, from time to time, issue and disseminate to telecommunication service suppliers administrative rulings identifying those telecommunication services that are subject to the tax of Subsection A of this Section. Such administrative rulings shall be consistent with legal nexus and laws pertaining to telephone communications services and shall not impose a new tax, revise an existing tax methodology, or increase an existing tax, except as allowed by California Government Code Section 53750(h) (2) and (3) or other law. The Tax Administrator may consider State-wide interpretive rules and guidelines promulgated by any government agency or association of government agencies as a factor in determining the intent of voters adopting this Section. To the extent that the Tax Administrator determines that the tax imposed under this Section shall not be collected in full for any period of time, such an administrative ruling falls within the Tax Administrator's discretion to settle disputes. The Tax Administrator's exercise of prosecutorial forbearance under this Chapter does not constitute a change in taxing methodology for purposes of Government Code Section 53750(h), and the City does not waive or abrogate its ability to impose the telephone users' tax in full as a result of issuing such administrative rulings and may suspend such rulings and recommence collection of the tax without additional voter approval.

D. The following shall be exempt from the tax imposed by this Section:

1. Charges paid for by inserting coins in coin-operated telephones available to the public with respect to local telephone service, or with respect to long distance telephone service if the charge for such long distance telephone service is less than twenty-five cents ($0.25); except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax.
2. Except with respect to local telephone service, on any charges for services used in the collection of news for the public press, or a news ticker service furnishing a general news service similar to that of the public press, or radio broadcasting, or in the dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for such service is billed in writing to such person.
3. Charges for services furnished to an international organization designated under the International Organizations Immunities Act and defined in 22 USCA 288 or to the American National Red Cross.
4. Charges for any long distance telephone service which originates within a combat zone, as defined in section 112 of the Internal Revenue Code, from a member of the Armed Forces of the United States performing service in such combat zone, as determined under such section, provided a certificate, setting forth such facts as the Secretary of the U.S. Treasury may by regulations prescribe, is furnished to the person receiving such payment.
5.

Charges for any long distance telephone service to the extent that the amount so paid is for use by a common carrier, telephone or telegraph company, or radio broadcasting station or network in the conduct of its business as such.

6. Amounts paid by a nonprofit hospital for services furnished to such organization. For purposes of this Subsection, the term "nonprofit hospital" means a hospital referred to in Internal Revenue Code section 170(b)(1)(A)(iii) which is exempt from income tax under Internal Revenue Code section 501(a).
7. Charges for services or facilities furnished to the government of any State, or any political subdivision thereof, or the District of Columbia.
8. Charges paid by a nonprofit educational organization for services or facilities furnished to such organization. For purposes of this Subsection, the term "nonprofit educational organization" means an educational organization described in Internal Revenue Code section 170(b)(1)(A)(ii) which is exempt from income tax under Internal Revenue Code section 501(a). The term also includes a school operated as an activity of an organization described in Internal Revenue Code section 501(c)(3) which is exempt from income tax under Internal Revenue Code section 501(a), if such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.
9. Charges for maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations as such section existed on January 1, 1970.

E. To prevent actual multi-jurisdictional taxation of telephone communication services subject to tax under this Section, any service user, upon proof to the Tax Administrator that the service user has previously paid the same tax in another American jurisdiction on such telephone communication services, shall be allowed a credit against the tax imposed to the extent of the amount of such tax legally imposed in such other jurisdiction; provided, however, the amount of credit shall not exceed the tax owed to the City under this Section. This ordinance shall be construed broadly in favor of the imposition and collection of the utility users tax to the fullest extent permitted by California and federal law, and as it may change from time to time.

F. The tax on telephone communication services imposed by this Section shall be collected from the service user by the service supplier. The amount of tax collected from the twenty-sixth day of each month through the twenty-fifth day of the following month shall be remitted to the City Clerk on or before the twenty-sixth day of such following month, or at the option of the person required to collect and remit the tax, an estimated amount of tax collected, measured by billings of the previous month, shall be remitted to the Clerk on or before the twenty-sixth day of each month.

G. For purposes of imposing a tax or establishing a duty to collect and remit a tax under this subchapter, "substantial nexus" and "minimum contacts" shall be construed broadly in favor of the imposition, collection and/or remittance of the utility users tax to the fullest extent permitted by State and federal law, and as that law may change from time to time. Any telephone communication service (including VoIP) used by a person with a service address in the City, which service is capable of making a call to another person on the general telephone network, shall be subject to a rebuttable presumption that "substantial nexus/minimum contacts" exists for purposes of imposing a tax, or establishing a duty to collect and remit a tax, under this Chapter. A service supplier shall be deemed to have sufficient activity in the City to be obligated to collect and remit the tax imposed by this Chapter if it does any of the following: maintains or has within the City, directly or through an agent or subsidiary, a place of

business of any nature; solicits business in the City by employees, independent contractors, resellers, agents or other representatives; solicits business in the City by means of advertising that is broadcast or relayed from a transmitter within the City or distributed from a location within the City; or advertises in newspapers or other periodicals printed and published within the City or through materials distributed in the City by means other than the United States mail.

(Measure G, 11-4-2008, eff. 12-19-2008; ORD-06-0035 § 1, 2006: Ord. C-6897 § 3, 1991; Ord. C-6744 § 1, 1990: Ord. C-6127 § 1, 1985: prior code § 2480.2)

3.68.060 - Water users tax.

A. There is imposed a tax upon every person using in the City water which is delivered through mains or pipes. The tax imposed by this Section shall be at the rate of ten percent (10%) of the charges made for such water and shall be paid by the person paying for such water.

B. "Charges", as used in this Section, shall include minimum charges for service, including customer charges, service charges, standby charges, and annual and monthly charges.

C. There shall be excluded from the base on which the tax imposed in this Section is computed charges made for water which is to be resold and delivered through mains or pipes and charges made for water used in the generation of electrical energy by an electrical corporation.

(Ord. C-6897 § 4, 1991; Ord. C-6745 § 2, 1990; prior code § 2480.5)

3.68.065 - Segregation of nontaxable charges.

As used in this Chapter, the term "charges" shall include the value of all consideration provided by the service user in exchange for utility services. If a nontaxable service and a taxable service are billed together under a single charge, the entire charge shall be deemed taxable unless the service supplier identifies, by verifiable data, based upon its books and records that are kept in the regular course of business, in a manner that is consistent with generally accepted accounting principles, the nontaxable component of the charge. The service supplier has the burden of proving the proper apportionment of taxable and nontaxable charges.

(Measure G, 11-4-2008, eff. 12-19-2008; ORD-06-0035 § 3, 2006)

3.68.070 - Exemption—Constitutional violation.

Nothing in this Chapter shall be construed as imposing a tax upon any person if imposition of such tax upon that person would be in violation of the Constitution of the United States or the Constitution of the State.

(Prior code § 2480.6)

3.68.075 - Effect of State and federal authorization.

To the extent that the City's authorization to impose or collect any tax imposed under this Chapter is expanded or limited as a result of changes in State or federal law, no amendment or modification of this Chapter shall be required to conform the tax to those changes, and the tax shall be imposed and collected to the full extent of the City's authorization up to the full amount of the tax imposed under this Chapter.

(Measure G, 11-4-2008, eff. 12-19-2008)

3.68.080 - Exemption—Application.

A. The tax imposed by this Chapter shall not apply to any individual sixty-two (62) years of age or older who uses telephone, electric, gas or water services, in or upon any premises occupied by such individual, provided the combined gross income of all members of the household in which such

individual resides does not exceed a certain maximum amount for the calendar year prior to the fiscal year for which the exemption provided in this Chapter is applied for. The maximum amount of combined gross income of all members of the household shall be established by resolution of the City Council and available at the office of the City Clerk, 333 West Ocean Boulevard; and Commercial Services Bureau, 333 West Ocean Boulevard, Long Beach, California 90802.

B. The tax imposed by this Chapter shall not apply to any individual who is disabled, as defined herein, or in whose household a disabled individual resides, who uses telephone, electric, gas or water services, in or upon any premises occupied by such a disabled individual, provided the combined gross income of all members of the household in which such individual resides does not exceed a certain maximum amount for the calendar year prior to the fiscal year for which the exemption provided in this Chapter is applied for. The maximum amount of combined gross income of all members of the household shall be established by resolution of the City Council and available at the office of the City Clerk, 333 West Ocean Boulevard; and Commercial Services Bureau, 333 West Ocean Boulevard, Long Beach, California 90802.

For purposes of this Section, a "disabled individual" is defined as an individual under a physical disability as defined in Section 223 of the Social Security Act (42 USC 423) and Section 102(b)(5) of the Developmentally Disabled Assistance and Bill of Rights Act (42 USC 6001(7)), and as such sections shall be amended from time to time.

For purposes of this Section, gross income of all members of the household shall include, but not be limited to, the total gross wages, salary, business receipts, rents, gains, profits, gifts, inheritances, trusts, stock earnings, royalties, alimony, child support, welfare payments, Medicare, pensions, Social Security, and all other receipts whether received in cash, credits, property or services of any kind or nature during each calendar year for which the applicant seeks an exemption.

C. The exemptions granted by this Section shall not eliminate the duty of the service supplier from collecting taxes from such exempt individuals or the duty of such exempt individuals from paying such taxes to the service supplier unless an exemption is applied for by the service user and granted in accordance with the provisions of Subsection D of this Section.

D. Any service user exempt from the taxes imposed by this Chapter because of the provisions of Subsections A or B of this Section may file an application with the City Treasurer for an exemption. Such application shall be made upon a form supplied by the City Treasurer and shall recite facts under oath which qualify the applicant for an exemption. The City Treasurer shall review all such applications and certify as exempt those applicants determined to qualify therefor and shall notify all service suppliers affected that such exemption has been approved, stating the name of the applicant, the address to which such exempt service is being supplied, the account number, if any, and such other information as may be necessary for the service supplier to remove the exempt service user from its tax billing procedure. Upon receipt of such notice, the service supplier shall not be required to continue to bill any further tax imposed by this Chapter from such exempt service user upon the earlier of a change of service address, termination of service, or until further notice by the City Treasurer is given. The service supplier shall eliminate such exempt service user from its tax billing procedure upon receipt of such notice from the City Treasurer, but no later than sixty (60) days after receipt of such notice from the City Treasurer, or as otherwise provided by law.

All exemptions shall continue and be renewed automatically by the City Treasurer so long as the prerequisite facts supporting the initial qualification for exemption continue; provided, however, that the exemption shall automatically terminate with any change in the service address or residence of the exempt individual; further provided, such individual may nevertheless apply for a new exemption with each change of address or residence. Any individual exempt from the tax shall notify the City Treasurer within ten (10) days of any change in fact or circumstance which might disqualify such individual from receiving such exemption. The City Treasurer may request reverification of eligibility from individuals claiming an exemption annually or as deemed necessary by the City Treasurer. It shall be a misdemeanor for any person in a household to knowingly receive the benefits of the exemptions provided by this Section when the basis for such exemption either does not exist or ceases to exist.

Notwithstanding any of the provisions of this Subsection, however, any service supplier who determines by any means that a new or nonexempt service user is receiving service through a meter or connection exempt by virtue of an exemption issued to a previous user or exempt user of the same meter or connection, such service supplier shall immediately notify the City Treasurer of such fact and the City Treasurer shall conduct an investigation to ascertain whether or not the provisions of this Section have been complied with, and, where appropriate, order the service supplier to commence collecting the tax from the nonexempt service user.

(Ord. C-7809 § 1, 2002; Ord. C-7748 § 1, 2001: Ord. C-7733 § 1, 2001: Ord. C-6805 § 1, 1990: Ord. C-6075 § 1, 1984; Ord. C-5979 § 1, 1983; Ord. C-5714 § 1, 1981; prior code § 2480.6.1)

3.68.090 - Refund in lieu of exemption.

A. Commencing January 1, 1977, any individual entitled to be exempt from the taxes imposed by this Chapter who used electric, gas or water services during the preceding calendar year and paid the taxes required in this Chapter either directly or indirectly to the service user rather than the service supplier may file an application for a refund on forms provided by the City Treasurer. The application shall contain a declaration of the facts, under oath, which qualify the applicant for the refund. The application shall be filed on January 1st but not later than March 1st of each year, for the preceding calendar year. Section 3.48.040 of this Title relating to the conditions for payment of refunds shall apply.
B. The refund allowable to applicant under this Section shall be two dollars and twenty-five cents ($2.25) per utility per month, for each full month of service.

(ORD-06-0011 § 4, 2006; Ord. C-7758 § 1, 2001: Ord. C-6075 § 2, 1984; Ord. C-5979 § 2, 1983; Ord. C-5271 § 1, 1976: prior code § 2480.6.2)

3.68.100 - Collection.

A. Every person receiving payment of charges from a service user shall collect the amount of tax imposed by this Chapter from the service user.
B. The tax shall be collected insofar as practicable at the same time as, and along with, the collection of charges made in accordance with the regular billing practice of the service supplier.
C. The duty to collect tax from a service user shall commence with the beginning of the first regular billing period applicable to that person which starts on or after the operative date of this Chapter. If a person received more than one (1) billing, one (1) or more being for different periods than another, the duty to collect shall arise separately for each billing period.

(Prior code § 2480.7)

3.68.110 - Returns and remittances.

Each service supplier shall, on or before the twentieth of each month, make a return to the City Treasurer-City Tax Collector on forms in the manner prescribed by the City Treasurer-City Tax Collector, stating the amount of taxes billed by the service supplier during the preceding month. At the time the return is filed, the full amount of the tax collected shall be remitted to the City Treasurer-City Tax Collector. The City Treasurer-City Tax Collector is authorized to properly determine if the tax imposed is being levied and collected in accordance with this Chapter. Returns and remittances are due immediately upon cessation of business for any reason.

(Prior code § 2480.8)

3.68.120 - Records.

It shall be the duty of service supplier to keep and reserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection and remittance to the City Treasurer-City Tax Collector, which records City personnel shall have the right to inspect at all reasonable times.

(Prior code § 2480.13)

3.68.130 - Delinquent payment penalty.

A. Taxes collected from a service user which are not remitted to the City Treasurer-City Tax Collector on or before the due dates provided in this Chapter are delinquent.

B. Penalties for delinquency in remittance of any tax collected or any deficiency determination shall attach and be paid by the service supplier at the rate of fifteen percent (15%) of the total tax collected or imposed in this Chapter.

C. The City Treasurer-City Tax Collector shall have power to impose additional penalties upon the service supplier under the provisions of this Chapter for fraud or negligence in reporting or remitting at the rate of fifteen percent (15%) of the amount of the tax collected or as recomputed by the City Treasurer-City Tax Collector.

D. Every penalty imposed under the provisions of this Section shall become a part of the tax required to be remitted.

(Prior code § 2480.9)

3.68.140 - Failure to pay—Administrative remedy.

Whenever the City Treasurer-City Tax Collector determines that a service user has deliberately withheld the amount of the tax owed by him or her from the amounts remitted to a service supplier, or that a service user has failed to pay the amount of the tax for a period of two (2) or more billing periods, or whenever the City Treasurer-City Tax Collector deems it in the best interest of the City, he or she may relieve the service supplier of the obligation to collect taxes due under this Chapter from certain named service users for specified billing periods. The City Treasurer-City Tax Collector shall notify the service user that he or she has assumed responsibility to collect the taxes due for the stated periods and demand payment of such taxes. The notice shall be served on the service user by handing it to him or her personally or by deposit of the notice in the United States Postal Service, postage prepaid thereon, addressed to the service user at the address to which billing was made by the service supplier; or should the service user have changed his or her address, to his or her last known address. If a service user fails to remit the tax to the City Treasurer-City Tax Collector within fifteen (15) days from the date of the service of the notice upon him or her, which shall be the date of mailing if service is not accomplished in person, a

penalty of twenty-five percent (25%) of the amount of the tax set forth in the notice shall be imposed, but in no event shall the total penalty for nonpayment of the delinquent tax accounts be less than five dollars ($5.00). The penalty shall thereupon become part of the tax required to be paid by this Chapter.

(Prior code § 2480.10)

3.68.150 - Collection action.

Any tax required to be paid by a service user under the provisions of this Chapter shall be deemed a debt owed by the service user to the City. Any such tax collected from a service user which has not been remitted to the City Treasurer-City Tax Collector shall be deemed a debt owed to the City by the service supplier. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount.

(Ord. C-5873 § 1, 1982: prior code § 2480.12)

3.68.160 - Refunds.

A. Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City Clerk or City Treasurer-City Tax Collector under this Chapter, it may be refunded as provided in this Section.

B. A service supplier may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received, when it is established in a manner prescribed by the City Treasurer-City Tax Collector that the service user from whom the tax has been collected did not owe the tax; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the service user or credited to charges subsequently payable by the service user to the person required to collect and remit.

C. No refund shall be paid under the provisions of this Section unless the claimant established his or her right thereto by written records showing entitlement thereto.

D. No refund shall be paid under the provisions of this Section unless the claimant has submitted a claim pursuant to this Section.

(ORD-06-0035 § 2, 2006: ORD-06-0011 § 5, 2006; prior code § 2480.14)

3.68.170 - Independent audit.

The City shall annually verify that the taxes owed under this Chapter have been properly applied, exempted, collected, and remitted in accordance with this Chapter, and properly expended according to applicable law. The annual verification shall be performed by a qualified independent third party and the review shall employ reasonable, cost-effective steps to assure compliance, including the use of sampling audits. The verification shall not be required of as to a service supplier where the cost of the verification is expected to exceed the tax revenues to be reviewed.

(Measure G, 11-4-2008, eff. 12-19-2008)

CHAPTER 3.72 - TENNIS TRUST ACCOUNT

3.72.010 - Created.

There is created and established within the recreation fund a special account to be known as the tennis trust account. All revenue derived by the Recreation Commission from tennis concession privileges at Billie Jean King Tennis Center in Recreation Park and El Dorado Park Tennis Center shall be deposited in the tennis trust account. Gifts, legacies, bequests or other revenue from individuals or organizations to the Recreation Commission may, at the direction of the Recreation Commission by order entered upon its minutes, be deposited in the tennis trust account, unless prohibited by the terms of a particular gift, legacy, or bequest. If not used during any current year, the moneys shall accumulate in the tennis trust account. All interest derived by investment of moneys in the tennis trust account shall accrue solely to the tennis trust account. All expenditures from the tennis trust account shall, in accordance with the Charter of the City, be expended for the purchase, maintenance, operation or improvement of grounds, buildings, structures, equipment or facilities for public tennis at Billie Jean King Tennis Center in Recreation Park and El Dorado Park Tennis Center.

(Ord. C-5305 § 1, 1977: prior code § 7430)

CHAPTER 3.76 - COMMERCIAL AND INDUSTRIAL LAND BANK

3.76.010 - Established.

A. There is established a commercial/industrial land bank to be operated by the City through the Department of Community Development with the advice and recommendations of the Economic Development Commission. In establishing the land bank, the City through the Department of Community Development may purchase, on the open market, commercial and industrial properties. In addition, property owned by the City designated and declared by the City Council to be surplus property shall become a part of the land bank. The parcels may be assembled for subsequent sale or lease to commercial and manufacturing concerns wishing to locate within the City.

B. The Economic Development Commission shall advise the Department of Community Development concerning the program, and shall recommend appropriate guidelines for the operation of the program. The Economic Development Commission shall submit recommendation regarding any and all transactions for City Council approval whether they are the sale of surplus City property or the purchase, sale, lease or disposition of other properties.

(Ord. C-5428 § 1, 1978: Ord. C-5337 § 1, 1977)

3.76.020 - Land bank fund.

There is established a special fund which shall be called the land bank fund. It shall exist as a revolving fund on a continuing basis from year to year.

A. There shall be transferred or paid into the fund the following funds:
    1. Proceeds from the sale, lease or rental of land bank holdings including the proceeds of sale of surplus City property as approved from time to time by the City Council;
    2. Federal and other grant funds which have been received by the City for this purpose;
    3. Special appropriations as may be authorized by the City Council;
    4. Interest accruing on funds on deposits of investments;
    5. Other refunds relating to expenditures from the fund;
    6. Any other receipts or refunds allocable to the fund.

B. There shall be paid or expended from the fund the following costs and charges:
    1. Costs directly related to the purchase and development of land bank holdings. These costs include the cost of land acquisition, escrow costs, title insurance, certain public improvements, development costs, public improvement costs;
    2. Costs directly related to the sale, lease or rental of land bank holdings;
    3. Staff administration costs;
    4. Any expenditures authorized by the City Council necessary for the operation of the program as may be related to matching federal and other grants.

(Ord. C-5428 § 2, 1978: Ord. C-5337 § 2, 1977)

CHAPTER 3.80 - BUSINESS LICENSE TAX
DIVISION I. - PURPOSE AND DEFINITIONS

3.80.110 - Purpose of Chapter provisions.

This Chapter is enacted solely for the purpose of raising revenue for general municipal purposes and for the usual current expenses of the City. It is not intended to be regulatory. The payment of a business tax required by this Chapter, and its acceptance by the City, and the issuance of a business license to any person shall not entitle the holder thereof to carry on any business unless he has complied with all of the requirements of this Code, including, but not limited to, those of Title 5 as appropriate, and all other applicable laws, nor to carry on any business in any building or on any premises designated in such business license in the event that such building or premises are situated in a zone or locality in which the conduct of such business is in violation of any law.

(Ord. C-6259 § 1 (part), 1986)

3.80.120 - Definitions.

For the purpose of this Chapter, certain words and phrases are defined and certain words and phrases shall be construed as set forth in this Division I, unless it is apparent from their context that a different meaning is intended.

(Ord. C-6259 § 1 (part), 1986)

3.80.130 - Average number of employees.

As used in this Chapter, "average number of employees" means the average number of persons employed daily in the person's business for the period of one (1) year and shall be determined by ascertaining the total number of hours of service performed by all employees during the preceding year, dividing the total number of hours of service thus obtained by the number of hours of service constituting a day's work (according to the custom and bylaws governing such employments), and by again dividing the sum thus obtained by the number of business days in each year. In computing the average number of employees, fractions of numbers shall be excluded.

(Ord. C-6259 § 1 (part), 1986)

3.80.133 - Business.

As used in this Chapter, "business" means all activities engaged in or caused to be engaged in within Long Beach, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, including rental or lease of residential or nonresidential real estate and mobilehome parks, or independent contractors, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his employer.

(Ord. C-6259 § 1 (part), 1986)

3.80.136 - Business license or license.

As used in this Chapter, "business license" or "license" means the certificate issued by the City to the taxpayer upon payment of a tax prescribed by this Chapter evidencing payment of such tax.

(Ord. C-6259 § 1 (part), 1986)

3.80.140 - Business license tax.

As used in this Chapter, "business license tax" or "business tax" or "license tax" shall mean the tax due for engaging in business in Long Beach.

(Ord. C-6259 § 1 (part), 1986)

3.80.143 - Calendar quarter.

As used in this Chapter, "calendar quarter" means any consecutive three (3) month period.

(Ord. C-6259 § 1 (part), 1986)

3.80.146 - Classifications of businesses.

As used in this Chapter, the following classifications of businesses shall have the meanings set forth in this Section:

A. "Contract construction" means any business conducted or carried on by any person who is licensed as a contractor by the State of California and who undertakes to, or submits bids to, or does himself or through others, construct, alter, repair, add to, subtract from or demolish any building, highway, railroad, excavation or other structure, project, development or improvement. "Contract construction" includes, but is not limited to, the business of building contractor, cement contractor, cesspool contractor, decorating/painting contractor, electrical contractor, electrical maintenance contractor, engineering contractor, house mover, lathing contractor, masonry contractor, miscellaneous contractor, plaster contractor, plumbing contractor, refrigeration contractor, roofing contractor, sewer contractor, specialty contractor, subcontractor, tile and marble contractor, and weather stripping contractor.

B. "Manufacturing" means any business conducted or carried on by any person engaged in the business of manufacturing, rebuilding or processing any goods, wares, merchandise, articles, substance or commodity at a fixed place of business within Long Beach. "Manufacturing" includes, but is not limited to, the business of aircraft, boats, motor or nonmotor vehicles and food processing.

C. "Miscellaneous business" means any business conducted or carried on by any person engaged in a business not specifically taxed by other provisions of the ordinance codified in this Chapter and not otherwise exempt.

D. "Oil production" means the business of producing oil from any well located in the City, including the City when functioning in the capacity of unit operator.

E. "Profession" means any business conducted or carried on by any person, group, association, partnership, firm or corporation engaged in a profession or vocation licensed by the State, related to a licensed profession or vocation, and/or requiring a period of specialized training such as, but not limited to, physicians, dentists, attorneys and accountants. "Profession" includes, but is not limited to, the business of accountant, architect, attorney, chiropractor, dentist, doctor, doctor - herbs, engineer, optometrist, physician/surgeon, physiotherapist, podiatrist, psychologist, acupuncture, surveyor and veterinarian/dog and cat hospital.

F. "Recreation and entertainment" means any business conducted or carried on by any person engaged in the business of providing entertainment, recreation or amusement services. "Recreation and entertainment" includes, but is not limited to, the business of arcade, dancehall,

entertainment cafe with dancing, entertainment cafe without dancing, games, exhibition, amusements, circus, public cardroom and social club.

G. "Rental of residential property" means any business conducted or carried on by any person engaged in the business of conducting or operating an apartment house, roominghouse, boardinghouse or similar residential rental operation for the purpose of dwelling, sleeping or lodging but shall not include bed and breakfast establishments meeting the conditions set forth in Section 21.52.209 of this Code.

H. "Rental of nonresidential property" means any business conducted or carried on by any person engaged in the business of renting or letting a building or structure of any kind, including, but not limited to, office buildings, warehouses, commercial spaces and industrial spaces to a tenant for purposes other than dwelling, sleeping or lodging.

H-1. "Rental space" means the total gross square footage of any building subject to taxation under Sections 3.80.233 or 3.80.236 including, but not limited to, hallways, common areas, parking garages and all similar areas.

I. "Retailing" means any business conducted or carried on by any person engaged in the sale of goods, wares or merchandise for any purpose other than resale in the regular course of business. "Retailing" includes, but is not limited to, the business of:

1. Automotive dealers and service stations, including, but not limited to, automotive supplies, motor vehicle sales, service stations, aircraft sales and boat sales;
2. Eating and drinking places;
3. Food stores, including, but not limited to, bottled water, candy and confectionery, food products/retail;
4. General merchandise stores, including, but not limited to, cigar store, coin and stamp dealer, department store, drugstore, general merchandise, general retail, gifts, hearing aids, pet shop, secondhand store, antique store and variety;
5. Miscellaneous retailing, including, but not limited to, aircraft sales, auction house, auctioneer, itinerant vendor, junk dealer, pawnbroker and special close out sales.

J. "Services" means any business conducted or carried on by any person engaged in the business of providing services, repairs or improvements to or on real and personal property; renting or leasing personal property to businesses or persons; providing services to persons such as, but not limited to, laundries, cleaning and dyeing, shoe repair, barber and beauty shops, and photographic studios; or involving the operation of a hotel or motel. "Services" includes, but is not limited to, the business of:

1. Auto repair, services (transportation) and garages, including, but not limited to, aircraft for hire, aircraft repair, auto parking space, auto repair, auto wrecking, boats/common carrier, boats/pleasure, motorcycle rental, tow truck, and trailer rental;
2. Health service, including, but not limited to, hospital, hospital/convalescent and residential care home, or outpatient clinic;
3. Miscellaneous repair services, including, but not limited, general servicing;
4. Personal and business services, including, but not limited to, advertising agency, alarm installation/sales, animal kennel, barbershop, beauty shop, bathhouse/health parlor/spa, beach equipment rental, business trade school, cleaner, cleaning plant, collection agency, commission broker, dance instructor, day nursery/school, dog grooming, employment

agency, fortuneteller, hotels, income tax, large volume transfer stations, linen supply, livery stable/riding academy, loan business, locksmith, manicurist, massage parlor, massager, miscellaneous rental, motels, nurses registry, offal collection, photographer solicitor/transient, photographer/studio, physical fitness, printing, private investigator, private patrol system, private waste collection, processing station, public relations, real estate broker, real estate agent, repossessing agency, tattoo artist, undertaker and wedding chapel; provided, however, that nothing in this Section shall be deemed to impose a separate business license tax upon an employee of any business which is otherwise subject to payment of the prescribed tax imposed by this Section including any tax which is based on the number of employees of such business.

K. "Vending operations" means any business conducted or carried on by any person engaged in the business of owning, renting, leasing, lending, or otherwise distributing or supplying coin operated machines while retaining title thereto. Such machines include, but are not limited to, coin operated vending, amusement and service machines.

L. "Wholesaling" means any business conducted or carried on by any person engaged in the business of selling goods, wares or merchandise for the purpose of resale in the regular course of business whether with or without stock.

(ORD-13-0003 , § 1, 2013; Ord. C-6986 § 1, 1992; Ord. C-6627 § 1, 1989; Ord. C-6325 § 1, 1986: Ord. C-6259 § 1 (part), 1986)

3.80.148 - Director.

As used in this Chapter, "Director" or "Director of Financial Management" means the Director of Financial Management or his/her designee.

(Ord. C-7783 § 1, 2002)

3.80.150 - Employee.

As used in this Chapter, "employee" means either: (1) each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission or room and board; or (2) any person who is regarded as an employee of a business for purposes of the workers' compensation laws of the State of California (including, without limitation, a real estate agent working for, or engaged by, a real estate broker) and which business is subject to the provisions of this Chapter. Notwithstanding the above, the owner of a sole proprietorship shall not be deemed to be an "employee" for purposes of this Chapter.

(ORD-13-0003 , § 2, 2013; Ord. C-7438 § 1, 1996: Ord. C-6259 § 1 (part), 1986)

3.80.153 - Engaged in business.

As used in this Chapter, "engaged in business" means the commencing, conducting, operating, managing or carrying on of a business and the exercise of corporate or franchise powers, whether done as owner or by means of an officer, agent, manager, employee, servant or otherwise, whether operating from a fixed location in Long Beach or coming into Long Beach from an outside location to engage in such activities.

(Ord. C-6259 § 1 (part), 1986)

3.80.156 - Fixed place of business.

As used in this Chapter, "fixed place of business" means any place actually occupied continually during the term of such license by a person or individual engaged in a business where the books and records of such person or individual are kept, or where the business of such person or individual is transacted.

(Ord. C-6259 § 1 (part), 1986)

3.80.160 - Gross receipts.

As used in this Chapter, "gross receipts" means the total amount, in any calendar year, of the sale price of all sales, the total amount charged or received for the performance of any act, service or employment of whatever nature it may be, whether or not such service, act or employment is done as a part of or in connection with the sale of goods, wares, merchandise, for which a charge is made or credit allowed, including all refunds, cash credits and properties of any amount or nature, any amount for which credit is allowed by the seller to the purchaser without any deduction therefrom, on account of the cost of the property sold, the cost of materials used, the labor or service cost, interest paid or payable, losses, or any other expense whatsoever; provided that cash discounts allowed or payment on sales shall not be included. "Gross receipts" shall also include the amount of any federal, manufacturer's or importer's excise tax included in the price of property sold, even though the manufacturer or importer is also the retailer thereof and whether or not the amount of such tax is stated as a separate charge. "Gross receipts" shall not include the amount of any federal tax imposed on or with respect to retail sales whether or not the amount of such tax is stated as a separate charge. "Gross receipts" shall not include the amount of any federal tax imposed on or with respect to retail sales whether imposed upon the retailer or the consumer and regardless of whether or not the amount of federal tax is stated to customers as a separate charge, or any California State, City or City and County sales or use tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser, or such part of the sales price of any property previously sold and returned by the purchaser to the seller which is refunded by the seller by way of cash or credit allowances given or taken as part payment on any property so accepted for resale.

(Ord. C-6259 § 1 (part), 1986)

3.80.163 - Licensee.

As used in this Chapter, "licensee" means any person who holds a valid, current business license issued to that person under this Chapter.

(Ord. C-6259 § 1 (part), 1986)

3.80.166 - New business.

As used in this Chapter, "new business" means a business in existence and operation which has not previously obtained a current business license.

(Ord. C-6259 § 1 (part), 1986)

3.80.170 - Person.

As used in this Chapter, "person" means any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture, club, business or common law trust, society, individual, estate, receiver, retirement plan, trustee, or any other group or combination acting as a unit.

(Ord. C-6259 § 1 (part), 1986)

3.80.180 - Unique businesses.

As used in this Chapter, the following businesses shall have the meanings set forth in this Section:

A. "Ambulance" or "wheelchair van" or "gurney van" means a vehicle designed and used for the purpose of transporting sick, disabled, or injured persons for compensation over the streets of the City.

B. "Bed and breakfast" means and includes any establishment meeting the criteria set forth in Section 21.52.209 of this Code.

C. "Billiard, pool, bowling or ping pong establishment" means a structure wherein the game of bowling, pool, or ping pong is played and a fee is charged for the playing of the game.

D. "Booth selling" means and includes any game, exhibition, entertainment feature, show, amusement or recreational device, or a food or retail concession in connection with any carnival, local fair, amusement, or sporting event and charging or collecting any admission fee or purchase price or accepting any freewill compensation therefor.

E. "Consignment business" means and includes any business conducted by a vendor who places merchandise in a store or mall for sale by the owner of that store or mall and who pays the owner rent and/or commission for the merchandise sales.

F. "Display/selling booth space" means an area for displaying, selling, offering for sale, or exchanging any item that is sold in a display/selling event.

G. "Farmer's market" means a market which has been certified as a farmer's market by the Los Angeles County Agricultural Commission and wherein each seller is certified by the appropriate county agricultural commission as the grower or producer of the produce.

H. "Food products - mobile" means going from place to place selling or offering for sale from a mobile food vendor vehicle, ice cream vendor vehicle, perishable foodstuff vendor vehicle, or grocery vendor vehicle.

I. "Home occupation" means and includes any business which meets the definition set forth in Section 21.15.1350 of this Code.

J. "Junk collector" means and includes any person carrying on, managing, or employed in the business of going from house to house, or from place to place in the City, collecting or buying junk in small quantities.

K. "Motion picture or live theater" means the business of conducting a theater containing a permanent stage upon which movable scenery and theatrical appliances for the purpose of giving theatrical performances or where moving pictures are exhibited on a screen and a fee is charged, collected, or received.

L. "Peddling" means traveling from place to place, house to house, building to building, selling or offering for sale any merchandise, including food or beverage.

M. "Pedicab" means a device upon which any person may ride, propelled by human power through a belt, chain or gears, having two (2) or more wheels, constructed in such a manner to engage in the business of carrying passengers for hire along a fixed route of travel.

N. "Shoeshine stand" means and includes a place where shoes or boots are polished or shined.

O.

"Swap meet" means and includes any event at which two (2) or more persons offer new or secondhand personal property for sale or exchange and where a fee is charged for the privilege either of offering or displaying such property for sale or exchange and for admission of prospective buyers to the area where the property is offered or displayed for sale or exchange. "Swap meet" does not include a display selling event.

P. "Trucking - delivery/service by vehicle" means every person not having a fixed place of business within the City who makes wholesale or retail deliveries of goods or services by motor vehicle within the City or who maintains, installs, or repairs goods, wares, or merchandise or equipment inside the City, or who provides a similar service not otherwise covered.

Q. "Vehicle for hire with driver" means any business conducted or carried on by any person who provides motor propelled vehicles used for the transportation of persons over the public streets and not upon rail or tracks which travel along a fixed route or the route is under the control of the passenger(s) being carried for compensation. Such vehicles include, but are not limited to, jitneys, chauffeured limousines, taxicabs, share a ride, or sightseeing vehicles.

R. "Vehicle for hire without driver" means any business conducted or carried on by any person who rents autos or other motor propelled vehicles for transportation of persons or property at rates per hour, per week, per month, or per trip. Such vehicles include, but are not limited to, automobiles, trucks, motorcycles, motorhomes, or pleasure vehicles.

(Ord. C-7438 § 2, 1996: Ord. C-7263 § 1, 1994: Ord. C-6627 § 2, 1989; Ord. C-6325 § 2, 1986: Ord. C-6259 § 1 (part), 1986)

DIVISION II. - IMPOSITION OF BUSINESS LICENSE TAX

3.80.210 - License and tax payment required.

There are hereby imposed upon the businesses, trades, professions, callings and occupations specified in this Chapter license taxes in the amounts hereinafter prescribed. It shall be unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the City without first having procured a license from said City to do so and paying the tax hereinafter prescribed and without complying with any and all applicable provisions of this Code, and every person conducting any such business in the City shall be required to obtain a business license hereunder.

This Section shall not be construed to require any person to obtain a license prior to doing business within the City if such requirement conflicts with applicable statutes of the United States or of the State of California.

Any person who engages in any business for which a business license is required, shall be liable for the amount of all taxes and penalties applicable from the date of commencement of the business, whether or not such person would have qualified for such business license; however, such payment shall not create any right for the person to remain in business.

All payments of business license tax received by the City, irrespective of any designation to the contrary by the taxpayer, shall be credited and applied first to any penalties and tax due for prior years in which the tax was due but unpaid.

(Ord. C-7783 § 2, 2002: Ord. C-6259 § 1 (part), 1986)

3.80.213 - Tax on contract construction.

Every person engaged in the business of contract construction in the City of Long Beach shall pay an annual business license tax to the City consisting of a flat tax of two hundred forty-four dollars and fifty-eight cents ($244.58), plus an additional tax in the amount of twelve dollars and seventy cents ($12.70) for each employee of such business based on its average number of employees (based upon CPI base year 2000).

(Ord. C-7783 § 3, 2002: Ord. C-6837 § 1, 1990: Ord. C-6259 § 1 (part), 1986)

3.80.216 - Tax on manufacturing.

Every person engaged in the business of manufacturing in the City of Long Beach shall pay an annual business license tax to the City consisting of a flat tax of two hundred forty-four dollars and fifty-eight cents ($244.58), plus an additional tax in the amount of six dollars and thirty-five cents ($6.35) for each employee of such business based on its average number of employees (based upon CPI base year 2000).

(Ord. C-7783 § 4, 2002: Ord. C-6837 § 2, 1990: Ord. C-6259 § 1 (part), 1986)

3.80.220 - Tax on miscellaneous businesses.

Every person engaged in the business of miscellaneous business in the City of Long Beach shall pay an annual business license tax to the City consisting of a flat tax of two hundred forty-four dollars and fifty-eight cents ($244.58), plus an additional tax in the amount of six dollars and thirty-five cents ($6.35) for each employee of such business based on its average number of employees (based upon CPI base year 2000).

(Ord. C-7783 § 5, 2002: Ord. C-6837 § 3, 1990: Ord. C-6259 § 1 (part), 1986)

3.80.221 - Tax on oil production.

Notwithstanding any other provision of this Chapter 3.80, the provisions of this Section 3.80.221 and Section 3.80.223 shall apply to the business license tax on the business of oil production.

A. Every person conducting, managing or carrying on the business of oil production from any well located in the City, including the City when functioning in the capacity of a unit operator, shall pay an annual business license tax to the City of fifteen cents ($0.15) per barrel produced.

B. The sum or sums paid shall be on a per fiscal year basis, payable quarterly. Production for the three (3) months immediately prior to the quarter month shall constitute the measurement of the amount due on or before the last day of the quarter month.

The applicant who fails to pay such production tax within the quarter month shall pay in addition to the taxes a penalty for nonpayment in the sum equal to twenty-five percent (25%) of the total amount on the first day of the month following the close of the calendar quarter. Additional penalties will be assessed in the following manner: ten percent (10%) shall be added on the first day of each calendar month following the month of the imposition of the twenty-five percent (25%) penalty if the tax remains unpaid; up to a maximum of one hundred percent (100%) of the tax payable on the due date.

C. The person subject to the payment of the tax shall, before the business tax for each quarter becomes delinquent, file with the director of financial management a written statement setting forth the number of barrels of oil produced by each well during the pertinent three (3) month period of production upon which the tax due is to be calculated, and such person shall pay at such time the amount of the business tax computed upon the measure of the tax reported in the statement. The written statement shall be made upon a form prescribed by the director of financial management and shall include a declaration substantially as follows:

"I declare under penalty of making a false declaration that I am authorized to make this statement, and that to the best of my knowledge and belief it is a true, correct and complete statement made in good faith for the period stated, in compliance with the provisions of the Long Beach Municipal Code."

Such statements shall not be conclusive against the City as to the information set forth therein, nor shall the filing of a statement preclude the City from collecting by appropriate action any additional tax that is later determined to be due and payable.

D. For the purpose of this Section a well shall be deemed to be located in the City if the surface location of the well or the surface of the well itself, is located in the City regardless of where the hole of the well may be bottomed.

E. For the purpose of this Section "oil" has the meaning as defined in Section 12.04.300

F. The payment of the license as provided in this Section shall permit the engaging in any of the following businesses without the payment of an additional business license tax: oil well, injection well, or water source well drilling or servicing operations; refining oil or petroleum products and producing the byproducts thereof; marketing, selling and distributing oil or any petroleum products or byproducts thereof at wholesale; or maintaining tankage in connection with any of the above business activities; except that nothing in this Section shall be deemed to apply to the operation of automobile filling/service stations.

(Ord. C-6751 § 1, 1990; Ord. C-6259 § 1 (part), 1986)

3.80.222 - Police and Fire Public Safety Oil Production Act.

Notwithstanding any other provision of this Chapter, the provisions of this Section shall apply to the business of oil production, in addition to those provisions set forth in Sections 3.80.221, 3.80.223 and 3.80.226.

A. Every person conducting, managing or carrying on the business of oil production from any well located in the City, including the City when functioning in the capacity of a unit operator, shall pay a special tax to the City of twenty-five cents ($0.25) per barrel produced, subject to annual adjustments for inflation/deflation. In the event that the price per barrel on the monthly average of the daily WTI (West Texas Intermediate Crude Index) is reported in an amount less than twenty dollars ($20.00) for any month, the rate of this special tax on oil production as described above shall be temporarily suspended only for that same month. In the event that the WTI ceases to exist or otherwise becomes impractical to use, the City shall substitute an index which is reasonably comparable. For the purposes of this Section, the special tax shall be automatically adjusted on June 1st of each year, upward or downward, equivalent to the most recent change in the annual average of the Consumer Price Index as published by the United States Department of Labor for the Los Angeles-Riverside-Orange County, CA, area ("CPI"). For purposes of calculating the annual inflation/deflation factor under this Section, the base year shall be the year ended December 31, 2006. Rates shall first be adjusted on June 1, 2008, and annually thereafter, based upon the annually calculated change from the base year. The June 1, 2008 adjustment shall be for the change in the CPI for the year ending December 31, 2007, and the adjusted rate shall first be applied to the entire payment due on September 30, 2008.

B. The sum or sums shall be payable quarterly and concurrently with the business license tax established in Section 3.80.221. Production for the three (3) months immediately prior to the quarter month shall constitute the measurement of the amount due on or before the last day of

the quarter month.

The applicant who fails to pay such special tax within the quarter month shall pay, in addition to the special tax and the tax and penalties described in Section 3.80.221, a penalty for nonpayment in the sum equal to twenty-five percent (25%) of the total amount of this special tax on the first day of the month following the close of the calendar quarter. Additional penalties will be assessed in the following manner: ten percent (10%) shall be added on the first day of each calendar month following the month of the imposition of the twenty-five percent (25%) penalty if the special tax remains unpaid; up to a maximum of one hundred percent (100%) of the special tax payable on the due date.

C. The same filing requirements set forth in Subsection 3.80.221.C shall apply in their entirety to taxes imposed pursuant to this Section.

D. For the purpose of this Section, a well shall be deemed to be located in the City if the surface location of the well or the surface of the well itself, is located in the City regardless of where the hole of the well may be bottomed.

E. For the purpose of this Section, "oil" has the meaning as defined in Section 12.04.300

F. The payment of the special tax as provided in this Section and the tax set forth in Section 3.80.221 shall permit the engaging in any of the following businesses without the payment of an additional business license tax: oil well, injection well, or water source well drilling or servicing operations; refining oil or petroleum products and producing the byproducts thereof; marketing, selling and distributing oil or any petroleum products or byproducts thereof at wholesale; or maintaining tankage in connection with any of the above business activities; except that nothing in this Section shall be deemed to apply to the operation of automobile filling/service stations.

(Prop. H, 5-1-07, eff. 5-22-07)

3.80.223 - Oil business—Unit operations.

A. In those situations where the City is serving in the capacity of a unit operator, and as such is required to pay the tax as provided in Section 3.80.221, the computed total amount of the tax due shall be paid by the City, as unit operator, and by its drilling and operating contractor in the proportion as determined by the pertinent provisions of the drilling and operating contract between the City and the contractor.

B. This Section shall, in its application both as to past collected or accrued and to future taxes, be deemed severable from Section 3.80.221 in that should all or any portion of this Section be held to be unlawful or unconstitutional the intention of the City is declared to be that the respective systems of taxation described in Section 3.80.221 are of independent significance and should remain independently in full force and effect.

(Ord. C-6259 § 1 (part), 1986)

3.80.224 - Special tax on oil production—Use of proceeds.

The special tax proceeds may only be used for Police Officers and Firefighters, and related costs including, but not limited to, equipment, facilities and training, all intended to ensure responses to public safety needs, natural and man-made disasters and possible acts of terrorism.

(Prop. H, 5-1-07, eff. 5-22-07)

3.80.225 - Special Police and Fire Public Safety Oil Production Act fund.

A. There is established a permanent special fund entitled the "Police and Fire Public Safety Oil Production Act fund" (hereinafter the "safety fund"). Money collected pursuant to Section 3.80.222 shall be deposited into said safety fund for public safety purposes, as described in Section 3.80.224 above. Said special fund shall be used exclusively for the purposes for which the special tax is imposed, and for no other purposes. Nothing in this Section shall prevent disbursements from this special fund to reimburse the general fund and/or other funds if, and only if, money has been advanced from those other funds to pay for the uses provided in Section 3.80.224

B. Any money raised by the special tax levied pursuant to Section 3.80.222 above, including any interest accrued thereon, that remains unencumbered at the end of any fiscal year may only be used in succeeding fiscal years for the purposes stated in Section 3.80.224

(Prop. H, 5-1-07, eff. 5-22-07)

3.80.226 - Tax on professions.

Every person engaged in the business of professions in the City of Long Beach shall pay an annual business license tax to the City consisting of a flat tax of two hundred forty-four dollars and fifty-eight cents ($244.58), plus an additional tax in the amount of nineteen dollars and five cents ($19.05) for each employee of such business based on its average number of employees (based upon CPI base year 2000).

(Ord. C-7783 § 6, 2002: Ord. C-6837 § 4, 1990: Ord. C-6259 § 1 (part), 1986)

3.80.227 - Independent audit.

The City Auditor shall annually cause an independent financial audit to be conducted and a report to be prepared, which shall be filed with the City Council no later than January 31st of each year for the prior fiscal year, containing information regarding the amount of special tax revenue collected and expended on purposes set forth in Section 3.80.224 above, the status of any projects and programs funded by such tax revenue, and the amount of unspent moneys on deposit that were carried-over into the current fiscal year.

(Prop. H, 5-1-07, eff. 5-22-07)

3.80.230 - Tax on recreation and entertainment.

Every person engaged in the business of recreation and entertainment in the City of Long Beach shall pay an annual business license tax to the City consisting of a flat tax of two hundred forty four dollars and fifty-eight cents ($244.58), plus an additional tax in the amount of twelve dollars and seventy cents ($12.70) for each employee of such business based on its average number of employees (based upon CPI base year 2000).

(Ord. C-7783 § 7, 2002: Ord. C-6837 § 5, 1990: Ord. C-6259 § 1 (part), 1986)

3.80.233 - Tax on rental of residential property.

A. Every person engaged in the business of the rental of residential property consisting of any residential unit that is one (1) of four (4) or more such units, inclusive of owner occupied units or rooms, under one (1) roof or on one (1) parcel, shall pay an annual business tax to the City consisting of fifty-two dollars and eighty-five cents ($52.85) for each parcel containing such units and an additional twenty-three dollars and twenty cents ($23.20) for each unit thereon. This Section shall not apply to the rental of any residential unit or room that is one (1) of three (3) or less such units or rooms, inclusive of owner occupied units under one (1) roof or on one (1) parcel (based upon CPI base year 2000).

B.

In residential property of seven (7) or less units subject to taxation under Subsection A of this Section, the per unit charge of twenty-three dollars and twenty cents ($23.20) for one (1) owner occupied unit may be excluded from calculating the total tax due under this Section.

(Ord. C-7783 § 8, 2002: Ord. C-7067 § 1, 1993; Ord. C-6986 § 2, 1992: Ord. C-6901 § 1, 1991: Ord. C-6837 § 6, 1990: Ord. C-6325 § 3, 1986: Ord. C-6259 § 1 (part), 1986)

3.80.236 - Tax on rental of nonresidential property.

Every person engaged in the business of rental of nonresidential property shall pay an annual business license tax to the City consisting of two and seven-tenths (27/10) cents for each square foot of rental space (based upon CPI base year 2000).

(Ord. C-7783 § 9, 2002: Ord. C-6837 § 7, 1990: Ord. C-6259 § 1 (part), 1986)

3.80.240 - Tax on retailing.

Every person engaged in the business of retailing in the City shall pay an annual business license tax to the City consisting of a flat tax of two hundred forty-four dollars and fifty-eight cents ($244.58), plus an additional tax in the amount of six dollars and thirty-five cents ($6.35) for each employee of such business based on its average number of employees (based upon CPI base year 2000).

(Ord. C-7783 § 10, 2002: Ord. C-6837 § 8, 1990: Ord. C-6259 § 1 (part), 1986)

3.80.243 - Tax on services.

A. Every person engaged in the business of services in the City shall pay an annual business license tax to the City consisting of a flat tax of two hundred forty-four dollars and fifty-eight cents ($244.58), plus an additional tax in the amount of twelve dollars and seventy cents ($12.70) for each employee of such business based on its average number of employees (based upon CPI base year 2000).

B. Every independent contractor engaged in the business of services which are secondary to another service business located at the same address shall pay an annual business license tax to the City consisting of a flat tax of one hundred fifty dollars ($150.00), plus an additional tax in the amount of twelve dollars and seventy cents ($12.70) for each employee of such business based on its average number of employees (based upon CPI base year 2000). The independent contractor's business shall be customarily incidental and/or necessarily related to the principal business in order to be eligible for this lesser tax rate.

(Ord. C-7783 § 11, 2002: Ord. C-6837 § 9, 1990: Ord. C-6259 § 1 (part), 1986)

3.80.246 - Tax on vending operations.

Every person engaged in the business of vending operations shall pay an annual business tax to the City consisting of four dollars and ninety-three cents ($4.93) for each one thousand dollars ($1,000.00) or part thereof of gross receipts, but in no event less than one hundred four dollars and forty cents ($104.40).

(Ord. C-6837 § 10, 1990: Ord. C-6259 § 1 (part), 1986)

3.80.250 - Tax on wholesaling.

Every person engaged in the business of wholesaling in the City shall pay an annual business license tax to the City consisting of a flat tax of two hundred forty-four dollars and fifty-eight cents ($244.58), plus an additional tax in the amount of six dollars and thirty-five cents ($6.35) for each employee of such business based on its average number of employees (based upon CPI base year 2000).

(Ord. C-7783 § 12, 2002: Ord. C-6837 § 11, 1990: Ord. C-6259 § 1 (part), 1986)

3.80.253 - Taxes on selected individual businesses.

Every person engaged in one (1) or more of the individual businesses set forth in this Section shall pay a business license tax to the City as is herein provided.

A. Ambulance, wheelchair van, gurney van - ninety dollars and fifty-eight cents ($90.58) for each vehicle annually (based upon CPI base year 2000);

B. Amusement skill game - four hundred seven dollars and sixty-six cents ($407.66) for each machine or seat annually (based upon CPI base year 2000);

C. Billiards, pool, bowling, and ping pong - ninety dollars and fifty-eight cents ($90.58) for each game, device, lane, or table annually (based upon CPI base year 2000);

D. Booth selling - as defined in Subsection 3.80.180.D, the sum of thirty-six dollars and twenty-one cents ($36.21) each day for each booth (based upon CPI base year 2000);

E. Consignment business - fifty-six dollars and nineteen cents ($56.19) for each location where merchandise is placed for sale, except that the tax shall not apply to any person selling only three (3) or less items in a consecutive twelve (12) month period (based upon CPI base year 2000);

F. Display/selling booth space in connection with display or selling event as defined in Subsection 3.80.180.F - one dollar and eighty-one cents ($1.81) each day for each booth. The licensee shall provide the director of financial management with a listing of vendors who display, sell, offer for sale or exchange, or provide a personal service at a display/selling event. The report shall be filed and fees paid to the Director no later than three (3) working days after the close of the event (based upon CPI base year 2000);

G. Farmer's market - fifty-four dollars and thirty-four cents ($54.34) for each booth/stall/vendor annually (based upon CPI base year 2000);

H. Food products - mobile - three hundred eight dollars and one cent ($308.01) for each mobile food unit annually (based upon CPI base year 2000);

I. Home occupation - one hundred fifty dollars ($150.00) and six dollars and thirty-five cents ($6.35) for each employee permitted by Section 21.51.235 annually (based upon CPI base year 2000);

J. Junk collector - one hundred sixty-three dollars and seven cents ($163.07) for each vehicle annually (based upon CPI base year 2000);

K. Motion picture or live theater - fifty-five cents ($0.55) for each seat in such theater annually (based upon CPI base year 2000);

L. Peddling - nine hundred five dollars and eighty cents ($905.80) annually or ninety dollars and fifty-eight cents ($90.58) each day (based upon CPI base year 2000);

M. Pedicab - one hundred sixty-three dollars and seven cents ($163.07) for the first pedicab and fourteen dollars and sixty-three cents ($14.63) for each additional pedicab annually (based upon CPI base year 2000);

N. Shoeshine stand - ninety dollars and fifty-eight cents ($90.58) for each stand annually (based upon CPI base year 2000);

O. Swap meet - two thousand seven hundred seventeen dollars and seventy-five cents ($2,717.75) annually and one dollar and eighty-one cents ($1.81) for each stall for each day of a sales meet (based upon CPI base year 2000);

P. Trucking delivery/service by vehicle - one hundred sixty-three dollars and seven cents ($163.07) for each vehicle annually (based upon CPI base year 2000);

Q. Vehicle for hire with driver (limousines, share ride, jitney, taxi) - three hundred forty-four dollars and twenty-seven cents ($344.27) for each vehicle annually (based upon CPI base year 2000);

R. Vehicles for hire without driver - ninety dollars and fifty-eight cents ($90.58) for each vehicle annually (based upon CPI base year 2000); and

S. Bed and breakfast establishment - two hundred forty-four dollars and fifty-eight cents ($244.58) for each establishment annually plus twelve dollars and seventy cents ($12.70) for each employee of such establishment based on its average number of employees (based upon CPI base year 2000).

(Ord. C-7783 § 13, 2002: Ord. C-7438 § 3, 1996: Ord. C-7263 § 2, 1994: Ord. C-6837 § 12, 1990: Ord. C-6627 § 3, 1989; Ord. C-6325 § 4, 1986: Ord. C-6259 § 1 (part), 1986)

3.80.256 - Apportionment of payment of tax.

For purposes of apportionment as may be required by law and for purposes of administration and enforcement of this Chapter, the Director may from time to time promulgate administrative rules and regulations for a business subject to the business license tax under this Chapter that can demonstrate to the satisfaction of the Director that it will be doing business in the City for only a portion of a year.

(Ord. C-7783 § 14, 2002: Ord. C-6259 § 1 (part), 1986)

3.80.260 - Marijuana Businesses.

A. Annual Business License Tax.

1. Every Marijuana Business whether it is a "not for profit," a "non-profit," or a "Non-Profit Organization," as defined in this Section, or a for-profit business shall pay an annual business license tax in accordance with Chapter 3.80 of this Code and the Sections and Subsections hereunder.
2. For the purposes of this Section, a Marijuana Business and a Marijuana Cultivation Facility are each considered to be a business as that term is defined in Long Beach Municipal Code Section 3.80.133
3. For the purposes of this Section, a Marijuana Business and a Marijuana Cultivation Facility are not considered to be a religious or charitable organization as defined in Section 3.80.320 (Exemption - Religious and charitable organizations).
4. For the purposes of this Section, "Marijuana Business" shall mean any activity that involves, but is not limited to planting, cultivating, harvesting, transporting, dispensing, delivering, selling at retail or wholesale, manufacturing, compounding, converting, processing, preparing, storing, packaging or testing, any part of the plant Cannabis sativa L, or any of its derivatives. It shall not include a medical marijuana collective established in accordance with Chapter 5.87 of this Code.
5. For the purposes of this Section, not for profit, a non-profit, or a "Non-Profit Organization" shall mean any association, corporation or other entity that is exempt from taxation measured by income or gross receipts under Article XIII, Section 26 of the California Constitution.
6. For the purposes of this Section, "Gross Receipts" shall mean any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration including any monetary consideration for marijuana whatsoever, including, but not limited to, membership dues, reimbursements or the total amount, in any calendar year of cash or in-kind contributions, including all operating costs related to the growth, cultivation or provision of marijuana or any transaction related thereto.

The term "Gross Receipts" shall also include the total amount, in any calendar year, of the sale price of all sales, the total amount charged or received for the performance of any act, service or employment of whatever nature it may be, whether or not such service, act or employment is done as a part of or in connection with the sale of goods, wares, merchandise, for which a charge is made or credit allowed, including all refunds, cash credits and properties of any amount or nature, any amount for which credit is allowed by the seller to the purchaser without any deduction therefrom, on account of the cost of the property sold, the cost of materials used, the labor or service cost, interest paid or payable, losses, or any other expense whatsoever; provided that cash discounts allowed or payment on sales shall not be included. "Gross receipts" shall also include the amount of any federal, manufacturer's or importer's excise tax included in the price of property sold, even though the manufacturer or importer is also the retailer thereof and whether or not the amount of such tax is stated as a separate charge. "Gross receipts" shall not include the amount of any federal tax imposed on or with respect to retail sales whether or not the amount of such tax is stated as a separate charge. "Gross receipts" shall not include the amount of any federal tax imposed on or with respect to retail sales whether imposed upon the retailer or the consumer and regardless of whether or not the amount of federal tax is stated to customers as a separate charge, or any California State, City or City and County sales or use tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser, or such part of the sales price of any property previously sold and returned by the purchaser to the seller which is refunded by the seller by way of cash or credit allowances given or taken as part payment on any property so accepted for resale. Gross Receipts shall be calculated without any deduction on account of any of the following:

a. The cost of tangible property sold or bartered;
b. The cost of materials or products used, labor or service cost, interest paid, losses, or other expense; or
c. The cost of transportation of the marijuana, or other property or product.

7. For the purposes of this Section, "Square foot" or "Square footage" shall mean the sum of the gross horizontal areas of all floors, including garages, carports, porches or similar structures, parking structures, usable basement areas, cellars, hallways, or common areas below the roof and within the outer surface of the main walls of buildings (or the centerlines of party walls separating such buildings or portions thereof) or within the lines drawn parallel to and two feet (2') within the roof line of any building or portion thereof without walls (which includes square footage of all porches), and including pedestrian walkways or corridors.
8. For the purposes of this Section, a "Marijuana Business," "Cultivation Facility" or "Grow Site" shall mean the square footage of any place or location where marijuana or any of its derivatives is cultivated, grown, harvested, packaged, processed or stored.

B. Business License tax rates for marijuana businesses and cultivation facilities.

1. Every Marijuana Business shall pay one hundred fifty dollars ($150.00) per one thousand dollars ($1,000.00) of gross receipts as and for its business license tax.
2. The owner, operator, or lessee of any "Marijuana Business," "Cultivation Facility" or "Grow Site" existing to supply marijuana to a Marijuana Business shall pay a tax of twenty-five dollars ($25.00) per square foot on all improvements owned, rented, leased or otherwise occupied or used by a Cultivation Facility or Grow Site.
3.

Notwithstanding Section 3.80.320 of this Code, there is imposed on every Marijuana Business that is a not for profit, a non profit, or Non-Profit Organization, including all of its ancillary locations, regardless of the number of square feet it occupies, a tax of ten dollars ($10.00) per square foot on all business improvements occupied by that Marijuana Business and Cultivation Facility or Grow Site. For the purpose of this Section, all of the square feet of improvements owned, rented, leased or otherwise occupied or used by a Marijuana Business within the City shall be cumulated.

4. All Marijuana Businesses or Marijuana Cultivation Facilities shall pay a minimum tax of one thousand dollars ($1,000.00) annually.

C. Modification, Repeal or Amendment.

The City Council may repeal the ordinance codified in this Section, or amend it in a manner, which does not result in an increase in the tax or taxes imposed herein, without further voter approval. If the City Council repeals said ordinance or any provision of this Section, it may subsequently reenact it without voter approval, as long as the reenacted ordinance or section does not result in an increase in the tax or taxes imposed herein.

D. Administration.

The City Manager, or designee, may promulgate regulations to implement and administer this Section including, but not limited to regulations allowing Marijuana Businesses to remit taxes less frequently than monthly.

E. Annual Adjustment.

The taxes imposed by this Section shall be adjusted annually by the Director of Financial Management. Beginning on July 1, 2012, and on July 1 of each succeeding year thereafter, the amount of each tax imposed by this Section shall be adjusted equivalent to the most recent change in the annual average of the Consumer Price Index (CPI) for all urban consumers in the Los Angeles-Riverside-Orange County areas as published by the United States Government Bureau of Labor Statistics; however no adjustment shall decrease any tax imposed by this Section. For the purposes of calculating the annual adjustment factor under this Section, the base year shall be that year ending with December 31, 2010. Rates shall next be adjusted on July 1, 2012, and annually thereafter, based on the annually calculated change from the base year. The July 1, 2012 adjustment shall be the change in the average CPI for the year ending December 31, 2011.

F. Reporting and Remittance.

In order to aid in the City's collection of taxes due under this Section and to ensure that all Marijuana Businesses and Cultivation Sites are taxed consistently to the best of the City's ability, beginning December 1, 2010 and monthly thereafter, each Marijuana Business shall report to the City any Gross Receipts received during the reporting period and shall likewise remit to the City the taxes due and owing during said period. For purposes of this Section, taxes shall begin to accrue on the date that a person or entity first receives a business license or other permit to operate as a Marijuana Business or Cultivation Site. Square Footage payments shall be made annually at the beginning of the calendar year and should be based on the most recent County Assessors records.

G. Delinquent date; Penalty.

Any individual or entity who fails to pay the taxes required by this Section within thirty (30) days after the due date shall pay in addition to the taxes a penalty for nonpayment in a sum equal to twenty-five (25) percent of the total amount due. Additional penalties will be assessed in the following manner: ten percent (10%) shall be added on the first day of each calendar month following the month of the imposition of the twenty-five percent (25%) penalty if the tax remains unpaid; up to a maximum of one hundred percent (100%) of the tax payable on the due date. Receipt of the tax payment in the office shall govern the determination of whether the tax is delinquent. Postmarks will not be accepted as adequate proof of a timely payment.

H. Records Inspection.

Whenever it is necessary to examine any books or records, including tax returns, of any Marijuana Business or Cultivation Site in the City to ascertain the amount of any tax due pursuant to this Section, the City shall have the power and authority to examine such necessary books and records at any reasonable time including, but not limited to, during normal business hours. Records must be maintained for no less than seven (7) years.

I. Suspension, Revocation and Appeal.

The provisions of Section 3.80.429.1 (Suspension or Revocation) and Section 3.80.429.5 (Appeal of License Revocation) shall apply in the case of Marijuana Businesses or Cultivation Sites governed by this Section.

(Measure B, 11-2-2010, eff. 12-17-2010)

DIVISION III. - EXCLUSIONS AND EXEMPTIONS

3.80.310 - Exclusions designated.

A. Except as may be otherwise specifically provided in this Chapter, the terms hereof shall not be deemed or construed to apply to any of the following businesses engaged in by any of the following persons:
   1. Banks, including national banking associations to the extent provided by Article XIII, Section 16, Subdivision 1(a) of the State Constitution;
   2. Insurance companies and associations, to the extent provided by Article XIII, Section 16, Subdivision 1(a) of the State Constitution;
   3. Insurance companies and associations, to the extent provided by Article XIII, Section 14 of the State Constitution;
   4. Any person whom the City is not authorized to license for revenue purposes only because of any law or Constitution of the United States or the State of California.

B. The Director of Financial Management may require the filing of a verified statement from any person claiming to be excluded by the provisions of this Section, which statement shall set forth all facts upon which the exclusion is claimed.

(Ord. C-6259 § 1 (part), 1986)

3.80.320 - Exemption—Religious and charitable organizations.

Religious, charitable, educational, fraternal and philanthropical organizations operated not for a profit shall be exempt from the payment of any license tax provided in this Chapter. In order to establish eligibility for such exemption, each organization shall file with the Director of Financial Management proof

of exemption from federal taxes in a form satisfactory to the Director. Any such organizations operating a particular business activity for profit, however, shall pay a license tax equal to one-half (½) of the regular business license tax for that particular business activity.

(Ord. C-6325 § 5, 1986: Ord. C-6259 § 1 (part), 1986)

3.80.323 - Exemption—Cultural pursuits, minors doing yard work.

The provisions of this Chapter with reference to the imposition and collection of a license tax for the privilege of operating in the City certain businesses, professions, callings or occupations shall have no application to the following:

A. The teaching of the cultural pursuits of music, both vocal and instrumental, drama, elocution, art, and parliamentary procedure;

B. Nothing in this Chapter shall be construed as requiring the payment of a license tax by a natural person nineteen (19) years of age, or under, solely because he engaged in the business of lawn mowing and yard maintenance work, nor shall said person be required to pay a license tax for any vehicle used for transporting equipment used by him in the carrying on of such business.

(Ord. C-6325 § 6, 1986: Ord. C-6259 § 1 (part), 1986)

3.80.326 - Exemption—Disabled veteran.

A. For the purpose of this Chapter, "veteran" means and includes every person honorably discharged from any branch of the Armed Forces, including nurses serving with such Armed Forces of the United States and qualified by the veterans administration as a veteran.

B. Every disabled veteran whose disability has been caused by military service, who is physically unable to obtain a livelihood by manual labor, who is drawing compensation or a pension from the government of the United States for such disability and who has been a bona fide resident of the City for a period of at least sixty (60) days shall be issued a license to carry on any business or pursuit specified in this Title without payment of the license tax or fee required therefor; provided, however, that no more than one (1) such license shall be issued to any disabled veteran during any one (1) year and provided that such disabled veteran makes application as set forth in Section 3.80.330

C. In the event any veteran licensee fails to claim annually the exemption, he or she shall forfeit his or her right to such claim of exemption and shall be required to pay the regular license tax or fee, plus penalties provided for the respective business or pursuit in which he or she is engaged.

(Ord. C-6259 § 1 (part), 1986)

3.80.327 - Exemption—Private family daycare home.

A. For the purpose of this Chapter, "private family daycare home" means and includes any residence used for the purpose of providing daycare for seven (7) to twelve (12) children and which is licensed by the State of California department of social services for that purpose.

B. Any private family daycare home shall be eligible for an exemption of one-half (½) the business license tax for that type of business.

(Ord. C-6478 § 1, 1988)

3.80.330 - Exemptions—Applications and conditions of issuance.

Any person desiring to claim exemptions under Section 3.80.320, Section 3.80.326 or Section 3.80.327 from the payment of a license tax shall make application therefor upon forms prescribed by the Director of Financial Management and shall furnish such information and submit such affidavits as may be

required. Upon determination being made that the applicant is entitled to exemption from the payment of license taxes for any reason set forth in this Chapter, the Director of Financial Management shall issue a license to such person which shall show upon its face that the license tax is exempt from part or all of the tax.

(Ord. C-6478 § 2, 1988: Ord. C-6325 § 7, 1986: Ord. C-6259 § 1 (part), 1986)

3.80.340 - Exemptions—Grounds for revocation, notice and rights of hearing and appeal.

The Director of Financial Management may revoke any free license granted pursuant to the provisions of this Chapter upon information that the licensee is not entitled to an exemption from payment of a license tax on the business for which such license is granted. Notice of revocation shall be given in the same manner and within the same time as is provided for notices of assessment in Sections 3.80.443 through 3.80.445, and the licensee shall have the same right of hearing and of appeal as is provided in Section 3.80.429.5.

(Ord. C-6259 § 1 (part), 1986)

DIVISION IV. - ADMINISTRATION, ENFORCEMENT AND PENALTIES

Subdivision 1. - General

3.80.410 - Duties of Director of Financial Management and Chief of Police.

It shall be the duty of the Director of Financial Management, and he is hereby directed, to administer and enforce each and all of the provisions of this Chapter, and the Chief of Police shall render such assistance in the enforcement of this Chapter as may from time to time be required by the Director of Financial Management.

(Ord. C-6259 § 1 (part), 1986)

Subdivision 2. - Application and Administration

3.80.420.1 - Application—Required.

Each applicant for a business license shall file a written statement with the City upon prescribed forms indicating the type of business activity to be conducted, officers of the firm, and such further information as may be deemed necessary by the Director of Financial Management.

(Ord. C-6259 § 1 (part), 1986)

3.80.420.5 - Separate license for each place of business—Exception for booth selling.

A. A separate license shall be obtained for each branch establishment or separate office or place for carrying on any business or pursuit within the City and the amount thereof, unless otherwise specified, shall be equal to the amount specified for carrying on the original business or pursuit.

B. This Section shall not be construed to require any existing business licensed at a fixed location within the City to obtain an additional license for conducting the same type of business at a different location as booth selling, provided that any such business subject to the provisions of Title 5 of this Code shall comply with all applicable requirements of that Title 5 and shall notify the Police Department of such booth selling.

(Ord. C-7191 § 1, 1994: Ord. C-6259 § 1 (part), 1986)

3.80.420.6 - Alternative treatment for multiple businesses at one location.

Whenever a person engages at the same location in two (2) or more businesses which are taxed on the basis of the number of employees under different provisions of this Chapter, such person may, as an alternative to the normal method of calculating his license fees, elect to combine all such employees and pay a tax determined by applying to those employees the highest per employee tax rate of the activities taxed and, additionally, the sum of each flat rate tax increment applicable to each of the businesses engaged in at the location.

(Ord. C-6259 § 1 (part), 1986)

3.80.420.7 - Declaration for issuance of first license.

Upon a person's making application for the first license to be issued for a new established business, he shall furnish to the Director of Financial Management, for guidance in ascertaining the amount of license to be paid by the applicant, a written statement upon a form provided by the Director of Financial Management setting forth such information as may be therein required and as may be necessary to properly determine the amount of the license to be paid by the applicant.

If the amount of the license to be paid by the applicant is based upon the average number of persons employed or upon the gross receipts of his business, he shall estimate the average number of persons to be employed in his business, or the gross receipts of his business, as the case may be, for the period to be covered by the license to be issued. Such estimate, if accepted by the Director of Financial Management as a reasonable one, shall be used in determining the amount of license to be paid by the applicant; provided, however, the amount of the license so determined shall be tentative only, and such person shall, within thirty (30) days after the expiration of the period for which such license was issued furnish the said Director with a statement, upon a form furnished by the Director, showing the exact average number of persons employed in such business, or the exact gross receipts of such business, as the case may be, during the period of such license, and the license for such period shall be finally ascertained and paid in the manner provided by this Chapter for the ascertaining and paying of renewal of licenses for other businesses, after deducting from the payment found to be due the amount paid at the time such first license was issued.

No license shall be issued to any such person for the same or any other business until such person shall have furnished to it the written statement and paid the license as hereinabove required.

All statements required to be filed under this Section shall include a declaration substantially as follows:

"I swear under penalty of perjury that the statements herein are true and correct."

(Ord. C-6259 § 1 (part), 1986)

3.80.420.8 - Declaration for license renewal.

A. Every person subject to a business license tax under this Chapter shall, before the license expires and becomes delinquent, file with the Director of Financial Management a written statement setting forth the then applicable factor or factors that constitute the measure of the tax, together with such other information as shall be required by the Director to enable administration of the provisions of this Chapter, and shall pay at such time the amount of the tax computed thereon.

B.

The written statement provided for herein shall be on a form prescribed by the Director of Financial Management and shall include a declaration substantially as follows:

"I swear under penalty of perjury that the statements herein are true and correct."

(Ord. C-6259 § 1 (part), 1986)

3.80.421.1 - Application—Investigation.

A. The Director shall refer such application to the appropriate departments of the City in order that it may be ascertained whether the business proposed to be conducted or the premises in which it is proposed to locate such business will comply with applicable fire, building safety, zoning, health and other laws and regulations.

B. The Director may issue a conditional license under this Chapter for the applicant to conduct business during the investigation period if: all necessary applications have been completed by the applicant, the business tax and application fees have been paid, no department has declared the building or structure "unsafe" as defined in Section 102 of the current edition of the California Uniform Building Code, and the business has not had an application denied pursuant to the provisions of this Chapter within the past year. A conditional license shall not be valid for a period longer than one hundred eighty (180) days from the date of application. During such period, based upon review by the appropriate departments of the City, the applicant may be rejected for failure to comply with applicable laws and regulations at any time. Within one hundred eighty (180) days, if no departments have rejected the applicant or requested an extension of the time to review same, the Director shall issue the license.

C. The Director, at his sole discretion, may issue a notice of nonoperation during the investigation period when a department determines the building or structure unsafe and corrections are required prior to the safe operation and continuation of the business. Following completion and City approval of any City mandated corrections, a conditional license or a business license may be issued.

(Ord. C-7849 § 1, 2003: Ord. C-6259 § 1 (part), 1986)

3.80.421.5 - Application—Rejection.

In the event that a particular department of the City rejects an application for the reason that such business or the location at which it is proposed to conduct the same will not so comply with applicable laws and ordinances, the Director Of Financial Management shall not issue such license.

(Ord. C-6259 § 1 (part), 1986)

3.80.421.6 - Appeals.

Any applicant for a business license whose application for such license has been denied by the Director of Financial Management may, within ten (10) days after such denial, appeal therefrom to the City Council by filing with the Director a notice of such appeal setting forth the decision and the grounds upon which he deems himself aggrieved thereby. The applicant shall pay to the Director at the time of filing the notice of appeal the fee set by resolution of the City Council for appeals hereunder. The Director shall thereupon make a written report to the City Council reflecting such determination denying the business license. The City Council at its next regular meeting following the filing of said appeal, or within ten (10) days following the filing thereof, shall set said appeal for hearing to be held not less than ten (10) days nor more than thirty (30) days thereafter and such hearing may for good cause be continued by the order of

the City Council. Upon the hearing of the appeal the City Council may overrule or modify the decision of the Director appealed from and enter any such order or orders as are in harmony with this Title and such disposition of the appeal shall be final.

(Ord. C-6325 § 8, 1986: Ord. C-6259 § 1 (part), 1986)

3.80.421.7 - Due dates of licenses.

A. Every new license tax shall be due and payable on or prior to the date of commencement of the transacting or carrying on of the business, trade, profession, calling or occupation for which a tax is imposed under the provisions of this Chapter.

B. Each license tax for an existing business involving the rental of residential property shall be due and payable on July 1 of each year, and shall be deemed delinquent thirty (30) days after the due date if not paid.

C. Each license tax for an existing business involving vehicles requiring decals shall be due and payable on January 1 of each year, and shall be deemed delinquent thirty (30) days after the due date if not paid.

D. Each license tax for an existing business involving vending machine operations is due and payable on July 1 of each year, and shall be deemed delinquent thirty (30) days after the due date if not so paid.

E. Each license tax for an existing business involving all other business activities shall be due and payable on the anniversary date of issuance of each year, and shall be deemed delinquent thirty (30) days after the due date if not so paid.

(Ord. C-7783 § 15, 2002; Ord. C-6259 § 1 (part), 1986)

3.80.422 - Delinquent date—Penalty.

All license taxes provided for by this Chapter shall be due and payable in advance and the applicant who fails to pay for the license within thirty (30) days after the due date shall pay in addition to the taxes a penalty for nonpayment in the sum equal to twenty-five percent (25%) of the total amount. Additional penalties will be assessed in the following manner: ten percent (10%) shall be added on the first day of each calendar month following the month of the imposition of the twenty-five percent (25%) penalty if the tax remains unpaid; up to a maximum of one hundred percent (100%) of the tax payable on the due date. License taxes remitted correctly addressed and with postage prepaid, and placed in the United States mail, will not be delinquent if the postmark date stamped on the envelope is on or prior to the due date. The postmark shall govern the determination of whether the tax is delinquent.

Notwithstanding the above, any delinquent license taxes owed by businesses which have commenced operations after January 1, 1996, paid to the City between January 1, 1997, and March 31, 1997, shall not be subject to the above-described penalties.

(Ord. C-7438 § 4, 1996: Ord. C-6259 § 1 (part), 1986)

3.80.422.5 - Licenses not transferable.

Licenses issued pursuant to this Chapter are not transferable or assignable by the licensee to any other person, nor shall any tax paid by any person under the provisions of this Chapter be applied in whole or in part to the payment of any tax due or to become due from any other person, except that a license issued for rental of apartment houses and commercial and industrial spaces attaches to the property and is transferable to the new owner if a sale occurs prior to the expiration of the license.

(Ord. C-6259 § 1 (part), 1986)

3.80.423 - Use of license by unlicensed person.

No person holding a license required by this Chapter shall permit any unlicensed independent contractor to use the license, the licensed premises or the licensee's name for the purpose of evading payment of any license tax or of evading any other provision of this Code.

(Ord. C-6259 § 1 (part), 1986)

3.80.424 - Change of location.

Every person licensed under this Chapter who changes the location of his place of business shall, prior to engaging in such business at the new location, have the City endorse the new location on the license therefor, and a fee for the actual cost of making such endorsement, as determined by the director of financial management, shall be paid by such person at the time of endorsement.

(Ord. C-6259 § 1 (part), 1986)

3.80.425.1 - Evidence of doing business.

Whenever any person shall, by use of signs, circulars, cards or any other advertising media, including the use of telephone solicitation, hold himself out as, or represent that he is, doing business in the City, then these facts may be used as evidence that such person is doing business in the City.

(Ord. C-6259 § 1 (part), 1986)

3.80.425.5 - Display.

A. Every person having a license issued under this Title shall prominently display such license. If such business is operated from a vehicle or a boat, the vehicle or boat shall have affixed thereon an identifying decal issued by the City. In the event of loss of such license or decal, the City shall charge a replacement fee in an amount established by the Director of Financial Management to cover the actual cost to the City of replacement.
B. No person shall reproduce, duplicate, copy or alter an original business license for the purpose of circumventing the prominent display requirement of this Section or giving a false or misleading impression that any duplication of an original City business license is valid and that the appropriate business license tax therefor has been paid.
C. No person who has a valid license issued by the City in his possession or under his control shall fail to exhibit the same on demand.
D. If the business license is for a business involving amusement or vending machines, each machine shall bear, in a conspicuous and visible place, a valid license decal issued by the City.

(Ord. C-6325 § 9, 1986: Ord. C-6259 § 1 (part), 1986)

3.80.426.1 - Records inspection.

Whenever it is necessary to examine any books and records of any person doing business in the City to ascertain the amount of any license fee or taxes or the amount of gross revenue generated by the primary and secondary business activities being conducted, the City shall have the power and authority to examine such necessary books and records during normal business hours.

(Ord. C-6259 § 1 (part), 1986)

3.80.426.5 - Mistakes not to prevent collection of proper amount.

A. In no case shall any mistake in the amount collected for any license tax or any penalty prevent the collection of the amount actually due for such license.

B. In case a mistake is made in the issuance of any license in the classification under which such license was issued, then a new license shall be issued in the proper classification in lieu thereof, under the date of the original license, and the licensee shall pay any additional amount required by such a change.

(Ord. C-6259 § 1 (part), 1986)

3.80.427.1 - Refund—Application.

Application for refund made pursuant to this Chapter must be filed with the City by the person entitled to the refund within one (1) year after payment of the money to the City. Refunds are authorized to be made payable only to the person or persons who paid the money and are subject to the conditions for payment of refunds in Section 3.48.040 of this Title.

(ORD-06-0011 § 6, 2006: Ord. C-7849 § 2, 2003: Ord. C-6259 § 1 (part), 1986)

3.80.427.5 - Refund—Grounds.

Any application for refund must be made by the person entitled to the money within one (1) year after payment of the money to the City. No refund shall be made of any moneys paid for the issuance or renewal of any license required by this Chapter, except where, for any reason:

A. An application for a license is denied; or

B. An application is withdrawn prior to the issuance of the license; or

C. There is paid for any license an amount in excess of that required in this Chapter; or

D. The tax for any license required in this Chapter is paid more than once for the same term; or

E. Following the issuance of a license, it is determined that such license was not required by the terms of this Chapter for the business or occupation of the licensee; or

F. Following the issuance of a license, it is determined that such licensee has not engaged in, nor held himself or herself out as being engaged in, such business or occupation at any time after the effective date of the license.

The amount of the refund shall be the full amount of the license tax paid less an amount determined by the Director of Financial Management which shall cover the cost of investigation and issuance of the license; or

G. Legislation is enacted by the City, State or federal government making the business or occupation covered by the license unlawful. The amount of the refund shall be computed on the unearned portion of the license tax dating from the time the business or occupation covered by the license actually ceased to be conducted or engaged in; or

H. The business or occupation covered by the license actually ceases to be conducted or engaged in because the person in whose name the license is issued dies, sustains an incapacitating illness or injury, or enters permanent active duty in the Armed Forces of the United States. The amount of the refund shall be computed on the unearned portion of the license fee dating from the time the business or occupation covered by the license actually ceased to be conducted or engaged in; or

I. If the person entitled to the refund is an individual and such person becomes deceased, the refund may be made to such person or persons entitled to receive the money.

(Ord. C-6325 § 10, 1986: Ord. C-6259 § 1 (part), 1986)

3.80.429.1 - Suspension or revocation.

A. Whenever any person fails to comply with any provision of this Chapter pertaining to business license taxes or any rule or regulation adopted pursuant thereto or with any other provision or requirement of law, including, but not limited to, this Municipal Code and any grounds that would warrant the denial of initial issuance of a license hereunder, the Director of Financial Management, upon hearing, after giving such person ten (10) days' notice in writing specifying the time and place of hearing and requiring him or her to show cause why his or her license should not be revoked, may revoke or suspend any one (1) or more licenses held by such person. The notice shall be served in the same manner as notices of assessment are served under Section 3.80.444. The Director shall not issue a new license after the revocation of a license unless he or she is satisfied that the registrant will thereafter comply with the business license tax provisions of this Chapter and the rules and regulations adopted thereunder, and until the Director collects a fee, the amount of which shall be determined by Director in an amount to recover the actual costs of processing, in addition to any other taxes that may be required under the provisions of this Chapter.

B. Any person who engages in any business after the business license issued therefor has been suspended or revoked, and before such suspended license has been reinstated or a new license issued, shall be guilty of a misdemeanor.

(Ord. C-6259 § 1 (part), 1986)

3.80.429.5 - Appeal of license revocation.

Any licensee whose license is revoked under this Chapter shall have the right, within ten (10) days after the date of mailing of the written notice of revocation, to file a written appeal to the City Council. Such appeal shall set forth the specific ground or grounds on which it is based. The City Council shall hold a hearing on the appeal within thirty (30) days after its receipt by the City, or at a time thereafter agreed upon, and shall cause the appellant to be given at least ten (10) days' written notice of such hearing. At the hearing, the appellant or its authorized representative shall have the right to present evidence and a written or oral argument, or both, in support of its appeal. The determination of the City Council on the appeal shall be final.

(Ord. C-6259 § 1 (part), 1986)

3.80.429.7 - Confidentiality.

No person having an administrative duty pursuant to the provisions of this Chapter shall make known in any manner whatever the business affairs, operations, or information obtained by an investigation of the records and equipment of any person required to obtain a business license, or pay a business tax, or any other person visited or examined in the discharge of the official duty of the Director of Financial Management, or the amount or the source of income, profits, losses, or expenditures, or any particular thereof, set forth in any statement or application, or amended statement or application, or copy of either, or in any book containing any abstract or particulars therein to be seen or examined by any person; provided, however, the provisions of this Section shall not be construed to prevent:

A. Disclosures to, or the examination of records and equipment by, another City official, employee, or agent for the collection of taxes for the sole purpose of administering or enforcing the provisions of this Chapter or collecting the business taxes imposed by the provisions of this Chapter;

B. The disclosure of information to, or the examination of records by, federal or State officials of another City or County, or City and County, if the reciprocal arrangement exists, or to a grand jury or court of law upon a subpoena;

C. The disclosure of information and the results of examinations of records of particular taxpayers, or relating to particular taxpayers, to a court of law for proceedings brought to determine the existence of the amount of any business tax liability of such particular taxpayers of the City;

D. The disclosure, after the filing of a written request to the effect, to the taxpayer himself, or to his successors, receivers, trustees, executors, administrators, assignees, or guarantors if directly interested, of information as to items included in the measure of any paid business tax, any unpaid business tax, or any amount of business tax required to be collected, including interest and penalties; further provided, however, that the Director of Financial Management or his designee may refuse to make any disclosure referred to in this Subsection when, in his opinion, the public interest would suffer thereby;

E. The disclosure of the names and business addresses of persons to whom business licenses have been issued and the general type and nature of their businesses;

F. The disclosure, by way of public meeting or otherwise, of such information as may be necessary to the Council in order to permit the Council to be fully advised as to the facts when a taxpayer files a claim for the refund of business taxes, or submits an offer of compromise with regard to a claim asserted against him by the City for business taxes, or when acting upon any other matter; and

G. The disclosure of general statistics regarding business taxes collected or business done in the City.

(Ord. C-6259 § 1 (part), 1986)

Subdivision 3. - Rulemaking

3.80.430 - Rules and regulations.

The Director of Financial Management is hereby delegated the authority, and may, from time to time, promulgate such administrative rules and regulations as may be necessary and proper to effectuate the purposes of this Chapter and to facilitate the Director's responsibility to administer and enforce its regulations. The scope of the Director's delegated authority shall include, but not be limited to, rules and regulations relating to apportionment of the business license tax, computation of the average number of employees for one (1) or more classifications of businesses and defining the nature of a change of business ownership and its impact on any existing business license under this Chapter.

(Ord. C-6259 § 1 (part), 1986)

3.80.435 - Determination of classification of business.

A. The determination of the tax applicable to a business or activity not expressly set forth herein shall be that business tax applicable to the business or activity expressly set forth herein which, in the opinion of the Director of Financial Management, is most nearly comparable. The Director may, in addition, require compliance with any other provision of this Code regulating the imposition of business tax of the particular business or activity determined to be most nearly comparable.

B. In any case, where a licensee or applicant for a license believes that he is placed in the wrong business or class of businesses, he may apply to the Director for a change in his classification. Such application may be made before, at, or within three (3) months after payment of the prescribed business tax. The applicant shall, by affidavit and supporting testimony, show such information as the

Director may deem necessary in order to determine the proper classification. The Director may conduct his own investigation and shall have the administrative duty of determining the proper classification. Such determination by the Director shall be deemed final.

(Ord. C-6259 § 1 (part), 1986)

Subdivision 4. - Enforcement

3.80.440 - Assessments, presumption and statute of limitations.

In the case of an audit or investigation by the City, the Director may make a deficiency determination or assessment for license taxes not paid or remitted by a person required to pay or remit, as evidenced by information provided by such person or other persons to the Director, or based upon a reasonable estimate of the Director if complete evidence is not provided by the person required to pay or remit the tax. Such reasonable estimate shall be entitled to a rebuttable presumption of correctness. In the absence of fraud or other intentional misconduct, an audit period of review shall not exceed a period of three (3) years immediately preceding the date of receipt of a written notice (by such person) from the Director, or his or her authorized representative, notifying commencement of an audit. In the absence of fraud or other intentional misconduct, an investigation period for tax compliance shall not exceed a period of three (3) years immediately preceding the date the investigator contacted the taxpayer, or his or her authorized representative, notifying commencement of an investigation. The applicable statute of limitations shall commence from the date of receipt from the City of a written finalized deficiency determination or assessment by the Director or his or her authorized representative, which shall be issued within a reasonable time after all necessary information has been provided by the person required to pay or remit the tax.

(Ord. C-7849 § 3, 2003)

3.80.441 - License tax deemed debt to City.

The amount of any license tax, penalties and interest imposed by the provisions of this Chapter shall be deemed a debt to the City, and any person carrying on any business without first having procured a license under this Chapter from the City to do so, or having an appropriately renewed and valid license hereunder, shall be liable to an action in the name of the City in any court of competent jurisdiction for the amount of the license tax, and penalties if any, imposed on such business.

(Ord. C-6259 § 1 (part), 1986)

3.80.442 - Deficiency determinations.

If the Director of Financial Management is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, he may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement, or upon the basis of any information in his possession or that may come into his possession. One (1) or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Sections 3.80.443 through 3.80.445.

(Ord. C-6259 § 1 (part), 1986)

3.80.443 - Tax assessment—Authorized when—Nonpayment—Fraud.

A. Under any of the following circumstances, the Director of Financial Management may make and give notice of an assessment of the amount of tax owed by a person under this Chapter:
   1. If the person has not filed any statement or return required under the provisions of this Chapter;
   2. If the person has not paid any tax due under the provisions of this Chapter;
   3. If the person has not, after demand by the Director, filed a corrected statement or return, or furnished to the Director adequate substantiation of the information contained in a statement or return already filed, or paid any additional amount of tax due under the provisions of this Chapter;
   4. If the Director determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter.

B. The notice of assessment shall separately set forth the amount of any tax known by the Director to be due or estimated by the Director, after full consideration of all information within his knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

(Ord. C-6259 § 1 (part), 1986)

3.80.444 - Tax assessment—Notice requirements.

The notice of assessment shall be served upon the person either by handing it to him personally, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business appearing on the face of the license issued to him or to such other address as he shall register with the Director of Financial Management for the purpose of receiving notices provided under this Chapter; or, should the person have no license issued to him and should he have no address registered with the Director for such purpose, then to such person's last known address. For the purposes of this Section, a service by mail is completed at the time of deposit in the United States mail.

(Ord. C-6259 § 1 (part), 1986)

3.80.445 - Tax assessment—Hearing—Application and determination.

Within ten (10) days after the date of service the person may apply in writing to the Director of Financial Management for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the license tax assessed by the Director shall become final and conclusive. Within thirty (30) days of the receipt of any such application for hearing, the Director shall cause the matter to be set for hearing before the Director or a billing officer designated by the Director not later than thirty (30) days after the date of application, unless a later date is agreed to by the Director and the person requesting the hearing. Notice of such hearing shall be given by the Director to the person requesting such hearing not later than five (5) days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment, as made by the Director, should not be confirmed and fixed as a license tax. After such hearing the Director shall determine and reassess the proper tax to be charged and shall forthwith give written notice thereof to the licensee in the manner prescribed in Section 3.80.444 for giving notice of assessment.

(Ord. C-6259 § 1 (part), 1986)

3.80.446 - Violation deemed misdemeanor—Penalty.

Any person violating any of the provisions of this Chapter or any regulation or rule passed in accordance herewith, or knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring the license herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment.

(Ord. C-6259 § 1 (part), 1986)

3.80.447 - Conviction for Chapter violation—Taxes not waived.

The conviction and punishment of any person for failure to pay the required license tax shall not excuse or exempt such person from any civil action for the license tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any State law requiring the payment of all license taxes.

(Ord. C-6259 § 1 (part), 1986)

Subdivision 5. - Adjustment for Inflation/Deflation

3.80.451 - Inflation/deflation.

A. Except for the taxes imposed by Sections 3.80.221 and 3.80.246, and except for any tax measured by gross receipts in Section 3.80.253, each tax, including each of its components, imposed in Division II of this Chapter, shall be automatically adjusted on July 1, 2002, and on July 1 of each year thereafter, upward or downward, equivalent to the most recent change in the annual average of the Consumer Price Index as published by the United States Department of Labor for the Los Angeles-Riverside-Orange County area.

B. For purposes of calculating the annual inflation/deflation factor under this Section, the base year shall be that year ending with December 31, 2000, unless otherwise specified in a tax rate section of Division II of this Chapter. Rates shall next be adjusted on July 1, 2002, and annually thereafter, based on the annually calculated change from the base year. The July 1, 2002, adjustment shall be for the change in the average CPI for the year ending December 31, 2001.

(Ord. C-7783 § 16, 2002: Ord. C-6986 § 3, 1992: Ord. C-6837 § 13, 1990: Ord. C-6259 § 1 (part), 1986)

DIVISION V. - LICENSE TERM AND TRANSITIONAL PROVISIONS

3.80.510 - Operative date.

The operative date of this Chapter shall be as follows:

A. As to all new businesses, the revised license tax provisions as set forth in this Chapter shall be operative on and after November 1, 1985, and the new license taxes herein imposed shall thereupon apply.

B. As to an existing business involving the rental of residential property, the revised license tax set forth in this Chapter shall become operative on and after March 1, 1986.

C. As to an existing business involving vehicles requiring decals, the revised license tax set forth in this Chapter shall become operative on and after January 1, 1986.

D.

As to an existing business involving vending machine operation, the revised license tax set forth in this Chapter shall become operative on and after July 1, 1986.

E. As to an existing business involving all other business activities, the revised license tax set forth in this Chapter shall be operative on and after November 1, 1985, and shall first be applied to said existing business upon the anniversary/renewal date of its business license first occurring on or after that date.

(Ord. C-6259 § 1 (part), 1986)

3.80.520 - Term of license.

A. The term of annual licenses issued for the rental of residential property shall commence on March 1 and expire on the last day of February of the succeeding year, provided that the term commencing March 1, 1993, shall be for sixteen (16) months (with taxes prorated) and shall expire after twelve o'clock (12:00) midnight of June 30, 1994. Thereafter, the term of annual licenses issued for the rental of residential property shall commence on July 1 and shall expire on June 30 of the succeeding year.

B. The term of annual licenses issued for vending machine operators shall commence on July 1 and expire on June 30 of the succeeding year.

C. The term of annual licenses for vehicles requiring decals shall commence on January 1 and expire on December 31 of the succeeding year.

D. The term of all other annual licenses issued pursuant to this Chapter shall commence on the date of issuance and expire at the end of twelve (12) calendar months thereafter.

E. The term of quarterly and semiannual licenses issued pursuant to this Chapter shall commence on the date of issuance and expire at the end of three (3) and six (6) months, respectively, thereafter.

(Ord. C-7067 § 2, 1993; Ord. C-6259 § 1 (part), 1986)

3.80.530 - Proration of annual license for new business.

Annual business license taxes for all new businesses commenced after November 1 of the license shall be prorated by the month for the balance of the license period.

(Ord. C-6259 § 1 (part), 1986)

CHAPTER 3.90 - DEVELOPMENT SERVICES CENTER SURCHARGE

FOOTNOTE(S):

--- (**10**) ---

Note— Prior ordinance history: Ords. C-7577, C-7821 and ORD-06-0039.

3.90.010 - Purpose.

The purpose of this Chapter is to impose a surcharge to fund the continuous upgrade, improvement and maintenance of technology for development projects and services.

(ORD-07-0063 § 1 (part), 2007)

3.90.020 - Surcharge.

A. There shall be added to each fee imposed or authorized by the provisions of Titles 12, 14, 18, 20 and 21 of this Code; and Part 12.01 of the rules, regulations, and charges governing potable water, reclaimed water, sewer service, and the emergency water conservation plan adopted by the Long Beach Board of Water Commissioners, a surcharge in an amount as set forth in the Schedule of Fees and Charges established by City Council resolution of such fee.

Exception. The surcharge shall not apply to the fees or charges provided in Chapters 18.17, 18.18, 18.19, 18.22, and 18.23 of this Code; and Sections 18.20.150, 21.60.650 and 21.61.070 of this Code.

B. The City Manager is authorized to establish appropriate procedures to carry out the provisions of this Chapter.

(ORD-11-0012, § 1, 2011; ORD-07-0063 § 1 (part), 2007)

CHAPTER 3.91 - SURCHARGE ON BUILDING, ZONING AND RELATED PERMIT FEES

FOOTNOTE(S):

--- (**11**) ---

Note— Prior ordinance history: Ord. C-7875 § 1, 2003.

3.91.010 - Purpose.

The purpose of this Chapter is to impose a surcharge on all building, zoning, environmental, electrical, mechanical, and plumbing plan check and permit fees in order to fund the continued amendment and maintenance of the general plan of the City of Long Beach to at all times ensure the legal viability and adequacy of such plan.

(ORD-05-0022 § 1, 2005)

3.91.020 - Surcharge.

There shall be added to each building, zoning, environmental, electrical, mechanical, and plumbing plan check and permit fees, imposed or authorized by the City, a surcharge in an amount as set forth in the Schedule of Fees and Charges established by City Council resolution. The City Manager is authorized to establish appropriate procedures to carry out the provisions of this Chapter.

(ORD-06-0039 § 2, 2006: ORD-05-0022 § 1, 2005)

CHAPTER 3.92 - HOUSING TRUST FUND

3.92.010 - Purpose and intent.

It is the intent of the City Council to create a Housing Trust Fund as a source of revenue to meet, in part, the housing needs of the City's extremely low and above moderate income households.

The Housing Trust Fund will serve as a vehicle for addressing the housing needs of extremely low and above moderate income households through a combination of funds as provided for in this Chapter.

It is further the intent of the Council to increase ownership opportunities available to extremely low and above moderate income households throughout the City.

It is the purpose and intent of this Chapter to preserve and increase renter and ownership housing units which are affordable to extremely low and above moderate income households which are located within the City, including federally assisted units.

It is further the intent of the City Council to foster and encourage the private sector to join with the public sector to further the goals of this Chapter.

(ORD-06-0021 § 1 (part), 2006)

3.92.020 - Definitions.

Unless the context requires otherwise, the words and phrases used in this Chapter shall have the meanings as defined below:

"Above moderate income household" means a household whose income is greater than one hundred twenty percent (120%) of area median income but less than one hundred fifty percent (150%) of area median income, both as adjusted for family size.

"Affordable" means a housing unit that has an affordable housing or rental cost.

"Affordable housing cost" shall have the meaning ascribed to that term in Section 50052.5 of the California Health and Safety Code ("Code"), or any successor section thereto.

"Affordable rent" shall have the meaning ascribed to that term in Section 50053(a) of the Code, or any successor section thereto.

"Area median income" means the median income in the Long Beach standard metropolitan statistical area adjusted for family size, as published by the United States Department of Housing and Urban Development.

"Assisted unit" means a housing unit that is affordable because of assistance from the fund.

"Extremely low income household" shall have the meaning ascribed to that term in Section 50106 of the Code, or any successor section thereto.

"Housing Trust Fund" means the Long Beach Housing Trust Fund account maintained by the City to fund the activities authorized by this Chapter.

"Recipient" means a person or legal entity which receives funds from the Housing Trust Fund other than the company.

(ORD-06-0021 § 1 (part), 2006)

3.92.030 - Establishment of the Long Beach Housing Trust Fund and trust fund account.

A. There is established a fund to be known and denominated as the Long Beach Housing Trust Fund ("housing trust fund"). The housing trust fund shall consist of such sums as are directed to the fund by ordinance of the City Council and any other appropriations as determined from time to time by action of the City Council. The housing trust fund shall be administered by the Long Beach Housing Development Company ("company") pursuant to the provisions of this Chapter, the program plan (defined below), the appropriation ordinances and Council policies applicable thereto.

B. All funds received by the housing trust fund, either from special funds or general fund appropriations, shall be deposited in an account to be known and denominated as the housing trust fund account. Principal and interest from loan repayments, proceeds from grant repayments, forfeitures, reimbursements, and all other income from housing trust fund activities, shall be deposited in the housing trust fund account unless required otherwise by funding regulations. All funds shall earn interest at least at the same rate as pooled investments managed by the City Treasurer. All interest earnings from the housing trust fund account shall be reinvested and dedicated to the account. All appropriated funds in the housing trust fund account shall be available for program expenditures as directed by the company. The City's annual appropriation ordinance shall provide for the transfer of designated funds to the housing trust fund. Transfers shall be made quarterly or upon direction of the City Manager. Designated funds shall accrue interest from the time of transfer to the housing trust fund account.

(ORD-06-0021 § 1 (part), 2006)

3.92.040 - Purpose and use of housing trust fund moneys.

Funds in the housing trust fund shall be used solely for programs and administrative support approved by the City Council in the program plan to meet the housing needs of extremely low and above moderate income households. Funds in the housing trust fund account shall be allocated according to the following guidelines, to the extent possible:

A. Not less than fifty percent (50%) of the funds in the housing trust fund account shall be expended to provide housing assistance and homeownership opportunities for above moderate income households at affordable costs; and

B. Not less than fifty percent (50%) of the funds in the housing trust fund account shall be expended to provide housing assistance and homeownership opportunities to extremely low income households at affordable housing costs.

(ORD-06-0021 § 1 (part), 2006)

3.92.050 - Term of affordability.

A. Whenever funds from the housing trust fund account are used for the acquisition, construction or substantial rehabilitation of affordable housing, the company shall impose enforceable requirements on the owner of the housing unit requiring that the unit remain affordable for a minimum of fifty-five

(55) years for rental housing and thirty (30) years for ownership housing.

B. For programs funded with funds from the housing trust fund which are not described in Subsection A of this Section, the company shall develop appropriate mechanisms to ensure the continued affordability of the involved units.

C. The affordability restriction requirements described in this Section shall run with the land and the company shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the official records of the Recorder of Los Angeles County.

(ORD-06-0021 § 1 (part), 2006)

3.92.060 - Program plan.

Prior to the commencement of the fiscal year, the company shall adopt a plan ("program plan") and present it to the City Council for action. The program plan shall include:

A. A description of all programs and projects to be funded with funds from the housing trust fund; and

B. The amount of funds budgeted for the programs and projects administered by the company.

(ORD-06-0021 § 1 (part), 2006)

3.92.070 - Funding of supporting services.

Funds from the housing trust fund may be used in any manner consistent with this Chapter, through loans, grants, or indirect assistance, for the production and maintenance of assisted units and related facilities. Funds shall not be used for the operation of supporting services such as childcare or social services unless:

A. The funds are used in connection with affordable housing; and

B. The recipient can demonstrate to the satisfaction of the company that other funds are not available.

(ORD-06-0021 § 1 (part), 2006)

3.92.080 - Publication of program documents.

The company shall publish such administrative rules and guidelines as are necessary and desirable to implement the programs approved by the City Council in the program plan.

(ORD-06-0021 § 1 (part), 2006)

3.92.090 - Annual report.

The company shall once each year prepare and submit a report to the City Council on the activities undertaken with funds from the housing trust fund. The report shall contain the information necessary to support the findings specified in Section 66001 of the California Government Code.

(ORD-06-0021 § 1 (part), 2006)

3.92.100 - Financial management.

The City Treasurer shall maintain and report within the City's accounts a separate housing trust fund account and any required related subsidiary funds for all related financing transferred from the City and any related income. Such funds shall be accounted for and reported separately on the company's annual

financial report, and such funds shall be audited for compliance with this Chapter and related policies and regulations. The company shall prepare any other reports legally mandated for financing sources of the housing trust fund.

(ORD-06-0021 § 1 (part), 2006)

PART I. - GENERAL PROVISIONS

CHAPTER 5.02 - PURPOSE AND DEFINITIONS

5.02.010 - Purpose.

The purpose of this Title 5 is to identify those businesses, trades and professions conducted and carried on in the City of Long Beach that require local regulation in order to promote and protect the public health, safety and welfare of Long Beach and its citizens. It is the further purpose of this Title 5 to set forth the specific standards and criteria under which such businesses, trades and professions shall be conducted and regulated within the City and, as to those businesses, trades and professions for which a permit is required hereunder, to set forth the procedures and conditions for applying for such a permit.

The provisions of this Title 5 are regulatory, and all requirements set forth, including those for a permit hereunder, if any, and any regulatory fees levied pursuant to this Title 5, are in addition to any other requirements, monetary or otherwise, that may be applied to any business, trade or professions by any other provision of law, including, but not limited to, Chapter 3.80 of the Long Beach Municipal Code.

(Ord. C-6260 § 1 (part), 1986)

5.02.020 - Definitions.

For the purpose of this Title 5, certain words and phrases are defined and certain words and phrases shall be construed as set forth in this Section 5.02.020, unless it is apparent from their context that a different meaning is intended or unless they or any other terms are specifically defined in one (1) or more of the Chapters of this Title, in which case the Chapter definitions shall be controlling in such Chapters.

A. "Applicant" means any person who applies for a business license or permit.

B. "Business" means each and every business, commercial or industrial enterprise, trade, profession, occupation, vocation, calling or any means of livelihood, whether or not carried on for gain or profit.

C. "Business license" means a license issued pursuant to Chapter 3.80 evidencing the payment of a business license tax for the carrying on of a business in the City of Long Beach.

D. "Business permit" or "permit" means a permit, if required, issued pursuant to this Title 5 evidencing compliance by a licensed business in the City of Long Beach with the regulatory provisions of this Title 5

E. "Permit identification card" means a card, if required, issued pursuant to this Title 5, evidencing the issuance to a permittee of a valid permit and setting forth information as may be required pursuant to the provisions of this Title 5

F. "Person" means any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture, club, business or common law trust, society, individual, estate, receiver, retirement plan, trustee, or any other group or combination acting as a unit.

(Ord. C-7423 § 1, 1996: Ord. C-6325 § 11, 1986; Ord. C-6260 § 1 (part), 1986)

PART II. - ADMINISTRATION, ENFORCEMENT AND PENALTIES

CHAPTER 5.04 - ADMINISTRATION

5.04.010 - Application—Required.

A. Each applicant for a permit pursuant to this Title 5 shall file a written statement with the City upon prescribed forms indicating the type of activity to be conducted, officers of the firm and sufficient information as requested by the City to enable determination as to issuance or nonissuance of the permit, and a separate permit shall be obtained for each branch establishment or separate office or place for carrying on any business or pursuit within the City.

B. If applicant has not provided all required information and paid the necessary application fees within sixty (60) days, the application will be deemed void and of no further force and effect.

(Ord. C-7423 § 13, 1996: Ord. C-6260 § 1 (part), 1986)

5.04.020 - Application—Investigation.

The Director of Financial Management shall thereupon refer such application to the appropriate departments of the City in order that it may be ascertained whether or not the business proposed to be conducted or the premises in which it is proposed to locate such business, will comply with applicable laws and ordinances.

(Ord. C-7423 § 13, 1996: Ord. C-6260 § 1 (part), 1986)

5.04.030 - Application—Rejection.

In the event that a particular department of the City rejects an application for the reason that such business or the location at which it is proposed to be conducted will not comply with applicable laws and ordinances, no permit shall be issued, and the application shall be denied.

(Ord. C-7461 § 10, 1997)

5.04.040 - Fees.

A. Each applicant for a business permit shall pay a permit fee as set forth in the business permit fee schedule established by resolution of the City Council. Such fees are imposed for the purpose of reimbursing the City for the costs incurred in investigating, issuing and administering the permits issued pursuant to this Title 5, and they shall be nonrefundable if any costs in connection with the application/permit have been incurred by the City.

B. All permit fees provided for in this Title 5 shall be due and payable in advance. The applicant or permittee who fails to pay regulatory or investigation fees within thirty (30) days of the due date shall be subject to penalty fees in the same manner as in Section 3.80.422 of the Long Beach Municipal Code.

(Ord. C-7423 § 13, 1996: Ord. C-6260 § 1 (part), 1986)

5.04.050 - Health inspection, fees and permit required.

A. Notwithstanding any other provisions of this Title 5 or Chapter 3.80 of this Code, the health inspection fees and permit set forth in this Section shall be applicable at all times as to classifications of businesses, occupations, institutions, or acts set forth in division 104, part 7 of the California Health

and Safety Code, commencing with section 113700 and as established by resolution of the City Council for the Division of Environmental Health for health services.

B. No City business license shall be originally issued, nor shall any City business license be transferred from one (1) site to another, for any business, occupation, institution or act enumerated in Subsection 5.04.050.A, unless the place where or plans for said business, occupation, institution or act is to be conducted is first inspected by the Health Officer or duly authorized representative, and unless the application for such original City business license, or such transfer is first approved by the Health Officer, fee paid and a permit to operate issued therefor.

C. The permit and the health inspection fees required to be paid by this Section with respect to a classification listed for which a business license fee is also required by this Code may be prorated in the same manner as the fee for such business license. In all cases where a business license fee is not required to be paid for the carrying on of a classification listed in this Section, the permit and health inspection fee may be prorated in the same manner as that specified for license issued on a fiscal year basis as provided in this Code.

D. All fees provided for in this Section shall be due and payable in advance, and any person who fails to pay any such fee provided in this Section within thirty (30) days after the same has become due must pay, in addition thereto, a sum equal to twenty-five percent (25%) of the amount of the original fee.

E. The fees referred to in this Section shall be established by a resolution of the City Council which may be consolidated with that provided for in Section 5.04.040

F. After building plans have been checked and are subsequently so revised as to necessitate rechecking, the Health Officer shall require the applicant to pay a rechecking fee of fifty percent (50%) of the plan check fee set forth in this Section.

G. Every person engaging in, conducting, managing or carrying on at the same time more than one (1) of the businesses, occupations, institutions or acts mentioned in Subsection 5.04.050.A, whether located at the same place or not, shall be required to pay the fee and obtain a permit to operate for each such business, occupation, institution or act unless exempted by the Health Officer or by resolution of the City Council.

H. The permit to operate shall not be issued to a fictitious name. All permits must be issued in the true name of the individual, in the true names of the persons in a partnership or the exact name which appears in the articles of incorporation.

I. The permit to operate required by this Section shall not be issued for a period greater than one (1) year. A permit to operate shall not be issued for less than one-fourth (¼) of a year.

Fees required by this Section for ten dollars ($10.00) or less shall not be prorated. The fee for a public swimming pool which operates five (5) months or more of a year shall not be prorated.

When prorating for more than one-quarter (¼), the quarters shall run concurrently.

J. Every permit to operate required by this Section shall be conspicuously displayed in the place of business, occupation, institution or act as approved by the Health Officer.

K. A fee or penalty fee shall not be refunded if the business, occupation, institution or act, required by this Section to pay such fees, operates for twenty-four (24) hours or more.

No fee shall be refunded for the following businesses, occupations, institutions, or acts:

1. Add a partner to permit;
2. Backflow prevention device;

3. Copy of official records;
4. Hazardous waste spill/cleanup;
5. Noise business license inspection;
6. Noise environmental impact report;
7. Noise permit;
8. Noise variance;
9. Plan check;
10. Site transfer of permit;
11. Solid waste facilities applications;
12. Well permit;
13. Others approved by the City Council or Health Officer.

However, any overcharges or over remittances of one dollar and one cent ($1.01) or more shall be refunded provided that any refund of one thousand dollars ($1,000.00) or more shall require the prior approval of the City Council.

(Ord. C-7799 § 1, 2002; Ord. C-7423 § 13, 1996: Ord. C-6260 § 1 (part), 1986)

5.04.055 - Permit identification card.

A. Every person issued a permit pursuant to this Title 5 may be required to display a permit identification card in a visible position upon his/her person when working and produce the card for inspection upon request. In the event of loss of the card, the City may charge a replacement or reissuance fee in an amount established by the City Council by resolution to recover its cost of replacement.

B. No person shall reproduce, duplicate, copy or alter a permit identification card for the purpose of circumventing the display requirement of this Section or for giving a false or misleading impression that any duplication of an original identification card is valid. The permit identification card shall be maintained in good condition or it shall be replaced.

C. The permit identification card is not transferable and is only valid when presented with an official California identification card.

D. Every person holding a permit identification card required by this Title 5 who changes the location of his/her place of business shall, prior to engaging in such business at the new location, apply for and receive a new permit identification card.

E. Every person holding a permit identification card shall immediately surrender it to the Chief of Police, upon termination of employment, expiration of the card or suspension or revocation of the permit.

F. Any use of the permit identification card for purposes other than as required by this Chapter is prohibited.

(Ord. C-7423 § 13, 1996: Ord. C-6325 § 12, 1986)

5.04.060 - Photographs.

Any photographs required in connection with any permit issued shall be in good condition so as to be easily identified with the applicant or permittee and shall have been taken within the last six (6) months. New photographs must be furnished when a permit is renewed.

(Ord. C-7423 § 13, 1996: Ord. C-6260 § 1 (part), 1986)

5.04.070 - Issuance.

A. Upon receipt of written notice from the departments, pursuant to Section 5.04.020, that the business and the location at which the business will be conducted comply with applicable laws and ordinances, a permit may be issued by the Director of Financial Management.

B. Concerned departments shall render a recommendation to the Commercial Services Bureau to approve, conditionally approve, or deny the application within sixty (60) days after a completed application has been filed. Where a background investigation is required and where circumstances beyond the control of the City justifiably delay approval or denial within the prescribed period, the Chief of Police may provisionally approve a temporary permit conditioned as the Chief of Police deems necessary if he/she finds that a prolonged pending delay in permanent permit approval is to be anticipated, and it appears likely that a permit will be granted at the end of that period.

(Ord. C-7423 § 13, 1996: Ord. C-6260 § 1 (part), 1986)

5.04.090 - Bond—Termination.

The liability on any surety bond deposited with the City pursuant to the provisions of this Chapter may be terminated upon the filing with the Director of Financial Management by the surety on the bond of a written notice to the City wherein it shall be stated that the surety intends to terminate the liability upon the bond. Termination is to become effective thirty (30) days from and after the day upon which the notice of intention to terminate liability is filed with the Director of Financial Management; provided, however, that in no case shall the termination of liability by the surety on any bond affect any liability incurred prior to the date of termination thereof.

(Ord. C-7423 § 13, 1996: Ord. C-6260 § 1 (part), 1986)

5.04.100 - Use of permit by unauthorized person.

No person holding a permit required by this Chapter shall allow any unauthorized person to use said permit or to use the name of said permittee for the purpose of evading any provision of this Title 5.

(Ord. C-7423 § 13, 1996: Ord. C-6260 § 1 (part), 1986)

5.04.120 - Display.

A. Every person having a permit issued under this Title 5 shall prominently display such permit. If such business is operated from a vehicle or a boat, the vehicle or boat shall have affixed thereon an identifying decal issued by the City. In the event of loss of such decal, the City shall charge a replacement fee in an amount established by the City Council by resolution.

B. No person shall reproduce, duplicate, copy or alter an original business permit for the purpose of circumventing the prominent display requirement of this Section or giving a false or misleading impression that any duplication of an original business permit is valid and that the appropriate business permit fee therefor has been paid.

C. No person who has a valid permit issued by the City in his/her possession or under his/her control shall fail to exhibit the same on demand.

(Ord. C-7423 § 13, 1996: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.06 - CANCELLATIONS, SUSPENSIONS, REVOCATIONS, DENIALS AND APPEALS

5.06.010 - Identification of controlling procedures.

A business permit may be suspended, revoked or denied for any reason stated in Section 5.06.020 of the Long Beach Municipal Code or within the specific section of this Title 5 pertaining to the business.

(Ord. C-7423 § 14, 1996: Ord. C-6325 § 13 (part), 1986: Ord. C-6260 § 1 (part), 1986)

5.06.020 - Suspension/Revocation/Denial.

A. Any permit to do business in the City issued pursuant to this Title 5 may be suspended, revoked or denied in the manner provided in this Section upon the following grounds:
   1. The permittee or any other person authorized by the permittee has been convicted of violation of any provision of this Code, State or Federal law arising out of or in connection with the practice and/or operation of the business for which the permit has been granted. A plea or verdict of guilty, or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this Section. The City Council may order a permit suspended or revoked, following such conviction, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the California Penal Code allowing such a person to withdraw his/her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment;
   2. For any grounds that would warrant the denial of the issuance of such permit if application therefore was being made;
   3. The permittee or any other person under his/her control or supervision has maintained a nuisance as defined in Section 21.15.1870 of the Long Beach Municipal Code which was caused by acts committed on the permitted premises or the area under the control of the permittee;
   4. The permittee, his/her employee, agent or any person connected or associated with permittee as partner, director, officer, stockholder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for the permit required under the provisions of this Code;
   5. The permittee has failed to comply with any condition which may have been imposed as a condition of operation or for the issuance of the permit required under the provisions of this Code;
   6. The permittee has failed to pay any permit fees that are provided for under the provisions of this Code within sixty (60) days of when the fees are due.

B. Upon receipt of satisfactory evidence that any of the above grounds for suspension or revocation of said permit exist, the permittee shall be notified in writing that a hearing on suspension or revocation shall be held before the City Council, the grounds of suspension or revocation, the place where the hearing will be held, and the date and time thereof which shall not be sooner than ten (10) days after service of such notice of hearing.

C.

All notices provided for in this Section shall be personally served upon the permittee or left at the place of business or residence of such permittee with some person over the age of eighteen (18) years having some suitable relationship to the permittee. In the event service cannot be made in the foregoing manner, then a copy of such notice shall be mailed, postage fully prepaid, addressed to the last known address of such permittee at his/her place of business or residence at least ten (10) days prior to the date of such hearing.

D. Whenever a business permit has been revoked/or denied under the provisions of this Section, no other application by such permittee for a business permit to conduct a business or operate in the City shall be considered for a period of one (1) year from the date of such revocation or denial.

(Ord. C-7423 § 14, 1996: Ord. C-6325 § 13 (part), 1986: Ord. C-6260 § 1 (part), 1986)

5.06.025 - Cancellation.

Any permit issued pursuant to an application made under this Title 5 may be cancelled by the Director of Financial Management, without hearing, if:

A. The permittee permanently discontinues business operations under the permit; or

B. The permittee requests cancellation; or

C. The business operated under the permit is abandoned for a period in excess of six (6) months. Cancellation pursuant to this Subsection shall be made only after notice of cancellation has been mailed to the permittee at the address shown on the most recent permit application, thirty (30) days has elapsed from the date of such mailing and permittee has failed to respond to said notice with a statement setting forth a valid reason why such permit should not be cancelled.

(Ord. C-7423 § 14, 1996)

5.06.030 - Appeals from permit denial.

An applicant for a business permit whose application for such permit has been denied shall be notified of the denial in writing. Within ten (10) days after such denial, the applicant may appeal therefrom to the Council by filing with the Director of Financial Management a notice of such appeal setting forth the decision and the grounds upon which he/she deems himself/herself aggrieved thereby. Said applicant shall pay to the Director of Financial Management at the time of filing said notice of appeal a filing fee in an amount to be set by resolution of the City Council. The Director of Financial Management shall thereupon make a written report to the Council reflecting such determination denying the permit. The Council shall, within thirty (30) days following the filing of said appeal, set said appeal for hearing to be held not less than ten (10) days nor more than thirty (30) days thereafter and such hearing may for good cause be continued by the order of the Council. Upon the hearing of the appeal the Council may overrule or modify the decision appealed from and enter any such order or orders as are in harmony with this Title 5, and such disposition of the appeal shall be final.

(Ord. C-7423 § 14, 1996: Ord. C-6325 § 13 (part), 1986: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.08 - ENFORCEMENT AND PENALTIES

5.08.010 - Inspectors.

A. The Business Services Officer, the Commercial Services Bureau Manager as well as those employees of the City holding the classified positions of Business License Supervisor and Business License or Permit Inspector shall have the duty of enforcing the provisions of this Title 5 as well as Chapter 3.80. They are authorized and directed to enter, free of charge, at any reasonable time, any place of business to verify compliance with the provisions of this Title 5 and Chapter 3.80, and they are authorized and directed, pursuant to California Penal Code Section 836.5, to arrest persons and to prepare, issue and deliver to any such arrested person written notice to appear in court and to release such person from custody upon receiving from him/her written promise to appear in court for any violation or violations of any section or sections of this Title 5 or Chapter 3.80

B. Nothing in this Section is intended to or shall operate to change or shall have the effect of changing the status of business licensing personnel from a public or miscellaneous officer or employee to an individual peace officer or safety member or to a class of peace officer or safety member for purposes of retirement, worker's compensation or similar injury or death benefits, or any other employee benefit or benefits to which said officer or employee would not have been entitled to as a public employee prior to the adoption of this Section.

(Ord. C-7423 § 15, 1996: Ord. C-6260 § 1 (part), 1986)

5.08.020 - Duty of Police Officers/Civilian Police personnel.

All Police Officers and any civilian employee of the Police Department assigned to investigate business licenses and permits are hereby appointed inspectors of permits, and, in addition to their other duties, are expressly required to examine all places of business and persons required to obtain a business license as required by Long Beach Municipal Code Chapter 3.80 or a permit under this Title 5 and to see that such permits and/or licenses are obtained. The above-named persons shall have and exercise the power, first, to make arrests for the violation of any of the provisions of Chapter 3.80 or of this Title 5; and, second, to enter, free of charge, at any reasonable time, any place of business for which a license is required by Chapter 3.80 or a permit is required by this Title 5, and to demand the exhibition of such permit or license for the current term by any person engaged or employed in the transaction of such business. If such person then and there fails to exhibit such permit or license, such person shall be liable for the penalty provided for this violation. It is the duty of the Police Officers and designated civilian personnel to cause complaints to be filed against all persons violating any of the provisions of Chapter 3.80 or of this Title 5. The Chief of Police is directed to carry into effect the provisions of this Section.

(Ord. C-7423 § 15, 1996: Ord. C-6260 § 1 (part), 1986)

5.08.030 - Penalties.

A. Every person who fails to obey and comply with any provisions of this Title 5 or Chapter 3.80 or who violates any such provision or who causes such failure, disobedience or violation, shall be deemed guilty of a misdemeanor and shall be subject to the penalties as set forth in Section 1.32.010

B.

The owner, manager, or operator of any business, occupation, institution or act enumerated in Subsection A above is responsible for any violation by an employee of any provisions of this Section. Any violation arising from any business, occupation, institution or act enumerated in Subsection A of this Section, shall be deemed a violation for which the owner, manager or operator of each such business, occupation, institution or act is responsible.

(Ord. C-7423 § 15, 1996: Ord. C-6260 § 1 (part), 1986)

5.08.040 - Criminal procedure not to satisfy civil claim.

Neither the arrest, prosecution, conviction, imprisonment, or payment of any fine for the violation of this Title 5 shall satisfy or diminish the authority of the City to institute civil action seeking enforcement of any or all of the provisions of this Title 5.

(Ord. C-7423 § 15, 1996: Ord. C-6260 § 1 (part), 1986)

5.08.050 - Civil actions.

Any person required to comply with any or all of the provisions of this Title 5 shall be liable in an action filed by the City in any court of competent jurisdiction in order to enforce such provision and to pay such reasonable costs of the suit as the court may deem appropriate.

(Ord. C-7423 § 15, 1996: Ord. C-6260 § 1 (part), 1986)

PART III. - PARTICULAR BUSINESS REGULATIONS

CHAPTER 5.09 - EMPLOYMENT DISCRIMINATION

5.09.010 - Definitions.

As used in this Chapter:

"Business establishment" means any person that offers goods or services to the general public. An otherwise qualifying organization which has membership requirements shall be considered to be a "business establishment" if the following criteria are met:

1. Its membership requirements consist only of the payment of fees; or
2. Its membership standards are standards under which a substantial portion of the residents of the City could qualify; or
3. Its membership standards constitute an effort to avoid compliance with the requirements of the ordinance codified in this Chapter through subterfuge by creating membership standards with no bona fide relationship to the purpose or nature of the organization.

The term "business establishment" shall not include the following: (a) any religious association or corporation not organized for private profit; (b) the federal government or any agency thereof or the State government or any agency or local subdivision thereof, including but not limited to, Counties, Cities, districts, authorities and agencies.

"Employee" does not include any individual employed by his or her parents, spouse, or child, or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

"Gender identity" means an individual's sense of being either male or female, something other or in-between.

"Person" means any natural person, and any firm, corporation, partnership or other organization, association or group of persons, however organized.

"Sexual orientation" means heterosexuality, homosexuality or bisexuality.

(ORD-08-0017 § 1, 2008: Ord. C-6408 § 1 (part), 1987)

5.09.020 - Discrimination prohibited.

A. No business establishment within the City or operating within the City which employs a minimum of five (5) employees shall discriminate against any person by failing or refusing to hire or by disciplining or discharging any person or in any manner discriminating against any person with respect to compensation, terms, conditions or privileges of employment, because of the sexual orientation of any person.

B. No provision of this Chapter shall be construed to make legal any act or omission by any person which is otherwise illegal under any provision of law.

C. It shall not be an unlawful discriminatory practice for a business establishment to observe the terms of a bona fide employment benefit system.

(Ord. C-6408 § 1 (part), 1987)

5.09.030 - Bona fide business requirements.

A. No provision of this Chapter shall be construed to prohibit any act or omission by any business establishment based on bona fide business requirements of that business establishment.

B. No provision of this Chapter shall be construed to prohibit any act or omission by any business establishment permitted by State or Federal law with respect to disability, handicap or medical condition, or to permit any act or omission by any business establishment prohibited by State or Federal law with respect to disability, handicap or medical condition.

(Ord. C-6408 § 1 (part), 1987)

5.09.040 - Enforcement.

A. Any person aggrieved by violation of any provision of this Chapter, may enforce said provision or provisions by a civil action; provided that such action shall be brought in the person's individual capacity.

B. Any person who violates any provision of this Chapter or who knowingly aids another in the violation of a provision of this Chapter, shall be liable to the person aggrieved for the following:

1. The actual damages suffered and incurred by the person aggrieved;
2. A civil penalty payable to the person aggrieved in the sum of two hundred dollars ($200.00) in addition to the actual damages of the person aggrieved; provided that the civil penalty shall be imposed regardless of whether the person aggrieved proves actual damages;
3. The costs of the person aggrieved in connection with the civil action;
4. The Attorney's fees of the person aggrieved in connection with the civil action.

C. Any person who commits or proposes to commit an act in violation of this Chapter may be enjoined therefrom by a court of competent jurisdiction. Action for an injunction under the ordinance codified in this Chapter may be brought by any aggrieved person.

D. No criminal penalties shall attach for any violation of the provisions of this Chapter.

E. Any civil action pursuant to the provisions of this Chapter shall be filed within one (1) year of the accrual of the cause of action.

F. Any person who files or maintains a frivolous action under this Chapter shall be liable to the business establishment for expenses, including Attorney fees, incurred in defense of the action. "Frivolous" as used herein means totally and completely without merit or for the sole purpose of harassing an opposing party. The liability imposed by this Subsection is in addition to any other liability imposed by law.

(Ord. C-6408 § 1 (part), 1987)

5.09.050 - Severability.

All provisions of this Chapter are severable. If any part or provision of this Chapter is held invalid for any reason by the final order of a court of competent jurisdiction, the remainder of the Chapter shall not be affected and shall remain in full force and effect.

(Ord. C-6408 § 1 (part), 1987)

CHAPTER 5.12 - ALARM SYSTEMS

5.12.010 - Purpose.

The purpose of this Chapter is to set forth regulations governing burglary and robbery alarm systems, and users of such systems within the City, to provide for alarm system permits and to set forth the permit fees therefor.

(Ord. C-6260 § 1 (part), 1986)

5.12.020 - Definitions.

For the purpose of this Chapter, certain words and phrases shall be construed in this Chapter as set forth in this Section, unless it is apparent from the context that a different meaning is intended:

A. "Alarm agent" means any person who is employed by an alarm business operator, either directly or indirectly, who does not respond to activated alarms but whose duties include any of the following: Selling, maintaining, leasing, servicing, repairing, altering, installing, replacing, or moving on or in any building, structure or facility, any alarm system.

B. "Alarm business" means the business of any person consisting of selling and installing, maintaining, servicing, altering, replacing or moving any alarm system or component parts thereof in or on any building, structure or facility, or responding to alarm systems.

C. "Alarm business operator" means any person who operates any business engaged in the sale and installation, maintenance, alteration, or servicing of the alarm systems, or which responds to such alarm systems. Alarm business operator shall not include a business which merely sells from a fixed location or manufactures alarm systems, unless such business services, installs, monitors, or responds to alarm systems at protected premises.

D. "Alarm system" means any system or device designed or used for the detection of an unauthorized entry into any building, structure, or facility, or for alerting others of the commission of an unlawful act within any building, structure, or facility, or communicating the fact of such unlawful entry or the commission of such unlawful act.

E. "Chief of Police" means the Chief of Police of the City or his designated representative.

F. "False alarm" means an alarm signal to which the Long Beach Police Department has responded and where an emergency situation did not exist. Such emergency situations shall include only those acts for which the permittee's alarm system was specifically designed to detect or to alert the Police Department as specifically set out in Subsection D., above.

G. "Department of Financial Management" means the Department of Financial Management of the City.

H. "Responding alarm agent" means any person who responds to alarms or who is in uniform and on duty for the purpose of responding to an alarm.

I. Repealed.

J. "Commercial alarm system" means any alarm system protecting structures or areas which are not used primarily for habitation.

K.

"Residential alarm system" means any alarm system protecting structures or areas which are used primarily for habitation.

(Ord. C-6548 § 6, 1988; Ord. C-6260 § 1 (part), 1986)

5.12.030 - Permit—Required.

A. Alarm system. No person shall install on, or maintain on, any premises under his control or have installed on, and/or maintained on or operated on, any premises under his control any alarm system without first applying for and obtaining an alarm system permit therefor in accordance with the provisions of this Chapter; provided, however, the premises maintained for the conducting of an alarm business by an alarm business operator shall be exempt from this requirement. There shall be no installation of any alarm system or any service or repair work thereon performed until all permits required under this Chapter have been obtained.

B. Alarm agent and responding alarm agent. No person shall act as alarm agent or responding alarm agent without having previously registered as an alarm agent or responding alarm agent with the Department of Consumer Affairs of the State. Any person acting as an alarm agent or responding alarm agent must, prior to performing any duties of an alarm agent or responding alarm agent, show his registration card, issued by the Department of Consumer Affairs, to the Chief of Police or his representative.

(Ord. C-6260 § 1 (part), 1986)

5.12.040 - Exceptions.

The provisions of this Chapter do not apply to:

A. Persons engaged solely in the manufacture or sale of alarm systems, components from a fixed location and who do not install, maintain, service or plan the alarm system for any location;

B. Alarm systems which do not directly alert law enforcement agencies or others outside the protected building, structure or facility, but are designed solely to alert security personnel or others directly connected with or employed by the owner of or operator of the protected building, structure or facility;

C. Any person who engages in the selling or repairing of alarm systems or components thereof from a fixed location, and who does not either personally or through an agent or employee, visit the building, structure or facility in which the alarm system is sold or repaired or installed.

(Ord. C-6260 § 1 (part), 1986)

5.12.050 - Alarm system permit—Application—Form.

Applications for alarm system permits required under this Chapter shall be filed with the Department of Financial Management in the form prescribed and shall be accompanied by the requisite fee. The fee is established to cover the actual cost of permit issuance and management, including, but not limited to, the cost of investigating and processing the applications for such alarm system permits. It is not refundable.

(Ord. C-6260 § 1 (part), 1986)

5.12.060 - Alarm system permit—Application—Investigation.

The Chief of Police shall conduct an appropriate investigation of the application for an alarm system permit. The permit shall be denied by the Chief of Police if the alarm system does not comply with the standards and regulations adopted pursuant to Section 5.12.110. Said permit shall be issued to the

person possessing a permit to engage in business on the premises, or to the owner of such property, or to the owner or tenant of the property in the event such alarm system is installed on property used for residential purposes.

(Ord. C-6260 § 1 (part), 1986)

5.12.070 - Confidentiality.

The information furnished and secured pursuant to this Chapter shall be confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.12.080 - Alarm system permit—Fee.

A. A permit fee provided by resolution of the City Council adopted pursuant to Section 5.04.040, shall be payable upon the making of an application to install an alarm system. The fee shall be paid before any permit to install an alarm system is issued. Upon any change of location of the alarm system, a new fee in the amount of the regular annual fee shall be due and payable. Alarm system permits for businesses shall be renewed annually and alarm system permits for residences shall be renewed every three (3) years. Any federal, State or local agency shall be exempt from the payment of the fee provided for in this Section.

B. It shall be a violation of this Chapter if an owner fails to obtain an alarm permit within fifteen (15) days after receipt of notification of a violation.

(Ord. C-6548 § 1, 1988: Ord. C-6325 § 14, 1986: Ord. C-6260 § 1 (part), 1986)

5.12.090 - Approving authority.

The approving authority for permits issued pursuant to the provisions of this Chapter shall be the Chief of Police and the issuing authority for such permits shall be the Director of Financial Management.

(Ord. C-6260 § 1 (part), 1986)

5.12.100 - Permit—Nontransferable.

Any permit for an alarm system issued under this Chapter shall be nontransferable.

(Ord. C-6260 § 1 (part), 1986)

5.12.110 - Standards and regulations.

The Chief of Police shall prescribe and enforce minimum standards and regulations for the installation, maintenance and operation of all alarm systems installed, serviced or maintained within the City. The Chief of Police may require inspection and approval of all alarm systems installed, serviced or maintained within the City.

(Ord. C-6260 § 1 (part), 1986)

5.12.120 - Number of false alarms—Fees—Nonresponse—Exceptions.

A. A service charge, prescribed by resolution of the City Council, shall be charged to the permittee of a particular system for the second and any subsequent false alarms in any twelve (12) month period. The twelve (12) month period is measured from the date of a false alarm to the preceding twelve (12) months.

B.

The Chief of Police or his/her designee may conduct investigations and inspections, if necessary, to verify that the cause of the false alarms has been corrected.

C. After each false alarm, the Director of Financial Management or designee shall notify the permittee in writing of the date and time that the Police Department responded to that false alarm and the number of false alarms of record attributed to that alarm system within the previous twelve (12) month period. The permittee shall further be informed in writing of the provisions of this Section and of any service charge to be imposed.

D. Within ten (10) days from the date of said notice, the permittee may present written evidence to the Director of Financial Management or designee that the alarm response in question was not in fact a false alarm as defined in Subsection 5.12.020.F, or that there was a justifiable reason for the activation of the alarm. If no such response is made by the permittee within said ten (10) day period, the Police Chief's order shall be final. Within ten (10) days of receipt of a response from the permittee, if the Chief of Police or his/her designee determines that the response to the alarm in question was not in fact a false alarm, the alarm response shall not be counted against the permittee. The permittee shall be notified in writing of the Police Chief's determination.

E. No false alarms shall be counted against the permittee that were the result of fire, earthquake, flood, acts of God or other natural disasters.

F. Nothing contained herein shall be construed to either require or prohibit a response by the Police Department to any alarm signal or to, in any way, regulate the discretion of the Police Chief in allocating Police resources in the official performance of his/her duties.

(ORD-10-0014, § 26, 2010; Ord. C-7423 § 2, 1996: Ord. C-7304 § 1, 1994: Ord. C-6548 §§ 2, 3, 4, 5, 1988; Ord. C-6260 § 1 (part), 1986)

5.12.140 - Alarm system permit—Suspension or revocation—Grounds.

The following shall constitute grounds for suspension and revocation of an alarm system permit:

A. Any of the grounds set forth in Section 5.06.010

B. The violation of any of the provisions of this Chapter or of any alarm system standards and regulations prescribed by the Chief of Police pursuant to this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.12.150 - Alarm system permit—Suspension or revocation—Authority.

Any alarm system permit issued under this Chapter may be suspended by the Chief of Police for the grounds listed in Section 5.12.140.

(Ord. C-6260 § 1 (part), 1986)

5.12.160 - Alarm system permit—Suspension or revocation—Hearing.

A. No permit issued pursuant to the provisions of this Chapter shall be suspended until after a hearing is held by the Chief of Police, relating to such suspension, notice of which hearing shall be given in writing to the permittee and served at least fifteen (15) days prior to the date of the hearing thereon; such service shall be upon the holder of such permit or his/her manager or agent, which notice shall state the ground of suspension and shall also state the time when, and the place where, such hearing will be held. The notice shall be served upon the holder of the permit by delivering the same to the person, his/her manager or agent, or to any person in charge of, or employed in the place of business of the holder, or, if the person has no place of business, then, at his/her place of residence, or by leaving the notice at the place of business or residence of the person with some person of suitable

age and discretion. In the event the holder of the permit cannot be found and the service of the notice cannot be made upon him/her in the manner provided, then a copy of the notice shall be mailed, postage fully prepaid, addressed to the permittee at his/her place of business or residence at least fifteen (15) days prior to the date of the hearing.

B. Any permit suspended by order of the Chief of Police shall be deemed permanently revoked fifteen (15) days after the order of suspension becomes effective unless the permittee files an appeal from the order of suspension in the time and in the manner provided in Section 5.12.170

C. When an appeal is filed, the order of suspension shall be stayed pending the determination of the appeal by the City Council. The suspension shall become a revocation of the permit if the decision of the City Council upholds the order of suspension made by the Chief of Police. The suspension shall be dissolved immediately if the decision of the City Council reverses the order of suspension made by the Chief of Police.

D. Any permit revoked pursuant to the provisions of this Chapter shall be surrendered by the permittee to the Chief of Police or his/her representative who shall transmit it to the business license section of the Department of Financial Management.

(Ord. C-7423 § 3, 1996: Ord. C-6260 § 1 (part), 1986)

5.12.170 - Alarm system permit—Suspension or revocation—Appeal.

Any applicant for a permit, which may be required under this Chapter, whose application for such permit has been denied by the Chief of Police, or any permittee whose permit has been suspended pursuant to an order of suspension made by the Chief of Police, may, within ten (10) days after such denial or order of suspension, appeal therefrom to the City Council by filing with the Director of Financial Management a notice of such appeal setting forth the decision and the grounds upon which he deems himself aggrieved thereby. The applicant shall pay to the Director of Financial Management at the time of filing the notice of appeal, a sum as determined by the City Council by resolution as a filing fee. The Director of Financial Management shall report the filing of the application to the Chief of Police. The Chief of Police shall thereupon make a written report to the Director of Financial Management setting forth the basis of the determination denying the application for a permit or issuing the order of suspension. The Director of Financial Management shall within ten (10) days forward the written report to the City Council. The City Council at its next regular meeting following the receipt of the written report shall set the appeal for hearing to be held not less than ten (10) days, nor more than thirty (30) days thereafter, and the hearing may be continued for good cause by the order of the City Council. The disposition of the appeal by the City Council shall be final.

(ORD-10-0014, § 5, 2010; Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.16 - AUTOMOBILE BUSINESSES

ARTICLE I. - DEFINITIONS

5.16.010 - Definitions.

As used in this Chapter 5.16, the following words and phrases shall have the following meanings:

A. "Auto repair shop" means any shop, building, room, place or space wherein, for compensation, any automobile, other motor vehicle, or any parts thereof, are repaired, remodeled, overhauled, reconditioned, or painted.

B. "Automobile dealer" means and includes any person engaged in, conducting, managing or carrying on the business of buying, selling, offering to buy or offering to sell, consigned to be sold or otherwise dealing in new or used motor vehicles, or both, as the term "motor vehicle" is defined in the State Vehicle Code.

C. "Automobile wrecking" means the principal use of any premises for the dismantling, demolition or crushing of any automotive vehicle, or for the storage of abandoned or irreparably damaged vehicles.

D. "Public garage" means and includes a room, building or other structure where automobiles are kept or stored by the public, and where a charge is made for such storage or keeping of automobiles.

E. "Valet parking" means the service of parking cars for remuneration.

F. "Car rental agency" means any business involving the rental, leasing, or repossession or transportation of new or used vehicles for rental or leasing.

(ORD-07-0045 § 1, 2007; Ord. C-6260 § 1 (part), 1986)

ARTICLE II. - AUTOMOBILE DEALERS—NEW AND USED

5.16.015 - Parking on street prohibited.

No person engaged in conducting or carrying on the business of automobile dealer, as defined in Section 5.16.010, shall store, display or park for such purposes any motor vehicle in his possession or under his control upon any public street or highway. This Section shall not apply to any motor vehicle registered in the name of such person or to any motor vehicle for which an application and fee for registration in the name of such person has been filed with the Department of Motor Vehicles as long as the automobile is not for sale by the owner of the business.

(Ord. C-6260 § 1 (part), 1986)

ARTICLE III. - AUTO REPAIR SHOPS

5.16.020 - Use of public street prohibited.

A. No person engaged in conducting or carrying on the business of an auto repair shop as defined in this Code, shall repair, remodel, overhaul, recondition or paint any automobile, other motor vehicle, or any parts thereof, in his/her possession or under his/her control, upon any public street or highway.

B. No person engaged in conducting or carrying on the business of an auto repair shop as defined in this Code shall store, display or park upon any street or highway any motor vehicle in his/her possession or under his/her control which is inoperable, which has any parts removed therefrom or which is in any way in the process of being painted.

C. No person engaged in conducting or carrying on the business of an auto repair shop as defined in this Code shall store, display or park upon a public street or highway any motor vehicle in his/her possession or under his/her control between the hours of six o'clock (6:00) p.m. and seven o'clock (7:00) a.m., including Saturdays, Sundays and holidays.

Subsection 5.16.020.C shall not apply to the parking of any motor vehicle registered in the name of such person or to any motor vehicle for which an application and fee for registration in the name of such person has been filed with the Department of Motor Vehicles.

D. The business of auto repair shall only be conducted at a location approved by the Planning and Building Department and shall not be operated as a mobile business that goes house to house or building to building.

(Ord. C-7423 § 4, 1996: Ord. C-6260 § 1 (part), 1986)

ARTICLE IV. - PUBLIC GARAGES AND VALET PARKING

5.16.030 - Parking on street prohibited.

No person engaged in conducting or carrying on the business of a public garage or valet parking shall store, display or park for such purposes any motor vehicle in his possession or under his control upon any public street or highway. This Section shall not apply to the parking of any motor vehicle registered in the name of such person or to any motor vehicle for which an application and fee for registration in the name of such person has been filed with the Department of Motor Vehicles.

(Ord. C-6260 § 1 (part), 1986)

ARTICLE V. - AUTO WRECKERS

5.16.040 - Use of streets prohibited.

A. No person engaged in conducting or carrying on the business of an auto wrecking shop as defined in this Code, shall dismantle, wreck or otherwise tear down any automobile, truck, or parts thereof, in his possession or under his control, upon any public street or highway.

B. No person engaged in conducting or carrying on the business of an auto wrecking shop as defined in this Code, shall store, display or park for any such purposes any motor vehicle in his possession or under his control upon any public street or highway.

C. Subsection 5.16.040.B shall not apply to the parking of any motor vehicle registered in the name of such person or to any motor vehicle for which an application and fee for registration in the name of such person has been filed with the Department of Motor Vehicles.

(Ord. C-6260 § 1 (part), 1986)

Article VI. - Car Rental Agencies

5.16.050 - Use of streets prohibited.

No person engaged in conducting or carrying on the business of car rental agency, as that term is defined in Section 5.16.010, shall store, display or park for such purposes any motor vehicle in his or her possession or under his or her control upon any public street or highway. This Section shall not apply to any motor vehicle registered in the name of such person or to any motor vehicle for which an application and fee for registration in the name of such person has been filed with the California Department of Motor Vehicles, as long as the vehicle is not be rented or leased by the owner of the business. This Section shall not apply to any motor vehicle rented or leased by an individual from a rental car agency.

(ORD-07-0045 § 2, 2007)

CHAPTER 5.20 - BINGO

5.20.010 - Defined.

As used in this Chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. The game of "bingo" shall also include "break-open" or "pull-tab" type cards having numbers or symbols that are concealed and preprinted in a manner providing for distribution of prizes.

(Ord. C-7423 § 16, 1996: Ord. C-7217 § 1, 1994: Ord. C-6260 § 1 (part), 1986)

5.20.020 - Permit—Required.

The game of bingo shall not be allowed, played, or conducted except pursuant to a permit obtained from the Chief of Police in the manner as provided in this Chapter. The permit shall be posted in a conspicuous place on the premises where bingo games are conducted so as to be easily seen. No more than three (3) separate eligible organizations, as that term is defined in Section 5.20.030 of this Chapter, may apply for and be issued a permit to operate from the same location provided that each organization conduct its bingo game on different days of the week.

(Ord. C-7423 § 16, 1996: Ord. C-7231 § 1, 1994: Ord. C-6260 § 1 (part), 1986)

5.20.030 - Permit—Organizations eligible.

Organizations exempted from the payment of the bank and corporation tax, by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701l of the Revenue and Taxation Code of the State and mobile home park associations and senior citizen associations, provided that the proceeds of such games are used only for charitable purposes, are eligible to apply to the City for a permit to conduct bingo games in the City under the provisions of Section 326.5 of the Penal Code and the provisions of this Chapter; provided, however, that such organizations and associations shall have been organized, established and operating in the City for a minimum of one (1) year continuously preceding the filing of an application for a bingo permit.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.040 - Permit—Application—Fee.

Eligible organizations desiring to obtain a permit to conduct bingo games in the City shall file an application in writing therefor in the office of the Director of Financial Management. The application shall be accompanied by a fee determined by the City Council by resolution, one-half (½) of which is refundable if the application is denied. The issuing authority shall be the Chief of Police. The permit issued shall be for a term of one (1) year from the date of issuance, subject to renewal and an annual fee determined by the City Council by resolution.

(ORD-10-0014, § 6, 2010; Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.050 - Permit—Applicant qualification.

No permit shall be issued to any organization unless the applicant is an eligible organization under Section 5.20.030 and its application conforms to the requirements, terms and conditions of this Chapter.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.060 - Permit—Application—Contents.

The application for a permit shall contain the following:

A. The name of the applicant organization and a statement that applicant is an eligible organization under Section 5.20.030

B. The name and address of all officers and directors of the organization;

C. The particular property within the City, including the street number: (1) owned or leased by the applicant; or (2) owned or completely controlled by a public school district and whose use has been leased or donated to the applicant by formal specific action of the board of said public school district, on which property bingo games will be conducted, together with the occupancy capacity of such place. In the case of property whose use has been leased or donated by the formal specific action of a public school district board, the applicant shall submit with its application a certified copy of the resolution or minute order of said school board which specifically authorizes and approves the lease or donation of the use of the particular property to the applicant, and shall set forth any and all conditions and requirements imposed by the school board, not inconsistent with the provisions of this Chapter, for the use of said property by the applicant relating to the conduct of bingo games;

D. A description of the security procedures, methods and measures that the applicant will follow and utilize in connection with the conduct of bingo games;

E. The proposed day of the week and hours of the day during which bingo games are proposed to be conducted;

F. That the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the Penal Code and this Chapter, as they may be amended from time to time, and agrees that the permit to conduct bingo games may be revoked by the Chief of Police upon violation of any of such provisions;

G. The application shall be signed under penalty of perjury by at least two (2) officers of the applicant, including the presiding officer;

H. An applicant exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g and 23701l of the Revenue and Taxation Code shall submit, with its application, a certificate or determination of exemption under said sections of the Revenue and Taxation Code and a letter of good standing from the Exemption Division of the Franchise Tax Board in Sacramento, showing exemption under one (1) or more of said sections;

I. The application shall contain a statement of any convictions for any offenses by the applicant or any of the applicant's proposed officers, directors or employees;

J. The applicant shall furnish the location of all bingo games conducted by the applicant, including those outside the City, as well as a list of suppliers of bingo related materials used by the applicant.

(Ord. C-7423 § 16, 1996: Ord. C-6757 § 1, 1990: Ord. C-6260 § 1 (part), 1986)

5.20.070 - Permit—Application—Investigation.

A. Upon receipt of the completed application and the application fee, the Director of Financial Management shall refer the same to interested departments of the City, including, but not limited to, the Chief of Police, Building and Planning Department, and the Fire Department for investigation as to

whether or not all the statements in the application are true and whether or not the property of the applicant qualifies and the extent to which it qualifies as property on which bingo games may lawfully be conducted, as to fire, occupancy, and other applicable restrictions. Each department to which a completed application is referred shall complete its investigation and file a report with the Director of Financial Management within one (1) year of the date of the application. Any department to which an application is referred that does not file its report with the Director of Financial Management as provided herein, shall be deemed to have recommended approval of the application. Upon either the receipt of completed reports from all of the departments to which an application has been referred or the expiration of one (1) year from the date of the application, whichever event occurs first, the Director of Financial Management shall forward the application together with all completed reports to the Chief of Police.

B. No permit shall be issued if any officer or director of the applicant has been convicted of a crime involving moral turpitude.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.080 - Permit—Contents.

Upon being satisfied that the applicant is fully qualified under the law to conduct bingo games in the City, the Chief of Police shall issue a permit to the applicant which shall contain the following information:

A. The name and nature of the organization to whom the permit is issued;
B. The address and description of the property where bingo games are authorized to be conducted;
C. The occupancy capacity of the room in which bingo games may be conducted;
D. The day of the week and the hours of the day during which bingo games may be conducted pursuant to the permit;
E. The security procedures, methods and measures that will be followed and utilized by the permittee in connection with the conduct of its bingo games;
F. The date of the expiration of the permit;
G. Such other information as may be necessary or desirable for the enforcement of the provisions of this Chapter.

(Ord. C-7423 § 16, 1996: Ord. C-6757 § 2, 1990: Ord. C-6260 § 1 (part), 1986)

5.20.085 - Renewal of permits.

A. Any person permitted under this Chapter shall have thirty (30) days from the date of expiration to renew their permit.
B. On a biennial basis, permit renewal will be contingent upon each executive officer and the executive director of the organization submitting to a background examination subsequent to fingerprint examination. If, upon the thirty-first day after permit expiration the renewal process has not been completed, the permit shall be deemed suspended until such time as each specified member of the permittee organization has complied with the renewal requirements.

(Ord. C-7423 § 16, 1996)

5.20.090 - Permit—Revocation—Hearing.

A. Whenever it appears to the Chief of Police that the permittee is conducting a bingo game in violation of any of the provisions of this Chapter, the Chief of Police shall have the authority to summarily suspend the permit and order the permittee to immediately cease and desist any further operation of any bingo game.

B. Any person who continues to conduct a bingo game after any summary suspension thereof under Subsection 5.20.090.A, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars ($500.00) or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment.

C. The order issued under Subsection 5.20.090.A, shall also notify the permittee that it shall have five (5) days from the date of such order to request a hearing to determine whether such permit shall be revoked. Failure to request, in writing, the hearing before the Chief of Police within the five (5) day period shall result in a revocation of the permit.

D. If the permittee whose permit has been suspended under Subsection 5.20.090.A, requests a hearing to determine whether the permit shall be revoked, the Chief of Police shall provide such hearing within ten (10) days after receipt of such request at which hearing the suspended permittee may appear before the Chief of Police or his/her designee for the purpose of presenting evidence why the permit should not be revoked. No permit shall be revoked under this Section unless notice of the time and place of the hearing has first been given at least five (5) days before the hearing thereof by depositing in the United States mail, a notice directed to the suspended permittee at the address given in the application. The notice shall set forth a summary of the grounds for suspension and revocation.

E. Any organization whose permit is revoked under this Section shall not conduct any bingo game in the City until such time as the City Council, on appeal, determines to overrule the decision of the Chief of Police.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.100 - Permit—Revocation—Alternative procedure.

A. Whenever it appears to the Chief of Police that the permittee is conducting bingo games in violation of any of the provisions of this Chapter, or that the permit was obtained by fraudulent representation and no summary suspension is ordered under Section 5.20.090, the permit may be revoked; provided, however, the permittee may appear before the Chief of Police at the time fixed by the Chief of Police for the purpose of presenting evidence why the permit should not be revoked. No permit shall be revoked under this Section unless written notice has first been given at least five (5) days before the hearing thereof by depositing in the United States mail, a notice directed to the permittee at the address given in the application. The notice shall set forth a summary of the grounds for revocation.

B. Any organization whose permit is revoked under this Section shall not conduct any bingo game in the City until such time as the City Council, on appeal, determines to overrule the decision of the Chief of Police.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.110 - Permit—Revocation—Appeal.

A. Any holder of a permit whose permit is revoked under this Chapter shall have the right, within ten (10) days after the date of mailing of the written notice of revocation, to file a written appeal to the City Council. Such appeal shall set forth the specific ground or grounds on which it is based. The City Council shall hold a hearing on the appeal within thirty (30) days after its receipt by the City, or at a time thereafter agreed upon, and shall cause the appellant to be given at least ten (10) days' written notice of such hearing. At the hearing, the appellant or its authorized representative shall have the right to present evidence and a written or oral argument, or both, in support of his/her appeal. The determination of the City Council on the appeal shall be final.

B. Any organization whose permit is finally revoked may not again apply for a permit to conduct games in the City for a period of one (1) year from the date of such revocation; provided, however, if the ground for revocation is cancellation of the exemption granted under Section 23701 of the Revenue and Taxation Code or Section 501 of the Internal Revenue Code, the organization may again apply for a permit upon proof of reinstatement of the exemption.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.120 - Maximum amount of prizes.

The total value of prizes awarded during the conduct of any bingo game shall not exceed five hundred dollars ($500.00) in cash or kind, or both, for each separate game which is held, nor shall the awarding of tickets, bonuses, premiums or any other thing of value, however characterized, be permitted that will or may increase the value of the prize over five hundred dollars ($500.00).

(ORD-10-0003, § 1, 2010; Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.130 - Profits to be kept in separate fund or account.

With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this Chapter, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes, except as follows:

A. Such proceeds may be used for prizes;

B. A portion of such proceeds, not to exceed twenty percent (20%) of the proceeds before the deduction for prizes or two thousand dollars ($2,000.00) per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel;

C. All permittees shall report on forms prescribed by the Director of Financial Management an accounting of all receipts and expenditures for each calendar month. Accounting of all receipts and expenditures for "break-open" or "pull-tab" bingo games shall be maintained separate and apart from the accounting for all other bingo games. At a minimum such accounting shall include the serial number of each "break-open" or "pull-tab" type game purchased by the permittee organization, the name of the game purchased, the number and denomination of cash prizes available for a particular game, the date that the particular game is first put in play and the date the game is discontinued, the total tickets available for purchase in the game, the total number of tickets sold in any particular game, the cost per play of the game, the total number of tickets remaining when a particular game is discontinued, the total amount of cash received as a result of a particular game, the amount of cash prizes paid out for a particular game and the net profit to the organization as a result of the tickets sold for a particular game. Any permittee operating or conducting bingo games in the City shall pay a fee of one percent (1%) of the monthly gross receipts in excess of five thousand dollars ($5,000.00) derived from bingo games which sum shall be reported and paid to the Director of Financial Management. Permittees with gross receipts of five thousand dollars ($5,000.00) or more for any calendar month shall file the report for that month on or before the fifteenth day of the following month, and shall pay any sums due pursuant to Section 5.20.040. Permittees with gross receipts of less than five thousand dollars

($5,000.00) for any calendar month shall file said report on or before the fifteenth day of the month following the close of each calendar quarter. If payment is not made within the time specified in this Section, the permittee shall pay a penalty of twenty-five percent (25%) of the amount due in addition to the amount due. If the amount due plus penalty remains unpaid on the first day of the following month, such noncompliance shall constitute grounds for revocation of the permit. All required reports shall clearly distinguish between receipts and expenditures generated by "break-open" or "pull-tab" type games and receipts and expenditures generated by all other bingo games. Said reports shall bear the signatures of two (2) officers of the permittee organization signifying, under penalty of perjury, to the accuracy and veracity of the reported information;

D. On or before January 31st of each year the permittee shall report on forms prescribed by the Director of Financial Management an accounting of all receipts and expenditures for the prior calendar year; said report shall be certified by two (2) officers of the permittee organization signifying, under penalty of perjury, to the accuracy and veracity of the report information;

E. Bingo financial records of the permittee shall at all times be available to the Chief of Police and the City Auditor or their authorized designees;

F. In addition, each permittee with gross receipts that average five thousand dollars ($5,000.00) or more per month for a calendar year shall within ninety (90) days after the close of the calendar year file with the Chief of Police and Director of Financial Management an independent audit report covering permittees operations for the calendar year prepared by either a certified public accountant or a public accountant. Each permittee with gross receipts that average less than five thousand dollars ($5,000.00) per month for a calendar year shall within ninety (90) days after the close of the calendar year file a letter prepared by a certified public accountant or a public accountant stating that a review of the permittee's internal operations and controls for the calendar year has been made and that no unsatisfactory conditions were found. Each permittee shall cause the reports and letters required in this Section to be prepared at his/her sole cost and expense.

(Ord. C-7423 § 16, 1996: Ord. C-7217 § 2, 1994; Ord. C-6260 § 1 (part), 1986)

5.20.140 - Financial interest in permittee only.

No individual, corporation, partnership, or other legal entity except the permittee shall hold a financial interest in the conduct of the bingo game.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.150 - Exclusive operation by permittee.

A. A bingo game shall be operated and staffed only by members of the permittee organization. Such members shall not receive a profit, wage, salary or other economic gain from any bingo game. Only the permittee shall operate such game, or participate in the promotion, supervision, or any other phase of such game.

B. A member of the authorized organization whose name appears on the application for a permit shall be designated as the bingo manager. The bingo manager shall be responsible for the conduct and operation of the bingo games and for compliance with all applicable laws, rules and regulations promulgated thereunder.

C.

All staff members of a bingo game shall wear on their outside clothing an identification insignia or badge, no less than two and one-half (2½) by three and one-half inches (3½") in dimension, or in the alternative, eight and three-quarters (8¾) square inches in overall dimension indicating the name of the organization and the name and title of the staff member.

D. All bingo equipment shall be maintained in proper working order to assure that all players have an equal opportunity to win each game. Prior to the commencement of each game, the prize shall be clearly announced. A facsimile of each game to be played shall be displayed and available to all players.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.155 - "Break-open" or "pull-tab" bingo.

A. In "break-open" or "pull-tab" type bingo the winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. "Break-open" or "pull-tab" cards must be completely made of paper or paper products which conceal numbers or symbols that must be exposed by the player in order to determine wins or losses. Each card shall be designed, constructed, glued and assembled in such a manner as to prevent determination of a winning or losing ticket without removing the tabs or otherwise uncovering the numbers or symbols as intended.

B. During the conduct of any authorized bingo game no member of the organization's staff or any organization volunteer or any bingo supplier or employee or agent of any bingo supplier shall purchase or otherwise be supplied with any "break-open" or "pull-tab" cards for the purpose of playing bingo.

C. All winning "break-open" or "pull-tab" type tickets equal to or in excess of fifty dollars ($50.00) shall be signed on the reverse side by the winner and shall bear the winner's Social Security Number, home address and telephone number. Such winning tickets shall be maintained by the permittee organization for a period of one (1) year and shall at all times be available to the Chief of Police and the City Auditor or their authorized designees.

D. "Break-open" or "pull-tab" type cards shall only be sold or distributed during the permittee organization's normal hours of bingo operation and only at the site or property designated in the organization's permit.

E. "Break-open" or "pull-tab" type games shall be received by the permittee organization from a bingo supplier permitted to do business in the City in boxes or containers that are factory sealed by the manufacturer. Each "break-open" or "pull-tab" type card must contain, at a minimum, the following information: 1) the name of the manufacturer or its distinctive logo; 2) name of the game to be played; 3) manufacturer's serial number; and 4) price per individual card. No box or container shall be opened by the permittee organization unless during the regular hours of bingo operation and in the presence of at least two (2) bingo patrons not in any way affiliated with the permittee organization.

F. The Chief of Police shall at all times retain the right to prohibit a particular "break-open" or "pull-tab" type game if the Chief of Police determines that such game is conducive to fraud or other malfeasance.

G. All preprinted cards shall bear the legend "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance".

(Ord. C-7423 § 16, 1996)

5.20.165 - Bingo games open to public.

All bingo games shall be open to the public, not just to the members of the permittee organization.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.170 - Attendance limited to occupancy capacity.

Notwithstanding that bingo games are open to the public, attendance at any bingo game shall not exceed three hundred fifty (350) participants and in no case shall exceed the occupant load of the room in which such game is conducted as determined by the Fire Department and Building Department of the City in accordance with applicable laws and regulations. Permittee shall not reserve seats or space for any person.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.180 - Bingo games conducted only on permittee's property.

A permittee shall conduct a bingo game only: (1) on property owned or leased by it and which property is used by such organization for an office or for performance of the purposes for which the organization is organized; or (2) on property which is owned or completely controlled by a public school district, and which has been leased or donated for use by the permittee on either an exclusive or a nonexclusive basis for the performance of the purpose for which the organization is organized, by specific formal action of the school board of said public school district which expressly authorizes and approves the use of the particular property for the conduct of bingo games. The permit issued under this Chapter shall authorize the holder thereof to conduct bingo games only on such property, the address and description of which is stated in the application. In the event the described property ceases to be used as an office or as a place for performance of the purposes for which the permittee is organized, the permit shall have no further force or effect. A new permit may be obtained by an eligible organization, upon application under this Chapter, when the organization again owns or leases property or has school district property donated for its use and which property is used by it for an office or for performance of the purposes for which the organization is organized.

(Ord. C-7423 § 16, 1996: Ord. C-7231 § 2, 1994: Ord. C-6757 § 3, 1990: Ord. C-6260 § 1 (part), 1986)

5.20.190 - Minors not to participate.

No person under the age of eighteen (18) years of age shall be allowed to participate in any bingo game.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.200 - Intoxicated persons not to participate.

No person who is obviously intoxicated shall be allowed to participate in a bingo game. No person as a manager, employee or otherwise representing any organization having a permit and conducting bingo shall sell, distribute or allow alcoholic beverages in any room or rooms where bingo is being conducted during such times as bingo is in progress.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.210 - Hours of operation.

Each permit granted pursuant to this Chapter shall be valid for only one (1) day during each week, and bingo games shall not be conducted for more than six (6) hours which shall run consecutively within the twenty-four (24) hour period of said day. No bingo game shall be conducted before ten o'clock (10:00) a.m., nor after twelve (12:00) midnight any day.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.220 - Participant must be present.

No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.230 - Receipt of profit by any individual prohibited.

It is a misdemeanor under Section 326.5(b) of the Penal Code for any person to receive a profit, wage, salary or other economic gain from any bingo game authorized under this Chapter, a violation of which is punishable by a fine not to exceed ten thousand dollars ($10,000.00), which fine shall be deposited in the general purpose fund of the City.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

5.20.240 - City may enjoin violation.

The City may bring an action in a court of competent jurisdiction to enjoin a violation of Section 326.5 of the Penal Code and of this Chapter.

(Ord. C-7423 § 16, 1996: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.24 - BOXING AND WRESTLING EXHIBITIONS

FOOTNOTE(S):

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State Law reference— Provisions on boxing and wrestling, Bus. and Prof. C. § 18600 et seq.

5.24.010 - Definitions.

A. For the purpose of this Chapter, "amateur boxing contest" or "amateur boxing exhibition" is defined as a boxing contest in which no contestant has received or shall receive in any form, directly or indirectly, any money, prize, reward or compensation either for the expenses of training for such contest or for taking part therein, and in addition thereto such contest shall be subject to all of the rules and regulations pertaining to amateur boxing of the State Athletic Commission.

B. For the purpose of this Chapter, "amateur wrestling contest" or "amateur wrestling exhibition" is defined as one in which no contestant has received or shall receive in any form, directly or indirectly, any money, prize, reward or compensation, either for the expenses of training for such contest or for taking part therein, and all other wrestling contests shall and are defined as professional.

(Ord. C-6260 § 1 (part), 1986)

5.24.020 - Boxing permit—Required.

No person shall operate any professional or amateur boxing contest or exhibition in the City without first having made an application to and received a permit from the Council so to do, and paid the permit fee as provided in this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.24.030 - Boxing permit—Application.

Every person desiring to operate any professional or amateur boxing contests or exhibitions, as manager, owner, proprietor or lessee thereof, in the City, shall make a written application to the City Department of Financial Management for a permit so to do upon forms to be provided by said official for such purposes; said application shall be signed and sworn to by the applicant, setting forth the exact location at which, and the manner in which the contests or exhibitions are to be conducted, the names, businesses and addresses of all persons connected directly or indirectly with the management conducting and carrying on of the contests or exhibitions. The application shall also state whether the contests or exhibitions are to be professional in character or amateur, and the amount of admission to be charged, if any.

(Ord. C-6260 § 1 (part), 1986)

5.24.040 - Boxing permit—Issuance.

All such applications shall be presented to the Council, and if, upon investigation, the Council finds in its opinion that the conduct of the business will comport with the public health, safety, morals and welfare, they may authorize the Director of Financial Management to issue the permit as applied for in the application.

(Ord. C-6260 § 1 (part), 1986)

5.24.050 - Boxing permit—Fee.

In the event boxing contests or exhibitions are designated in the application as professional, such applicant shall pay to the Department of Financial Management a permit fee in an amount to be established by resolution of the City Council and shall file with the City Department of Financial Management the original or certified copy of the permit or license required and issued by the State Athletic Commission.

(Ord. C-6260 § 1 (part), 1986)

5.24.060 - Boxing permit—Nontransferable.

Permits issued under the terms of this Chapter shall be nontransferable, and in the event of the change of personnel in the management and control of the business, the applicant shall file with the Department of Financial Management a notice specifying the change, giving names and addresses of those persons so designated.

(Ord. C-6260 § 1 (part), 1986)

5.24.070 - Boxing permit—Revocation.

If at any time subsequent to the issuance of said permit it appears to the Council that the applicant has violated any of the terms of the application and permit issued thereunder, or any of the provisions of this Chapter or any amendments thereto, or has in any manner conducted the boxing or boxing exhibitions in an illegal or disorderly manner or has permitted any ordinance of the City or any law of the State to be violated, the permit for the operation of the boxing or boxing exhibition shall be revoked by the Council.

(Ord. C-6260 § 1 (part), 1986)

5.24.080 - Wrestling permit—Required.

No person shall operate any professional or amateur wrestling contest or exhibition in the City without first having made an application to and received a permit from the Council so to do, and paid the permit fee as provided in this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.24.090 - Wrestling permit—Application.

Every person desiring to operate any professional or amateur wrestling contests or exhibitions, as manager, owner, proprietor or lessee thereof, in the City, shall make a written application to the Department of Financial Management for a permit so to do upon forms to be provided by said official for such purposes; the application shall be signed and sworn to by the applicant, setting forth the exact location at which, and the manner in which the contests or exhibitions are to be conducted, the names, businesses and addresses of all persons connected directly or indirectly with the management conducting and carrying on of the contests or exhibitions. The application shall also state whether the contests or exhibitions are to be professional in character or amateur, and the amount of admission to be charged, if any.

(Ord. C-6260 § 1 (part), 1986)

5.24.100 - Wrestling permit—Fee.

In the event the wrestling contests or exhibitions are designated in the application as professional, such applicant shall pay to the Department of Financial Management a permit fee determined by City Council by resolution for each permit required and shall file with the Department of Financial Management the original or certified copy of the permit or license required and issued by the State Athletic Commission.

(ORD-10-0014, § 7, 2010; Ord. C-6260 § 1 (part), 1986)

5.24.110 - Wrestling permit—Issuance.

All such applications shall be made in triplicate, two (2) of which shall be presented to the Council, and if upon investigation the Council finds, in its opinion, that the conduct of the business will comport with the public health, safety, morals and welfare, they may authorize the City Manager to issue the permit as applied for in the application and a permit thereupon shall be issued by the Department of Financial Management to conduct the business for a period of one (1) year from the date of the issuance thereof.

(Ord. C-6260 § 1 (part), 1986)

5.24.120 - Wrestling permit—Nontransferable.

In the event a permit is issued to the party applying for same to carry on wrestling contests or exhibitions in the City, the permit shall not be transferable, and shall automatically terminate and end, and in the event of the change of personnel in the management and control of the business, the applicant shall file with the Department of Financial Management a notice specifying the change, giving names and addresses of those persons so designated.

(Ord. C-6260 § 1 (part), 1986)

5.24.130 - Wrestling permit—Revocation.

If at any time subsequent to the issuance of the permit the Director of Financial Management finds, or is of the opinion that, the managing, conducting or carrying on of the business does not comport with the public health, safety, morals or welfare and that the same has been conducted in an illegal or disorderly manner, he shall report such fact to the Council, and the Council shall direct that an order to show cause be issued and directed to the applicant to show cause why the permit for the business should not be revoked; the order to show cause shall be issued by the City Clerk and served upon the person then actively conducting or in active charge of the business and shall therein specify the time and place of the hearing of the order to show cause by the Council, which such hearing shall not be held at a time earlier than ten (10) days following the issuance of the order to show cause, and the hearing thereof and the decision of the Council pursuant to the hearing shall be had and made at a regular meeting not less than ten (10) days subsequent to the time of the issuance of the order to show cause, at which hearing all parties interested may appear and be heard in person, or otherwise, and if at the hearing it appears to the Council that the conducting, managing or carrying on of the business does not comport with the public health, safety, morals or welfare and has been conducted in an illegal or disorderly manner, the permit for the operation of the business shall be revoked.

(Ord. C-6260 § 1 (part), 1986)

5.24.140 - Exemption.

The provisions of this Chapter shall not apply to any person operating an event otherwise subject to its provisions with whom the City has executed an agreement for the operation and management of the Long Beach Convention and Entertainment Center.

(Ord. C-6260 § 1 (part), 1986)

5.24.150 - Mock boxing and mock wrestling—Definitions.

A. *"Mock boxing"* is boxing entertainment where boxing exhibitions or contests are conducted using oversized and heavily padded boxing gloves or other similar implements in which the permittee's employees or customers, or both, may participate.

B. *"Mock wrestling"* is wrestling entertainment where wrestling contests or exhibitions are conducted in mud or other substances or materials or where the wrestlers or the wrestling area surfaces are coated with oil, whipped cream, shaving cream or other similar substances and where the permittee's employees or customers, or both, may participate.

(Ord. C-6622 § 1 (part), 1989)

5.24.160 - Mock boxing and mock wrestling—Permit required.

No person shall permit or conduct mock boxing or mock wrestling in the City without a permit from the City Council, which shall be separate from and in addition to any other permit, including any type of entertainment, amusement or athletic activity permit, issued by the City.

(Ord. C-6622 § 1 (part), 1989)

5.24.170 - Mock boxing and mock wrestling permit—Application.

Every person desiring to conduct any mock boxing or mock wrestling exhibitions or contests, as manager, operator, owner, proprietor or lessee, shall make a written application to the City Department of Financial Management for a permit to do so upon forms provided by the City; the application shall be signed and sworn to by the applicant, setting forth the exact location, and describing in detail the method and manner in which the mock boxing or wrestling exhibitions or contests are to be conducted, the names, businesses and addresses of all persons connected directly or indirectly with the management proposing to conduct the exhibitions or contests.

(Ord. C-6622 § 1 (part), 1989)

5.24.180 - Mock boxing and mock wrestling permit—Issuance.

All applications for mock boxing or mock wrestling permits shall be presented to City Council, and if, upon investigation, the City Council finds that the conduct of the business will comport with the public health, safety, morals and welfare, it may authorize the Director of Financial Management to issue the permit as applied for in the application and may prescribe such conditions to be included as part of the permit as may be determined to be necessary and appropriate.

(Ord. C-6622 § 1 (part), 1989)

5.24.190 - Mock boxing and mock wrestling—Fee.

The permit fee for mock boxing or mock wrestling separately or for both activities together shall be established by resolution of the City Council.

(Ord. C-6622 § 1 (part), 1989)

5.24.200 - Mock boxing and mock wrestling permit—Nontransferable.

Permits issued under the terms of this Chapter shall not be transferable, and in the event of a change of personnel in the management and control of the business, the applicant shall file with the Department of Financial Management a notice specifying the change, giving names and addresses of those persons so designated. A change in the ownership or control of the business will require a new permit.

(Ord. C-6622 § 1 (part), 1989)

5.24.210 - Mock boxing and mock wrestling permit—Suspension or revocation.

At any time after the issuance of a permit, if it appears to the City Council that the permittee has violated any of the terms of the application and permit, or any of the provisions of this Chapter as amended, or has in any manner conducted the mock boxing or mock wrestling exhibitions or contests in an illegal or disorderly manner or has permitted any ordinance of the City or any law of the State to be violated, the permit for the conduct of mock boxing or mock wrestling exhibitions may be suspended or revoked by the City Council.

(Ord. C-6622 § 1 (part), 1989)

5.24.220 - Mock boxing and mock wrestling—Regulations.

A. There shall be no indecent exposure or lewd conduct at any time.

B. No person who is obviously under the influence of alcohol or drugs shall be allowed to participate in any mock boxing or mock wrestling exhibition or contest.

C. The permittee shall provide a referee who shall supervise all mock boxing or mock wrestling exhibitions or contests to prevent any exposure or fondling of the participants' private parts or female breasts and to protect participants and patrons from physical injury. The referee shall prevent or stop any lewd or sexually suggestive actions and shall require compliance with all laws and the conditions attached to a permit.

D. No minor under eighteen (18) years old shall be permitted in the mock boxing or mock wrestling entertainment area except regularly employed service personnel.

E. The permittee shall be bound by and shall abide by any subsequently adopted regulations or ordinances which pertain to the conduct of mock boxing or mock wrestling.

(Ord. C-6622 § 1 (part), 1989)

CHAPTER 5.26 - CARNIVALS, CIRCUSES AND RELATED CONCESSIONS

5.26.010 - Carnival.

Every person conducting, managing, carrying on or maintaining any game, exhibition, entertainment feature, show, amusement or recreational device or concession booth at any carnival or local fair and charging or collecting any admission fee or purchase price, or accepting any freewill offering or other compensation therefor shall obtain from the City Manager any permit required by ordinance for the operation of such activity.

(Ord. C-6260 § 1 (part), 1986)

5.26.020 - Circus.

Every person conducting, managing or carrying on a circus shall obtain from the Director of Financial Management a written permit to conduct such circus, the application for such permit to be made in writing to the Director of Financial Management and such permit issued pursuant to this Section shall be nontransferable.

(Ord. C-6260 § 1 (part), 1986)

5.26.030 - Carnival concessions.

A. No person, whether as principal, agent, employee, or otherwise, shall conduct, manage, carry on or maintain any game, exhibition, entertainment feature, show, amusement, or recreational device or concession booth at any carnival or local fair without first obtaining a permit so to do, in writing, from the City Manager or his designee. The applicant shall set forth the exact location at which it is proposed to conduct such activity and its expected duration, names of all persons interested in or associated with such activity, the present address of all such persons and such other data as the City Manager might deem pertinent to the particular activity.

B. If the City Manager finds and determines that the conduct of the activity for which the permit is requested will comport with the public safety and welfare, and for this purpose he may consider all matters bearing upon the place where it is proposed to conduct such activity, the character, reputation and moral fitness of those who will be in charge of it or partake in its operation, together with any other evidence relating thereto, he shall grant such permit; otherwise, he may deny the same.

C. Any permit issued pursuant to this Section shall not exceed a maximum of five (5) days, and shall be nontransferable.

(Ord. C-6260 § 1 (part), 1986)

5.26.040 - Fees.

Each and every application for any permit required under this Chapter 5.26 shall be accompanied by a nonrefundable permit fee established by resolution adopted pursuant to Section 5.04.040.

(Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.28 - CHARITABLE SOLICITATIONS

5.28.010 - Definitions.

A. "Association" means a group of persons as defined in Section 1.08.130 and includes a corporation.

B. "Contribution" means a donation given either individually or in concert with others, whether of food, clothing, money, or property, and includes donations under the guise of a loan of money or property.

C. "Permittee" means the holder of a permit to solicit contributions issued pursuant to this Chapter.

D. "Philanthropic" means beneficial to mankind and includes the words and expressions charitable, social service, benevolent, patriotic and civic activity.

E. "Promoter" means any person as defined in Section 1.08.130, who, for pecuniary compensation received, or to be received, is engaged, or holds himself out to the public as being engaged, in the business of soliciting or receiving contributions, or conducting, managing or carrying on any drive or campaign for, or on behalf of, any other person. No bona fide employee of such charitable association shall be considered a promoter within the meaning of this Chapter.

F. "Solicitation" means both a direct oral or written asking or request and also the distribution, circulation, mailing, posting or publishing of letters, posters, handbills, cards, folders, pamphlets, newspapers, books or circulars, or the giving or making of an announcement to the press, or over the radio, television, telephone or telegraph, concerning or involving an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering by which the public, or any portion thereof, is requested to meet, or patronize, or to which the public, or any portion thereof, is requested to meet, gather, or patronize, or to or by which the public, or any portion thereof, is requested to make a contribution by reason of, or because of, any philanthropic purpose, or benefit, connected with, or involved in, any such appeal, or event. "Solicitation" also means and includes the sale of any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or thing whatsoever, in connection with which, or when or where, any appeal is made for any philanthropic purpose whatever and the name of any philanthropy or philanthropic association is used, or referred to, in any such appeal as an inducement, or reason, for the making of any such sale, or when or where in connection with any such sale, offer to sell, or attempt to sell, any statement is made that the whole or any part of the proceeds from any such sale or selling, will go to, or be donated to, any philanthropic purpose or association. A solicitation, as defined in this Section, shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale as referred to in this Section.

G. "Solicitor" means any person who solicits or receives contributions for, or on behalf of, any other person or charitable association under the direction of such person or such charitable association, or a promoter.

(Ord. C-6260 § 1 (part), 1986)

5.28.020 - Exceptions.

The provisions of Sections 5.28.030 through 5.28.200 shall be inapplicable to:

A.

Any solicitation made upon premises owned or occupied by the person upon whose behalf such solicitation is made;

B. Any solicitation for the relief of any individual specified by name at the time of the solicitation where the entire amount collected, without any deductions whatever, shall be turned over to the named beneficiary; and

C. Solicitations made solely for evangelical, missionary or religious purposes.

(Ord. C-6260 § 1 (part), 1986)

5.28.030 - Emergency waiver.

The City Manager may waive the whole, or any part, of the provisions of this Chapter when he deems such waiver necessary for the purpose of meeting any extraordinary emergency or calamity, when time is of the essence of needed succor or relief.

(Ord. C-6260 § 1 (part), 1986)

5.28.040 - Solicitor authorization.

No solicitation shall be made in the name, or on behalf, of any philanthropic corporation, or association, unless:

A. The solicitor has been authorized in writing by such corporation, or association, and such authorization shall be signed by at least two (2) officers of the corporation or association;

B. A copy of such authorization has been previously filed with the Police Department, which authorization, and the copy thereof so filed, shall each bear a specimen signature of the solicitor;

C. The solicitor shall have the written authorization with him when making any such solicitation and shall exhibit the authorization on request of the person solicited, or any Police Officer. The authorization shall expressly state on its face that it is valid for a period of no longer than three (3) months from the date of the issuance thereof, which date shall be stated therein; and

D. The solicitor has all legally required evidence of compliance with all of the applicable requirements of law.

(Ord. C-6260 § 1 (part), 1986)

5.28.050 - Permit—Notice of intention—Contents.

A. No person shall authorize any other person to make any solicitation, and no person shall make any solicitation, unless a permit to so solicit has been obtained from the City Manager within one (1) year of, and at least ten (10) days prior to, the beginning of such solicitation. Except as provided in this Chapter, such permit shall be issued by the City Manager upon the filing with the Police Department of a notice of intention to solicit, which notice of intention shall contain such of the following information as is pertinent, and such other information as the City Manager may require:

1. The purpose of the solicitation and use of the contributions to be solicited;
2. A specific statement, supported by reasons and, if available, figures, showing the need for the contribution proposed to be solicited;
3. The character of such solicitation and how it will be made or conducted;
4. The expenses of the solicitation, including all commissions, costs of collection, salaries and other items, if any, regardless of from what funds such expenses are payable;
5.

What portion of the contributions collected, as a result of the solicitation, will remain available for application to the specific purposes declared in the notice of intention as the object of such solicitation, and what portion of the contributions collected will be utilized within the City;

6. A specific statement of all contributions collected or received for the same purpose by those on whose behalf the notice of intention is filed, within the calendar year immediately preceding the date of such filing. The expenditures, or use made of such contributions, together with the names and addresses of all persons receiving salaries, wages, compensation, commissions or emoluments from such contributions, and the respective amounts thereof;
7. The names and addresses of the officers and directors of any corporation or association for which the solicitation referred to in the notice of intention is proposed therein to be made;
8. A certified true and correct copy of the resolution of the Board of Directors of any corporation or association upon behalf of which such permit is sought to be obtained;
9. A statement of any agreement made with any agent, solicitor, promoter, manager or conductor of such solicitation, together with a certified true and correct copy of each agreement which may be in writing, or, if not in writing, written details thereof. A true and correct copy of any change in such agreement, or a new or further agreement if in writing, or, if not in writing, complete written details thereof, shall be filed with the City Manager within twenty-four (24) hours after such change;
10. A certified, true and correct copy of the articles of incorporation, together with any amendments thereto, and a copy of the bylaws currently in effect of any corporation or association upon behalf of which such permit is sought to be obtained, and a written statement or other pertinent data which may be required setting forth the necessary facts in support of any claim that such corporation or association for religious, charitable, philanthropic or patriotic purposes;
11. A statement that the signers of such notice have read and are familiar with the provisions of this Chapter and will require all solicitors engaged in such solicitation to read and be familiar with the provisions of this Chapter prior to making any such solicitation;
12. Where paid solicitors are to be used, the person applying for a solicitation permit shall furnish, on forms prescribed by the Police Department, his photograph and fingerprints. Where the applicant is a corporation or association, its president shall furnish his picture and fingerprints. A fingerprint processing fee determined by the City Council by resolution shall be paid to the Police Department.

B. Whenever, in the opinion of the City Manager, the notice of intention filed with the Police Department does not disclose sufficient information for the protection of the public concerning the facts required in this Section to be stated in such notice of intention, or concerning the person on whose behalf such solicitation is proposed to be made, then, upon the request of the City Manager therefor, such person shall, within forty-eight (48) hours or such additional time as may be allowed by the City Manager, file in writing with the Police Department such additional information as he may specifically require upon the foregoing subjects. The notice of intention, and such additional information provided for in this Section, shall be signed by the person intending to make such solicitation, or if such solicitation is to be made by, or on behalf of, any corporation or association, by at least two (2) officers thereof.

(ORD-10-0014, § 8, 2010; Ord. C-6260 § 1 (part), 1986)

5.28.051 - Solicitation permit—Bond.

At the same time a notice of intention to solicit is filed, a person applying for a solicitation permit and who intends to use paid solicitors shall file and thereafter maintain with the Police Department, if a permit is issued, a good and sufficient bond as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.

(Ord. C-7934 § 1, 2004: Ord. C-6260 § 1 (part), 1986)

5.28.060 - Permit—Notice of intention—Investigation.

A. In connection with any solicitation where a notice of intention has been filed with the Police Department, the City Manager, or his representatives, shall have the power to investigate the allegations in the notice of intention and in statements or reports filed with the Police Department pertaining to the solicitation. The City Manager shall have access to, and the right to inspect and make a copy of, all the books, accounts and papers of the applicant pertaining to the solicitation or the use or expenditure of any contribution so solicited. The City Manager shall also have power to investigate at any time the methods of making or conducting any such solicitation.

B. The City Manager shall disapprove any notice of intention and deny a permit, or shall revoke any permit previously issued, when he finds that the holder thereof or the applicant therefor, or any of the holder's or applicant's officers, agents, employees, solicitors, associates, managers, conductors, or promoters has:

   1. Violated any of the provisions of this Chapter or any of the provisions of any other law or ordinance regulating solicitation for charities or philanthropic work; or
   2. Made any false statement or misstatement in the application for a solicitation permit; or
   3. Repealed;
   4. Made false statements in order to procure donations; or
   5. Improperly diverted solicited contributions from the proposed purposes for such solicitation; or
   6. Been determined not to be a nonprofit charitable association; or
   7. Shown that the proposed solicitation is not primarily for charitable or philanthropic work or purposes.

   Otherwise, he shall approve the application and issue the permit.

C. If the City Manager denies a solicitation permit, he shall give written notice to the applicant specifying the reasons for such denial and stating applicant's right to appeal this decision to the City Council within ten (10) days after service of the notice by mail pursuant to Section 5.28.190

D. If the City Manager revokes a solicitation permit, he shall give written notice to the permittee specifying the reasons for such revocation and stating the permittee's right to appeal this decision to the City Council within ten (10) days after service of the notice by certified mail pursuant to Section 5.28.190

The revocation shall take effect ten (10) days after service of the notice of revocation. If the decision is appealed to the City Council, the revocation is stayed until the City Council acts on the appeal.

If a solicitation permit is revoked, the permittee shall file its required closing reports and financial statements within thirty (30) days after the effective date of revocation.

(Ord. C-6430 § 3 (part), 1987; Ord. C-6325 § 15, 1986: Ord. C-6260 § 1 (part), 1986)

5.28.070 - Permit—Notice of intention—Filing.

The City Manager, upon approving the issuance of a solicitation permit pursuant to this Chapter, shall file with the City Clerk a copy of the notice of intention, together with a copy of the information card, if any, issued to the permittee, and with any additional information gained from any investigation made by the City Manager. The notice of intention, information card and additional information shall be open to the public for inspection. A solicitation permit is valid only for the calendar year in which it is issued and shall automatically expire on December 31 of each year. Application for renewal of a permit shall follow the same procedure as a new application.

(Ord. C-6260 § 1 (part), 1986)

5.28.071 - Paid solicitors—Registration.

A. It is unlawful for any person for pecuniary compensation or consideration to solicit or receive on behalf of another, any contribution governed by this Chapter unless such person is registered as a paid solicitor by the Police Department.

B. No person shall be registered as a paid solicitor unless he shall first furnish to the Police Department, on forms prescribed by the Department, his photograph and fingerprints. A fingerprint processing fee together with a registration fee as determined by the City Council by resolution shall be paid to the Police Department.

C. No person shall be so registered unless that person first files with the Police Department and thereafter maintains a bond as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040

D. The registrant must notify the Police Department in writing of any change of address; if the registrant is employed by more than one (1) person, association, corporation or institution, he must inform the Police Department in writing of such fact and of any subsequent termination or change of employment.

E. Each registration required by this Section shall automatically expire on December 31 of each year. Thereafter, such registrant may be reregistered by the Police Department in the same manner as a new registration.

(ORD-10-0014, § 9, 2010; Ord. C-7934 § 2, 2004; Ord. C-6430 § 1, 1987; Ord. C-6260 § 1 (part), 1986)

5.28.080 - Promoter registration certificate—Information required.

A. Except as provided in this Section, no promoter shall solicit, manage, or otherwise engage in the business of soliciting, or receiving, contributions for any person unless such promoter first obtains a promoter's registration certificate. To obtain said certificate, the promoter shall file with the Police Department, on forms provided thereby, at least ten (10) days prior to the proposed solicitation, an application for a certificate which shall be in writing and under oath. Such application shall include, in addition to any information required by the City Manager:

   1. The name and address of applicant, and if a corporation, the names and addresses of its managing officers and agents, and if an unincorporated association, firm or partnership, the name and address of each member thereof;
   2. Repealed;
   3. The name and address of the person on whose behalf the promoter intends to solicit contributions, manage or conduct a drive or campaign, or otherwise secure contributions or donations;
   4. The general plan, character and method in or by which applicant proposes to conduct business as a promoter; and

5. A showing that such promoter has sufficient financial responsibility to carry out the obligations incident to the proposed solicitation drive or campaign.

B. At the time of filing the application applicant shall file, and if he is granted a promoter's registration certificate shall thereafter maintain, a bond approved as to sufficiency by the City Manager and as to form by the City Attorney in the penal sum of five thousand dollars ($5,000.00) Such bond shall be conditioned upon the payment of any direct pecuniary loss which may be sustained by any donee or by any person on whose behalf any contribution is solicited or received resulting directly from any illegal act by the promoter. Any person who sustains any injury covered by the bond may, in addition to any other remedy which he may have, bring an action in his own name upon the bond for the recovery of any damage sustained by him.

C. The City Manager or his representatives shall examine the application and make such further investigation as deemed advisable. If, from such examination and investigation, the City Manager is satisfied in all of the following particulars, he shall approve the application and authorize the issuance by the Police Department of a promoter's registration certificate; otherwise he shall disapprove the application and the issuance of the certificate:

1. Repealed;
2. That neither the applicant, nor any officer, agent, partner or member of applicant, has violated any provision of this Chapter, nor any provision of any law or ordinance regulating charities or philanthropic work;
3. That each and all statements in the application are true;
4. That neither applicant, nor any officer, agent, partner nor member thereof has engaged in any fraudulent transaction or enterprise;
5. That the business will be conducted fairly and honestly;
6. That applicant has sufficient financial responsibility to carry out the obligations incident to any proposed solicitation; and
7. Repealed.

D. The Police Department shall collect a fee determined by the City Council by resolution with each such application so filed. Each promoter's registration certificate shall terminate one (1) calendar year from date of issue, or upon termination or cancellation of the bond required by this Chapter.

E. The holder of a promoter's registration certificate shall be reregistered by the Police Department upon filing of an application as required in this Section and upon payment of a fee and the posting of a bond in the amounts as determined by the City Council by resolution which shall comply with all requirements of this Section.

F. Such registered promoter shall notify the City Manager in writing of any change in address, and if the registered promoter is employed by more than one (1) person he must so notify the City Manager in writing of such fact, and of any subsequent termination or change of employment or, if a corporation, he must notify the City Manager in writing of any change in managing officers or agents or, if an unincorporated association or firm, of any change in members, partners or agents.

(ORD-10-0014, § 10, 2010; Ord. C-6430 § 3 (part), 1987: Ord. C-6260 § 1 (part), 1986)

5.28.090 - Promoter registration certificate—Denial or revocation.

A. The City Manager may deny, revoke or suspend any promoter's registration certificate upon being satisfied that the holder thereof or any of its officers, partners or agents has violated any provision of this Chapter, or any other law or ordinance regulating charities or philanthropic work, or has made

any misstatement in the application, or that he has made false statements in order to procure a contribution or donation, or has engaged in any fraudulent transaction or enterprise, or that the holder is conducting the business in an unfair, dishonest, unjust or inequitable manner. Any holder of such a certificate which is revoked or suspended by the City Manager shall, within twenty-four (24) hours thereafter, present such certificate to the City Manager.

B. Any holder of such a certificate which has been revoked or suspended by the City Manager, or any applicant for such certificate which has been disapproved by the City Manager, is entitled to an appeal to the City Council. Such appeal shall be taken by such applicant's filing notice thereof with the City Clerk within ten (10) days of such suspension, revocation or denial. Such appeal shall be in writing and shall set forth the grounds of appeal. An appeal shall be heard by the City Council at its next regular meeting after the filing of such notice or at such later time as shall be determined by the City Council. On the hearing of the appeal, all facts connected with the revocation, suspension or denial of the certificate shall be presented to the Council and the Council may make such further investigation as it deems necessary and may affirm or reverse the decision of the City Manager. In the event the decision of the City Manager is reversed, the Council shall direct the City Manager to issue, or reinstate, as the case may be, such certificate.

C. The revocation, or suspension, of such a certificate shall not be a bar to the prosecution of the holder thereof for a violation of any provision of this Chapter.

(Ord. C-6430 § 2, 1987; Ord. C-6260 § 1 (part), 1986)

5.28.110 - Bond cancellation.

All bonds required by this Chapter shall remain in force and effect for the entire period of registration, except that sureties may cancel any such bond and thereby be relieved of further liability thereunder by delivering written notice thereof to the City Manager not less than thirty (30) days prior to the effective date of such cancellation. Such cancellation shall not affect any liability incurred or accrued thereunder prior to the effective date thereof.

(Ord. C-6260 § 1 (part), 1986)

5.28.120 - Solicitation regulations.

A. Unless the requirement is waived by the City Manager as provided in this Section, no person shall make any solicitation as defined in this Chapter unless such person exhibits to every person solicited a true and correct copy of an information card which shall be issued by the City Manager whenever he issues a solicitation permit.

This information card shall state that it is issued for public information purposes only and that it is not the City's endorsement of the solicitation. The information card shall include the following:

1. The name and address of the combined campaign, each organization, or fund on behalf of which all or any part of the money collected will be utilized for charitable purposes;
2. If there is no organization or fund, the manner in which the money collected will be utilized for charitable purposes;
3. The amount, stated as a percentage of the total gift or purchase price, that will be used for charitable purposes;
4. If paid fundraisers are paid a set fee rather than a percentage of the total amount raised, the card shall show the total cost that is estimated will be used for direct fundraising expenses;
5.

If the solicitation is not a sale solicitation, the card may state, in place of the amount of fundraising expenses, that an audited financial statement of such expenses may be obtained by contacting the organization at the address disclosed;

6. The nontax-exempt status of the organization or fund, if the organization or fund for which the money or funds are being solicited does not have a charitable tax exemption under both federal and State law;
7. The percentage of the total gift or purchase price which may be deducted as a charitable contribution under both federal and State law. If no portion is so deductible the card shall state that "This contribution is not tax deductible";
8. If the organization making the solicitation represents any nongovernmental organization by any name which includes, but is not limited to, the term, "officer", "peace officer", "police", "law enforcement", "reserve officer", "fireman", "firefighter", "deputy", "deputy sheriff", which would reasonably be understood to imply that the organization is composed of law enforcement or safety personnel, the solicitor shall give the total number of members in the organization and the number of members working or living within the County where the solicitation is being made and if the solicitation is for advertising, the State-wide circulation of the publication in which the solicited ad will appear.

When making any solicitation, the solicitor shall read the information card to the person solicited, or present it to such person for his perusal and allow him sufficient opportunity to read it, before accepting any contribution.

B. In each instance where more than one (1) person solicits contributions under one (1) solicitation permit, each such person shall be supplied with a true and correct or facsimile copy of the information card issued by the City Manager. It shall be the responsibility of the organization or person to whom the solicitation permit has been issued to supply each such solicitor with such copy of the information card, unless the requirement for exhibiting such cards is waived by the City Manager as elsewhere provided in this Chapter.

C. When a campaign or drive for raising funds for any philanthropic purpose is given general publicity through the press, or otherwise, and when more than twenty-five (25) persons serve as solicitors without compensation for their services, the City Manager may, upon application by the person filing the notice of intention, waive the requirements of this Chapter with respect to information cards and the filing of copies of written authorizations of the solicitors serving without compensation, if it is established to the satisfaction of the City Manager and he finds that the publicity concerning the solicitation fully informs the general public and the persons to be solicited as to the facts required in this Section to be set forth on the information card.

D. Upon receipt of additional information which, in the opinion of the City Manager, may render incorrect any statement set forth in the information card, the City Manager shall recall every such information card and amend or correct the same and shall issue in lieu thereof a new information card amended or corrected in accordance with such additional information. Upon receipt of notification to return any information card for amendment or correction and new issue, as provided in this Section, the person who filed the notice of intention for the solicitation for which such card was issued shall present such recalled information card to the Police Department within twenty-four (24) hours from the time of receipt of said notification.

E.

Upon request of the City Manager all information cards issued pursuant to this Chapter shall be returned to the Police Department upon completion of the solicitation for which they are issued, or at the expiration of the period for which they are valid.

(Ord. C-6385 §§ 1, 3, 1987; Ord. C-6260 § 1 (part), 1986)

5.28.122 - Solicitations without direct personal contact—Disclosure of information.

If the charitable solicitation is made by telephone, radio, television, letter or any other means not involving direct personal contact with the person solicited, this solicitation shall clearly disclose the information required on the information card by Subsection 5.28.120.A. This disclosure requirement shall not apply to any radio or television solicitation of sixty (60) seconds or less.

If the charitable gift or sale is subsequently consummated, the information card required by Subsection 5.28.120.A shall be mailed to or otherwise delivered to the donor or buyer with a receipt and with items purchased or otherwise relevant to the solicitation.

(Ord. C-6385 § 2, 1987)

5.28.130 - Solicitation box or receptacle.

A. No person shall solicit, nor authorize any other person to solicit, any contribution for any purpose whatever by means of any box or receptacle unless a notice of intention, as required by this Chapter, has first been filed with the Police Department, except where such solicitation is made upon the privately owned or controlled premises of the solicitor not open or accessible to the general public; nor shall any such solicitation be made upon or in any public park, street, or any place or premises owned or controlled by the City, unless written permission therefor first has been obtained from the City Manager.

B. In every solicitation by box or receptacle where notice is required to have been given to the Police Department and an information card issued by the City Manager, an inscription shall be conspicuously placed on or attached to each box or receptacle containing a legible and true copy of such information card and an identification mark or number. A written list showing the number or identification mark of each receptacle or box and the location thereof shall be maintained by the permittee and shall be available upon demand of the City Manager.

(Ord. C-6260 § 1 (part), 1986)

5.28.140 - Receipt for contribution.

No person shall solicit any contribution of money for any charitable purpose unless such person tenders to each person making such contribution a written receipt signed by the solicitor, except that no receipt need be tendered if a donation of money is made by placing of same in a locked receptacle of a type approved by the City Manager or the donation of money is in an amount less than one dollar ($1.00). Such receipt shall include the name of the person upon whose behalf the solicitation is made, the amount of the contribution, the name of the donor and a statement, if so requested by donor, of any limitations on the use of the donation or special purposes to which the donation is to be applied.

(Ord. C-6260 § 1 (part), 1986)

5.28.150 - Accounting.

No persons shall solicit any contribution for any charitable purpose unless such person is maintaining a system of accounting whereby all contributions and all disbursements therefrom are entered upon the books or records of its Treasurer or other financial officer.

(Ord. C-6260 § 1 (part), 1986)

5.28.160 - Report.

Every person soliciting any contribution pursuant to a permit issued under this Chapter shall file with the City Manager within thirty (30) days after the close of any such solicitation, or within thirty (30) days after a demand therefor, a report stating the contributions secured from, or as a result of, any such solicitation, and in detail all expenses of, or connected with, such solicitation, and showing exactly for what uses and in what manner all such contributions were or are to be disbursed or distributed, including the distribution of contributions disbursed, or to be disbursed, for philanthropic purposes within the City. Every such report shall be made on forms to be furnished by the Police Department and signed by the person filing the notice of intention for such solicitation as provided in this Chapter. Such report, if made by any such corporation or association, shall be signed by at least two (2) officers thereof, provided that such report need be filed only on behalf of the permittee and not by an individual soliciting on behalf thereof.

(Ord. C-6260 § 1 (part), 1986)

5.28.170 - False identification prohibited.

In making any solicitation, no person shall use a fictitious name, nor an alias, nor represent his name to be any other than his full, true and correct name, nor make any such solicitation without, at the time, giving to the person solicited for such contribution the full, true and correct name of the person soliciting and on behalf of whom such solicitation is made, nor impersonate any other person in making any such solicitation.

(Ord. C-6260 § 1 (part), 1986)

5.28.180 - Fraud prohibited.

No person shall make any misstatement nor perpetrate any fraud or deception in connection with the solicitation of any contribution for any philanthropic purpose.

(Ord. C-6260 § 1 (part), 1986)

5.28.190 - Permit—Denial—Revocation—Appeal.

Any applicant or permit holder who is dissatisfied with the revocation or denial of any solicitation permit by the City Manager may appeal such decision to the City Council. Such appeal shall be in writing and filed with the City Clerk within ten (10) days after service of notice of such decision setting forth the grounds of appeal. At the hearing of such appeal, all facts connected with the revocation or denial of the permit shall be presented to the City Council, and the City Council may make such further investigation as it deems necessary; after the hearing, the City Council shall affirm or reverse the decision of the City Manager; and in the event the City Manager's decision is reversed, the Council shall direct him to reinstate or approve the permit. The action of the City Council shall be final and shall take effect when written notice thereof is served by mail.

(Ord. C-6260 § 1 (part), 1986)

5.28.200 - Revocation of permit not to bar prosecution.

The revocation of a permit as provided in this Chapter shall not be a bar to the prosecution of the holder thereof for a violation of any provision of this Code.

(Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.30 - CIGARETTE VENDING MACHINES

5.30.010 - Definitions.

As used in this Chapter:

A. "Machine" means and includes any type cigarette vending machine or contrivance from or by which cigarettes, tobacco, or any tobacco products are dispensed or sold.

B. "Operator" means and includes the person owning and distributing the machines.

(Ord. C-6260 § 1 (part), 1986)

5.30.020 - Regulation of vending machines.

Location and/or operation of cigarette or tobacco vending machines as defined in Section 5.30.010 within the City is prohibited, except in places where persons under the age of twenty-one (21) are not allowed.

(Ord. C-7132 § 7, 1993: Ord. C-6916 § 2, 1991: Ord. C-6879 § 2, 1991: Ord. C-6260 § 1 (part), 1986)

Note—Enacted as a result of voter approval of Ordinance No. C-7132.

5.30.030 - Minors prohibited.

No person under the age of eighteen (18) years shall purchase, take or receive from a machine the product thereof.

(Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.32 - COIN AND STAMP DEALERS

5.32.010 - Definitions.

The following words shall have the signification attached to them in this Section, unless otherwise clearly apparent from the context:

A. "Coin dealer" means and includes any person engaged in, or conducting the business in the City, of buying or selling, as owner or consignee, or exchanging any new or used coins, tokens, paper money, and related objects normally dealt with by a numismatist other than a pawnbroker, secondhand dealer, junk dealer or junk collector, as defined by the ordinances of the City.

B. "Stamp dealer" means and includes any person engaged in, or conducting the business in the City, of buying or selling, as owner or consignee, or exchanging, any new or used postage and imprinted stamps, and related objects normally dealt with by a philatelist other than a pawnbroker, secondhand dealer, junk dealer or junk collector.

(Ord. C-7423 § 17, 1996: Ord. C-6260 § 1 (part), 1986)

5.32.020 - Permit—Required.

No person shall engage in, carry on or conduct the business of a coin dealer or stamp dealer without first having obtained a permit in accordance with this Chapter, and complying with any and all requirements and regulations as contained and set forth in this Chapter.

(Ord. C-7423 § 17, 1996: Ord. C-6260 § 1 (part), 1986)

5.32.030 - Permit—Application.

A. Each person, before obtaining a permit to carry on the business of a coin dealer or stamp dealer, shall make a written application on forms furnished by the Director of Financial Management, which shall be signed by such applicant. Additionally, the applicant shall be photographed and fingerprinted by the Police Department.

In the event the applicant is a corporation, an officer of the corporation shall furnish the information required in this Section, and, in addition, shall furnish the names of all other corporate officers and other information as required.

B. The Chief of Police shall issue the permit to the applicant or deny the application within sixty (60) days from the date thereof. Grounds for denial of such application shall be:

1. The applicant has been convicted of a felony or any offense related to the theft or misappropriation of the property of others such as theft, fraud, receiving stolen property or burglary;
2. The applicant has had a previous permit to engage in the business of a coin dealer or stamp dealer revoked or suspended in any jurisdiction;
3. The applicant, based upon his/her past criminal record, would be a poor risk in the business of coin dealer or stamp dealer.

(Ord. C-7423 § 17, 1996: Ord. C-6260 § 1 (part), 1986)

5.32.040 - Permit—Fee.

A. Every person applying for a permit under this Chapter for maintaining, carrying on or conducting the business of a coin dealer or stamp dealer shall pay a fee as established by resolution adopted pursuant to Section 5.04.040

B. No permit issued under the provisions of this Chapter shall be transferable nor shall any person conduct either the business of a coin dealer or stamp dealer under the permit of another person, except as may be provided in this Chapter.

(Ord. C-7423 § 17, 1996: Ord. C-6260 § 1 (part), 1986)

5.32.050 - Inspection authorized.

The premises of all coin dealers and stamp dealers shall, at all times, when open for business, be subject to police inspection by members of the Police Department in the pursuit of their official duties, and no person shall hinder or obstruct any such authorized police officer in making such inspection. Premises, as used in this Section, means that area which is used to display the goods or personal property offered for sale to the public.

(Ord. C-7423 § 17, 1996)

5.32.060 - Other requirements.

Any person engaged in the business of buying and selling tangible personal property as defined in Section 21627 of the Business and Professions Code shall be required to obtain a secondhand dealer license as defined and regulated by Chapter 5.64 of this Municipal Code.

(Ord. C-7423 § 17, 1996)

CHAPTER 5.34 - ESCORTS AND ESCORT BUREAUS

5.34.010 - Permit required.

A. Every person advertising by sign, circular, handbill, newspaper, periodical, magazine or other publication, or by any other means whatsoever, who, for money or reward, or any consideration, offers to do personally or to furnish the services of others to do the following things shall pay the license tax required and shall also procure a permit in the manner described in this Chapter:
   1. Escort, accompany, or consort with other persons to, from or about social affairs, entertainment, places of public assembly or places of amusement;
   2. Escort, accompany or consort with other persons in or about any place of public or private resort or within any private quarters, for hire or donation;
   3. Escort, accompany or consort with other persons in or about any business or commercial establishment or part or portion thereof, for hire or donation.

(Ord. C-6325 § 16, 1986: Ord. C-6260 § 1 (part), 1986)

5.34.020 - Exceptions.

This Chapter shall not apply to any person who accompanies others as an incident to their trade, profession, such as nurses, bodyguards or tour guides, nor to any person, business, firm or company lawfully conducting an employment agency.

(Ord. C-6260 § 1 (part), 1986)

5.34.030 - Permit application.

A. Every person desiring to provide escort services as provided in Section 5.34.010 shall make application for a permit to the Director of Financial Management. The application shall provide the following:
   1. Name and address of the applicant, and the name under which the proposed business is to be conducted;
   2. Address of the proposed location for the conduct of the proposed business;
   3. Record of conviction for violations of the law, excluding minor traffic violations;
   4. The applicant shall also be photographed by the Police Department. One (1) photograph shall be attached to the original application, one (1) to the duplicate, and one (1) to the permit, if a permit to conduct or carry on the business is granted the applicant;
   5. The fingerprints of the applicant will be provided to the Police Department;
   6. Address, City and State and dates when this applicant practiced a similar business, either alone or in conjunction with others;
   7. Written proof that the applicant is over the age of eighteen (18);
   8. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or Charter, together with the State, date of incorporation, incorporation number, and the names, residence addresses, and dates of birth of each of its current officers and directors, and each stockholder holding more than five percent (5%) of the stock in the corporation. If the applicant is a limited partnership, the applicant shall furnish a copy

of the certificate of limited partnership as filed with the County Clerk. If one (1) or more of the partners is a corporation, the provisions of this Subsection pertaining to corporations shall apply. The corporation or partnership applicant shall designate one (1) of its officers or general partners to act as its responsible managing officer and responsible party authorized to accept service of process on behalf of the permittee. Such responsible party shall complete and sign all application forms required of an individual applicant under this Chapter, but only one (1) application fee shall be charged;

9. In the event the applicant is not the owner of record of the real property upon which the escort bureau is or is to be located, the application must be accompanied by a notarized statement from the owner of record of the property acknowledging that an escort bureau is or will be located on the property. In addition to furnishing such notarized statement, the applicant shall furnish the name and address of the owner of record of the property, as well as a copy of the lease pertaining to the premises in which the escort bureau is or will be located;
10. A definition of the service to be provided;
11. The true names and residential addresses of all persons employed or intended to be employed by the applicant.

B. Each applicant for an escort permit, or renewal thereof, shall also furnish a certificate from a medical doctor licensed to practice in the State of California, stating that the applicant has, within thirty (30) days immediately preceding the date of the application, been examined and found to be free of any contagious or communicable disease;

C. Each applicant hereunder shall also furnish such other and further information as the Director of Financial Management, upon recommendation of the Chief of Police, may find necessary to process the application.

(Ord. C-6260 § 1 (part), 1986)

5.34.040 - Permit—Nontransferable.

No permit issued under this Chapter shall be transferred in any manner, whether by operation of law or otherwise, from location to location or from person to person. Every escort bureau permittee shall report immediately in writing to the Director of Financial Management, Chief of Police and City Health Officer any changes or transfers of escorts.

(Ord. C-6260 § 1 (part), 1986)

5.34.050 - Investigation.

Upon receipt of the completed application and the application fee, the Director of Financial Management shall refer the same to interested departments of the City, including, but not limited to, the Chief of Police, City Manager, City Prosecutor, Planning and Building Department, and the Fire Department, for investigation as to whether or not all the statements in the application are true and whether or not the property of the applicant qualifies and the extent to which it qualifies as property on which escort services may lawfully be conducted. Each department to which a completed application is referred shall complete its investigation and file a report with the Director of Financial Management within sixty (60) days of the date of the application. Any department to which an application is referred that does not file its report with the Director of Financial Management as provided herein shall be deemed to have recommended approval of the application. Upon either the receipt of the completed reports from all of

the departments to which an application has been referred or the expiration of sixty (60) days from the date of the application, whichever event occurs first, the Director of Financial Management shall forward the application together with all completed reports to the Chief of Police.

(Ord. C-6260 § 1 (part), 1986)

5.34.060 - Permit issuance.

A. At the conclusion of the investigation, the Chief of Police shall approve the issuance of the permit if he finds:
   1. All the information contained in the application or supporting data is true;
   2. Neither the applicant, if an individual, nor any of the directors, officers or stockholders holding more than five percent (5%) of the stock of the corporation, nor any of the partners, including limited partners, the holder of any lien of any nature of profit-interest holder, manager, nor other person principally in charge of the operation of the existing or proposed escort bureau, nor any natural person employed or contracted with to be an escort or to provide escort services, has been convicted or pleaded nolo contendere or guilty to a misdemeanor or felony crime involving sexual misconduct, including, but not limited to, all offenses listed in Penal Code Section 290, Penal Code Sections 311.2 through 311.7, Penal Code Sections 314 through 318, and subsections (a), (b), (c), (d), or (h) of Section 647 of the Penal Code or any offenses involving pimping, pandering, prostitution or lewd conduct; or has permitted, through an act of omission or commission, his or her employee or agent to engage in any type of moral turpitude or sexual misconduct offense, whether misdemeanor or felony (under such circumstances, the conduct of the employee or agent, if such resulted in a conviction or a plea of nolo contendere or guilty, will be considered imputed to the principal and shall be grounds for permit denial);
   3. The applicant has not had an escort bureau, introductory service or escort permit or other similar permit denied or suspended or revoked for cause by the City or any other City or County located in or out of this State;
   4. No information has been brought to the attention of the Chief of Police as a result of the investigation which would cause the denial of the application.

B. The Director of Financial Management shall thereafter issue the permit when the required fee has been paid.

(Ord. C-6260 § 1 (part), 1986)

5.34.070 - Separate permit for each person.

A. Every natural person actively carrying on, conducting, or engaging in any of the activities for which a permit is required and enumerated in Section 5.34.010, on behalf of any permittee, shall file a separate application, be photographed and fingerprinted by the Police Department and approved as required by the permit provisions of this Chapter.

B. Prior to approval of a permit, the applicant shall submit a certificate from a medical doctor who is licensed to practice in the State of California. The certificate shall state that the applicant has, within thirty (30) days immediately preceding the date of application, been examined and found to be free from any contagious or communicable disease.

(Ord. C-7423 § 5, 1996: Ord. C-6260 § 1 (part), 1986)

5.34.080 - Age of escorts.

A. No holder of an escort bureau permit shall employ any person under eighteen (18) years of age;

B. No holder of an escort bureau permit shall furnish any escort to, or accept employment from, any patron, customer or person to be escorted, who is under eighteen (18) years of age;

C. No holder of an escort permit shall escort, offer to escort or perform any activity described in this Chapter to any person under eighteen (18) years of age.

(Ord. C-6260 § 1 (part), 1986)

5.34.090 - Term of escort permit.

The term of an escort permit, unless sooner suspended or revoked, shall be for a period of one (1) year.

(Ord. C-6260 § 1 (part), 1986)

5.34.100 - Renewal of permits.

A. Any person permitted under this Chapter shall have thirty (30) days from the date of expiration to renew his/her permit.

B. On a biennial basis, permit renewal shall be contingent upon satisfactory compliance with all sections of this Chapter, including a current medical clearance and submission to a background investigation subsequent to a fingerprint examination.

(Ord. C-7423 § 6, 1996: Ord. C-6325 § 17, 1986: Ord. C-6260 § 1 (part), 1986)

5.34.110 - Escort identification card.

Each escort permit holder shall be issued an identification card which will also serve as an escort permit. The permit holder shall carry such card in a visible position upon his or her person when acting as an escort and produce the same for inspection upon request. Each permit holder shall immediately surrender, to the Chief of Police, any escort permit issued by the City upon the suspension, revocation or expiration of such permit, or upon leaving employment as an escort.

(Ord. C-6260 § 1 (part), 1986)

5.34.120 - Nuisance.

Any escort bureau operated, conducted or maintained contrary to the provisions of this Chapter shall be and the same is hereby declared to be an unlawful and a public nuisance and the City Prosecutor may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal or enjoinment thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining an escort bureau of introductory service contrary to the provisions of this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.34.130 - Suspension or revocation.

The suspension or revocation of a permit shall be governed by the provisions of Chapter 5.06. No person shall conduct any activity regulated by Section 5.34.010 after a permit for such activity has been revoked or during the time a permit therefor has been suspended.

(Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.36 - FIREARMS DEALER

5.36.010 - Permit—Required.

No person shall engage in, carry on or conduct the business of a firearms dealer without first having obtained a permit in accordance with this Chapter and complying with any and all requirements and regulations set forth in this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.36.020 - Permit application.

Each person, before obtaining a permit to carry on the business of selling firearms, shall make a written application on forms furnished by the Chief of Police, which shall be signed by the applicant. Every applicant must provide all documents required pursuant to Section 12071 of the California Penal Code.

(Ord. C-7461 § 1, 1997: Ord. C-7423 § 7, 1996: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.37 - MOBILE FOOD PREPARATION VEHICLES

5.37.110 - Definitions.

Unless the particular provision or the context otherwise requires the definitions and provisions contained in this Section shall govern the construction, meaning, and application of words and phrases as used in this Chapter:

A. "Mobile food preparation vehicle" shall mean any vehicle, including an unhitched trailer, upon which ready-to-eat food is prepared, cooked, wrapped, packaged, or portioned for service, sale or distribution. However, the term "mobile food preparation vehicle" shall not include "retail food vehicles" as that term is defined in Long Beach Municipal Code Section 5.66.010 or "ice cream trucks" as that term is defined in Long Beach Municipal Code Section 5.51.010

(ORD-11-0030, § 1, 2011)

5.37.120 - Permit required.

No person shall engage in, carry on or conduct the business of a mobile food preparation vehicle without first having obtained a permit in accordance with this Chapter, and complying with any and all requirements and regulations as contained and set forth in this Chapter.

(ORD-11-0030, § 1, 2011)

5.37.130 - Exemptions.

The provisions of this Chapter shall not apply to:

A. Any participant in a special event or farmers market conducted pursuant to Long Beach Municipal Code Sections 21.53.109 and 21.53.113

B. Any operator who, pursuant to an agreement, license, franchise or permit from the City, operates on property owned or controlled by the City.

(ORD-11-0030, § 1, 2011)

5.37.140 - Operating conditions.

A. No person may operate a mobile food preparation vehicle:

1. Within ten feet (10') from the outer edge of any entrance of any business, including, but not limited to: doors; vestibules; driveways; outdoor dining area entries; and emergency exits as measured in each direction parallel to the building line, during the hours that any business on the premises is open to the public or to persons having or conducting lawful business within those premises. This prohibition may be waived with the written consent of the affected business.
2. Within ten feet (10') of any bus stop.
3. Within ten feet (10') of any street corner or marked pedestrian crosswalk.
4. In any manner that blocks or obstructs the free movement of pedestrians.
5. On the beach and in public parks, except with City permission pursuant to Section 5.37.130 above.

B.

The operator shall keep his or her vending area litter-free. He or she must remove litter caused by his or her products off of any public property and other private property.

C. The operator shall be subject to the noise limit provisions of Chapter 8.80

D. Such mobile food preparation vehicle may not stand or park between the hours of 3:00 a.m. and 6:00 a.m. The vehicle shall comply with the California Vehicle Code at all times.

E. In addition to the permit required under this Chapter, the operator must obtain either a City health permit pursuant to Chapter 8.44, or a valid public health license and permit issued by the County of Los Angeles pursuant to Section 8.04.595 of the Los Angeles County Code, and shall have such permit in his or her possession during operations within the City.

F. The operator shall keep and maintain his or her equipment in a neat, clean and safe condition and shall conduct all operations in a neat, orderly, safe and sanitary manner. Such operations shall not obstruct, interfere with or impede the free movement or use by the general public of any street, sidewalk, parking area, alley, way or other public or private property. No operations shall be conducted in a manner which disturbs, accosts, confronts, harasses, badgers or annoys any person.

G. Food packaging utilized by the operator shall be made from recycled material, which is defined as materials, goods, and supplies with no less than thirty percent (30%) of the total weight of which consists of secondary and post-consumer material. For the purposes of this Section, "food packaging" means all bags, sacks, wrapping, containers, bowls, plates, trays, cartons, cups, straws and lids which are not intended for reuse, on or in which any foods or beverages are placed or packaged on the mobile food preparation vehicle.

(ORD-11-0030, § 1, 2011)

5.37.150 - Application for permit.

A. The application for a permit under this Chapter shall be filed with the City Manager or his/her designee upon a form which is furnished by or acceptable to the City Manager or his/her designee. The application shall be filed at least thirty (30) days prior to its proposed effective date. Each application shall be signed under penalty of perjury by the applicant, if a natural person; or by an officer or partner of the applicant, if application is a corporation, partnership, association or unincorporated company and shall contain full, complete and detailed information including, but not limited to, the following:

1. The name, address and telephone number of the applicant, if a natural person; or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers together with their respective addresses; or if a partnership, association or unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective ages and addresses. The application shall also state the trade name or style, if any, under which the applicant proposes to operate;
2. A description of the nature, extent, character and quality of the proposed operation, including the manner in which such proposed operation will be conducted;
3. A description of the food product(s) the applicant intends to sell;
4. The specific area or areas thereof which will be utilized in connection with the proposed operation;
5. The date or dates or days of the week and the specific times that the described operation is proposed to be conducted;

6. Such other information as the City Manager or his/her designee shall require.

B. The City Manager or his/her designee may refer the application to the appropriate City departments for review, investigation, evaluation and recommendation regarding approval or disapproval of the application.

C. The City Manager or his/her designee may issue a permit under this Section if it is determined that the following criteria have been met:
   1. That the public convenience and necessity require said activity in the permitted area;
   2. The proposed activity will not unduly impede, obstruct or interfere with the public's use of the sidewalk or other public or private property;
   3. The proposed activity will not unduly impede, obstruct or interfere with the operation of emergency vehicles, equipment or personnel in or through the particular permit area;
   4. The proposed activity will not adversely affect the City's ability to perform municipal functions or furnish City services in the vicinity of the permit area;
   5. The proposed activity will not present a substantial or unwarranted safety or traffic hazard;
   6. The proposed activity will not have a significant adverse environmental impact;
   7. The proposed activity is compatible, consistent and suitable with the character, nature, general theme and appearance of the area; and comports with the public health, safety, morals and welfare.

D. In addition to the requirements of this Code or other applicable laws or rules or regulations promulgated with the City Manager, each permit shall contain such terms and conditions regarding the time, place and manner of utilizing the City sidewalks or other public property which are determined by the City Manager or his/her designee to be necessary and appropriate under the circumstances. No permit shall be issued under this Section for longer than one (1) year and shall be subject to revocation or cancellation pursuant to Chapter 5.06 herein at any time that it is determined that the permittee has violated any applicable law, rule or regulation or that it is in the City's best interests to revoke or cancel said permit. In the event that an annual permit is not renewed, it will be automatically cancelled. Each permit issued hereunder shall be subject to the provisions of this Code and all other applicable laws, rules and regulations which are in existence at the time the permit is issued or which are enacted, promulgated or amended at any time during the term of the permit. Each permitted activity shall be subject to inspection at any time by the Director of Financial Management, license inspectors, Police Officers, Health Department officials or other City representatives for the purpose of determining whether the activity is being conducted in compliance with the requirements of the permit and any applicable laws, rules or regulations. No person shall hinder, impede, interfere with or obstruct any such inspection.

E. Operation of the mobile food preparation vehicle may be conducted only on the dates and at the times and locations and in accordance with the terms, conditions and requirements specified in the permit, and pursuant to all applicable laws, rules and regulations.

F. Each permittee shall, at all times while engaging in such activities, display a valid vendor identification card, decal or sticker issued by the City Manager or his/her designee.

G. The following indemnification and insurance shall apply for each permit issued under this Section:
   1. Each permit shall expressly provide that the permittee shall defend, indemnify and hold the City, its officials, employees and agents harmless from and against all claims, damage, demands, causes of action, loss, liability, proceedings, costs and expenses (including reasonable attorney

fees) of any kind (collectively in this Subsection, "claim") arising from or attributable to or caused by the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permittee's activities under the permit; and the permit shall expressly state that permittee shall, at permittee's sole cost and expense, pay any settlement and satisfy any judgment rendered against the City, its officers, employees and agents resulting from permittee's activities under the permit. Permittee shall notify the City of any claim within ten (10) days.

2. Concurrent with the issuance of a permit under this Section and as a condition precedent to the effectiveness of the permit, permittee shall procure and maintain in full force and effect during the term of the permit insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040, and shall provide proof of such insurance with the permit application.

H. Every applicant and permittee shall pay the fees established for such applications and permits by resolution of the City Council.

I. Permittees holding valid vending permits issued under this Section shall be subject to the business license provisions of this Code and shall pay the business license taxes established for such operations.

(ORD-11-0030, § 1, 2011)

CHAPTER 5.38 - FORTUNETELLING

FOOTNOTE(S):

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Editor's note— ORD-13-0025, §§ 1, 7, adopted Dec. 3, 2013, repealed the former Ch. 5.38, §§ 5.38.010—5.38.140, and enacted a new Ch. 5.38 as set out herein. The former Ch. 5.38 pertained to similar subject matter and derived from Ord. C-6260 § 1 (part), 1986; and Ord. C-7934 §§ 3, 4, 2004.

5.38.010 - Defined.

"Fortunetelling" means a commercial enterprise involving the foretelling of the future in exchange for financial or other valuable consideration. Fortunetelling includes the use of astrology, augury, card or tea reading, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, mediumship, necromancy, palmistry, psychometry, phrenology, prophecy, spiritual reading or any similar means. Fortunetelling does not include forecasting based on historical trends or patterns, religious or political dogma, or any of the previously listed arts when presented in an assembly of people who purchase tickets or means in exchange for the presentation at a site licensed for entertainment uses pursuant to Chapter 5.72 of this Code.

(ORD-13-0025 , § 1, 2013)

CHAPTER 5.40 - GARAGE SALES

5.40.010 - Definitions.

"Applicant" means the person who makes application for a garage sale or estate sale permit. Each person who signs an application for a block sale permit is considered an applicant.

"Estate sale" means a garage sale at which the personal property of any deceased person by that person's representative, not otherwise prohibited by this Code, or any other law, is offered for sale, where such personal property is set out for public display and sale in any open garage, yard, or patio of any building or premises which contains one (1) or more dwelling units.

"Garage sale" means the sale of or offering for sale the personal property of any person not otherwise prohibited by this Code, where such personal property is set out for public display and sale in any open garage, yard, or patio of any building or premises which contains one (1) or more dwelling units. "Garage sale" includes estate sale and multifamily sale.

"Multifamily sale" means a garage sale conducted at one (1) or more single-family residences, normally on the same street block or on adjacent intersecting street blocks, or a garage sale conducted at one (1) or more units of a multifamily dwelling, sharing the same street address.

"Personal property" means the property of the person residing at the address where the garage sale is being conducted. "Personal property" does not include property that has been consigned to, or acquired by, such person for the purpose of resale.

(Ord. C-7634 § 1, 1999: Ord. C-7461 § 9, 1997: Ord. C-6260 § 1 (part), 1986)

5.40.015 - Only personal property to be sold.

Except for a person conducting an "estate sale" as defined in this Chapter, no person shall offer for sale at a garage sale any property that is not the personal property of the permit applicant.

(Ord. C-7634 § 6, 1999)

5.40.020 - Permit required.

Every person engaged in operating a garage sale shall obtain a permit prior to commencement of the sale. For each permit issued, the applicant shall pay a fee as prescribed by resolution adopted by the City Council. The permit fee shall be used to finance the cost of ensuring compliance with this Chapter.

(Ord. C-7876 § 1, 2003: Ord. C-7634 § 2, 1999: Ord. C-7461 § 9, 1997: Ord. C-6260 § 1 (part), 1986)

5.40.030 - Frequency and term of permit.

A. Permits shall be issued according to street address. Except as authorized in Section 5.40.080, permit applicants shall provide proof of residence at the address for which the permit is sought. For single-family dwellings, no more than two (2) permits shall be issued to any one (1) street address in any one (1) calendar year for any type of garage sale. For multifamily dwellings, no more than one (1) permit shall be issued per street address per quarter, not to exceed four (4) within any one (1) calendar year.

B.

Each permit shall be for no more than three (3) consecutive days. In the event of inclement weather on any two (2) of those three (3) days, the applicant may apply within one (1) week of the first date originally scheduled for the sale for a no cost replacement permit. The replacement permit will not be counted toward the annual limit for that street address.

(Ord. C-7634 § 3, 1999: Ord. C-7461 § 9, 1997: Ord. C-6260 § 1 (part), 1986)

5.40.040 - Impounded property.

Should property offered for sale at a garage sale be impounded by law enforcement personnel to determine ownership and that property subsequently be returned to the applicant, the applicant may apply for a replacement permit to dispose of that property. The replacement permit will not count toward the annual limit for the applicant's street address.

(Ord. C-7634 § 4, 1999: Ord. C-7461 § 9, 1997: Ord. C-6260 § 1 (part), 1986)

5.40.050 - Permit—Nontransferable.

A permit issued under the provisions of this Chapter shall be nontransferable.

(Ord. C-7461 § 9, 1997: Ord. C-6260 § 1 (part), 1986)

5.40.060 - Display of permit.

The permit required under this Chapter shall be conspicuously displayed on the premises where the garage sale is conducted.

(Ord. C-7461 § 9, 1997: Ord. C-6260 § 1 (part), 1986)

5.40.065 - Goods on sidewalk prohibited.

Permittees shall at all times comply with the provisions of Chapter 14.04 of this Code relating to the obstruction of streets and sidewalks. Permittee shall not use any public sidewalk, public street, or that space between the public sidewalk and curb commonly known as parkway, or any space above any portion thereof, for displaying for sale, or for any other purpose, any goods, articles, or other personal property.

(ORD-07-0032 § 1, 2007)

5.40.070 - Hours of garage sales.

Garage sales may only operate between eight o'clock (8:00) a.m. and three o'clock (3:00) p.m.

(Ord. C-7634 § 5, 1999: Ord. C-7461 § 9, 1997: Ord. C-6260 § 1 (part), 1986)

5.40.075 - Signs.

Each garage sale may be advertised by one (1) sign, located on private property at the street address where the sale is conducted, not more than four feet (4') in height nor more than six feet (6') in area. Such sign must be removed at the end of the sale. No sign may be located on or fastened to any public property or any part of the public right-of-way.

(Ord. C-7634 § 7, 1999)

5.40.080 - Estate sales.

Estate sales, as defined in this Chapter, shall be subject to all of the provisions of this Chapter concerning garage sales, except that the person serving as the representative of the deceased person may apply for a permit and may conduct the sale at either the residence of the deceased or at the residence of

the representative, and may sell the personal property of the deceased as otherwise permitted by State law.

(Ord. C-7634 § 8, 1999)

5.40.085 - Multifamily sales.

Multifamily sales, as defined in this Chapter, shall be subject to all of the provisions of this Chapter, except that the multifamily sale permit application shall include a list of all participating addresses and shall contain the signature of a resident of each of those addresses. Participating in a multifamily sale shall constitute one (1) of the two (2) garage sales permitted at each street address during each calendar year for single-family dwellings, and as one (1) of the one (1) per quarter, not to exceed four (4) per calendar year per street address, for multifamily dwellings.

(Ord. C-7634 § 9, 1999)

5.40.090 - Infraction—Misdemeanor.

The first violation of any provision of this Chapter shall be an infraction as provided in section 17 of the California Penal Code, and the penalty for the first such infraction shall be two hundred dollars ($200.00). The second violation of any provision of this Chapter shall also be an infraction, and the penalty for such violation shall be four hundred dollars ($400.00). The third and subsequent incident of violation of any provision of this Chapter shall be a misdemeanor, as defined in section 17 of the California Penal Code.

(Ord. C-7634 § 10, 1999)

CHAPTER 5.42 - GASOLINE SALES

5.42.010 - Price signs required.

A. Every person, firm, partnership, association, trustee or corporation which owns, operates, manages, leases or rents a gasoline service station or other facility offering for sale, selling or otherwise dispensing gasoline or other motor vehicle fuel to the public from such a facility abutting or adjacent to a street or highway shall post or cause to be posted or displayed and maintained at said premises at least one (1) sign, banner or other advertising medium which is clearly visible from all traffic lanes in each direction on such street or highway.

Each said sign, banner or other advertising medium shall be readable from said traffic lanes and shall indicate thereon the actual price per gallon, including all taxes, at which each grade of gasoline or other motor vehicle fuel is currently being offered for sale, sold or otherwise dispensed, if at all, at said facility on said date. Lettering shall be not less than six inches (6") in height and of a uniform color.

B. No person, firm, partnership, association, trustee or corporation which owns, operates, manages, leases or rents a gasoline service station or other facility offering for sale, selling or otherwise dispensing gasoline or other motor vehicle fuel to the public shall advertise, either in connection with any signs, banners or other advertising medium utilized to satisfy the requirements of this Section or otherwise, the price of any grade of gasoline or other motor vehicle fuel which is not immediately available to be sold or dispensed to the public at said premises.

C. Each sign, banner or other advertising medium posted, displayed or maintained pursuant to requirements of this Section shall be consistent with the provisions of Article 12 of Chapter 14 of Division 5 (Sections 13530 et seq.) of the Business and Professions Code as well as Section 21.44.110 of the Long Beach Municipal Code.

(Ord. C-7423 § 18, 1996: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.44 - GOING-OUT-OF-BUSINESS SALES

5.44.010 - Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings set forth as follows:

A. "Going-out-of-business sale" means the advertising or otherwise using any word or phrase which conveys to the public the idea that a sale is for the purpose of retiring from or closing a business.

(Ord. C-6260 § 1 (part), 1986)

5.44.020 - Registration—Required.

No person shall represent or hold out that any sale of goods is an insurance, bankruptcy, mortgage, insolvency, assignee's, executor's, administrator's, receiver's, trustee's, creditor's, forced, liquidation, removal or closing-out sale, or a sale of goods damaged by fire, smoke, water, or otherwise, or use any other word or phrase which would reasonably convey to the public the belief that said person was retiring from or closing his/her business in the City, unless he/she had first registered with the Director of Financial Management to do so.

(Ord. C-7423 § 8, 1996: Ord. C-6260 § 1 (part), 1986)

5.44.030 - Exception—Court sale.

This Chapter shall not apply to public or court officers or to any person acting under the direction of State or Federal courts in the course of their official duties.

(Ord. C-6260 § 1 (part), 1986)

5.44.040 - Supplemental permit—Required.

A. A going-out-of-business sale as defined in Section 5.44.010 shall be concluded within three (3) months subsequent to registration unless a supplemental permit has been approved and issued by the Director of Financial Management.

B. Any person who has registered to manage, conduct, or carry on a sale, as required by Section 5.44.020, must make written application to the Director of Financial Management when it appears that all of the goods in the original inventory will not be sold during the three (3) months provided. Such supplemental permit may be issued at the reasonable discretion of the Director of Financial Management upon a showing by the applicant of compliance with the provisions of this Chapter and upon the payment of a permit fee established by resolution of the City Council adopted pursuant to Section 5.04.040

(Ord. C-7423 § 9, 1996: Ord. C-6260 § 1 (part), 1986)

5.44.045 - Supplemental permit—Application.

A. The application shall be signed and sworn to by the applicant and shall state all the facts in regard to the sale, the need to extend the sale and the actual length of time required to conclude the sale, which period shall not exceed three (3) months. The applicant shall also furnish a sworn statement in

the application that the merchandise which he/she proposes to sell is a bona fide part of his/her stock in trade and that the same has not been secured, purchased, or brought into the applicant's place of business for or in anticipation of the sale.

B. The Director of Financial Management may additionally require that the application be accompanied by an inventory of remaining merchandise, which inventory shall show the actual purchase price, the names of persons from whom the goods were obtained, the date of purchase, the date of delivery of the goods, and all details necessary to fully identify the goods to be sold.

C. The applicant shall also state whether or not the goods to be sold were purchased at a former sale conducted in compliance with Section 5.44.020. No permit shall be issued to any person if it appears that the stock of goods was purchased at a former sale, as set forth in this Section, less than six (6) months prior to the date of the application.

D. When the applicant has complied with the requirements of this Chapter, the Director of Financial Management may, in his/her sound discretion, issue the permit and shall endorse thereon the date the permit will expire. Once issued, a supplemental permit shall continue in effect only so long as the permit fee is paid and the permittee complies with the provisions of this Chapter and all other provisions of law.

E. No person shall make a false statement in such application.

(Ord. C-7423 § 30, 1996)

5.44.055 - Permit limitations.

A. A permit issued under the provisions of this Chapter shall be valid only for the inventoried goods.

B. A permit issued under the provisions of this Chapter shall not be transferable.

(Ord. C-6260 § 1 (part), 1986)

5.44.070 - Adding to inventory prohibited.

No person having a permit under this Chapter shall add any goods to the inventoried stock and no goods shall be sold except that included in the original inventory.

(Ord. C-6260 § 1 (part), 1986)

5.44.080 - Going out of business sales.

No person, whether as an owner, relative of an owner, representative or manager thereof, shall directly or indirectly engage in a similar business in the City at any time within one (1) year from the date of termination of a going out of business sale as specified in Section 5.44.020.

(Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.46 - HANDBILLS AND ADVERTISING

FOOTNOTE(S):

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Note— Prior ordinance history: Ord. C-6260 § 1 (part), 1986; Ord. C-6325 § 18, 1986; Ord. C-7423 § 19, 1996.

5.46.010 - Definitions.

The following words and phrases in this Chapter shall have the meaning attached to them in this Section unless otherwise clearly apparent from the context:

A. "Pamphlet" is any booklet, card, circular, dodger, handbill, newspaper, or other medium of similar nature, excluding, however, any newspaper eligible for entry as second class matter under the provisions of the United States Post Office regulations of March 3, 1879, and other regulations and statutes of the United States.

B. "Private property" is any parcel of real property in the City, including any improvements thereon, and not dedicated to use by the public.

(ORD-05-0030 § 1, 2005)

5.46.020 - Pamphlet distribution hours.

No person shall distribute any pamphlets in or upon private property in the City between seven o'clock (7:00) p.m. and eight o'clock (8:00) a.m.

(ORD-05-0030 § 1, 2005)

5.46.030 - Distribution on private property restricted.

No person shall distribute any advertising matter in or upon private property when:

A. It is apparent that the property is unoccupied; or

B. It is apparent that a previous day's distribution of pamphlets, regardless by whom distributed, has not been removed.

(ORD-05-0030 § 1, 2005)

5.46.040 - Manner of distribution.

Subject to the provisions of Section 5.46.030, no person shall distribute in or upon any private property any pamphlets except in the following manner:

A. By placing the same in a receptacle, clip, or other device designed or intended to receive pamphlets, when such receptacle, clip, or other device has been conspicuously placed near the front door or front entrance or near the mailbox of any private property; or

B. If no such receptacle, clip, or other device has been placed as provided in this Section, then by handing the pamphlets to an occupant of the property, or placing the same upon the porch or vestibule of a house or building on the private property, provided that, in the latter case, the

pamphlet is wrapped, tied, folded, or otherwise so prepared or placed that it will not be blown loose by the wind.

(ORD-05-0030 § 1, 2005)

5.46.050 - Business license required.

No person shall cause the distribution of any pamphlet without clearly printing the business license number of the person or entity which caused the pamphlet to be distributed, unless such person or entity is not otherwise required to possess a business license under this Code.

(ORD-05-0030 § 1, 2005)

5.46.060 - Public posting prohibited.

No person shall post notices on public property without a permit from the Public Works Department.

(ORD-14-0010 , § 1, 2014; ORD-05-0030 § 1, 2005)

5.46.070 - False advertising prohibited.

No person shall sell, furnish, perform or in any way dispose of real or personal property, services, professional or otherwise, or anything of any nature whatsoever, directly or indirectly to the public, or induce the public in any manner to enter into any obligation relating thereto, or acquire title thereto, or any interest therein, by means of publishing, circulating, or causing to be made, published or circulated before the public in the City, in any newspaper, magazine, book, pamphlet, circular, letter, notice, handbill, poster, or other publication, or on any billboard, sign, card, label, or other advertising medium, including any electric sign, window sign, showcase, or window display, or any other advertising device, or by public outcry, or proclamation, or in any other manner or means whatever, which advertising contains any statement representation, or assertion concerning such real or personal property, service, or anything so offered to the public, or concerning any circumstances or matter of fact connected in any way directly or indirectly with the proposed sale, performance or disposition thereof, which statement, representation or assertion is false or untrue in any respect, or which is deceptive or misleading; provided, however, that this Section shall not apply to any publisher of a newspaper, magazine, or other publication who publishes said advertisement in good faith without knowledge of its false, deceptive or misleading character.

(ORD-05-0030 § 1, 2005)

CHAPTER 5.47 - HORSE-DRAWN CARRIAGES

5.47.010 - Definitions.

Unless it appears from the context that a different meaning is intended, the following words, as used in this Chapter, shall have the following meanings:

A. "City Manager" means the City Manager of the City of Long Beach, or his/her designated representative.

B. "Driver" means and includes every person who drives, operates, controls or is in charge of any "horse-drawn carriage" as defined by this Chapter.

C. "Horse-drawn carriage" means a device upon which any person may ride, propelled by horsepower, constructed in such a manner, and authorized pursuant to this Chapter, to engage in the business of carrying passengers for hire along a route of travel.

D. "Horse-drawn carriage permit" or "permit" means the permit issued by the Bureau of Commercial Services authorizing operation of a horse-drawn carriage pursuant to the provisions of this Chapter.

E. "Permittee" means any person to whom a horse-drawn carriage permit is issued pursuant to the provisions of this Chapter.

F. "Person" means a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns or the agent of any of the aforesaid.

(Ord. C-7091 § 1 (part), 1993)

5.47.020 - Permit—Required.

No person shall drive, operate or cause to be operated, nor shall any person employ, permit or allow another to drive, operate or cause to be operated by way of lease, contract, agreement permit, license or understanding, a horse-drawn carriage within the City without a permit first having been obtained as provided in this Chapter.

(Ord. C-7091 § 1 (part), 1993)

5.47.030 - Permit—Application.

A. Any person desiring a permit to operate a horse-drawn carriage as provided by this Chapter shall file an application therefor with the Bureau of Commercial Services. Such application shall be verified by oath of the applicant, if applicant is a corporation, partnership, association or unincorporated company, and which application shall set forth the name and address of the applicant, if a natural person; or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers together with their respective addresses; or if a partnership, association or unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective ages and addresses. The application shall also state the trade name or style, if any, under which the applicant proposes to operate, full information pertaining to operations and the manner in which such proposed operations are to be conducted, the

type, model, capacity and condition of the horse-drawn carriage proposed to be operated, and such other or additional information as the Bureau of Commercial Services or the City Manager may require.

B. The Bureau of Commercial Services shall, upon receipt of the application, make full and complete inquiry into the facts set forth therein and shall either grant or deny a permit upon the proposed terms, or upon terms other than those proposed. The permit shall be for a specified number of vehicles and horses which may be increased only by action of the Bureau of Commercial Services. Such permit may, at the pleasure of the Bureau of Commercial Services, be for a prescribed period; provided, that in either event, the permit shall contain a clause authorizing its revocation or suspension in accordance with the ordinances of the City either in effect at the date of granting the permit or thereafter adopted. When issued, the permit shall constitute evidence of compliance with the terms of this Chapter and shall authorize the permittee to operate a horse-drawn carriage under the conditions there specified; subject, however, to the requirements, obligations and limitations imposed by other applicable laws, ordinances, and orders of the City Council, and shall become effective when approved by all concerned departments.

(Ord. C-7091 § 1 (part), 1993)

5.47.040 - Permit application—Reviewed by City departments.

No permit shall be granted under this Chapter until the Bureau of Commercial Services has notified the Chief of Police, the City Health Officer and the traffic engineer of the application and has received from each of them, in writing, their comments and recommendations on the application.

(Ord. C-7091 § 1 (part), 1993)

5.47.050 - Application/permit fees.

A. A nonrefundable application fee, to defray the cost of processing the application for a permit under this Chapter, shall be required to be paid by every applicant seeking such a permit.

B. Additionally, a permit fee shall be required to be paid by each applicant whose application for a permit has been granted pursuant to the provisions of this Chapter, to defray a proportionate share of the costs of administering this permit.

C. The Bureau of Commercial Services is authorized to establish the initial amount of the application and permit fees which amount shall not exceed the actual cost of processing the application and administering the permit. Subsequently, such fees shall be ratified and set by resolution of the City Council.

(Ord. C-7091 § 1 (part), 1993)

5.47.060 - Permit and business license required.

A. A business license shall be obtained and the fee therefor shall be paid as prescribed by the business license provision of this Code by every person to whom a horse-drawn carriage permit has been granted pursuant to this Chapter.

B. No permittee under this Chapter shall operate or permit operation of any horse-drawn carriage in violation of this Chapter or of the permit issued pursuant to this Chapter.

C. No person granted a permit under this Chapter shall conduct any operation or give any service other than the service authorized by the permit granted in accordance with the provisions of this Chapter.

(Ord. C-7091 § 1 (part), 1993)

5.47.070 - Permit—Display.

Every horse-drawn carriage operated pursuant to these provisions shall have displayed thereon its permit/decal in the manner and form as may be prescribed by the Bureau of Commercial Services.

(Ord. C-7091 § 1 (part), 1993)

5.47.080 - Regulations applicable to horse-drawn carriages and drivers.

Every person conducting the business of horse-drawn carriages in the City and any person driving such a carriage for such a business shall comply with each and all of the following provisions and restrictions:

A. There should be no operation along any street which has a speed limit over thirty (30) miles per hour unless such operation has prior written approval by the City's Traffic Engineer. Crossing of such streets must be only at a signalized intersection, and then only when it can be safely accomplished within the timing parameters which exist, or within an alternative timing pattern which can be implemented with no adverse effects on the general public's safety or mobility. The carriage must have sufficient steel in it to cause it to actuate traffic signal detector loops.

B. There should be no operation along any street which is configured so as to force motor vehicles to cross a centerline or make any other unsafe maneuver in order to get around a slow-moving carriage.

C. Horse and carriage standing areas (while awaiting a fare) must be in a location which does not impede free flow of motor vehicles and/or access to designated parking stalls as approved by the City as a part of the permit application process.

D. When operating on a multilane highway, carriage shall keep to the right as far as possible except when preparing for a left turn.

E. Carriage shall not operate in any other manner not specifically addressed herein which is judged by the City Traffic Engineer to be unduly hazardous or congestive in its effects. The City Traffic Engineer reserves the right to impose upon a carriage operator at any time any specific restrictions deemed necessary in the interest of public safety or welfare.

F. Carriage shall observe specifically prescribed nonoperating hours in specific zones or on specific streets.

G. Horse drop off location and storage/housing facilities, including parking for hauling vehicles and horse trailers, as well as all proposed routes and hours of operation, must be approved by the City as a part of the permit application process.

H. Carriages/animals shall be fitted to be able to immediately remove any and all horse droppings from the streets or public rights-of-way or to prevent such droppings on the streets and public rights-of way.

I. All horses used in the business shall be, at all times, treated in a humane manner.

J. Regular service shall not be scheduled during hours of three-thirty o'clock (3:30) p.m. to six o'clock (6:00) p.m. on nonholiday weekdays.

K. Special charter trips may travel for a maximum of two (2) blocks during the aforementioned restricted hours if necessary to reach a specific destination. The City Traffic Engineer reserves the right to alter or eliminate this exception if it proves to create severe congestion or safety problems.

L.

Carriages shall, to the extent possible, make right turn movements onto any street if at a point of entry which is controlled by a stop sign. Crossing movements and left turns should generally be made at signalized intersections.

M. Warning taillights shall be mounted at the rear of the carriage and shall be operated in a flashing mode continuously while the carriage is in traffic and shall conform to all applicable requirements of the California Vehicle Code. All carriages shall be fitted with reflective decals on both shafts of the carriage at the shoulder of the horse.

N. The seasonal daytime closure of any street shall apply to carriages as well as to motor vehicles.

O. Vehicles must be safe and sanitary, and all carriages shall be fitted with a hydraulic breaking system.

(Ord. C-7091 § 1 (part), 1993)

5.47.090 - Indemnity and insurance.

At all times permittee shall defend, indemnify, and hold harmless the City, its officials, employees, and agents from and against all claims, demands, damage, causes of action, proceedings, loss, liability, costs and expenses (including reasonable attorney fees) of any kind (collectively in this Section, "claim") alleging injury to or death of persons or damage to property and that such injury, death or damage arises from or is attributable to or caused by any of the operations of permittee. Permittee shall notify the City of any claim within ten (10) days.

Permittee shall procure and maintain, at its cost, during the term of the permit and any renewals thereof, insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.

(Ord. C-7934 § 5, 2004: Ord. C-7091 § 1 (part), 1993)

5.47.100 - Penalty for violation.

Any person who violates any of the provisions of this Chapter, or of any permit issued under this Chapter, shall be guilty of a misdemeanor.

(Ord. C-7091 § 1 (part), 1993)

5.47.110 - Operating regulations.

A. No person under the age of eighteen (18) years shall drive a horse-drawn carriage.

B. No person shall operate a horse-drawn carriage while under the influence of alcoholic beverages or drugs.

C. No person shall operate a horse-drawn carriage in any manner which impedes or blocks the normal or reasonable movement of pedestrian or vehicular traffic unless such operation is necessary for safe operation or in compliance with law.

D. Every person operating a horse-drawn carriage shall be subject to all applicable laws, rules and regulations of this Code and the Vehicle Code of the State of California.

E. No person shall operate a horse-drawn carriage over any route not designated in the permit for the operation of such horse-drawn carriage.

F. Whenever a horse-drawn carriage is not available for hire, said horse-drawn carriage shall be stored at a place and in a manner as approved by the City.

G.

Notwithstanding any other provisions of this Chapter 5.47, no horse and carriage business shall be permitted to operate on or in any area of the City under the jurisdiction of the Department of Parks, Recreation and Marine unless a fully executed agreement exists between the business and the department, and when and if such agreement exists, no permit pursuant to the provisions of this Chapter shall be required for any activities taking place within parks pursuant to that agreement.

(Ord. C-7091 § 1 (part), 1993)

CHAPTER 5.48 - HOTELS AND MOTELS

5.48.010 - Hotel and motel rentals.

A. Every owner, manager or operator of any hotel or motel shall keep a register in which shall be entered the name and address of each guest. No owner, manager or operator of any hotel or motel shall let, lease, or rent a hotel or motel room to any person without verifying the guest has valid identification and has accurately and legibly completed the register and/or registration card with the information that corresponds to the valid identification presented by the guest. Said register shall also indicate the day, month, year and hour of arrival of each guest and the number or other identifying symbol of location of the room, dwelling unit or space rented or assigned each guest and the date that such guest departs. All such registers shall be maintained for a period of three (3) years from and after the date of entry. No person shall alter, deface or erase such a register so as to make the information recorded therein illegible or unintelligible.

B. No owner, manager, operator, employee, or agent of any hotel or motel shall rent or assign any room, dwelling unit or space in said hotel or motel to any person until such time as said person shall have registered as set forth in Subsection 5.48.010.A.

C. No owner, manager, operator, employee or agent of any hotel or motel shall rent any guestroom or dwelling unit in such hotel and motel more than once within a twelve (12) hour period. For purposes of this Section the terms "guestroom", "dwelling unit", "hotel", and "motel" shall be as defined in Chapter 21.15 of this Code.

D. 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 hotel or motel room within the City. The hotel or motel agent and/or employee shall be responsible for verifying the authenticity of the identification used by the person letting, leasing or renting the hotel or motel room.

E. Inspection of hotels and motels that are open for business may be made at any reasonable hour by any member of the Police Department or by any employee of the department of financial management for the purpose of determining that the provisions of this Section are met.

F. Right to Judicial Review. If permission to inspect is refused or cannot be obtained, a valid court order for inspection shall be obtained from a court of competent jurisdiction upon a showing of probable cause to believe that a violation of this Chapter may exist.

(ORD.14-0005(Emerg.) , § 1, 2014; Ord. C-7517 § 1, 1997: Ord. C-7461 § 2, 1997; Ord. C-7423 § 20, 1996: Ord. C-6260 § 1 (part), 1986)

5.48.020 - Payment of minimum compensation and sick days to hotel workers.

(a) Each hotel employer shall pay hotel workers a wage of not less than the hourly rates set forth in this Section. The rate upon enactment shall be thirteen dollars ($13.00) per hour worked. This rate shall be adjusted by the amount of increases in the federal minimum wage over the amount in effect on December 31, 2011, or, if greater, by the cumulative increase in the cost of living. The cost of living increase shall be measured by the percentage increase as of December 31 in any year over the level as of December 31, 2011 of the Consumer Price Index (All Urban Consumers, Los Angeles-Riverside-Orange County) as published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency. If in any calendar year there is no increase in the federal minimum

wage and the increase in the Consumer Price Index is less than two percent (2%), then the rate shall be adjusted by an increase of two percent (2%). The Mayor or the city agency designated by the Mayor shall publish a bulletin by April 1 of each year announcing the adjusted rates, which shall take effect the following July 1. Such bulletin will be made available to all hotel employers and to any other person who has filed with the Mayor or the designated agency a request to receive such notice but lack of notice shall not excuse noncompliance with this Section. An hotel employer shall provide written notification of the rate adjustments to each of its hotel workers and make the necessary payroll adjustments by July 1 following the publication of the bulletin. Tips or gratuities received by hotel workers and service charges or commissions shall not be credited as being any part of or offset against the wage rates required by this Section.

(b) Service charges shall not be retained by an hotel employer but shall be paid in the entirety by the hotel employer to the hotel worker(s) performing services for the customers from whom the service charges are collected. No part of these amounts may be paid to supervisory or managerial employees. The amounts shall be paid to the hotel worker(s) equitably and according to the services that are or appear to be related to the description of the amounts given by the hotel employer to the customers. The amounts shall be paid to the hotel worker(s) in the next payroll following collection of an amount from the customer. Without limitation of the foregoing:

(1) Amounts collected for banquets or catered meetings shall be paid equally to the hotel worker(s) who actually work the banquet or catered meeting; and

(2) Amounts collected for room service shall be paid to the hotel worker(s) who actually deliver food and beverage associated with the charge; and

(3) Amounts collected for porterage service shall be paid to the hotel worker(s) who actually carry the baggage associated with the charge.

This Subsection does not apply to any tip, gratuity, money, or part of any tip, gratuity, or money that has been paid or given to or left for an hotel worker by customers over and above the actual amount due for services rendered or for goods, food, drink, or articles sold or served to the customer.

(c) An hotel employer shall pay every hotel worker sick pay out of the employer's general assets as follows:

(1) At least five (5) compensated days off per calendar year for sick leave at the hotel worker's request. The hotel worker need not present certification of illness to claim compensated time off, provided that such hotel worker has accrued the requested days of compensated time at the time of the request. An hotel worker shall be paid his or her normal daily compensation for each compensated day off;

(2) An hotel worker shall accrue five-twelfths (5/12) of a day of compensated time for each full month in a calendar year that the hotel worker has been employed by the hotel employer. An hotel worker is entitled to use any accrued days of compensated time as soon as those days have accrued;

(3) If any hotel worker has not utilized all of his or her accrued compensated time by the end of any calendar year, the hotel employer shall pay that hotel worker a lump sum payment at the end of the calendar year equivalent to the compensation due for any unused compensated time.

(d) The provisions of this Section may not be waived by agreement between an individual hotel worker and an hotel employer. All of the provisions of this Section, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of

employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this Section. An hotel employer shall not discharge, reduce the compensation of or otherwise discriminate against any hotel worker for using any civil remedies to enforce this Section or otherwise asserting his or her rights under this Section.

(e) An hotel worker claiming violation of this Section may bring an individual or class action against his or her employer in Superior Court to enforce the provisions of this Section and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this Section, including but not limited to lost compensation, damages, reinstatement or injunctive relief. An hotel worker who prevails in any action to enforce this Section shall be awarded his or her reasonable attorney's fees and costs.

(f) If any provision of this Section is declared illegal, invalid or inoperative, in whole or in part, by the final decision of any court of competent jurisdiction, the remaining provisions and all portions not declared illegal, invalid or inoperative shall remain in full force or effect, and no such determination shall invalidate the remaining provisions or portions of the provisions of this Section.

(g) Definitions:

"Compensation" includes any wages, tips, bonuses, and other payments reported as taxable income paid by the hotel employer to the hotel worker.

"Hotel" means a residential building that is designated or used for lodging and other related services for the public, and containing one hundred (100) or more guest rooms, or suites of rooms.

"Hotel" also includes any contracted, leased, or sublet premises connected to or operated in conjunction with the building's purpose, or providing services at the building.

"Hotel employer" means a person who owns, controls, and/or operates a hotel in the City of Long Beach, or a person who owns, controls, and/or operates any contracted, leased, or sublet premises connected to or operated in conjunction with the hotel's purpose, or a person, other than a hotel worker, who provides services at the hotel.

"Hotel worker" means any individual (1) whose primary place of employment is at one or more hotels and (2) who is employed directly by the hotel employer or by a person who has contracted with the hotel employer to provide services at the hotel.

"Person" means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

"Service charge" means all separately-designated amounts, regardless of name or label, that are added to the base charge for food or beverages, banquets, porterage or parking services and collected by a hotel employer from customers, except taxes and fees levied by federal, state or local government.

(Measure N , 2012)

CHAPTER 5.50 - HOUSE MOVERS

5.50.010 - House movers—Insurance requirements.

Every house mover licensed to do business in the City under Chapter 3.80 of the Long Beach Municipal Code shall maintain insurance prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.

(Ord. C-7934 § 6, 2004: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.51 - ICE CREAM TRUCKS

5.51.010 - Definitions.

The following words, as used in this Chapter, shall have the signification attached to them in this Section, unless otherwise clearly apparent from the context:

A. "Dispense or dispensing" means selling, peddling, hawking, displaying for sale, soliciting the sale of, offering or exposing for sale or giving away.

B. "Food" means frozen refrigerated desserts, confections or novelties commonly known as ice cream, prepackaged candies, prepackaged snack foods or soft drinks, primarily intended for sale to children under twelve (12) years of age.

C. "Ice cream truck" means a motor vehicle engaged in the curbside vending or sale of food.

D. "School" means any elementary school, middle school, junior high school, high school, senior school or continuation school, or any branch thereof.

E. "Street" means all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

(ORD-05-0031 § 1, 2005)

5.51.020 - Sales from ice cream truck.

No person shall dispense any item, other than food, from an ice cream truck on a street.

(ORD-05-0031 § 1, 2005)

5.51.030 - Hours of sales.

No person shall dispense any item, including food, from an ice cream truck on a street in any area of the City which is zoned for residential use, from eight o'clock (8:00) p.m. until nine o'clock (9:00) a.m. of the following day.

(ORD-05-0031 § 1, 2005)

5.51.040 - Sales near schools.

No person shall dispense any item, including food, from an ice cream truck from Monday morning at eight o'clock (8:00) a.m. until Friday evening at five o'clock (5:00) p.m. between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m. of said days within one (1) block of any school grounds in the City.

(ORD-05-0031 § 1, 2005)

5.51.050 - Minors in ice cream truck.

No person shall permit a person under sixteen (16) years of age to ride in or on an ice cream truck unless the person in control of the ice cream truck is the parent or guardian of the minor.

(ORD-05-0031 § 1, 2005)

5.51.060 - Compliance with other laws.

Any person operating an ice cream truck shall at all times comply with applicable Sections of the California Vehicle Code, including without limitation the Nicole Stout Memorial Act or any successor statutes thereto. Ice cream trucks which play amplified music must comply with the provisions of Long Beach Municipal Code Chapter 8.80.

(ORD-13-0011 , § 1, 2013; ORD-05-0031 § 1, 2005)

5.51.065 - Additional noise restrictions.

A. No person shall use, play or employ any sound, outcry, amplifier, loudspeaker or any other instrument or device for the production of sound from an ice cream truck when the ice cream truck is stationary.

B. The City may set reasonable restrictions in the business license on the type and use of any amplifier, loudspeaker, or any other instrument or device for the production of sound employed on an ice cream truck in order to prevent a disturbance of the peace.

(ORD-13-0011 , § 2, 2013)

5.51.070 - Penalties.

Any person who violates any provision of this Chapter is guilty of an offense punishable under the provisions of Title 1, Chapter 1.32 of this Code. Violations set forth in this Chapter are cumulative to, and in addition to, any other violations of State or local law. For a second or subsequent violation of Section 5.51.020, the court shall, in addition to any other penalties, order that the ice cream truck involved in the second or subsequent violation be impounded for thirty (30) days if at the time of the second or subsequent violation, the vehicle was registered to the violator.

(ORD-05-0031 § 1, 2005)

CHAPTER 5.52 - JUNK DEALERS

FOOTNOTE(S):

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State Law reference— Provisions on junkyards, Bus. and Prof. C. § 21600 et seq.

5.52.010 - Definitions.

The following words, as used in this Chapter, shall have the signification attached to them in this Section, unless otherwise clearly apparent from the context:

A. "Fixed or established place of business" means and includes any place in the City actually occupied continually by a person engaged in the business of a junk dealer where the books and records of such person are kept, and at which a large share of the business of such person is transacted.

B. "Junk" means and includes old iron and other metal, used mercury, glass, papers, cordage, or other waste or other discarded material which may be treated or prepared so as to be used again in some other form, or for a purpose other than that for which it was originally made.

C. "Junk collector" means and includes any person carrying on, managing, or employed in the business of going from house to house, or from place to place in the City, collecting or buying junk in small quantities.

D. "Junk dealer" means and includes any person having a fixed place of business in the City and engaged in carrying on the business of selling or otherwise dealing in junk, either at wholesale or retail or as assignee.

(Ord. C-7423 § 21, 1996: Ord. C-6260 § 1 (part), 1986)

5.52.020 - Permit—Application.

A. Every person desiring to carry on or conduct a business which includes activities of junk dealer or junk collector as defined in this Chapter shall make a written application to and upon forms furnished by the Director of Financial Management. The application shall be signed and sworn to by the applicant. Every person applying for a permit to carry on, or conduct the business of junk dealer or junk collector shall be photographed and fingerprinted by the Police Department.

B. The permit applied for shall not be issued to the applicant unless the Chief of Police is satisfied, after investigation, that the applicant is a proper person to conduct such business. The Chief of Police shall have sixty (60) days from the date of the application for investigation before the issuance of any permit to carry on the business.

(Ord. C-7423 § 21, 1996: Ord. C-6260 § 1 (part), 1986)

5.52.030 - Business License—Permit required.

No business license to conduct the business of a junk dealer or junk collector shall be issued until a permit therefor has been approved by the Chief of Police as provided in this Chapter.

(Ord. C-7423 § 21, 1996: Ord. C-6260 § 1 (part), 1986)

5.52.040 - Operating requirements.

A. Every junk collector using any boat, or other vehicle for collecting junk in the City, shall procure from the Director of Financial Management one (1) decal of such design as shall be specified by the Director of Financial Management. No junk collector shall operate such boat or other vehicle, as above-mentioned, unless the decal is securely fastened on the left front side of the boat or other vehicle in a conspicuous place and plainly visible.

B. No person shall collect junk within the City between the hours of seven p.m. and eight a.m. of the following day.

C. No person shall carry on the business of junk dealer or junk collector in a manner that will result in litter on public or private property.

D. Every junk dealer shall maintain a record of every transaction which includes the date and the hour of the day when each article was purchased or received, and the true name and address, as nearly as the same is known to or can be ascertained by such junk dealer, and the personal signatures of the person or persons by whom the articles were sold or delivered, together with a description of the person or persons as may be required by the Chief of Police, and the correct license number and type of any vehicle used in the delivery of such goods; and the report shall also show the amount purchased, and a complete description of each article purchased or received; and if an article so purchased or received has a number, letter, engraving, figure or other mark showing or designating the size, quality, make or design of such article, then the report shall show all such numbers, letters, engravings, figures and marks; and if the article has a serial number, the serial number shall also be shown. Every report or record required by the terms of this Chapter to be maintained or kept shall be written or printed entirely in the English language in a clear and legible manner. Every record required pursuant to this Chapter shall be open at all times to inspection by the Chief of Police, or any police officer in the pursuit of his/her official duties; provided, however, that this Section shall not apply to, goods or things purchased from any dealer or tradesman who is duly licensed to operate such business in the City. The records mentioned in this Section shall be filed and kept at the street and number of the place where the junk dealer states, in the business license application, that the business will be carried on, and it shall be the duty of every junk dealer and foundry, and of every employee, manager or agent of such junk dealer to display and exhibit such records to the Chief of Police or to any Police Officer in the pursuit of his/her official duties on the demand, oral or written, of the Chief of Police or Police Officer.

(Ord. C-7423 § 21, 1996: Ord. C-6260 § 1 (part), 1986)

5.52.090 - False name or address by seller.

No person selling any goods or other articles, as provided in this Chapter, shall give or use a false name or address, or give or use a name or address not his own correct name and address, in such transaction.

(Ord. C-7423 § 21, 1996: Ord. C-6260 § 1 (part), 1986)

5.52.100 - Resale within seven days prohibited.

No junk dealer or any agent, employee, or manager thereof shall alter, clean, repair, paint, change the appearance of or sell or otherwise dispose of any goods or other things within seven (7) days after the purchase or receipt of them; and no junk dealer or any employee, agent, or manager thereof shall alter, clean, repair, paint or change the appearance of or sell or otherwise dispose of any goods or other things that are salable for or fit for use for the purpose for which originally made or intended, within twenty-one

(21) days after the purchase or receipt of them; provided that this Section shall not apply to goods or things purchased from any dealer or tradesman who is duly licensed to operate such business in the City. Every junk dealer shall keep all such goods or other things accessible to the inspection of the Chief of Police or any Police Officer in the pursuit of his/her official duties. Every junk dealer, and every agent, employee or manager thereof, on the demand of the Chief of Police or Police Officer, shall display and exhibit such goods or other things to the Chief of Police or Police Officer.

(Ord. C-7423 § 21, 1996: Ord. C-6260 § 1 (part), 1986)

5.52.110 - Exceptions.

The provisions contained in Sections 5.52.090 and 5.52.100 shall not be deemed to apply to the purchase by junk dealers of rags, bottles, secondhand sacks in lots of less than fifty (50) in number, barrels, cans, stoves, newspapers, old automobile tires, or old batteries.

(Ord. C-7461 § 3, 1997: Ord. C-7423 § 21, 1996: Ord. C-6260 § 1 (part), 1986)

5.52.120 - Purchase from minors.

No person engaged in or carrying on the business of a junk dealer or junk collector in the City shall purchase or receive any junk as defined in this Chapter from any person under the age of eighteen (18) years.

(Ord. C-7423 § 21, 1996: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.56 - LOCKSMITHS

5.56.010 - Applicability.

This Chapter shall apply to "locksmiths" as that term is defined in California Business and Professions Code Section 6980(j). This Chapter shall not apply to those persons set forth in California Business and Professions Code Section 6980.12.

(Ord. C-7423 § 22, 1996: Ord. C-6260 § 1 (part), 1986)

5.56.020 - Permit and license required.

No person shall practice, engage in or carry on the business of locksmith in the City without having first met the following requirements:

A. The person has paid any business license tax required pursuant to Chapter 3.80 herein; and

B. The person holds a valid locksmith license in accordance with the provisions of California Business and Professions Code Section 6980.10, and exhibits a copy of said license.

(Ord. C-7423 § 22, 1996: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.58 - MASSAGE

FOOTNOTE(S):

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Note— Prior ordinance history: Ord. C-6260; Ord. C-6325; Ord. C-6862.

5.58.010 - Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this Section shall govern the construction, meaning, and application of words and phrases as used in this Chapter:

A. "City" means the City of Long Beach.

B. "Employee" means any person, other than a massage technician, who may render any service to the permittee, and who receives compensation from the permittee or an agent, and who has no physical contact with the customers or clients.

C. "Massage" means any method of treating the external parts of the body for remedial, health, or hygienic purposes by means of pressure on or friction against; or stroking, kneading, rubbing, tapping, pounding; or stimulating the external parts of the body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice and shall include herbal body wraps.

D. "Massage establishment" means any establishment having a fixed place of business where any person, firm, association, partnership, or corporation engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of giving massage, baths, administration of fomentation, electric or magnetic treatments, alcohol rubs, or any other type of system for treatment or manipulation of the human body with or without any character of bath, such as Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath. Massage establishment shall include any business or activity that derives over fifty percent (50%) of its gross revenues from adult entertainment but shall not include a health club whose primary business is a gym-spa in which over fifty percent (50%) of space and equipment is for athletic training and over fifty percent (50%) of gross revenues is derived from training not including massage services or in a business or activity that includes massage services that are accessory to a hotel of more than one hundred (100) rooms or a beauty parlor or a barber shop or the office of a medical doctor or a chiropractor. Massage establishment may also be referred to as "massage parlor" as that term is used in Title 21

E. "Massage technician", "massage trainee", "masseur", or "masseuse" means any person who administers to another person, for any form of consideration, "massage" as defined.

F. "Outcall" or "outcall services" means any business where the primary function of such business is to engage in or carry on massage not at a fixed location but at a location designated by the customer or client.

G. "Seated massage" means any massage of the neck, arms, shoulders and back area above the waist where the client is fully clothed, sitting in a special chair approved by a recognized massage therapy association, designed for upper body massage and done without the use of supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice.

H. "Recognized school of massage" means any school or institution of learning which teaches the theory, ethics, practice, profession or work of massage, which has been approved pursuant to the California Education Code. Schools offering a correspondence course not requiring attendance shall not be deemed a State-recognized school. The City shall have a right to confirm that the applicant has actually attended class in a State-recognized school.

(Ord. C-7333 § 1, 1995: Ord. C-6979 § 1 (part), 1992)

5.58.020 - Permit required.

It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on in or upon any premises within the City, the operation of a "massage establishment" as herein described, without first having obtained a permit issued by the City pursuant to the provisions hereinafter set forth. A permit under this Section shall be valid for twelve months from the date of issuance unless revoked or suspended. The permit required shall be in addition to any business license required by City ordinance.

(Ord. C-6979 § 1 (part), 1992)

5.58.030 - Exceptions.

The provisions of this Chapter shall not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions:

A. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the State.

B. Nurses registered under the laws of the State.

C. Barbers and beauticians who are duly licensed under the laws of the State while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, and/or scalp of the customer client.

D. Hospitals, nursing homes, sanatoriums, or other health facilities duly licensed by the State.

E. Coaches and trainers in accredited high schools, junior colleges, and colleges or universities acting within the scope of their employment.

F. Trainers of amateur, semi-professional or professional athletes or athletic teams.

(Ord. C-6979 § 1 (part), 1992)

5.58.040 - Massage establishment permit.

A. Any person, corporation, or partnership desiring to obtain a permit to operate a massage establishment shall make application to the Chief of Police or an authorized representative. Prior to submitting such application, a nonrefundable fee as set by resolution of the City Council shall be paid to the City to defray, in part, the cost of the investigation and report required by this Chapter. A copy of a receipt shall accompany the application.

B. The application and fee required under this Section shall be in addition to any license, permit or fee required under any other chapter of this Code.

C. The application for permit does not authorize conducting a massage establishment until such permit has been granted.

D. Each application for a permit shall contain the following information:

1. The full true name under which the business will be conducted;
2. The present or proposed address where the business is to be conducted;
3. The applicant's full, true name, any other names used, date of birth, California drivers license number or California identification number, Social Security number, present residence address and telephone number and the sex, height, weight, color of hair, and color of eyes of the applicant;
4. The address of the previous two residences of the applicant and the inclusive dates at each address;
5. The applicant's business, occupation, and employment history for five (5) years preceding the date of application, and the inclusive dates of same;
6. At least three (3) written statements, including dates of relationships, signed by persons who have knowledge of the applicant's background, qualifications and suitability for the position of massage technician. Those persons shall have known the applicant for at least three (3) years preceding the date of application;
7. The permit history of the applicant: whether such person has ever had any permit or license issued by any agency, board, City, County, territory, or State; the date of issuance for such permit or license, whether the permit or license was revoked or suspended; or if a vocational or professional license or permit was issued, revoked, or suspended, and the reason therefor;
8. All convictions for any crime involving conduct which requires registration under any State law similar to and including California Penal Code Section 290, or of conduct which is a violation of the provisions of any State law similar to and including California Penal Code Sections 314, 315, 316, 318, 647, or any crime involving dishonesty, fraud, deceit, or moral turpitude;
9. A complete definition of all services to be provided;
10. The name and address of any massage business or other like establishment owned or operated by any person whose name is required to be given pursuant to this Section wherein the business or profession of massage is carried on;
11. Acceptable written proof that the applicant is at least eighteen (18) years of age;
12. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or Charter together with the State and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than five percent (5%) of the stock of that corporation;
13. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the County Clerk. If one (1) or more of the partners is a corporation, the provisions of this Subsection pertaining to corporate applicants shall apply;
14. a. The name of the person designated by the applicant, corporation or partnership to act as its responsible managing officer in charge of the premises.

    b.

Only one (1) application fee shall be charged. The corporation's or partnership's responsible managing officer shall be required, at all times, to meet all of the applicable requirements of this Chapter. If no such person is designated within ninety (90) days, the corporation or partnership permit is deemed canceled and a new initial application for permit must be filed;

15. The applicant shall be required to furnish fingerprints for the purpose of establishing identification. Any required fingerprinting fee will be the responsibility of the applicant;
16. A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant;
17. The name and address of the owner and lessor of the real property upon or in which the business is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage establishment will be located on his/her property; and
18. A certificate of compliance in a form prescribed and reviewed by the City Health Officer or Director of Planning and Building, respectively, from both the Department of Health and Human Services and the Department of Planning and Building of the City must be submitted prior to application approval. Any required inspection fees shall be the responsibility of the applicant.

E. As a part of the application process and prior to issuance of a permit, an applicant shall also:
   1. Have three (3) photographs taken by the Police Department to be used in the application;
   2. Grant authorization for the City, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application; and
   3. The applicant shall, within seven (7) workdays of the change, submit any change of address or fact which may occur during the procedure of applying for a massage establishment permit.

F. Upon receipt of a written application for a permit (for an establishment or a technician), the Chief of Police, or his designee, shall conduct an investigation in such a manner as he or she deems appropriate, in order to ascertain whether such permit should be issued as requested. Upon the completion of the investigation, the Police Chief shall recommend that the permit be granted if he finds:
   1. The required fee has been paid;
   2. The application conforms in all respects to the provisions of this Chapter;
   3. The applicant has not made a material misrepresentation in the application;
   4. The applicant, if an individual, or any of the stockholders of the corporation, or any officers or director, if the applicant is a corporation, or a partner if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under California Penal Code Section 290, or of conduct which is a violation of the provisions of California Penal Code Sections 314, 315, 316, 318, 647, or any other crime involving dishonesty, fraud, deceit, or moral turpitude;
   5. The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked, or suspended by the City, or any other State or local agency prior to the date of approval;
   6. The applicant is at least eighteen (18) years of age;
   7. The massage establishment as proposed by the applicant would comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards.

G.

The Chief of Police shall render a recommendation to the Commercial Services Bureau to approve, conditionally approve, or deny the application within thirty (30) days of filing of an application. Alternatively, the Chief of Police may grant a temporary conditionally approved permit if he finds that a prolonged pending delay in permanent permit approval is to be anticipated, and it appears likely that a permit will be granted at the end of that period.

(Ord. C-6979 § 1 (part), 1992)

5.58.050 - Permit denial and appeal.

If the Chief of Police or an authorized representative, following investigation of the applicant, deems that the applicant does not fulfill applicable requirements of this Chapter, he shall deny said application. The Commercial Services Bureau of the Department of Financial Management shall notify the applicant by dated written notice of the denial. The applicant shall have the right of appeal as set forth in Section 5.06.030.

(Ord. C-6979 § 1 (part), 1992)

5.58.060 - Massage establishment—Operating requirements.

No person shall engage in, conduct, carry on, or permit to be engaged in, conducted, or carried on, any massage establishment, unless each and all of the following requirements are met:

A. Each person employed or acting as a massage technician shall have a valid permit as required by Section 5.58.110 and permit identification card issued by the Chief of Police. It shall be unlawful for any owner, manager, operator, responsible managing employee, or permittee in charge of or in control of a massage establishment to employ or permit a person to act as a massage technician who is not in possession of a valid, unrevoked massage technician permit issued pursuant to this Chapter and who is not wearing a permit identification card clearly visible during working hours.

B. The possession of a valid massage establishment permit does not authorize the possessor to perform work for which a massage technician permit is required.

C. Massage operations shall be carried on or conducted, and the premises shall be open, only between the hours of 7:00 a.m. and 10:00 p.m. A person designated as the responsible managing officer shall be on premises at all times of operation and must be registered with the Chief of Police by the owner to receive all complaints and be responsible for all violations taking place on the premises. The appointment of a managing officer in charge must be in writing with the managing officer in charge of the premises acknowledging this appointment. All managing officers in charge must be registered with the Police Department prior to being employed in this position.

D. A list of services available and the cost of such services shall be posted, in English and such other languages as may be convenient to communicate such services, in an open public place within the premises, and shall be described in readily understandable terms. No owner, manager, operator, responsible managing employee, or permittee shall permit, and no massage technician shall offer or perform, any service other than those posted.

E. The massage establishment permit and a copy of the permit of each and every massage technician employed in the establishment shall be displayed in an open and conspicuous place on the premises.

F.

Every massage establishment shall require all patrons to sign a register book. The managing operator shall assure that the massage establishment shall keep an accurate register book showing the name and address of each patron, the name of the massage technician administering the treatment, and the type of treatment administered. Such register books shall be maintained on a form approved by the Chief of Police. Such books shall be open to inspection only by officials with responsibility for enforcement of this Chapter during regular business hours upon demand, written or oral, and without use of subpoena or court process, and for no other purpose, including use of the file by owners and employees of the establishment. Such books shall be maintained on the premises of the massage establishment for a period of two (2) years.

G. Massage establishments shall at all times be equipped with an adequate supply of clean towels, coverings and linens. Clean towels, coverings and linens shall be stored in cabinets. Towels and linens shall not be used on more than one (1) patron, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one (1) patron. Soiled linens and paper towels shall be deposited in separate, approved receptacles.

H. If male and female patrons are to be treated simultaneously at the same massage establishment, a separate massage room or rooms, separate dressing facilities and separate toilet and washing facilities shall be provided as required under Sections 8.26.050 and 8.26.060 of this Code.

I. If wet and dry heat rooms, steam and vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools are offered, they shall be thoroughly cleaned and disinfected with a disinfectant approved by the Long Beach Department of Health and Human Services as needed, and at least once each day the premises are open. Bathtubs shall be thoroughly cleaned after each use with a disinfectant approved by the Department of Health and Human Services. All walls, ceilings, floors, and other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition.

J. Instruments for performing massage shall not be used on more than one (1) patron unless they have been sterilized, using approved sterilizing methods.

K. All employees, including massage technicians, shall be clean, and wear clean, nontransparent outer garments. Said garments shall not expose their genitals, pubic area, buttocks, or chest. Massage technicians shall maintain the permit identification card clearly visible on their person during business hours.

L. No person shall enter, be or remain in any part of a massage establishment while in possession of, consuming, or using any alcoholic beverage or drugs except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager, or permittee shall not permit any such person to enter or remain upon such premises.

M. No massage establishment shall operate as a school of massage, or use the same facilities as that of a school of massage.

N. No service defined in Subsection 5.58.010.C. of this Chapter may be carried on within any cubicle, room, booth or any area within a massage establishment which is not immediately accessible to supervisorial, safety or inspection personnel during all hours of operation.

O. All exterior doors shall remain unlocked from the interior side during the business hours.

P. A massage shall not be given unless the patron's genitals are fully covered and, in addition, a female patron's breasts are fully covered.

Q.

No massage establishment shall be open for business without at least one (1) massage technician on the premises at all times who is in possession of a current, unrevoked permit, which technically may also be the manager in charge as described in Subsection 5.58.040.D.14.

R. No massage establishment or accessory use locations employing massage technicians shall be equipped with any of the following improvements:

1. Tinted or "one-way" glass in any room or office.

(Ord. C-7546 § 1, 1998; Ord. C-6979 § 1 (part), 1992)

5.58.070 - Facilities.

Every massage establishment shall maintain facilities meeting the following requirements:

A. Minimum lighting shall be provided in accordance with Article 220 of the National Electrical Code, and, in addition, at least one (1) artificial light of not less than forty (40) watts shall be provided in each room or enclosure where massage services are performed on patrons.

B. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.

C. Hot and cold running water shall be provided at all times.

D. Cabinets shall be provided for storage of clean linens.

E. Adequate dressing and toilet facilities shall be provided patrons. Separate toilets and washbasins must be required for male and female patrons as provided by Sections 8.26.050 and 8.26.060 of this Code.

F. A minimum of one (1) separate washbasin for massage technicians shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Clean towels shall also be provided at each basin.

G. Pads used on massage tables shall be covered with a durable washable plastic or other waterproof material acceptable to the Long Beach Department of Health and Human Services.

(Ord. C-6979 § 1 (part), 1992)

5.58.075 - Accessory massage establishment.

A. The following businesses may offer massage service as an accessory use as defined in Section 21.15.060 of this Code: Health clubs, hotels with one hundred (100) or more rooms, beauty salons, barber shops, chiropractors' offices and medical doctors' offices.

B. Massage as an accessory use must be administered by a massage technician who has been issued a permit by the City under this Chapter at a fixed location within the primary business. The location must meet the requirements in Sections 5.58.060 and 5.58.070 of this Chapter.

C. The massage service described in Subsections A. and B. of this Section shall be incidental to the primary business, and the owner of the primary business shall not be required to obtain a separate massage establishment permit for this accessory use. The owner of the primary business shall be responsible for the massage activities of all massage technicians employed at the location, and the primary business license may be subject to revocation if the massage activities are in violation of this Chapter.

(Ord. C-6979 § 1 (part), 1992)

5.58.080 - Seated massage.

A. Any person, corporation or partnership wishing to perform seated massage as defined in Subsection 5.58.010.G. in the City must first be doing business at a fixed location which has a massage establishment permit, and the massage may be performed only by a person with a valid City massage technician permit.

B. The massage business offering seated massage must have a signed contract for service at each location the service is provided and such contract shall be provided to any person described in Chapter 5.08 for inspection upon demand. The contract shall specify the location, days and times the service is to be offered.

C. Seated massage shall only be offered at a commercial or industrial place of business and only for employees and/or patrons of that business.

D. Seated massage shall be offered in a public area only, to which all patrons and employees are provided free access.

E. Seated massage shall be offered at a set time and day at each location and shall not be offered at any other time, and in no event shall seated massage be permitted or offered between the hours of 9:00 p.m. and 7:00 a.m.

(Ord. C-7333 § 2, 1995; Ord. C-6979 § 1 (part), 1992)

5.58.085 - Inspections.

The City police chief, Health Officer and Director of Financial Management, or their authorized representatives, shall have the right to enter the massage establishment during regular business hours for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with applicable regulations, laws, and provisions of this Chapter.

(Ord. C-6979 § 1 (part), 1992)

5.58.090 - Permits not assignable.

No massage establishment or massage technician permit may be sold, transferred or assigned by the permittee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be deemed terminated and void, provided and excepting, however, that if the permittee is a partnership and one (1) or more of the partners should die, one (1) or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit and in each case the permittee shall thereafter be deemed to be the surviving partner(s).

(Ord. C-6979 § 1 (part), 1992)

5.58.100 - Change of location or name separate location.

A. A change of location of any massage establishment or massage technician must first be approved by the Chief of Police who must determine, prior to approval, that all ordinances and regulations of the City will be complied with at any proposed new location.

B. No permittee shall operate under any name or conduct any establishment under any designation not specified in permittee's permit.

C. Any application for an extension or expansion of a building or other place of business of a massage establishment shall require compliance with Section 5.58.070 of this Chapter.

D.

A separate permit shall be required for each location of a massage establishment, but separate permits need not be obtained by a massage technician operating in more than one (1) location within the City for each such location; provided, that the application for a single permit for more than one (1) location shall disclose each location at which the technician may operate. No permit issued under this Chapter shall be in any way deemed or construed to authorize outcall services.

(Ord. C-6979 § 1 (part), 1992)

5.58.110 - Massage technician permit—Required.

A. No person shall engage in the business of, or act as, a massage technician unless such person holds a valid massage technician's permit issued by the City. In addition, each massage technician permit holder shall be issued a permit identification badge. The permit holder shall maintain the badge clearly visible on the permit holder's person during business hours. Each permit holder shall immediately surrender to the Chief of Police or an authorized representative any badge issued by the City upon the suspension, revocation, or expiration of such permit.

B. A permit under this Section shall be subject to renewal every twelve (12) months from the date of issuance unless revoked or suspended earlier.

(Ord. C-6979 § 1 (part), 1992)

5.58.120 - Application for technician's permit.

A. Each applicant for a massage technician permit shall make application under penalty of perjury to the Chief of Police or an authorized representative. Prior to submitting an application, a nonrefundable fee as established by resolution of the City Council shall be paid to the City and a receipt for such payment shall accompany the application.

B. The application for permit does not authorize the applicant to practice massage until such permit has been granted.

C. Each applicant for a massage technician permit shall submit the following information under penalty of perjury:

1. Each and every fact or inquiry set forth in Subsections 5.58.040.D.1. through 8.; and
2. Acceptable written proof that the applicant is at least eighteen (18) years of age.

D. 1. The applicant must furnish a diploma or certificate of graduation and transcripts from a five hundred (500) hour course of instruction from either:

   a. A recognized "school of massage" as defined in Subsection 5.58.010.C. of this Chapter; or

   b. An existing school or institution of learning outside the State together with a certified transcript of the applicant's school records showing date of enrollment, hours of instruction and graduation from a course having at least a minimum requirement prescribed by Title 5, Division 21, of the California Administrative Code, wherein the theory, method, profession and work of massage are taught, and a copy of the school's approval by its State Board of Education; and

2. Alternatively, the applicant may furnish a diploma or certificate of graduation and transcripts from a minimum two hundred (200) hour course of instruction from schools or institutions as described in Subsection D.1. of this Section and furnish proof of completion of up to three hundred (300) hours of continuing education courses in massage from schools or institutions as described in Subsection D.1. of this Section or from equivalent organizations as determined by the Chief of Police. The minimum combined total course hours and continuing education hours shall equal no less than five hundred (500) hours.

E. The full name, address and telephone number of each massage establishment where the technician will be employed.

F. Such other identification and information as the Police Department may require in order to discover the truth of the matters herein specified as required to be set forth in the application including, but not limited to, the work history for the past five (5) years.

G. Three (3) photographs of the applicant taken by the Police Department.

H. The Chief of Police or an authorized representative will require the applicant to furnish fingerprints for the purpose of establishing identification. Any required fingerprinting fees will be the responsibility of the applicant.

I. A certificate from a medical doctor licensed to practice in the State stating that the applicant has within thirty (30) days immediately preceding the date of application been examined and found to be free of any contagious or communicable disease.

J. Upon receipt of a written application for a permit (for an establishment or a technician), the Chief of Police, or a designee, shall conduct an investigation in such a manner as deemed appropriate, in order to ascertain whether such permit should be issued as requested. Upon the completion of the investigation, the police chief shall recommend that the permit be granted if he finds:

   1. The required fee has been paid;
   2. The application conforms in all respects to the provisions of this Chapter;
   3. The applicant has not made a material misrepresentation in the application;
   4. The applicant, if an individual, or any of the stockholders of the corporation, or any officers or director, if the applicant is a corporation, or a partner if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under California Penal Code Section 290, or of conduct which is a violation of the provisions of California Penal Code Sections 314, 315, 316, 318, 647, or any other crime involving dishonesty, fraud, deceit or moral turpitude;
   5. The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked, or suspended by the City, or any other State or local agency prior to the date of approval;
   6. The applicant is at least eighteen (18) years of age; and
   7. The massage establishment as proposed by the applicant would comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards.

K. The Chief of Police shall render a recommendation to the Commercial Services Bureau to approve, conditionally approve, or deny the application within thirty (30) days of filing of an application. Alternatively, the Chief of Police may grant a temporary conditionally approved permit if he finds that a prolonged pending delay in permanent permit approval is to be anticipated, and it appears likely that a permit will be granted at the end of that period.

L. If the Chief of Police or an authorized representative, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this Section, he shall recommend denial of the application. The Commercial Services Bureau of the Department of Financial Management shall notify the applicant of the denial by dated, written notice. Any applicant for a permit who is refused a permit by the Chief of Police or an authorized representative may appeal the denial to the City Council, as set forth in Section 5.06.030

(Ord. C-6979 § 1 (part), 1992)

5.58.130 - Renewal of permits.

A. Massage establishments and technicians licensed under this Chapter shall have thirty (30) days from the date of expiration to renew his/her permit.

B. On a biennial basis, permit renewal shall be contingent upon satisfactory compliance with all pertinent sections of this Chapter, including a current medical clearance and submission to a background investigation subsequent to fingerprint examination.

C. Every massage technician licensed under this Chapter shall annually complete at least twenty (20) hours of continuing education courses in massage from schools or institutions as described in Subsection 5.58.120.D.1. or from equivalent organizations as determined by the Chief of Police. Failure to complete such hours and submit proof of such completion in a form satisfactory to the Chief of Police at the time of permit renewal shall be grounds for denial of permit renewal. The minimum requirement of twenty (20) hours of continuing education courses to renew a permit is based on a five hundred (500) hour education recommendation for membership in the American Massage Therapists Association (AMTA) If recommended hours of education for membership in the AMTA increase, the number of continuing education hours for renewal of permits under this Section shall increase in direct proportion to the increase of education hours required for membership in the AMTA.

(Ord. C-7423 § 10, 1996; Ord. C-6979 § 1 (part), 1992)

5.58.140 - Notification by establishment.

A. The holder of the permit to operate or conduct a massage establishment shall notify the Chief of Police, in writing, of the name and address of each person employed as a massage technician at such establishment within five (5) days of employment. The requirements of this Section are in addition to the other provisions of this Chapter and nothing contained herein shall relieve the permittee of the responsibility of ascertaining, prior to employment, whether said person has a current unrevoked massage technician's permit.

B. If during the life of a permit the applicant has any change in information concerning the original application, notification must be made to the Chief of Police, in writing, within thirty (30) days of the change.

(Ord. C-6979 § 1 (part), 1992)

5.58.150 - Applicability of regulations to existing businesses.

The provisions of this Chapter shall be applicable to all persons and businesses described herein whether the herein described activities were established before or after the effective date of this Chapter, except that massage establishments legally in business prior to the effective date of the ordinance first enacting this Section shall have six (6) months or until the expiration of their current massage establishment permit, whichever is later, to comply with the regulations for massage establishments set forth herein, and except that persons who are legally permitted to work as massage technicians by the City, or who have had an application for such a permit accepted as complete by the Chief of Police, on or before May 15, 1992, shall be required to provide proof of completion of a two hundred (200) hour course of instruction under Subsection 5.58.120.D. of this Chapter.

(Ord. C-6994 § 1, 1992; Ord. C-6979 § 1 (part), 1992)

5.58.160 - Unlawful conduct.

A. It shall be unlawful for any massage technician to massage the genital area of any patron or the breasts of any female patron or for any responsible managing officer in charge of the premises of a massage establishment to allow or permit such massage.

B. It shall be unlawful for a person serving as a massage technician not to be fully clothed in nontransparent clothing that covers their genitals, pubic area, buttocks and chest at all times.

C. It shall be unlawful for a massage technician to perform any massage service at any location other than that location specified on the technician's permit. If during the life of a permit the applicant has any change in information concerning the original application, notification must be made to the Chief of Police, in writing, within thirty (30) days of the change.

D. It shall be unlawful for any person to conduct, solicit or engage in outcall services.

(Ord. C-6979 § 1 (part), 1992)

5.58.170 - Revocation—Massage establishment or technician permit.

A. Whenever any person fails to comply with any provision of this Chapter pertaining to a permit issuance, or any rule or regulation adopted pursuant hereto, or with any other provision or requirement of law, including, but not limited to, this Municipal Code and any grounds that would warrant the denial of initial issuance of a permit hereunder, the Chief of Police or authorized representative, after giving such person ten (10) days' notice in writing specifying the time and place of hearing and requiring him to show cause why his permit should not be revoked, shall conduct a hearing and thereafter, if warranted, may revoke or suspend any one (1) or more permits held by such person. The notice shall be served in the same manner as notice of assessment is served under Section 3.80.444 of this Code. The Chief of Police shall not issue a new permit after the revocation of a permit unless he is satisfied that the applicant will thereafter comply with all provisions of this Chapter and the rules and regulations adopted thereunder and all other applicable provisions of law, and until the Chief of Police collects a fee in an amount sufficient to recover the actual costs of processing as set by resolution.

B. The Chief of Police will provide the permittee with written notice of the revocation by certified mail addressed to the street address of the massage establishment.

C. Any person who engages in any business after the permit issued therefor has been suspended or revoked, and before such suspended permit has been reinstated or a new permit issued, shall be guilty of a misdemeanor.

(Ord. C-6979 § 1 (part), 1992)

5.58.180 - Permit revocation appeals procedure.

Any permittee, within ten (10) days after receipt of notice of revocation, may file an appeal to the City Council through the City Clerk pursuant to Section 5.06.020 of this Code.

(Ord. C-6979 § 1 (part), 1992)

5.58.190 - Burden of proof at hearings.

Unless otherwise specifically provided by law, the burden is on the permittee-applicant in any hearing under this Chapter to prove that the determination of the Chief of Police or an authorized representative which he is appealing is unreasonable, erroneous, or clearly abusive of discretion.

(Ord. C-6979 § 1 (part), 1992)

5.58.200 - Violation and penalty.

Violation of any provision of this Chapter is a misdemeanor and is punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment. Revocation of a license or permit or certificate shall not be a defense against prosecution.

Any massage establishment operated, conducted or maintained contrary to the provisions of this Chapter shall be unlawful and a public nuisance, and the City may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinment thereof, in a manner provided by law.

(Ord. C-6979 § 1 (part), 1992)

CHAPTER 5.59 - MORTGAGE MODIFICATION CONSULTANT

5.59.010 - Definitions.

For purposes of this Chapter, the following terms and phrases shall have the meanings set forth herein, unless the context clearly indicates a different meaning. Singular references also include plural and derivative uses of defined terms where capitalized:

A. Contract. Contract means any written agreement, or any term thereof, between a mortgage modification consultant and an owner for the rendition of any service as defined in this Section.

B. Mortgage modification consultant.

1. Mortgage modification consultant means any person who makes any solicitation, or offer to any owner to perform for compensation or who, for compensation, performs any service which the mortgage modification consultant in any manner represents will do any of the following:
    a. Contact or negotiate with any beneficiary or mortgagee for the purpose of modifying the interest rate, principal balance or terms of any loan prior to the recording of a notice of default;
    b. Prevent the recording of a notice of default;
    c. Obtain any forbearance from any beneficiary or mortgagee prior to the recording of a notice of default;
    d. Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a deed or trust or mortgage on a residence or contained in that deed of trust or mortgage prior to the recording of a notice of default;
    e. Assist an owner to obtain a loan or advance of funds to cure a mortgage default where the property is not the subject of a recorded notice of default;
    f. Avoid or ameliorate the impairment of an owner's credit resulting from the threatened recording of a notice of default;
    g. Save an owner's residence from a threatened foreclosure.
2. Mortgage modification consultant does not include any person identified as exempt from the definition of "foreclosure consultant" by Section 2945.1(b) of the California Civil Code.

C. Notice of default. Notice of default means a notice that is recorded pursuant to the provisions of California Civil Code Section 2924.

D. Owner. Owner means the record title owner or owners of residential real property located in the City of Long Beach.

E. Person. Person means any individual, partnership, corporation, limited liability company, association or other entity, however organized.

F. Residence. Residence means residential real property, consisting of one (1) or more dwelling units, one (1) of which the owner or owners occupy as his or her principal place of residence, encumbered by a loan secured by a deed of trust, the terms of which the owner wishes to modify

in order to reduce or fix the payments thereon, but is not the subject of a recorded notice of default.

G. Service. Service means and includes, but is not limited to, any of the following:
   1. Debt, budget or financial counseling of any type;
   2. Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a lien on a residence but prior to the recording of a notice of default on the residence;
   3. Contacting creditors on behalf of an owner of a residence but prior to the recording of a notice of default on the residence;
   4. Arranging or attempting to arrange for an extension of the period within which the owner of a residence may cure his or her default prior to the recording of a notice of default;
   5. Advising the filing of any document or assisting in any manner in the preparation of any document for filing with any bankruptcy court on behalf of an owner of a residence;
   6. Giving any advice, explanation or instruction to an owner of a residence which in any manner relates to the cure of an existing or threatened default in, or in an obligation secured by a lien on, the owner's residence, or the postponement or avoidance of the recording of a notice of default for the owner's residence.

(ORD-09-0017, § 1, 2009)

5.59.020 - Right of cancellation.

A. In addition to any other right under the law to rescind a contract, an owner has the right to cancel a contract until midnight of the seventh calendar day after the day on which the owner signs a contract.

B. Cancellation occurs when the owner gives written notice of cancellation to the mortgage modification consultant by mail at the address specified in the contract, or by facsimile or electronic mail at the number or address identified in the contract.

C. Notice of cancellation, if given by mail, is effective when deposited in the mail properly addressed with the postage prepaid. If given by facsimile or electronic mail, notice of cancellation is effective when successfully transmitted.

D. Notice of cancellation given by the owner need not take the particular form as provided with the contract and; however expressed, is effective if it indicates the intention of the owner not to be bound by the contract.

(ORD-09-0017, § 1, 2009)

5.59.030 - Contract requirements.

A. Every contract shall be in writing and shall fully disclose the exact nature of the mortgage modification consultant's services and the total amount and terms of compensation.

B. The contract shall be written in the same language as principally used by the mortgage modification consultant to describe his or her services or to negotiate the contract. In addition, the mortgage modification consultant shall provide the owner, before the owner signs the contract, with a copy of the completed contract written in any other language used in communication between the mortgage modification consultant and the owner, and in any language described in Subdivision (b) of California Civil Code Section 1632 if requested by the owner. If English is the language principally used by the mortgage modification consultant to describe the mortgage modification consultant's services or to

negotiate the contract, the mortgage modification consultant shall notify the owner orally and in writing before the owner signs the contract that the owner has the right to ask for a completed copy of the contract in a language described in California Civil Code Section 1632.

C. The contract shall be dated and signed by the owner, and shall contain next to the space reserved for the owner's signature a conspicuous statement in a size equal to at least 14-point boldface type the following language:

NOTICE REQUIRED BY THE CITY OF LONG BEACH

You, the owner, may cancel this transaction at any time prior to midnight of the seventh calendar day after you sign this contract. Cancellation occurs when you give written notice of cancellation to the other party to this contract at the party's address identified in the contract, or by facsimile or electronic mail at the number or address identified in this contract.

It is not necessary to pay a third party to arrange for a loan modification or other form of forbearance from your mortgage lender or service. You may call your lender directly to ask for a change in your loan terms. HUD approved nonprofit housing counseling agencies also offer these and other forms of borrower assistance free of charge. A list of nonprofit housing counseling agencies approved by the United States Department of Housing and Urban Development is available from your local HUD office.

You may also reach HUD approved counselors through the Homeownership Preservation Foundation.

D. The contract shall contain on the first page, in a type size no smaller than generally used in the body of the document, each of the following:
   1. The name, mailing address, electronic mail address and facsimile number of the mortgage modification consultant to which the notice of cancellation is to be mailed.
   2. The date the owner signed the contract.

E. The contract shall be accompanied by a completed form in duplicate, captioned "Notice of Cancellation", which shall be attached to the contract, shall be easily detachable, and shall contain in type at least 14-point type the following statement written in the same language that was used in the contract:

"NOTICE OF CANCELLATION"

F. The mortgage modification consultant shall provide the owner with a copy of the contract and the attached notice of cancellation. An owner's use of the notice of cancellation is optional. This Section is in no way intended to limit the application of Subsection 5.59.020.D.

G. Until the mortgage modification consultant has complied with this Section, the owner may cancel the contract.

(ORD-09-0017, § 1, 2009)

5.59.040 - Violations.

It shall be a violation of this Chapter for a mortgage modification consultant to do any of the following:

A. Perform any service without a written contract.

B.

Claim, demand, charge, collect or receive any compensation until after the mortgage modification consultant has fully performed each and every service the mortgage modification consultant contracted to perform or represented that he or she would perform.

C. Take any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation. That security shall be void and unenforceable.

D. Receive any consideration from any third party in connection with services rendered to an owner unless that consideration is fully disclosed to the owner in writing at the time the contract is entered into.

E. Acquire any interest in the residence from an owner with whom the mortgage modification consultant has contracted. Any interest acquired in violation of this subsection shall be void, provided that nothing herein shall affect or defeat the title of a bona fide purchaser or encumbrancer for value and without notice of a violation of this Chapter. This subsection may not be deemed to abrogate any duty of inquiry that exists as to rights or interests of persons in possession of a residence.

F. Take any power of attorney from an owner for any purpose.

G. Induce or attempt to induce any owner to enter into a contract that does not comply in all respects with Sections 5.59.020 and 5.59.030 of this Chapter.

(ORD-09-0017, § 1, 2009)

5.59.050 - Waiver.

Any waiver by an owner of any or all of the provisions of this Chapter shall be deemed void and unenforceable as contrary to public policy. Any attempt by a mortgage modification consultant to induce an owner to waive any or all of the rights provided by this Chapter shall be deemed a violation of this Chapter.

(ORD-09-0017, § 1, 2009)

5.59.060 - Owner's right of action.

In addition to all remedies allowed by law, an owner may bring an action against a mortgage modification consultant for any violation of this Chapter, and a mortgage modification consultant may be liable in a civil action for damages up to three (3) times the amount of actual damages, together with attorneys' fees and costs of litigation.

(ORD-09-0017, § 1, 2009)

5.59.070 - Liability of mortgage modification consultant for damages resulting from statements made, or acts by, a representative.

A. A mortgage modification consultant is liable for all damages resulting from any statement made or act committed by the mortgage modification consultant's representative in any manner connected with any of the following:

1. The mortgage modification consultant's performance, offer to perform, or contract to perform any service;
2. The mortgage modification consultant's receipt of any consideration or property from or on behalf of any owner;
3. Performance of any act prohibited by this Chapter.

B.

"Representative" for the purposes of this Section means a person who in any manner solicits, induces, or causes any of the following:

1. Any owner to contract with a mortgage modification consultant.
2. Any owner to pay any consideration or transfer title to the residence threatened with foreclosure to the mortgage modification consultant.
3. Any member of the owner's family or household to induce or cause any owner to pay any consideration or transfer title to the residence to the mortgage modification consultant.

(ORD-09-0017, § 1, 2009)

5.59.080 - Statement of intent.

It is the intent of the City Council that the provisions of this Chapter shall apply to services for which an agreement to provide the services is made on or after the effective date of this Chapter.

5.59.090 - Severability.

If any provision of the ordinance from which this Chapter derives, is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Chapter, which can be implemented without the invalid provisions, and to this end, the provisions of this Chapter are declared to be severable.

(ORD-09-0017, § 1, 2009)

CHAPTER 5.60 - PARADES AND SPECIAL EVENTS

FOOTNOTE(S):

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Editor's note— ORD-13-0005, § 1, adopted May 14, 2013, amended Ch. 5.60 in its entirety to read as herein set out. Former Ch. 5.60, §§ 5.60.010—5.60.150, pertained to similar subject matter, and derived from: Ord. C-6260; Ord. C-6580; Ord. C-6913; Ord. C-7250; Ord. C-7791, § 1, 2002; Ord. C-7934 § 7, 2004.

5.60.010 - Definitions.

A. "City Manager" means the City Manager of the City of Long Beach and his/her designee.

B. "Departmental Services Charges" means the actual costs which a department of the City incurs in connection with activities for which a permit is required under this Chapter, including, but not limited to, costs associated with fire safety, traffic and/or pedestrian control, water safety, the closure of streets or intersections, the diverting of traffic, the salaries of City personnel involved in administration or coordination of City services for the event, the cost to the City to provide support personnel, equipment, materials and supplies, and related city costs such as employee overtime. Departmental Services Charges shall not include costs incurred by the City to provide police protection to those engaged in "expressive activity" as that term is defined in this Chapter.

C. "Expressive Activity" means conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas. Expressive Activity includes, but is not limited to, public oratory and the distribution of literature.

D. "Event Organizer" means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event.

E. "Event" includes a special event or an expressive activity.

F. "Person", as used in this Chapter, means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or manager, lessee, agent, servant, officer or employee or any of them, except where the context clearly requires a different meaning.

G. "Sidewalk" means that portion of a highway, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.

H. "Special Event" means:

1. Any organized formation, parade, procession, demonstration or assembly which may include persons, animals, vehicles, or any combination thereof, which is to assemble or travel in unison on any street, sidewalk or other public right-of-way owned or controlled by the City which does not comply with applicable traffic regulations, laws or controls; or
2. Any organized assemblage of seventy-five (75) or more persons at any public place, property or facility which is to gather for a common purpose under the direction or control of a person.
3.

Examples of special events include, but are not limited to, concerts, parades, circuses, fairs, festivals, block parties, street fairs, community events, on the water activities (such as boat races), mass participation sports (such as marathons and other running events), athletic or sporting events, and community celebrations and observances conducted on public property or public rights of way.

I. "Special Event Permit" means a permit issued pursuant to this Chapter.

J. "Special Event Venue" means that area for which a special event permit has been issued.

K. "Street" means a way or place of whatever nature, publicly maintained and open to the public for purposes of vehicular travel. Street includes highways or alleys.

(ORD-13-0005 , § 1, 2013)

5.60.020 - Permit—Required.

A. Except as provided by the terms of a permit, lease or contract which has been specifically authorized by the City Council, no person shall conduct or cause to be conducted, participate or engage in, hold, manage, permit or allow another to conduct a special event, in, on or upon any City street, sidewalk, alley, park, way, pier, public place, public property or public right-of-way which is owned or controlled by the City without first having obtained a written permit from the City Manager.

B. The City Manager may also approve and permit the sale or use of alcoholic beverages in public areas in connection with a special event. Any denial by the City Manager of approval for a permit to sell or use alcoholic beverages under this subsection may be appealed as provided in Section 5.60.120

C. The City Manager is authorized to issue permits for special events pursuant to the procedures established in this Chapter.

D. The City Manager may condition any permit issued pursuant to this Chapter with reasonable requirements concerning the time, place or manner of holding such event as is necessary to coordinate multiple uses of public property, assure preservation of public property and public places, prevent dangerous, unlawful or impermissible uses, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue. Conditions may include, but are not limited to, the following:

1. The establishment of an assembly or disbanding area for a parade or like event;
2. The accommodation of an event's pedestrian and vehicular traffic, including restricting events to City sidewalks, portions of a City street, or other public right-of-way;
3. Conditions designed to avoid or lessen interference with public safety functions and/or emergency service access;
4. The number and type of vehicles, animals, or structures to be displayed or used in the event;
5. The inspection and approval by City personnel of stages, booths, floats, structures, vehicles or equipment to be used or operated in the event to ensure that such structures or vehicles are safely constructed and can be safely operated, and conform to the requirements of all applicable codes;
6. A cleaning deposit if the event includes using structures, displaying or using horses or other large animals, operation of water stations, food distribution or sales, beverage distribution or sales, and/or sale of other goods or services;
7. The provision and use of traffic cones or barricades;
8. The provision or operation of first aid stations or sanitary facilities, including handicap accessible sanitary facilities;

9. The provision of a waste management plan, and the clean up and restoration of the site of the event;
10. The use of sound amplification equipment, and restrictions on the amount of noise generated by motors and other equipment used in the course of the event;
11. The manner of providing notice of permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the event;
12. The provision or use of emergency services;
13. The reasonable designation of alternate sites, times, dates, or modes for exercising expressive activity;
14. The obtaining of any and all business licenses or other necessary permits required by this Code for the sale of food, beverage or other goods or services at the event; and
15. The manner by which alcohol sales and service, if any, shall be conducted at the event.

E. Issuance of a special events permit pursuant to this Chapter does not obligate or require the City to provide City services, equipment or personnel in support of an event although the City Manager may provide such services, equipment or personnel if such are reasonably available and the event organizer makes provisions to reimburse the City for the cost thereof.

(ORD-13-0005 , § 1, 2013)

5.60.030 - Exceptions to the special event permit requirement.

A. The following activities are exempt from the special event permit requirement:
1. Funeral processions by a licensed mortuary or funeral home;
2. Activities conducted by a governmental agency acting within the scope of its authority;
3. With the exception of organized fund raisers and block parties, events which take place on streets, sidewalks, or other public rights-of-way owned or controlled by the City including, but not limited to, lawful picketing wherein applicable traffic regulations, laws or controls are complied with;
4. Filming activities governed by Chapter 5.61 of this Code;
5. Expressive activities. If practicable, the organizers should give notice to the City's Special Events Office at least four (4) hours prior to the event informing the City of the date and time of the event and provide an estimate of the approximate number of persons who will be participating.

(ORD-13-0005 , § 1, 2013)

5.60.040 - Permit—Application.

A. The application for a permit under this Chapter to conduct or engage in any special event except for event(s) controlled by the Recreation Commission under Chapter 2.54 of this Code, which involves the use of city streets, alleys, sidewalks, parks, piers, ways, public property or public right-of-way owned or controlled by the City shall be filed with the City Manager.

B. Applications shall be filed not less than sixty (60) calendar days, nor more than one (1) year before the time it is proposed to conduct the special event, City may adjust, as needed, except that applications for block party permits shall be filed at least ten (10) working days prior to the event.

C. Except as otherwise applicable, the City Manager shall, within ten (10) business days, determine whether such application is or is not complete. Notwithstanding the City Manager's acceptance of a completed application, no event date shall be considered confirmed until a special event permit is issued.

D. Applications for special events for which a permit is required pursuant to this Chapter, may be filed in advance of the time periods set forth above but in no event more than one (1) year prior to the event date. If an applicant for an event desires to ensure the opportunity for an appeal to the City Council in accordance with subsection 5.60.120, the application shall be filed with the City Manager not less than thirty (30) calendar days, nor more than one (1) year before the time when it is proposed to conduct the event. Failure to file the application at least seventy-five (75) days prior to the proposed activity shall be deemed to be a waiver of an appeal to the City Council and in that event the decision of the City Manager shall be final and the event organizer or other aggrieved person may file or cause to be filed a petition for writ of mandate in state court regarding the validity of the City Manager's decision to grant or deny the application.

E. Each application shall be accompanied by a nonrefundable permit application fee in an amount established from time to time by resolution of the City Council. The City Manager shall have the authority, if good cause is shown and the nature of the application reasonably and feasibly lends itself to expedited processing, to consider, grant or deny any application for a permit which is filed later than the time prescribed in this Section.

F. Completed applications for a permit authorizing a special event shall be denied, approved, or conditionally approved by the City Manager within thirty (30) days after the City Manager determines that the application is complete.

G. Applications shall be upon a form which is furnished by or acceptable to the City Manager. Each application shall contain full, complete and detailed information including, but not limited to, the following:

1. The name, address and telephone number of the event organizer;
2. A certification that the event organizer shall be financially responsible for any City fees, departmental services charges or costs that may lawfully be imposed for the event;
3. The name, address and telephone number of the event organizer, if any, and the chief officer of the event organizer;
4. A statement of the purpose of the special event;
5. A statement of any fees to be charged to participants or spectators in connection with the special event;
6. The proposed location of the special event including a plot plan depicting the placement of temporary structures or facilities on public property or public rights-of-way;
7. The date and times when the special event is to be conducted;
8. The approximate times when assembly for, and disbanding of, the special event is to take place;
9. Provisions for first aid or emergency medical services, or both, based upon event risk factors;
10. Insurance information, if applicable;
11. Any other information reasonably required by the City Manager.

H. The City Manager may refer the application to such appropriate City departments as he/she deems necessary from the nature of the application for review, evaluation, investigation and recommendations by the departments regarding approval or disapproval of the application.

I. The City Manager shall issue a permit under this Chapter if the City Manager finds that the following criteria have been met:

1. The proposed use of the property is not governed by or subject to any other permit procedures provided elsewhere in this code or other applicable laws, rules or regulations;

2. The event will not substantially interrupt the safe and orderly movement of aerial or marine navigation;
3. The event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its location;
4. The event will not conflict with construction or development in the public right of way or at a public facility;
5. The event will not require the diversion of public safety or other city employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the City;
6. The concentration of persons, animals or vehicles will not unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets;
7. The event will not unreasonably interfere with any other special event for which a permit has already been granted or with the provision of City services in support of other scheduled events or scheduled government functions;
8. The event will not have an unmitigatible adverse impact upon residential or business access and traffic circulation in the same general venue area;
9. If the event is a marathon, it will not occur within one hundred eighty (180) calendar days of another marathon unless such event receives prior approval by the City Council;
10. The event will not adversely affect the City's ability to reasonably perform municipal functions or furnish city services;
11. The proposed use, event or activity will not have a significant adverse environmental impact;
12. In the case of a block party or other similar neighborhood event, the applicants have submitted a petition in favor of the event which has been signed by individuals representing at least sixty-six percent (66%) of the households on the block affected by the permit;
13. The provisions of Sections 5.60.070 and 5.60.080, if applicable, have been or will be satisfied.

(ORD-13-0005 , § 1, 2013)

5.60.050 - Permit application—Fee.

A. Any permit fee, application fee, daily fee, and other additional fee for the use of City streets or other City owned or controlled property pursuant to this Chapter shall be established by the City Council by Resolution.

B. Permittee shall pay a permit fee, application fee, daily fee, and other additional fee(s) unless said fee(s) are funded or partially funded by action of the City Council by Resolution.

C. An indigent natural person who cannot apply for a permit because of an inability to pay the application fee due to such indigence shall not be required to pay the fee. Application for indigent status shall be made at the time of permit application and shall be accompanied by such relevant information and documentation as may be reasonably necessary to verify such status. For purposes of this Section 5.60.050 "indigent natural person" means:

1. A person who is receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplemental Payments (SSP) programs (Sections 12200 to 12205, inclusive, of the California Welfare and Institutions Code), the California Work Opportunity and Responsibility to Kids Act (Cal WORKs) program (Chapter 2, commencing with Section 11200 of Part 3 of Division 9 of the California Welfare and Institutions Code), the Food Stamp program (7 U.S.C. Sec. 2011, et seq.) or Section 17000 of the Welfare and Institutions Code;

2. A person whose monthly income is one hundred twenty-five percent (125%) or less of the current monthly poverty line annually established by the Secretary of Health and Human Services pursuant to the Omnibus Budget Reconciliation Act of 1981, as amended;

D. An organization in which a majority of its members meet the criteria for indigent status, as established in Subsection (c) of this Section, may also be eligible for application fee waiver.

(ORD-13-0005 , § 1, 2013)

5.60.060 - Permit—Denial or revocation.

A. The City Manager may deny any application for a permit or revoke any permit if he/she finds any of the following:

1. The permitted event or activity will unreasonably disrupt traffic within the City; or
2. The permitted event or activity will unreasonably interfere with access to police or fire stations, or other public safety facilities; or
3. The location of the event or activity will cause undue hardship to adjacent businesses or residents; or
4. The permitted event or activity will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the City; or
5. The application contains incomplete, false or misleading information; or
6. The City Manager is unable to make all of the relevant findings pursuant to Subsection 5.60.040.I; or
7. The applicant fails to comply with all terms of this Chapter including failure to remit all fees and deposits, or fails to provide proof of insurance and/or an indemnification agreement as required by this Chapter; or
8. The event is proposed for a time and place for which another event permit has been or will be issued to a prior applicant; or
9. The proposed area for the assembly or for the set up or dispersal of a parade or demonstration could not physically accommodate the number of participants expected to participate in the assembly, parade or demonstration; or
10. The parade, assembly or demonstration is proposed to take place on the roadway portion of any street in a commercial or retail zone between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) A.M. or between the hours of four o'clock (4:00) P.M. and six-thirty o'clock (6:30) P.M., Monday through Friday, unless the parade, assembly or demonstration will occur on a national holiday; or
11. The parade, assembly or demonstration will violate any federal, state or local law or regulation; or
12. The applicant is legally incompetent to contract or to sue and be sued; or
13. The applicant or the person or entity on whose behalf the application for permit was made has on prior occasions damaged city property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City; or
14. The proposed event would present an unreasonable danger to the health or safety of the applicant, spectators, city employees, or members of the public; or
15. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale, offering for sale, or distribution of any goods or services.

B. The City Manager may deny any application for a permit or revoke any permit if the City Manager determines that the event sponsor or any agent, employee or associate of any such event organizer has willfully made any false or misleading statement in an application or has not fully complied with the requirements of this Chapter or has violated any of the provisions of this Chapter or the provisions of any other applicable law, rule or regulation.

C. An event organizer whose permit application is denied, or whose permit is revoked, pursuant to this Section shall be immediately notified of the action of denial or revocation, which notification shall contain a statement setting forth the reasons for said denial or revocation as well as a reference to the appeal provisions set forth in Section 5.60.120. Notification, pursuant to this Subsection, shall be deemed satisfied when the notice is placed, postage prepaid, in the United States mail, certified mail, return receipt requested, and addressed to the applicant at the address shown on the permit application.

(ORD-13-0005 , § 1, 2013)

5.60.070 - Hold harmless.

A. Each Permittee shall execute a hold harmless agreement in a form approved by the City agreeing to defend, indemnify, and hold harmless the City against losses and liabilities incurred from the conduct of Permittee or its officers, employees, and agents.

B. Except for block parties, concurrent with the issuance of a permit under this Chapter and as a condition precedent to the effectiveness of the permit, the Permittee shall procure and maintain in full force and effect during the term of the permit insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040

C. A claim for exclusion and alternative treatment under Subsection 5.60.070.B shall be filed with and at the same time as an application for a permit, and an agreement or proof of insurance, as applicable, shall be provided prior to permit issuance. The City Manager or his/her designee may require such proof and documentation as he/she may deem reasonably necessary to verify the constitutionally protected status of the parade or event and the applicability of Subsection 5.60.070.B.

(ORD-13-0005 , § 1, 2013)

5.60.080 - Departmental Services Charge.

A. As a condition to permitting a special event, Permittee may be required to post a security deposit to cover any departmental service charges incurred.

B. In addition to the payment of the nonrefundable permit application fee or daily fee, a Permittee shall pay the City for all City departmental services charges incurred in connection with or due to the Permittee's activities under the permit. Additionally, if City property is destroyed or damaged by reason of Permittee's use, event or activity, the Permittee shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property.

C. City departments shall submit the final invoices and billings for departmental services charges to the City Manager or no later than twenty (20) business days after the event giving rise to the issuance of a permit.

D. A Permittee who claims inability to pay departmental service charges due to indigency shall have these charges waived in accordance with the indigency guidelines below. Application for indigent status shall be made at the time of permit application and shall be accompanied by such relevant

information and documentation as may, in the opinion of the City Manager or designee, be reasonably necessary to verify such status. For purposes of this Section 5.60.080, "Indigent Natural Person" means:

1. A person who is receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplemental Payments (SSP) programs (Sections 12200 to 12205, inclusive, of the California Welfare and Institutions Code), the California Work Opportunity and Responsibility to Kids Act (CalWORKs) program (Chapter 2, commencing with Section 11200 of Part 3 of Division 9 of the California Welfare and Institutions Code), the Food Stamp program (7 U.S.C. Sec. 2011, et seq.) or Section 17000 of the Welfare and Institutions Code;
2. A person whose monthly income is one hundred twenty-five percent (125%) or less of the current monthly poverty line annually established by the Secretary of Health and Human Services pursuant to the Omnibus Budget Reconciliation Act of 1981, as amended.

E. An organization in which a majority of the members meet the criteria for indigent status, as established in Subsection (D) of this Section, may also be eligible for waiver of departmental service charges.

(ORD-13-0005 , § 1, 2013)

5.60.090 - Refunds.

If a Permittee is unable to hold or conduct a use, event or activity because of inclement weather or due to some other cause not within the Permittee's control, and the Permittee submits a written request for the refund of such fees to the City Manager's office within ten (10) days after the date that the use, event or activity was to have been held or conducted, the City Manager may authorize the refund of the fees or a pro rata portion thereof, except for actual costs incurred by the City at the time of cancellation and the nonrefundable application fees, which have been paid by the Permittee to the City in connection with a permit issued under this Chapter.

(ORD-13-0005 , § 1, 2013)

5.60.100 - Interfering with activity prohibited.

It is unlawful for any person to obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in a special event for which a special event permit has been issued.

(ORD-13-0005 , § 1, 2013)

5.60.110 - Penalty for violation.

Any person who intentionally violates any of the provisions of this Chapter shall be guilty of a misdemeanor.

(ORD-13-0005 , § 1, 2013)

5.60.120 - Appeals.

A. Except as provided in this Chapter, any person aggrieved by the issuance, denial or revocation of a permit pursuant to this Chapter may appeal such decision to the City Council by filing a written notice of such appeal with the City Clerk within ten (10) business days of the decision of the City Manager giving rise to said appeal. Such appeal shall set forth, with particularity, the facts upon which the appeal is being made. The City Council shall, within sixty (60) days of receiving such notice of appeal, hold a hearing. At such hearing, the aggrieved party is entitled to be heard and present evidence on his/her behalf. The City Council shall determine the merits of the appeal, and the City Council's

determination to grant or deny the appeal shall be final. When the necessity for a timely response so requires, the City Council may refer to the matter to a Hearing Officer in accordance with the provisions of Chapter 2.93

(ORD-13-0005 , § 1, 2013)

5.60.130 - Rules and regulations.

The City Manager is authorized to promulgate additional policies, rules and regulations that are consistent with and that further the provisions set forth within this Chapter and the provisions of law that pertain to the conduct and operation of a special event.

(ORD-13-0005 , § 1, 2013)

5.60.140 - Unlawful to use city name without authorization.

It is unlawful for any event organizer to use in the title of the event the words "The City of Long Beach" or "City of Long Beach", or facsimile of the seal or logo of the City of Long Beach without City's written authorization.

(ORD-13-0005 , § 1, 2013)

CHAPTER 5.61 - FILMING ACTIVITIES

FOOTNOTE(S):

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Editor's note— ORD-13-0006, § 1, adopted May 14, 2013, amended Ch. 5.61 in its entirety to read as herein set out. Former Ch. 5.61, §§ 5.61.010—5.61.090, pertained to similar subject matter, and derived from: Ord. C-7250 § 2 (part), 1994; Ord. C-7934 § 8, 2004.

5.61.010 - Definitions.

A. "Motion Picture, Television, Still Photograph", as used in this Chapter, means and includes all activity attendant to staging or shooting commercial motion pictures, television shows or programs, and commercials.

B. "Charitable films", as used in this Chapter, means commercials, motion pictures, television, videotapes, or still photograph produced by a nonprofit organization, which qualifies under section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.

C. "News Media", as used in this Chapter, means the filming or videotaping for the purpose of spontaneous, unplanned television news broadcast by reporters, photographers or cameramen.

(ORD-13-0006 , § 1, 2013)

5.61.020 - Permit required.

No person shall use any City street, alley, sidewalk, park, pier, way or other public property owned or controlled by the City for the purpose of taking commercial motion pictures or television pictures or commercial still photography without first applying for and receiving a permit from the City Manager or his/her designee, provided that the provisions of this Chapter shall not apply to or be construed to affect:

A. Reporters, photographers or cameramen in the employ of a newspaper, news service, or similar entity engaged in on the spot broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest; or

B. The filming or videotaping of Motion Pictures solely for private family use; or

C. Charitable films: projects which qualify under section 501(c)(3) of the Internal Revenue Code.

(ORD-13-0006 , § 1, 2013)

5.61.030 - Permit application.

A. An application for filming activity under this Chapter must be completed and filed at least three (3) working days prior to the first day of filming proposed.

B. Each such application must include:

1. The name of the owner, the address and telephone number of the place at which the activity is to be conducted;
2. The specific location at such address or place;

3. The inclusive hours and dates such activity will transpire, including, but not limited to the preparation and clean-up of the location;
4. A general statement of the character or nature of the proposed filming activity;
5. The name, address and telephone number of the person or persons in charge of such filming activity;
6. The exact number of personnel to be involved;
7. Use of any animals or pyrotechnics;
8. The exact amount/type of vehicles/equipment to be involved; and
9. Such additional information as the City Manager or his/her designee may reasonably require.

C. The City Manager or his/her designee shall refer the application for review as provided in Section 5.60.040 of this Code.

D. The City Manager or his/her designee shall grant, deny or revoke the permit in accordance with Subsection 5.60.040(I) or Section 5.60.060 of this Code.

E. The provisions of Subsection 5.60.040(E) shall apply to all permits issued under this Chapter.

(ORD-13-0006 , § 1, 2013)

5.61.040 - Permit application fees.

The provisions of Subsections 5.60.050(A) and (B) of this Code shall apply to every application made under this Chapter.

(ORD-13-0006 , § 1, 2013)

5.61.050 - Rules and regulations.

A. Upon twenty-four (24) hours' notice by the applicant, the City Manager or designee shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.

B. Rules. The City Manager or designee is authorized and directed to promulgate rules and regulations, subject to approval by resolution of the City Council, governing the form, time, and location of any film activity set forth within the City. He/she shall also provide for the issuance of permits. The rules and regulations shall be based upon the following criteria:
1. The health and safety of all persons;
2. Avoidance of undue disruption of all persons within the affected area;
3. The safety of property within the City; and
4. Traffic congestion at particular locations within the City.

(ORD-13-0006 , § 1, 2013)

5.61.060 - Reimbursement for costs.

Notwithstanding any other provisions of this Chapter, any permittee for a filming activity shall reimburse the City for all costs incurred by City, the amount of which shall be determined by the City Manager or his/her designee, or any City personnel or equipment provided to the applicant for the purpose of assisting or providing security or protection to the applicant for activities conducted under the permit. The provisions of Subsections 5.60.080(A) and 5.60.080(B) shall apply.

(ORD-13-0006 , § 1, 2013)

5.61.070 - General permit conditions.

Any applicant granted a permit pursuant to this Chapter shall comply with all of the following conditions:

A. An applicant will be required to submit a permit request at least three (3) working days prior to the date on which such person desires to conduct an activity for which a permit is required. If such activity interferes with traffic or involves potential public safety hazards, an application may be required at least ten (10) working days in advance.

B. The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris upon completion of shooting at the scene and restored to the original condition before leaving the site.

C. An applicant is required to obtain the property owner's permission, consent, and/or lease for use of property not owned or controlled by the City.

D. If the applicant must park equipment, trucks, and/or cars in zones that will not permit it, temporary "No Parking" signs must be posted by the City. The applicant must also obtain permission to string cable across sidewalks, or from a generator to a service point.

E. For filming that would impair traffic flow, an applicant must use City law enforcement personnel and comply with all traffic control requirements deemed necessary by the City.
    1. An applicant shall furnish and install advance warnings signs and any other traffic control devices in conformance with the manual of traffic controls, State of California, Department Of Transportation. All appropriate safety precautions must be taken;
    2. Traffic may be restricted to one (1) twelve-foot (12') lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the City, based on location;
    3. Traffic shall not be detoured across a double line without prior approval of the appropriate City departmental representative;
    4. Unless authorized by the City, the camera cars must be driven in the direction of traffic and must observe all traffic laws;
    5. Any emergency road work or construction by City crews and/or private contractors, under permit or contract to the appropriate department, shall have priority over filming activities.
    6. Street closure may be restricted to one (1) twelve-foot (12') lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the City, based on location.

F. When parking in a parking lot, an applicant may be billed according to the current rate schedule established by the City. In order to assure the safety of citizens in the surrounding community, access roads to beaches, which serve as emergency service roads, must never be blocked. No relocation, alteration, or moving of City-owned structures or property will be permitted without prior approval.

(ORD-13-0006 , § 1, 2013)

5.61.080 - Hold harmless.

A. The provisions of Section 5.60.070 shall apply to every permit issued under this Chapter.

B. Every applicant/permittee shall provide insurance and bonds as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040

(ORD-13-0006 , § 1, 2013)

5.61.090 - Appeals.

The proceedings set forth in Section 5.60.120 shall apply to any applicant or permittee aggrieved by an adverse decision under this Chapter 5.61.

(ORD-13-0006 , § 1, 2013)

5.61.095 - Interference with special event or film activity is prohibited.

It shall be unlawful for any person to interfere with, disrupt or impede a permitted special event or permitted film activity as specified herein. While not limited to, the following acts are prohibited by this section when done for the purpose of or with knowledge that an effect thereof is to interfere with or disrupt the ability of the permittee to carry on the special event or film activity:

A. To block, obstruct or impede the passage of participants, vehicles or animals in the special event or filming activity;

B. When not participating in the special event or filming activity with the permission of the permit holder, to walk, run, operate a skateboard, ride any wheeled vehicle or rollerskate through, between, with or among the participants, vehicles or animals in the special event or filming activity, except in cases of bona fide emergency;

C. To drop, roll, throw, toss, squirt or propel any gaseous, liquid, semisolid or solid substance or object toward or among the participants, vehicles or animals in the special event or filming activity;

D. To grab, take hold of, strike, hit, pull or push any participant, vehicle or animal in the special event or filming activity, or to mount any vehicle in the special event or filming activity, except with the permission of the permittee or in cases of bona fide emergency;

E. To enter upon the grounds, playing field, stage, floor, or any other area set apart for the participants, performers, officials, attendants or service personnel, unless authorized so to do by usher, by public safety personnel, or by an authorized representative of the sponsor of the special event or filming activity.

(ORD-13-0006 , § 1, 2013)

5.61.095.5 - Violation—Penalty.

Any person violating any of the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding $1,000.00 or imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment or may be deemed guilty of an infraction punishable by a fine of not more than two hundred-fifty dollars ($250.00). Each person may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted.

(ORD-13-0006 , § 1, 2013)

CHAPTER 5.62 - PATROL SYSTEMS

FOOTNOTE(S):

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State Law reference— Provisions on local regulation of private patrol operators, Bus. and Prof. C. §§ 7514.2 and 7523.

5.62.010 - Applicability.

This Chapter shall apply to "private patrol operators" as that term is defined in California Business and Professions Code section 7582.1.

(Ord. C-7423 § 23, 1996: Ord. C-6260 § 1 (part), 1986)

5.62.020 - Permit and license required.

No person shall practice, engage in or carry on the business of a patrol system in the City without having first met the following requirements:

A. The person has paid any business license tax required pursuant to Chapter 3.80 herein; and
B. The person holds a valid private patrol operator's license in accordance with the provisions of California Business and Professions Code section 7582, and exhibits a copy of said license.

(Ord. C-7423 § 23, 1996: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.64 - PAWNBROKERS AND SECONDHAND DEALERS

FOOTNOTE(S):

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State Law reference— Provisions on pawnbrokers, Fin. C. §§ 21000-21209; provisions on secondhand goods, Bus. and Prof. C. §§ 21500-21639.

5.64.010 - Definitions.

The following words as used in this Chapter shall have the meanings set forth in this Section unless otherwise clearly apparent from the context:

A. "Pawnshop" or "pawn office" means and includes any room, store or place in the City in which the business of a pawnbroker is engaged in, carried on or conducted.

B. "Pawnbroker" means and includes any person, other than banks, trust companies, or bond brokers, who may otherwise be regulated by law and authorized to deal in commercial papers, shares of stock, bonds and other certificates of value, who keeps a pawn office, or engages in, or carries on the business of receiving jewelry, precious stones, valuables, firearms, clothing or personal property, or any other article or articles in pledge for loans, or as security, or in pawn for the repayment of monies, and exacts an interest for such loans, or who purchases articles or personal property and agrees to resell such articles so purchased to the vendors thereof, or their assigns, at prices agreed upon at or before the time of such purchases, respectively.

C. "Secondhand dealer" means any person, co-partnership, firm, or corporation engaged in or conducting the business of buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand tangible personal property.

(ORD-13-0026 , § 1, 2013; Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

5.64.020 - Permit—Required.

No person shall engage in, carry on, or conduct the business of a pawnbroker or secondhand dealer, without first having obtained a permit in accordance with this Title, and complying with any and all requirements and regulations as contained and set forth in this Chapter.

(Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

5.64.030 - Permit—Application.

A. Each person, before obtaining a permit to carry on the business of a pawnbroker or secondhand dealer, shall make a written application to, and upon forms furnished by the Chief of Police, which shall be signed by the applicant. In addition to any other information which may reasonably be required by the Chief of Police, the application shall show the true name of the applicant, his/her fictitious name or names, if any, his/her age, his/her present address in the City or elsewhere, the name under which the applicant conducted any similar business, if any, and the place of his/her residence at such time within twelve (12) months preceding the date of the application. At the time the application is filed with the Chief of Police, the applicant shall be photographed and fingerprinted by the Police Department.

In the event the applicant is a corporation, an officer of the corporation shall furnish the information required above, and, in addition, shall furnish the names of all other corporate officers.

B. The Chief of Police shall issue the permit to the applicant or deny the application within sixty (60) days from the date thereof. Grounds for denial of the application shall be:
    1. The applicant has had a previous license or permit to engage in the business of a pawnbroker or secondhand dealer revoked or suspended by any jurisdiction;
    2. The applicant, based upon his/her past penal record, would be a poor risk in the business of pawnbroker or secondhand dealer.

(Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

5.64.040 - Permit—Fee—Bond.

A. Every person maintaining, carrying on or conducting any business for which a permit is required by the provisions of this Chapter shall pay a permit fee in an amount established by the City Council by resolution adopted pursuant to Section 5.04.040
B. Any person desiring to conduct on the business of a pawnbroker shall file with the City a faithful performance bond as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040
C. No permit issued under the provisions of this Chapter shall be transferable and no person shall conduct either the business of a pawnbroker or a secondhand dealer under the permit of another person, except as provided in this Chapter.

(Ord. C-7934 § 9, 2004; Ord. C-7423 § 24, 1996: Ord. C-6325 § 20, 1986: Ord. C-6260 § 1 (part), 1986)

5.64.050 - Permit—Renewal.

Upon the expiration of any permit issued under the provisions of this Chapter to a pawnbroker or secondhand dealer, the holder thereof shall be entitled to a new permit for the ensuing year without making a new application and obtaining a new permit therefor upon the payment of the required permit fee; provided that at the time of tendering the required permit fee there are no permit revocation proceedings pending against the permittee; and provided further that a bond, as provided for in Section 5.64.040, has been furnished.

(Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

5.64.070 - Reports—Goods deposited.

A. Every pawnbroker and secondhand dealer shall, at the time of purchase or pledge of any property, make out on forms, to be obtained from the Chief of Police for that purpose, a full, true and complete report of all goods or things received on deposit, pledged or purchased by him/her, and such report shall show the hour of the day each such article is received and the true name and address, as nearly as the same is known to, or can be ascertained by, the pawnbroker or secondhand dealer, and the personal signature of the person or persons by whom the article was left on deposit or pledged or sold, together with a description of the person or persons as may be required by the Chief of Police; that such report shall give also the number of the pawn ticket, the amount loaned or the amount of the purchase, as the case may be, and a complete description of each article left on deposit or pledged or purchased. If any article so left on deposit or pledged or purchased bears any number, word or initial thereon or contains any settings of any kind, the description of the article shall contain the number, word or initial and shall show the number of settings and the number of each kind thereof.

B. Every pawnbroker and secondhand dealer shall, on each day before the hour of ten a.m., deliver to the Chief of Police the original of the reports made out during the day preceding the filing of the reports.

C. No person shall use a fictitious name or address when selling, pledging or leaving any property on deposit as provided in this Chapter.

(Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

5.64.080 - Reports—Goods repledged or hypothecated.

No person carrying on or conducting the business of a pawnbroker shall repledge or hypothecate any article that he/she has in his/her possession and received in the due course of his/her business, for the purpose of borrowing money or otherwise, without making a full and true report to the Chief of Police, as required by Section 5.64.070, of such articles so repledged and hypothecated, the person to whom so pledged or hypothecated, and the amount borrowed on same, together with the name of the original pledger.

(Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

5.64.090 - Reports—Filing.

All daily reports to be filed with the Chief of Police as required in this Chapter shall be kept on file by the Chief of Police, which reports shall be open to inspection only by members of the Police Department or upon an order of a court of competent jurisdiction made for that specific purpose.

(Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

5.64.100 - Reports—Confidential.

The Chief of Police shall file all reports received pursuant to the terms of this Chapter, and the same shall be open to inspection only by members of the Police Department or upon an order of a court of competent jurisdiction made for that purpose, and every report and record required by the terms of this Chapter to be filed or kept shall be written or printed entirely in the English language in a clear and legible manner.

(Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

5.64.110 - Reports—Record.

Every person engaged in the business of a pawnbroker or secondhand dealer in the City shall keep a complete copy of the reports required by this Chapter, and every such record and all goods and things pledged to, or purchased by, or received by any such pawnbroker or secondhand dealer shall be open at all times during business hours to the inspection of the Chief of Police or any Police Officer.

(Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

5.64.120 - Inspection.

The premises of all pawnshops and secondhand dealers shall, at all times when open or being prepared for public sale, be subject to police inspection by members of the Police Department in the pursuit of their official duties, and no person, shall hinder or obstruct any such authorized Police Officer in making such inspection. Premises, as used in this Section, means that area which is used to display or store the goods or personal property offered for sale to the public.

(Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

5.64.150 - Sale of items within thirty days prohibited.

A. No pawnbroker or secondhand dealer shall sell or otherwise dispose of any article, goods or other thing within thirty (30) days after the purchase or receipt thereof.

B. No pawnbroker or secondhand dealer shall sell or otherwise dispose of any article, goods or other thing within thirty (30) days of the date such articles are suspended from sale under the provisions of this Chapter unless sooner released by the Chief of Police.

(Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

5.64.170 - Accepting goods from minors prohibited.

No pawnbroker or secondhand dealer shall purchase or take as a pledge, or otherwise, any goods offered him/her from any minor under the age of eighteen (18) years.

(Ord. C-7423 § 24, 1996: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.65 - SWAP MEETS AND DISPLAY SELLING EVENTS

5.65.010 - Definitions.

A. "Selling space", "stall" or "booth" shall be defined as an area not exceeding twenty feet (20') by twenty feet (20') assigned to swap meet vendors for displaying property and conducting business.

B. "Swap meet" means and includes any event, except for a display/selling event as defined in this Chapter, at which two or more persons offer new or secondhand personal property for sale or exchange and where a fee is charged for the privilege either of offering or displaying such property for sale or exchange and for admission of prospective buyers to the area where the property is offered or displayed for sale or exchange.

C. "Swap meet operator" means every person engaged in the business of conducting, managing or maintaining a swap meet. The swap meet operator shall be responsible for the coordination of all aspects of the swap meeting including solicitation of vendors, assignment of vendor selling spaces, crowd control on the premises, controlling parking on the grounds and reporting to the Police Department as provided by this Code. The term swap meet operator does not include a person who owns the land on which such event occurs if he/she has no control over the event and has no personal knowledge of any facts arising from the event which constitute a violation of any provisions of this Chapter.

D. "Swap meet vendor" means and includes any person who in this City engages in or conducts the business of selling or exchanging as owner or consignee, new or secondhand goods or any other goods at a swap meet.

E. "Display/selling event" means and includes any event open to the public at which two or more persons sell, offer for sale, exchange, display, or provide personal services and where a fee may or may not be charged for privileges and where a fee may or may not be charged to prospective buyers. Display/selling events shall include the following:

   1. New personal property, plants, flowers, art and craft items, food or food products except a farmer's market;
   2. New vehicles, boats, aircraft, trailers, accessories or parts;
   3. Business equipment and computers;
   4. Animals, pets or reptiles;
   5. Antiques, collectibles, coins and stamps;
   6. Used vehicles, boats, aircraft, trailers, accessories or parts.

F. "Display/selling event promoter" means any person, partnership, organization or corporation who controls, manages, conducts or otherwise administers a display/selling event.

G. "Display/selling event vendor" means any person, partnership, organization, or corporation who exchanges, displays, sells or offers for sale any items described in the definition of a display/selling event or who provides a personal service.

H. "Display/selling booth/space" means an area for displaying, selling, offering for sale or exchanging any item described in Subsection 5.65.010.E or for providing a personal service.

(Ord. C-7423, § 32, 1996)

5.65.020 - Permit—Required.

No person shall engage in, carry on, or conduct the business of a swap meet operator or display/selling event promoter for an event described under Subsections 5 and 6 under Subsection 5.65.010.E without first having obtained a permit in accordance with this Title, and complying with any and all requirements and regulations as contained and set forth in this Chapter.

(Ord. C-7423 § 32, 1996)

5.65.030 - Permit—Application.

A. Each person, before obtaining a permit to carry on the business of a swap meet operator or display/selling event promoter, who conducts events as set forth in Subsections 5 and 6 under Subsection 5.65.010.E, shall make a written application to, and upon forms furnished by the Director of Financial Management, which shall be signed by the applicant. In addition to any other information which may reasonably be required by the Director of Financial Management, the application shall show the true name of the applicant, his/her fictitious name or names, if any, his/her age, his/her present address in the City or elsewhere, the name under which the applicant conducted any similar business, if any, and the place of his/her residence at such time within twelve (12) months preceding the date of the application. At the time the application is filed with the Director of Financial Management, the applicant shall be photographed and fingerprinted by the Police Department.

In the event the applicant is a corporation, an officer of the corporation shall furnish the information required above, and, in addition, shall furnish the names of all other corporation officers.

B. The Director of Financial Management shall issue the permit to the applicant or deny the application within sixty (60) days from the date thereof. Grounds for denial of the application shall be:
   1. The applicant has had a previous license or permit to engage in the business of a swap meet operator or display/selling event promoter revoked or suspended by any jurisdiction.
   2. The applicant, based upon his/her past penal record, would be a poor risk in the business of swap meet operator or display/selling event promoter.

C. Each swap meet vendor shall register with the swap meet operator prior to the vendor's doing business on the operator's premises. The registration form must be approved by the Director of Financial Management and shall provide at least the following information: name and address of vendor; vehicle license number; date, positive identification such as driver's license number, or bona fide governmental identification. The form shall consist of four (4) parts with the original retained by the Department of Financial Management, a copy sent to the Police Department, one (1) copy retained by the swap meet operator and one (1) copy retained by the swap meet vendor. The swap meet operator shall retain his/her copy of the registration form for a period of three (3) years.

D. Each display/selling event vendor for an event described in Subsections 5 and 6 under Subsection 5.65.010.E shall register with the event promoter. The registration form shall provide the following information: name and address of vendor, business name, business address if different from residence, phone number, date and driver's license number and the vendor's California seller's permit number (State Board of Equalization sales tax number), if any. This registration form shall be submitted to the Department of Financial Management not more than ten (10) days after the event.

(Ord. C-7423 § 32, 1996)

5.65.040 - Permit—Fee—Bond.

A. Every person maintaining, carrying on or conducting any business for which a permit is required by the provisions of this Chapter shall pay a permit fee in an amount established by the City Council by resolution adopted pursuant to Section 5.04.040

B. Any person desiring to carry on the business of a swap meet operator shall file with the City a faithful performance bond in the sum of five thousand dollars ($5,000.00), said bond to be in full force and effect during the life of the permit under which the person is carrying on the business, executed by a surety company authorized to do business as such in the State. The bond shall be approved by the City Attorney as to form and the City Manager as to sufficiency. The bond requirement provided in this Section for a swap meet operator may be waived for bona fide nonprofit organizations under this Code with approval of the City Manager.

C. No permit issued under the provisions of this Chapter shall be transferable and no person shall conduct either the business of a swap meet operator or display/selling event promoter under the permit of another person, except as provided in this Chapter.

(Ord. C-7423 § 32, 1996)

5.65.050 - Hours—Swap meets.

No swap meet vendor shall sell or exchange any goods within the City between the hours of six p.m. and seven a.m. of the following day.

(Ord. C-7423 § 32, 1996)

5.65.060 - Reports—Filing.

All daily reports to be filed with the Chief of Police as required in this Chapter shall be kept on file by the Chief of Police, which reports shall be open to inspection only by members of the Police Department or upon an order of a court of competent jurisdiction made for that specific purpose.

(Ord. C-7423 § 32, 1996)

5.65.070 - Reports—Confidential.

The Chief of Police shall file all reports received pursuant to the terms of this Chapter, and the same shall be open to inspection only by members of the Police Department or upon an order of a court of competent jurisdiction made for that purpose, and every report and record required by the terms of this Chapter to be filed or kept shall be written or printed entirely in the English language in a clear and legible manner.

(Ord. C-7423 § 32, 1996)

5.65.080 - Inspection.

The premises of all display/selling events and swap meets shall, at all times when open or being prepared for public sale, be subject to police inspection by members of the Police Department in the pursuit of their official duties, and no person shall hinder or obstruct any such authorized Police Officer in making such inspection. Premises, as used in this Section, means that area which is used to display or store the goods or personal property offered for sale to the public.

(Ord. C-7423 § 32, 1996)

5.65.090 - Swap meet—Security—Evidence of authority to sell.

A. Each swap meet operator and display/selling event promoter for an event described in Subsections 5 and 6 under Subsection 5.65.010.E, as a condition to being granted a permit to carry on the business of a swap meet or display/selling event, will be required to provide a reasonable number of private security personnel as approved by the Chief of Police.

B. It shall be the duty of each swap meet or display/selling event vendor selling or offering goods for sale or exchange to have adequate evidence of authority to sell such goods.

C. As used in this Chapter, "adequate evidence of authority to sell" is evidence from which a reasonable person would conclude that the person presenting the evidence is the owner of the item he/she is attempting to sell or is the agent of the owner and is authorized by the owner to sell the item.

(Ord. C-7423 § 32, 1996)

5.65.100 - Swap meet—List of items—Lack of authority to sell.

A. Each swap meet operator and display/selling event promoter for an event described in Subsections 5 and 6 of Subsection 5.65.010.E shall require swap meet and display/selling event vendors who propose to sell or exchange identifiable personal property to file a list of all such property, including all identifying information, on forms approved by the Chief of Police. The operator shall produce the list upon demand of any Peace Officer and shall further submit all such lists to the Chief of Police prior to the close of the next business day.

B. Whenever the circumstances of possession of an item by the swap meet or display/selling event vendor would reasonably lead a prudent person to conclude that the swap meet or display/selling event vendor lacks adequate evidence of authority to sell, the Chief of Police, or his/her designated representative, shall mark such item with an identifying tag and the item shall thereafter be suspended from sale or exchange for a period of not to exceed thirty (30) days. The item shall be retained during the thirty (30) day period by the swap meet or display/selling event vendor.

(Ord. C-7423 § 32, 1996)

5.65.110 - Sale of items within thirty days prohibited.

A. No swap meet or display/selling event vendor for an event described in Subsections 5 and 6 under Subsection 5.65.010. E shall sell or otherwise dispose of any article, goods or other thing within thirty (30) days after the purchase or receipt thereof.

B. No swap meet or display/selling event vendor shall sell or otherwise dispose of any article, goods, or other thing within thirty (30) days of the date such articles are suspended from sale under the provisions of this Chapter unless sooner released by the Chief of Police.

(Ord. C-7423 § 32, 1996)

5.65.120 - Swap meet—Minor vendors prohibited.

No swap meet operator shall permit a person under the age of eighteen (18) years to register as a swap meet vendor. A swap meet vendor may, however, employ one (1) or more persons under the age of eighteen (18) years as salespersons.

(Ord. C-7423 § 32, 1996)

CHAPTER 5.66 - PEDDLERS

5.66.010 - Peddling—Defined.

A. The words "peddle" or "peddling" mean and include traveling or going from place to place, from house to house or business to business, displaying or selling any goods or food items by the taking of an order, and concurrently making of a delivery and shall also mean and include the transportation of any goods, wares or merchandise upon any street-approved vehicle or by any means whatsoever, which goods have not been sold to or ordered by a buyer prior to such transportation and which goods are intended to be offered for sale and delivery to members of the public, and it also includes the selling of a food product from a street-approved vehicle. However, peddle or peddling shall not mean or include the delivery of goods by a person engaged in the business of selling such goods at a fixed place of business in the City or elsewhere and which goods have been ordered to be so delivered, prior to such delivery; provided, however, that peddle or peddling includes the delivery of goods at the time of or within a period of two (2) hours from the time of obtaining such order for delivery, unless such order is placed by the buyer at a place of business of the seller.

B. The words "retail food vehicle" mean and include a vehicle that sells or offers for sale food products including, but not limited to, ice cream, bakery goods, fish, meat, fruits, vegetables and milk. Retail food vehicle does not include vehicle from which food is prepared and sold.

(Ord. C-7423 § 25, 1996: Ord. C-6260 § 1 (part), 1986)

5.66.015 - Mobile food preparation vehicles.

"Mobile food preparation vehicles," as defined in Long Beach Municipal Code Section 5.37.110, shall not be subject to the terms and conditions of this Chapter, but instead are subject to the requirements of Chapter 3.57.

(ORD-11-0030, § 2, 2011; Ord. C-7423 § 25, 1996)

5.66.020 - Operating conditions.

A. A retail food vehicle shall be permitted to peddle upon any public street in any area of the City zoned for residential use. No retail food vehicle shall stop or stand upon any public street for the purpose of selling or offering for sale for a period to exceed ten (10) minutes unless there are customers waiting to buy the product. The vehicle must move the distance of one-half (½) block before making an additional sale or offering for sale.

B. No person engaged in the business of peddling shall make any noise as prohibited by Long Beach Municipal Code Section 5.46.110.

(Ord. C-7423 § 25, 1996: Ord. C-6325 § 21, 1986: Ord. C-6260 § 1 (part), 1986)

5.66.030 - Peddling near schools.

No person shall peddle, hawk or vend ice cream, confectioneries, or any other kind of goods from Monday morning at eight (8:00) a.m. until Friday evening at five (5:00) p.m. between the hours of eight (8:00) a.m. and five (5:00) p.m. of said days within one (1) block of any school grounds in the City, except

that the provisions of this Section shall not apply to merchants having stores within the prohibited districts or to vegetable or fruit vehicles peddling vegetables or fruits to residences, or to delivery vehicles soliciting or delivering goods to residences within the districts.

(Ord. C-7423 § 25, 1996: Ord. C-6260 § 1 (part), 1986)

5.66.040 - Hours in residential districts.

A. No person shall sell, offer for sale, or solicit the purchase of any article, goods or merchandise, or solicit a contribution to any charitable cause whatsoever, in any area of the City which is zoned for residential use, from eight (8:00) p.m. until nine (9:00) a.m. of the following day.

B. No minor under the age of eighteen (18) shall sell, offer for sale, or solicit the purchase of any article, goods or merchandise, or solicit a contribution to any charitable cause whatsoever, in any area of the City which is zoned for residential use, from five (5:00) p.m. until nine (9:00) a.m. the following day, during Pacific Standard Time, and from seven (7:00) p.m. until nine (9:00) a.m. the following day, during Pacific Daylight Time, unless that minor is accompanied by a person over the age of eighteen (18).

C. The provisions of this Section shall not apply to the solicitation or obtaining of subscriptions or advertising for, or sale of newspapers published for the dissemination of local or telegraphic news and intelligence of a general character and printed or published at regular intervals.

(Ord. C-7600 §§ 1, 2, 1999; Ord. C-7423 § 25, 1996: Ord. C-6260 § 1 (part), 1986)

5.66.045 - Peddling—Special events.

A. The City Manager may authorize the Business License Section to issue business licenses to peddle on the public sidewalks, parkway or public property on those days of a special event where the City Manager considers there is a need for peddling. A special event as used in this Section is an event on public property which has been approved by the City Council or the City Manager or his/her designee in accordance with Long Beach Municipal Code Sections 21.53.109 and 21.53.113. The City Manager shall describe the area where the peddling will be authorized.

B. The City Manager may issue such authorization under this Section if it is determined that the following criteria have been met:

1. The public's convenience and necessity require said peddling activity in the permitted area of the special event;
2. The proposed peddling activity will not unduly impede, obstruct or interfere with the public's use of the sidewalk or other public or private property. If a pushcart is used for the peddling activity, the cart can be no larger than three feet (3') by five feet (5');
3. The proposed peddling activity will not unduly impede, obstruct or interfere with the operation of emergency vehicles, equipment or personnel in or through the permitted area;
4. The proposed peddling activity will not adversely affect the City's ability to perform municipal functions or furnish City services in the vicinity of the permitted area;
5. The proposed peddling activity will not present a substantial or unwarranted safety or traffic hazard;
6. The proposed peddling activity will not pose a significant adverse environmental impact;
7. The proposed peddling activity is compatible, consistent and suitable with the character, nature, general theme and appearance of the area and special event, and comports with the public's health, safety, morals and welfare.

C. The special event complies with the standards as set forth in Long Beach Municipal Code Section 21.53.113

D. The Business License Section may refer the application to the appropriate City departments for review, investigation, evaluation and recommendation regarding approval or disapproval of the application, however, no license shall be issued for peddling food or beverages without the prior review and written approval of the Health Department.

E. The following information for each application for a peddler's license shall be required:
   1. The name of the specific special event;
   2. The date the peddling will be conducted;
   3. The area approved for peddling;
   4. The item(s) to be sold; and
   5. Such other information as the Business License Section shall require.

F. Every person issued a license pursuant to this Chapter shall prominently display such license.

(Ord. C-7461 § 4, 1997; Ord. C-7423 § 25, 1996)

Note—Prior ordinance history: Ord. C-6260.

5.66.050 - Permit required—Queen's Way area.

No person shall peddle, hawk, sell, offer for sale, or solicit the purchase of any article, food, confectioneries, bakery goods or pastries, beverages, goods or merchandise on City streets, walks, parking areas, alleys, or waterways, without first having obtained a permit from the City Manager, in the area bounded and described below. The City Manager or his/her designee may issue a permit, subject to terms and conditions that may be deemed appropriate.

Beginning at the point of the intersection of the prolongation of the easterly line of Queen's Way and the prolongation of the northerly line of Ocean Boulevard; thence, southerly along the easterly line of Queen's Way and the Queen's Way Bridge to the boundary line between the Harbor Department and the City; thence northwesterly along said boundary line to its intersection with the northerly line of Ocean Boulevard; thence easterly to the point of beginning.

(Ord. C-7423 § 25, 1996: Ord. C-6317 § 2, 1986: Ord. C-6260 § 1 (part), 1986)

5.66.060 - Downtown area vending permits.

A. Notwithstanding the provisions of Section 5.66.020 or any other provision of this Code, the City Manager or his/her designee may issue nonexclusive revocable permits for vending food, beverages, merchandise or services on the public sidewalks, parkways, or other public property within the downtown areas bounded and described as follows:
   1. That area beginning at the point of the intersection of the prolongation of the westerly line of Pine Avenue with the Convention Center boundary; thence northerly along the easterly line of Pacific Avenue to the southerly curbline of 6th Street; thence easterly along the southerly curbline of 6th Street to the westerly curbline of Long Beach Boulevard; thence southerly along the westerly curbline of Long Beach Boulevard to the southerly line of Ocean Boulevard; thence westerly along the southerly line of Ocean Boulevard to the point of beginning.
   2. The Civic Center area within the following boundaries: the north curbline of Ocean Boulevard, the south curbline of Broadway, the west curbline of Pacific Avenue, and the east curbline of Magnolia Avenue.

No person shall conduct or engage in any vending activities on public sidewalks, parkways or other public property within said downtown areas without first having obtained a vending permit from the City Manager or his/her designee pursuant to the provisions of this Section.

B. The application for a permit under this Section shall be filed with the City Manager or his/her designee upon a form which is furnished by or acceptable to the City Manager or his/her designee. The application shall be filed at least thirty (30) days prior to its proposed effective date. Each application shall be signed under penalty of perjury by the applicant, if a natural person; or by an officer or partner of the applicant, if application is a corporation, partnership, association or unincorporated company and shall contain full, complete and detailed information including, but not limited to, the following:
    1. The name, address and telephone number of the applicant, if a natural person; or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers together with their respective addresses; or if a partnership, association or unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective ages and addresses. The application shall also state the trade name or style, if any, under which the applicant proposes to operate;
    2. A description of the nature, extent, character and quality of the proposed vending activity, including the manner in which such proposed vending operation will be conducted and how the public property will be utilized;
    3. The particular sidewalk or other public property and the specific area or areas thereof which will be utilized in connection with the proposed activity;
    4. The date or dates or days of the week and the specific times that the described vending activity utilizing public property is proposed to be conducted;
    5. Such other information as the City Manager or his/her designee shall require.
C. The City Manager or his/her designee may refer the application to the appropriate City departments for review, investigation, evaluation and recommendation regarding approval or disapproval of the application. No permit shall be issued for vending food or beverages without the prior review and written approval of the City Health Department.
D. The City Manager or his/her designee may issue a permit under this Section if it is determined that the following criteria have been met:
    1. That the public convenience and necessity require said vending activity in the permitted area;
    2. The proposed vending activity will not unduly impede, obstruct or interfere with the public's use of the sidewalk or other public or private property;
    3. The proposed vending activity will not unduly impede, obstruct or interfere with the operation of emergency vehicles, equipment or personnel in or through the particular permit area;
    4. The proposed vending activity will not adversely affect the City's ability to perform municipal functions or furnish City services in the vicinity of the permit area;
    5. The proposed vending activity will not present a substantial or unwarranted safety or traffic hazard;
    6. The proposed vending activity will not have a significant adverse environmental impact;
    7.

The proposed vending activity is compatible, consistent and suitable with the character, nature, general theme and appearance of the area; and comports with the public health, safety, morals and welfare.

E. In addition to the requirements of this Code or other applicable laws or rules or regulations promulgated with the City Manager, each permit shall contain such terms and conditions regarding the time, place and manner of utilizing the City sidewalks or other public property which are determined by the City Manager or his/her designee to be necessary and appropriate under the circumstances. No vending permit shall be issued under this Section for longer than one (1) year and shall be subject to revocation or cancellation at any time that it is determined that the permittee has violated any applicable law, rule or regulation or that it is in the City's best interests to revoke or cancel said permit. Each permit issued hereunder shall be subject to the provisions of this Code and all other applicable laws, rules and regulations which are in existence at the time the permit is issued or which are enacted, promulgated or amended at any time during the term of the permit.

F. The City Manager or his/her designee may deny, suspend or revoke a permit whenever it appears to the City Manager or his/her designee that a vendor is in violation of the terms and conditions of the permit or any of the provisions of this Code or any other applicable law, rule or regulation, or that there was misrepresentation or fraud involved in the application for the permit, or evidence of unfair or bad faith dealing with the public, or it is determined to be in the best interest of the City. The City Manager or his/her designee shall give written notice to the applicant or permittee of the denial, suspension or revocation. No person shall continue to conduct or engage in any vending activity after the City Manager or his/her designee has issued a notice of suspension or revocation.

G. Any applicant whose permit is denied or any permittee whose permit is suspended or revoked shall have the right to appeal said decision to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days after the date the notice of denial, suspension or revocation is served upon or mailed to the permittee. Such notice of appeal shall set forth the specific ground or grounds upon which it is based. The City Council shall hold a hearing on the appeal within thirty (30) days after the City Clerk's receipt of the written notice of appeal, or at any time thereafter as the matter may be continued by the City Council. The permittee shall be given at least ten (10) days' written notice of such hearing. At the hearing the permittee or permittee's authorized representative shall have the right to present evidence and/or argument in support of permittee's appeal, and the determination of the City Council on the appeal shall be final. Any permittee whose permit is revoked shall not be eligible to apply for a permit under this Section for a period of one (1) year from the date of such revocation.

H. Each permitted vending activity shall be subject to inspection at any time by the Director of Financial Management, license inspectors, Police Officers, Health Department officials or other City representatives for the purpose of determining whether the vending activity is being conducted in compliance with the requirements of the permit and any applicable laws, rules or regulations. No person shall hinder, impede, interfere with or obstruct any such inspection.

I. Vending activities may be conducted only on the dates and at the times and locations and in accordance with the terms, conditions and requirements specified in the permit, and pursuant to all applicable laws, rules and regulations. All vendors shall keep and maintain their equipment in a neat, clean and safe condition and shall conduct all vending operations in a neat, orderly, safe and sanitary manner. Any vending activities shall not obstruct, interfere with or impede the free movement or use by the general public of any street, sidewalk, parking area, alley, way or other public or private property. All vending activities shall be conducted at a distance of more than five feet (5') from any

public or private building or the property line of any business premises and at a distance of at least ten feet (10') from any entrance to any public or private building or business premises. No vending activity shall be conducted in a manner which disturbs, accosts, confronts, harasses, badgers or annoys any person.

J. Each permittee shall carry the vending permit issued pursuant to this Section on his/her person while conducting vending activities, and shall produce such permit for inspection upon the request of any Police Officer or any other authorized representative of the City. Each permittee shall, at all times while engaging in vending activities, display a valid vendor identification card, decal or sticker issued by the City Manager or his/her designee.

K. The following indemnification and insurance shall apply for each permit issued under this Section:

1. Each permit shall expressly provide that the permittee shall defend, indemnify and hold the City, its officials, employees and agents harmless from and against all claims, damage, demands, causes of action, loss, liability, proceedings, costs and expenses (including reasonable attorney fees) of any kind (collectively in this Subsection, "claim") arising from or attributable to or caused by the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permittee's activities under the permit; and the permit shall expressly state that permittee shall, at permittee's sole cost and expense, pay any settlement and satisfy any judgment rendered against the City, its officers, employees and agents resulting from permittee's activities under the permit. Permittee shall notify the City of any claim within ten (10) days.
2. Concurrent with the issuance of a permit under this Section and as a condition precedent to the effectiveness of the permit, permittee shall procure and maintain in full force and effect during the term of the permit insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040

L. Every applicant and permittee shall pay the fees established for such applications and permits by resolution of the City Council.

M. Permittees holding valid vending permits issued under this Section shall be subject to the business license provisions of this Code and shall pay the business license taxes established for such vending activities.

N. Any person who violates any of the provisions of this Section shall be guilty of a misdemeanor.

(Ord. C-7934 § 10, 2004; Ord. C-7423 § 25, 1996: Ord. C-6365 § 1, 1987; Ord. C-6260 § 1 (part), 1986)

5.66.070 - Peddling within Tidelands jurisdiction.

Notwithstanding any other provisions of this Chapter, no peddling shall be allowed on or in any Tidelands area of the City unless a fully executed agreement exists between the vendor and the City permitting peddling activity in such area, and a permit is secured pursuant to the provisions of Section 5.66.060.

(Ord. C-7423 § 25, 1996: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.68 - PEDICABS

5.68.010 - Definitions.

Unless it appears from the context that a different meaning is intended, the following words, as used in this Chapter, shall have the following meaning:

A. "City Manager" means the City Manager of the City of Long Beach, or his designated representative.

B. "Driver" means and includes every person who drives, operates, controls or is in charge of any pedicab as defined by this Chapter.

C. "Pedicab" means a device upon which any person may ride, propelled by human power through a belt, chain or gears, having two (2) or more wheels, constructed in such a manner, and authorized pursuant to this Chapter, to engage in the business of carrying passengers for hire along a fixed route of travel.

D. "Pedicab permit" or "permit" means the permit issued by the City Council authorizing operation of a pedicab pursuant to the provisions of this Chapter.

E. "Permittee" means any person to whom a pedicab permit is issued pursuant to the provisions of this Chapter.

F. "Person" means a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns or the agent of any of the aforesaid.

(Ord. C-6260 § 1 (part), 1986)

5.68.020 - Permit—Required.

No person shall drive, operate or cause to be operated, nor shall any person employ, permit or allow another to drive, operate or cause to be operated by way of lease, contract, agreement, permit, license or understanding, a pedicab within the City without a permit first having been obtained as provided in this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.68.030 - Permit—Application.

A. Any person desiring a permit to operate a pedicab as provided by this Chapter shall file an application therefor with the City Council. Such application shall be verified by oath of the applicant, if a natural person; or by oath of an officer or partner of the applicant, if applicant is a corporation, partnership, association or unincorporated company, and which application shall set forth the name, age and address of the applicant, if a natural person; or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers together with their respective addresses; or if a partnership, association or unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective ages and addresses. The application shall also state the trade name or style, if any, under which the applicant proposes to operate, full information pertaining to operations and the manner in

which such proposed operations are to be conducted, the type, model, capacity and condition of the pedicabs proposed to be operated, a full statement of the applicant's assets and liabilities, and such other or additional information as the City Council or the City Manager may require.

B. The City Council shall, upon receipt of the application, make full and complete inquiry into the facts set forth therein and shall either grant or deny a permit upon the proposed terms, or upon terms other than those proposed. The permit shall be for a specified number of vehicles which may be increased only by action of the City Council, which action may, at the discretion of the City Council, be taken without the necessity of an additional hearing. Such permit may, at the pleasure of the City Council, be for a prescribed period or for an indefinite period; provided that, in either event, the permit shall contain a clause authorizing its revocation or suspension in accordance with the ordinances of the City either in effect at the date of granting the permit or thereafter adopted. When issued, the permit shall constitute evidence of compliance with the terms of this Chapter and shall authorize the permittee to operate pedicabs under the conditions therein specified; subject, however, to the requirements, obligations and limitations imposed by other applicable laws, ordinances, and orders of the City Council, and shall become effective only upon payment of the fees required by the licensing provisions of this Code.

(Ord. C-6260 § 1 (part), 1986)

5.68.040 - Permit—Hearing and findings.

No permit shall be granted under this Chapter, except after a hearing thereon conducted under and in accordance with such rules and regulations as may from time to time be prescribed therefor by the City Council, nor until the City Council has determined that the public convenience and necessity require the operation proposed by the applicant for the permit. The City Council in determining whether or not such facts exist, shall take into consideration the public demand for the service, the adequacy or inadequacy of service being rendered by other persons, the effect of the service upon traffic, the financial responsibility of the applicant, the character of equipment proposed to be furnished, and any and all other facts which the City Council may deem relevant. Before granting any such permit, the City Council shall require the City Manager or his designee to present, either orally or in writing, a report, together with his opinion, as to the existence of public convenience and necessity for the operation of the pedicabs. However, the burden of establishing the existence of public convenience and necessity shall always be borne by the applicant for a permit, and no such permit shall be issued unless there has been an affirmative showing of the existence of such public convenience and necessity by the applicant.

(Ord. C-6260 § 1 (part), 1986)

5.68.050 - Permit—Contents.

Each permit shall specify the route to be traveled and the hours between which pedicabs covered thereby are to be operated. No permittee under this Chapter shall operate or permit operation of any pedicab in violation of this Chapter or of the permit issued pursuant to this Chapter. The provisions of Section 10.48.070 of the Municipal Code relating to the prohibition of bicycles on certain sidewalks within the City notwithstanding, the City Council may authorize the route to include certain sidewalks and pedestrian routes within the downtown central business district and the Tidelands area.

(Ord. C-6260 § 1 (part), 1986)

5.68.060 - Application/permit fees.

A. A nonrefundable application fee, to defray the cost of processing the application for a permit under this Chapter, shall be required to be paid by every applicant seeking such a permit.

B. A permit fee shall be required to be paid by each applicant whose application for a permit has been granted pursuant to the provisions of this Chapter, to defray the cost of processing the permit.

C. The City Manager is authorized to establish the amount of the application and permit fees which amount shall not exceed the actual cost of processing the application and the permit.

(Ord. C-6260 § 1 (part), 1986)

5.68.070 - Nonemployee operation—Permitted.

Pedicabs may be operated by persons other than the permittee or his employees pursuant to a contract, agreement, permit, license or understanding between the operator and permittee by the terms of which an operator pays to the permittee a fixed or determinable sum for the use or operation of such pedicab. Such nonemployee operation is subject to all of the requirements of this Chapter, including, but not necessarily limited to, driver's permits, insurance and operating regulations. Permittee shall be responsible for the operations of said drivers, whether employees or not. Permittee's permit is subject to suspension or revocation for violations of this Chapter by permittee and said drivers, pursuant to Section 5.68.110.

(Ord. C-6260 § 1 (part), 1986)

5.68.080 - Business license required.

A business license shall be obtained and the fee therefor shall be paid as prescribed by the business license provisions of this Code in the following instances:

A. By every person to whom a pedicab permit has been granted pursuant to this Chapter;

B. By every person to whom a driver's permit has been issued, excepting those drivers who are employees of a person to whom a pedicab permit has been issued.

(Ord. C-6260 § 1 (part), 1986)

5.68.090 - License plate—Display.

Every pedicab operated pursuant to the provisions of this Chapter shall have displayed thereon either a distinctive license plate, a permit, or a facsimile thereof in the manner and form as may be prescribed by the City Manager. In addition, every permittee shall comply with the bicycle registration provisions of Chapter 10.50 of this Code.

(Ord. C-6260 § 1 (part), 1986)

5.68.100 - Rates—Establishment.

No rate or fare shall be placed in effect, charged, demanded or collected by any person for the transportation of passengers as covered by this Chapter until the City Council, after a hearing upon its own motion, or upon application, or upon complaint, has found and determined the rate to be just, reasonable and nondiscriminatory, nor in any wise in violation of any provision contained in this Chapter or any provision of law; nor until the rate or fare to be placed in effect, charged, demanded or collected has been established and authorized by the City Council. In establishing and authorizing such rates or fares the City Council shall take into account and give due and reasonable consideration to the cost of all comparable transportation services, including length of haul, any additional transportation service performed or to be performed, or of any accessorial service and the value of the facilities reasonably necessary to perform such transportation service.

Upon the granting of any permit as provided by Section 5.68.030, a copy of the permit defining the rates shall be transmitted by the City Council to the Chief of Police who shall, thereupon, be charged with the duty of enforcement of the rates and the applicable provisions of this Code.

(Ord. C-6260 § 1 (part), 1986)

5.68.110 - Permit—Suspension or revocation.

A. The City Council shall have the power to suspend or revoke any or all of the permits granted under the provisions of this Chapter when it has been determined that permittee or any of permittee's drivers, whether employees, contractors, lessees, permittees or licensees have violated any of the provisions of this Chapter, or have failed to comply with the terms of such permit or the rules and regulations of the City Council pertaining to the operation and to the extent, character and quality of the service. Before revocation of the permit, the holder thereof shall be entitled to a hearing thereon before the City Council and shall be notified thereof.

B. Notice of hearing on the suspension or revocation shall be in writing and shall be served at least ten (10) days prior to the date of the hearing thereon, such service to be upon the permittee, or its manager or agent, and which notice shall state the grounds of complaint against the permittee and shall also state the time when and the place where the hearing will be held. In the event the permittee cannot be found, or service of the notice cannot be made in the manner provided in this Section, then a copy of the notice shall be mailed, postage fully prepaid, addressed to the permittee at its last known address, at least ten (10) days prior to the date of the hearing.

(Ord. C-6260 § 1 (part), 1986)

5.68.120 - Authorized service only.

No person granted a permit under this Chapter shall conduct any operation or give any service other than the service authorized by the permit granted by the City Council in accordance with the provisions of this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.68.130 - Rates—Display.

Every pedicab used or operated under this Chapter shall, at all times, have displayed therein in a location or locations and in a manner which has been approved by the City Manager, the rates to be charged for the pedicab service, which rates shall always be visible to all passengers in the pedicab.

(Ord. C-6260 § 1 (part), 1986)

5.68.140 - Rates—Alteration.

The City Council shall have power, upon a hearing upon its own motion, or upon application, or upon complaint, to investigate a single rate or fare, or the entire schedule of fares in effect, charged, demanded or collected for the transportation of passengers covered by this Chapter and to establish a new rate, fare or schedule of fares in lieu thereof. Nothing contained in this Section shall be construed to empower the City Council to establish or authorize any rate or fare or any schedule of fares that will, by means of rebate, discount, allowance, premium or penalty, violate the rates or fares specified in the carrier's permit or the provisions contained in this Chapter or any applicable provision of law.

(Ord. C-6260 § 1 (part), 1986)

5.68.150 - Rates—Discrimination prohibited.

No permittee, or any agent or employee thereof, or any driver or operator of any pedicab covered by this Chapter, shall charge, collect, demand, receive, arrange, solicit or bargain for any amount of compensation other than the rates or fares established and authorized by the City Council.

(Ord. C-6260 § 1 (part), 1986)

5.68.160 - Refusal to pay fare.

No person shall refuse to pay the authorized fare of any pedicab after having employed the same, and no person shall hire a pedicab with intent to defraud the person, from whom it is hired or engaged, of the value of such service.

(Ord. C-6260 § 1 (part), 1986)

5.68.170 - Driver permit—Required.

A. No person shall drive or operate a pedicab which is subject to this Chapter without having first obtained a driver's permit issued pursuant to the terms of this Chapter.

B. The applicant for such a permit shall:
   1. Appear personally and file with the City Manager an application, in writing, upon a form to be furnished by the City Manager containing such information as said officer may require;
   2. Deposit an application fee for said permit. The fee shall be established by the City Manager in an amount not to exceed the actual cost of processing the application. The fee shall not be refunded for any reason.

C. No driver's permit shall be issued to any person unless he has:
   1. Shown a sufficient understanding of the traffic laws, ordinances, and rules and regulations of the State of California, the City of Long Beach and this Chapter;
   2. Shown a sufficient understanding of the location of streets, roads and highways within the City of Long Beach, as may be applicable;
   3. Obtained a business license and paid the tax therefor if required.

D. No driver's permit shall be issued to any of the following persons:
   1. Any person under the age of eighteen (18) years;
   2. Any person who has been convicted of a felony;
   3. Any person who has been convicted of a crime involving moral turpitude, narcotics or dangerous drugs, unless a period of not less than five (5) years has elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;
   4. Any person who has been convicted of reckless driving within two (2) years immediately preceding application for a permit;
   5. Any person who has been convicted of driving a vehicle under the influence of intoxicating liquor or drugs within the five (5) years immediately preceding application for a permit;
   6. Any person who is currently required to register pursuant to Section 290 of the California Penal Code;
   7. Any person who, upon substantial evidence of facts of either physical or moral deficiencies, is found, in the sound discretion of the Chief of Police, not to be a competent person to drive or operate a pedicab pursuant to this Chapter.

E.

The City Manager shall retain a copy of the driver's permit on file. The driver's permit shall constitute evidence of compliance with the terms of this Chapter, but shall be subject to all other applicable laws, ordinances and orders of the City Council and the rules and regulations and terms of the permit. The driver's permit shall be effective until the expiration date printed thereon or until suspended or revoked pursuant to this Chapter.

F. All permits issued as provided in this Section shall expire on December 31 next following the date of issuance unless previously suspended or revoked. All driver's permits, authorized to be issued under this Section, shall be effective only while the driver to whom the permit issued is operating a pedicab as an employee of or pursuant to an agreement, permit, license or other understanding with a person holding a valid pedicab permit issued pursuant to the provisions of this Chapter. Upon the driver's terminating his employment or other relationship with a person holding a pedicab permit, his driver's permit shall be suspended and shall become effective again only when and if the driver reestablishes his employment or relationship as a driver with the pedicab permittee. The permittee shall notify the City Manager of the termination or reestablishment of such relationship between the permittee and driver.

G. A renewal permit shall be issued as provided in this Section to any driver who has paid the fee for such renewal and who had a valid driver's permit on December 30 of the last preceding year.

H. No permittee shall allow the operation of any pedicab by any person other than a holder of a driver's permit as required by this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.68.180 - Driver permit—Revocation.

A. The City Manager shall summarily revoke any driver's permit or temporary driver's permit issued under the provisions of this Chapter, when he has knowledge that the holder thereof has violated any provisions of this Chapter, or for any of the reasons set forth in Subsection 5.68.170.D of this Code. Notice of the suspension or revocation shall be given by the City Manager to the person involved.

B. Any driver who may be aggrieved by the action of the City Manager in suspending or revoking his driver's permit, or any applicant who may be aggrieved by the denial by the City Manager of his application, within ten (10) days from the giving of notice by the City Manager of such denial, suspension or revocation, may apply to the City Council for a hearing as to the matters in question, whereupon a time for the hearing shall be set, which shall be not later than thirty (30) days thereafter, at which time a full and complete hearing shall be held before the City Council. At the conclusion of the hearing the City Council may affirm, modify or overrule the action of the City Manager, in which latter event the driver's permit shall be granted or reinstated, as the case may be, and the decision of the City Council shall be final. Such hearing or application therefor shall not affect the order of suspension or revocation of the City Manager, unless and until acted upon and reversed or modified by the City Council.

C. The City Council shall suspend or revoke a driver's permit or temporary driver's permit either for any of the foregoing reasons or others from which the City Council shall conclude that a continuation of a driver's activities as such driver is, or may be, detrimental to the public health, peace, safety or welfare; provided, however, the City Council may take such action only after a hearing for such purpose, which shall be held after five (5) days' notice, and an opportunity to be heard, have been given to the driver.

D.

Any driver whose driver's permit or temporary driver's permit is revoked pursuant to the provisions of this Chapter shall not be entitled to apply for reinstatement or a new permit before the expiration of one (1) year from the date of any such revocation.

(Ord. C-6325 § 22, 1986: Ord. C-6260 § 1 (part), 1986)

5.68.190 - Permit in vehicle.

Every driver shall have in his immediate possession the driver's permit required by this Chapter at all times while operating or in charge of a pedicab. No driver operating or in charge of any pedicab covered by this Chapter shall display or use a driver's permit issued to another for the purpose of operating such pedicab.

(Ord. C-6260 § 1 (part), 1986)

5.68.200 - Insurance.

At all times permittee shall defend, indemnify, and hold harmless the City, its officials, agents, and employees from and against any and all claims, demands, damage, causes of action, proceedings, loss, liability, costs and expenses (including reasonable attorney fees) of any kind (collectively in this Section, "claim") alleging injury to or death of persons or damage to property and that such injury, death or damage arises from or is attributable to or caused by the operations of permittee under this permit. Permittee shall notify the City of any claim within ten (10) days.

Every permittee shall, as a condition precedent to the operation of pedicabs pursuant to permit and to the issuance of a business license therefor, obtain insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.

(Ord. C-7934 § 11, 2004: Ord. C-6260 § 1 (part), 1986)

5.68.210 - Inspection of pedicabs.

A. All pedicabs operated by any "person" as defined in this Chapter shall, before being placed in service, be approved by the City Manager. All such pedicabs shall be of a design and type of construction as shall comply with orders and regulations pertaining to such equipment adopted from time to time by the City Council. Such pedicabs shall at all times be kept in a clean and sanitary condition and in good state of repair and shall be subject to constant inspection by the City Council by and through the City Manager. Any pedicab which becomes unsafe or unserviceable, either from the standpoint of its state of repair or its condition of obsolescence, may be retired from service upon order of the City Council, and no pedicab which has been so retired shall be again operated in such service except with approval of the City Manager.

B. In the event the condition of any pedicab, in the opinion of the City Manager, is so unclean, unsightly or mechanically defective as to be undesirable for use by the public, the City Manager may require the pedicab to be immediately withdrawn from service and the vehicle shall not be again placed in service until approved by the City Manager.

(Ord. C-6260 § 1 (part), 1986)

5.68.220 - Penalty for violation.

Any person who violates any of the provisions of this Chapter, or of any permit issued by the City Council under this Chapter, shall be guilty of a misdemeanor.

(Ord. C-6260 § 1 (part), 1986)

5.68.230 - Operating regulations.

A. No person under the age of eighteen (18) years shall drive a pedicab.

B. No person shall operate a pedicab while under the influence of alcoholic beverages or drugs.

C. No person shall operate a pedicab in any manner which impedes or blocks the normal or reasonable movement of pedestrian or vehicular traffic unless such operation is necessary for safe operation or in compliance with law.

D. Every person operating a pedicab shall be subject to all applicable laws, rules and regulations of this Code and the Vehicle Code of the State of California covering the operation of bicycles upon streets and pedestrian or bicycle facilities.

E. No person shall operate a pedicab over any route not designated in the permit for the operation of such pedicab.

F. Whenever a pedicab is available for hire, said pedicab may be parked at any place designated by the City Manager as a pedicab stand or in any motor vehicle parking space, subject to the parking regulations as contained in this Code and the Vehicle Code of the State of California.

G. Whenever a pedicab is not available for hire, said pedicab shall be stored at a place and in a manner as approved by the City Manager.

(Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.69 - AMUSEMENTS

5.69.010 - Definitions.

As used in this Chapter, the following definitions shall apply:

A. "Bowling alley" means a structure in which the game of bowling is played by the public. The game uses a heavy ball which is bowled along a wooden lane or bowling alley. The object is to knock down ten (10) wooden pins set up in an upright position at the far end of the lane.

B. "Pool hall" or "billiard hall" means a hall or structure wherein the games of pool or billiards are played by the public. These games are played with cue sticks on rectangular tables with or without pockets, using one (1) to fifteen (15) balls. One (1) or more pool or billiard tables shall constitute a pool hall or billiard hall which shall require a pool hall or billiard hall license.

C. "Family billiard room" means any billiard room wherein minors are permitted to play billiards under the provisions of this Code.

D. "Public cardroom" or "public card table" means any place wherein the public assembles to play card games of skill or chance for enjoyment or amusement purposes only. Wagering or the exchange of money or anything of value is strictly prohibited.

E. "Amusement machine" means an apparatus operated by or for a patron or patrons for amusement, diversion or sport in exchange for financial or other valuable consideration. "Amusement machine" shall include, but not be limited to: jukeboxes and musical apparatus excluding karaoke; batting cages; pinball machines; amusement rides; automated pin setting machines, ping pong tables and dart games; electronic or video games; shuffleboard games; mini-motion pictures and public video projectors, screens, stalls and structures, and the like.

F. "Arcade" means a commercial entertainment land use consisting of five (5) or more amusement machines located within one (1) building or structure as more fully defined in Section 21.15.220 of this Code.

G. "Mini-motion picture projector, screen, stall or structure or public video projector, screen, stall or structure" means an amusement machine consisting of any place to which the public is admitted wherein, in exchange for financial or other valuable consideration, electronically or mechanically controlled still, motion picture or video machines or projectors are maintained to project, display or show pictures, movies, slides, films, discs or tapes to five (5) or fewer persons per machine at any one (1) time. Each machine projecting or displaying such pictures, movies, slides, films, discs or tapes, shall be considered one (1) amusement machine in determining if a business is an arcade within the meaning of this Chapter.

(Ord. C-7423 § 33, 1996)

5.69.020 - Amusement machines/Zoning regulations.

A. No person shall operate four (4) or less amusement machines at any one (1) location within the City as a primary business. Such machines shall be limited to accessory use. For purposes of this Chapter, accessory use is defined in Long Beach Municipal Code Section 21.15.060

(Ord. C-7423 § 33, 1996)

5.69.030 - Arcades/Zoning regulations.

A. No person shall operate five (5) or more amusement machines at any one (1) location within the City, whether a primary business or an accessory business activity, without obtaining a business license as an arcade and a conditional use permit (if applicable) as required by the City Zoning Ordinance. Notwithstanding this Section or any other provision of law, a business protected by the First Amendment to the United States Constitution is not required to obtain a conditional use permit before obtaining a license as an arcade.

(Ord. C-7423 § 33, 1996)

5.69.040 - Inspections and miscellaneous regulations.

A. Inspections. All premises subject to regulation pursuant to the provisions of this Chapter, whether public or private, shall, at all times when open to its membership or to the public, be subject to inspection by the Director of Financial Management or his/her designee, all health, planning and building, fire and business licensing inspectors and by police personnel in pursuit of their official duties, and no person shall hinder or obstruct such inspection. The purpose of the inspection is to determine whether the permitted premises is being operated in compliance with all requirements of applicable law. Delay or obstruction of such inspection may be grounds for suspension or revocation of any license or permit issued by the City.

B. Warning Devices. The owner, operator, manager, person in charge, or any other person shall not signal nor maintain nor utilize any device designed to signal, alert or otherwise warn any person on the premises as to the presence of police or any authorized inspector.

C. Visibility of Interior. The permittee shall not maintain any mini-motion picture stall or structure or public video stall or structure unless the entire interior of such stall or structure, and the premises in which it is located, wherein the pictures, movies, films, discs or tapes are viewed, is visible upon entrance to such premises. No partially or fully enclosed or concealed booths shall be maintained.

D. Dispensing of Towels. The permittee of any mini-motion picture or public video structure shall not maintain dispensers of towels or towelettes for use by patrons upon the premises except where located in a bona fide restroom.

E. Severability. If any portion of this Section shall become unconstitutional or legally defective for any reason, that shall not affect or prevent enforcement of the remaining portions or subsections.

(Ord. C-7423 § 33, 1996)

5.69.050 - Permit required.

A. Permit Required. No person shall carry on, maintain or conduct any public card room or public card table, bowling alley, billiard hall, pool hall or family billiard hall structure in the City without first obtaining a permit from the City Council.

B. Notwithstanding the provisions of Subsection 5.69.050.A, if a permit application for a pool hall involves two or less pool tables, the Director of Financial Management may issue such permit without a hearing by the City Council if the concerned City departments do not object to such issuance. If a City department recommends denial of the permit, the provision of Subsection 5.69.060.D shall apply.

(Ord. C-7423 § 33, 1996)

5.69.060 - Permit application process.

A. Filing. Any person desiring a permit required by this Chapter, shall make application on forms to be provided by the Director of Financial Management. Such application shall include the name and address of the applicant, the proposed location, and such other information deemed pertinent by the

Director of Financial Management.

1. The person whose signature appears on the application shall attest that they are a duly authorized representative of the applicant and that the information contained in the application is true and correct.
2. The application shall be filed under penalty of perjury. False statements therein will constitute grounds for denial or revocation as applicable.
3. An incomplete application shall not be accepted for processing.
4. A nonrefundable investigation fee, as set by a City Council resolution, shall be paid to the City at the time the application is filed.

B. Change in Contents. Any change in any information in the application, which occurs after the application has been filed and prior to City Council approval, must be submitted in writing to the Director of Financial Management within ten calendar days after the change has occurred.

C. Investigation. On receipt of the application, the Director of Financial Management shall refer it to all concerned City departments for investigation. Such departments shall file their reports and recommendations regarding the approval or denial of the permit with the Director of Financial Management within sixty days after the application is filed, except where circumstances beyond the control of the City justifiably delay such response.

D. Hearing.

1. The Director of Financial Management shall transmit the application, together with the reports and recommendations of the City departments, to the City Council for hearing and shall notify the applicant of the time and place of the hearing which shall be held before the City Council on the first available hearing date.
2. Prior to the hearing, the Director of Financial Management shall give the applicant notice of the recommendations of the City departments.
3. At the hearing, if the City Council determines that the application is complete and truthful; that where the applicant is an entity, it is a bona fide entity, organized and conducted for a lawful purpose; that the applicant, the persons interested in the ownership and the operation of the entity and the officers and trustees of the entity are law abiding persons and persons who will operate and conduct the business or activity in a lawful manner; and that the public peace, welfare and safety will not be impaired, then the application shall be approved. Otherwise, it shall be denied. However, despite City Council approval of the application for the permit, the applicant shall not operate his/her business (or activity) until a permit is actually issued by the Director of Financial Management. Upon approval of the application, the Director of Financial Management shall issue the permit provided that the applicant has met all conditions imposed by any City department, has complied with all applicable laws, and has paid the applicable license tax and permit fees. The applicant shall have a maximum one hundred eighty (180) days after City Council approval to obtain the permit. Failure to do so within that period shall render the City Council approval void, unless an extension of the compliance period is granted by the City Council before the compliance period has expired.

(Ord. C-7423 § 33, 1996)

5.69.070 - Temporary permit.

A. Whenever there is a change of ownership where the previous owner had a valid permit, or where a new permit, not involving adult entertainment as defined in Title 21 hereof, is applied for, the Business License Section may issue a temporary amusement permit to the new owner, subject to the following conditions:

1. The new owner must apply for a temporary permit on forms provided by the City. The application may be approved if it is verified that the records of the Police, Fire and Health Departments indicate no public nuisance has been maintained at the location during the past twelve (12) months before the application date.
2. No temporary permit shall be issued unless the applicant has also applied for a regular permit for the same location.
3. A temporary permit shall automatically expire one hundred twenty (120) days from date of issuance or when an application for a regular permit is approved or denied by the City Council; whichever occurs first. A temporary permit may be revoked pursuant to Chapter 5.06 of this Title 5
4. The applicant shall at all times during operation under the temporary permit comply with any conditions imposed by the Chief of Police or other City departments. At the time a temporary permit is issued, the applicant shall agree to comply with all temporary operating conditions assigned. The applicant shall also agree to hold the City harmless for liability/damages arising from any contractual agreements or investments made which assume the eventual issuance of an unrestricted permit; and
5. A nonrefundable fee, as set by City Council resolution, shall be paid to the City when the application for a temporary permit is filed.

(Ord. C-7423 § 33, 1996)

5.69.080 - Permit nontransferable.

A. Any permit issued pursuant to this Chapter shall not be transferred or assigned to another person for any purpose. Any change in ownership shall require a new permit. Regardless of any change in ownership, the permittee shall be required to notify the Director of Financial Management of any change in the business name. The following shall be deemed a change of ownership:

1. For general partnership personnel, the addition or substitution of a new partner;
2. For a limited partnership, the addition or substitution of a new partner or the addition or substitution of a general partner not listed as a partner in the application for the permit previously approved;
3. For a corporation, more than fifty percent (50%) of the shares of stock is transferred to or acquired by persons other than those designated in the application for the permit previously approved.

B. Any permit issued pursuant to this Chapter shall not be transferred to any other location for any purpose. Any change in location shall require a new permit. The following shall be deemed a change in location:

1. Any relocation or expansion that includes a separate piece of property or parcel of land.
2. Any expansion of the initially permitted premise which represents a greater than fifty percent (50%) increase in the square footage of space devoted to public access or occupancy.

C.

The lawful conduct of activity regulated by this Chapter by a permittee shall be limited to those activities expressly indicated on the permit application and approved by the City Council. Any change in activity which exceeds the parameters of the approved permit will require the approval of the City Council.

(Ord. C-7423 § 33, 1996)

5.69.090 - Billiard/Pool hall operating regulations.

A. Where admission of persons under the age of eighteen (18) years is permitted as a condition of a license approved by the Alcoholic Beverage Control Board, no person owning, controlling, managing, or having charge of any public pool hall, public billiard hall, public cardroom or public card table, or any other table kept or used for gaming shall allow any person under the age of eighteen (18) years to engage in, play or loiter near any game of pool, billiards, cards, amusement machine or any other game or device unless accompanied by such person's parent or legal guardian.

B. Where admission of persons under the age of eighteen (18) years is permitted as a condition of a license issued by the Alcoholic Beverage Control Board, no person under the age of eighteen (18) years shall engage in, play or loiter near any game of pool, billiards, cards, amusement machines or any other game or device unless accompanied by such person's parent or legal guardian.

C. No person having charge or control of any pool or billiard hall shall allow a person under the age of eighteen (18) years to enter and remain therein after the receipt of a notice signed by the parent or guardian of such minor or person in which the parent or guardian has requested that the minor be prevented from entering or remaining in any such premises.

D. No person less than eighteen (18) years of age shall enter or remain in a pool or billiard hall between the hours of one (1) minute after twelve a.m. and three-thirty p.m. on any day that schools are in session during the school year. On days during the school year where there are no school sessions, then no person less than eighteen (18) years of age shall enter or remain in a pool or billiard hall between the hours of one (1) minute after twelve a.m. and nine a.m.

(Ord. C-7423 § 33, 1996)

5.69.100 - Suspension/Denial/Revocation.

A. Noncompliance. Failure to comply with any of the provisions of this Chapter, including any conditions attached to the permit at the time of approval, will constitute grounds for suspension, denial or revocation of the permit. The suspension or revocation of a permit shall be governed by the provisions of Chapter 5.06 of this Title 5

B. Cease Activity. No person shall conduct any business or activity regulated by this Chapter during the pendency of a permit application except as permitted by Section 5.69.070, or at any time after permit denial or revocation or during the time a permit therefor has been suspended.

(Ord. C-7423 § 33, 1996)

5.69.110 - Permit reapplication.

Whenever a permit has been revoked or an application for a permit has been denied, no other similar application shall be considered for a period of one (1) year from the date of such revocation or denial. This applies to any person whose permit was revoked or whose application was denied who later becomes a director or officer of a corporation, profit or nonprofit, or a member of a partnership or a person owning or possessing fifty percent (50%) or more of the shares of a corporation which seeks to obtain a new permit. This shall also apply to a corporation, profit or nonprofit, whose permit was revoked or application denied, to any of its directors or officers or to any person who owned fifty percent (50%) or more of its

shares, who attempts by way of a new corporation or by the use of their individual names or becoming a member of a partnership or a director or officer or a person owning or possessing fifty percent (50%) or more of the shares in another corporation to obtain a new permit. Whenever any permit is suspended, the provisions of this Section shall apply to the permittee during the period of suspension.

(Ord. C-7423 § 33, 1996)

CHAPTER 5.70 - PUBLIC BATHHOUSES, HEALTH PARLORS AND SPAS

5.70.010 - Definitions.

A. "Bathhouse" as used in this Chapter means and includes any establishment that contains any artificial pool, pond, or body of water, the primary use or intended use of which is for swimming or bathing.

B. "Health parlor" or "spa" as used in this Chapter means and includes any premises, structure or portion thereof used or intended to be used for exercising, bodybuilding, body tanning, or any other similar activity associated with physical fitness or well being or attractive appearance, with or without the use of equipment.

(Ord. C-6260 § 1 (part), 1986)

5.70.015 - Permit—Required.

No person shall conduct the business of a bathhouse, health parlor or spa without first obtaining a permit therefor from the Health Department.

(Ord. C-6260 § 1 (part), 1986)

5.70.020 - Permit—Issuance.

Permits to conduct any business subject to permit under Section 5.70.015 shall be issued by the Health Department upon written application therefor. Such permit shall authorize the applicant to conduct such business on an annual basis or until the permit therefor is suspended or revoked.

(Ord. C-6260 § 1 (part), 1986)

5.70.025 - Permit fee.

Every person applying for a permit under this Chapter 5.70 shall pay a fee in the amount established by resolution of the City Council adopted pursuant to Section 5.04.040.

(Ord. C-6260 § 1 (part), 1986)

5.70.030 - Permit—Premises inspection.

Before granting any permit provided for in Section 5.70.015, the Health Department shall examine the premises wherein it is proposed to conduct such business. It shall ascertain that the following conditions prevail:

A. That the buildings proposed to be used are constructed in such a manner that the rooms may be thoroughly sterilized with soap and water or with a solution of some suitable antiseptic approved by the Health Department;

B. That no rooms are provided as sleeping rooms or no rooms are provided for sexual activities;

C. That the floors are constructed of some impenetrable material, preferably concrete, and that the same are thoroughly scrubbed daily;

D. That separate changing rooms have been provided for males and females, and that no connection exists between the changing rooms;

E. That separate shower baths and separate toilets have been provided for male and female;

F. That all bathing suits, if supplied, are thoroughly washed and disinfected after each use.

(Ord. C-6260 § 1 (part), 1986)

5.70.040 - Permit—Suspension.

Whenever it appears to the Health Department that the provisions of this Chapter with reference to any business for which a permit is required under Section 5.70.015 are not being complied with, or that any said business is being conducted in such a manner as to endanger the public health, safety or morals, any permit issued under this Chapter may be suspended by the Health Department pursuant to the provision of Chapter 5.06 of this Title 5.

(Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.71 - PUBLICLY ACCESSIBLE EXTERIOR PAY TELEPHONES

FOOTNOTE(S):

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Editor's note— ORD-12-0010, § 1, adopted May 15, 2012, amended Ch. 5.71 in its entirety to read as herein set out. Former Ch. 5.71, §§ 5.71.010—5.71.160, pertained to similar subject matter and derived from: Ord. C-7778 § 1, 2001.

5.71.010 - Definitions.

A. "City Manager" shall mean the City Manager of the City of Long Beach or his or her designee.

B. "Publicly Accessible Exterior Pay Telephones" ("PAT") shall mean an exterior pay telephone including any pay telephone enclosure or other structure surrounding the "PAT" located on public property or on private property if the private property is open or accessible to the public, into which money may be deposited, or through which a credit card or telephone credit card number may be entered, for purposes of obtaining a telecommunications link to communicate with another who receives the communication by telephone or pager.

C. The "PAT Operator" shall mean any person[s] or entity authorized to sell, lease, install or otherwise contract for the sale, use, maintenance or installation of a PAT.

D. "Unimproved Property" shall mean any vacant lot, land, parcel, or other real property that lacks any building or structure.

E. "Vacant Building", for the purpose of this Chapter, shall mean any roofed structure built for the support, shelter or enclosure of persons, animals, chattel or property of any kind which has not been used for a period of three (3) or more months.

F. "Property Owner", for the purpose of this Chapter, shall mean the owner of record on any such parcel of real property as designated on the County Assessor's tax roll, or a holder of a subsequently recorded deed to the property.

(ORD-12-0010 , § 1, 2012)

5.71.020 - Publicly Accessible Exterior Pay Telephones; exterior pay telephone permit required.

No PAT shall be permitted in the City unless located completely within an enclosed building space unless a valid exterior pay telephone permit is first obtained for each PAT by the PAT Operator with the written consent of the Property Owner and according to the provisions of this Chapter. A new exterior pay telephone permit shall be required for any change or transfer of ownership of the PAT, or relocation of the PAT. The permit may be issued by the City Manager only after payment of fee(s) established by resolution of the City Council adopted pursuant to Section 5.04.040. All PAT's shall be removed within fifteen (15) days of expiration or revocation of the business license, or revocation of the exterior pay telephone permit of the PAT Operator.

(ORD-12-0010 , § 1, 2012)

5.71.030 - Permit required for existing Publicly Accessible Exterior Pay Telephones.

A permit shall be required for any PAT installed on any improved property outside of a building as of the effective date of this Section. Any PAT which was lawfully installed on any improved property outside of a building as of the effective date of this Section which does not comply in whole or in part with the requirements of this Chapter shall be removed or otherwise brought into full compliance within one (1) year of the effective date of this Section. For those PAT's lawfully installed on any improved property outside of a building which cannot be brought into compliance because they do not meet the requirements of this Chapter, the use may be extended for only one (1) additional one (1) year period of time (not to exceed two (2) years), to be determined by the City Manager upon a showing by the PAT Operator that such extension is reasonably necessary to permit the PAT Operator adequate time to amortize or otherwise recover any long term investment in the PAT operation.

Any request for an extension of the amortization period must be made in writing by the owner of the PAT to the City Manager by filing a request in writing with the Commercial Services Bureau of the Department of Financial Management no later than ninety (90) days prior to the end of the initial one (1) year period provided for in this Section.

If no permit is obtained as required by this Section, the City may remove or cause to be removed such PAT, and the City's reasonable costs of removal shall be a personal obligation of the owner of such PAT, payable to the City on demand.

(ORD-12-0010 , § 1, 2012)

5.71.040 - Permit application.

An application for an exterior pay telephone permit shall be filed in compliance with Chapter 5.04 and shall at a minimum contain the following information:

A. A site plan showing the location of the proposed PATs;
B. An elevation of the proposed PAT design, including lighting, colors, design, and enclosure configuration;
C. The name, address, and telephone numbers of the PAT operator, of the property owner where the PAT will be located, the business owners, if applicable, and the name, address, and telephone number of the proposed vending company responsible for installation, maintenance, and billing of the proposed PAT;
D. Such other information as required by the City Manager.

(ORD-12-0010 , § 1, 2012)

5.71.050 - Prohibited locations.

A. No PAT shall be installed, located or maintained on a Vacant Building, Unimproved Property, or property upon which exists a Vacant Building;
B. No PAT shall be installed, located or maintained on any private property or any public right-of-way adjacent thereto, that has a premises licensed for the sale of alcoholic beverages (other than beer or wine);
C. No PAT shall be installed, located or maintained at a location where use from a vehicle is possible which would cause the vehicle to stand in a driveway or aisle in a parking lot or in the right-of-way;
D. No PAT shall be installed, located or maintained within five feet (5') of any area used for vehicular ingress or egress or an aisle way or parking area for vehicular travel;

E. No PAT shall be installed, located or maintained within five feet (5') of the entrance or exit to any structure, a crosswalk, a bus shelter, a fire exit or escape, a mail box, parking meter, traffic control box, fire hydrant or that otherwise blocks or restricts free passage of pedestrians or vehicles;

F. No PAT shall be installed, located or maintained on any property or at any location that has been determined by the City Manager to create a nuisance based upon prior actual use;

G. A PAT shall not be located within a required landscape area and access to the PAT shall not require walking in or standing on any required landscaped area;

H. A PAT shall not be located on or encroach over any public property or right-of-way unless an occupancy permit is first obtained as required by Title 14 of this Code;

I. No PAT shall be installed which utilizes an electrical supply unless an electrical permit is first obtained as required by Title 18 of this Code;

J. No PAT shall be located such that its installation or use interferes with any operation of the legally established use of the property or other land use requirements such as emergency fire exits or parking;

K. No PAT shall be installed in such a manner that would require or allow the user of the PAT to stand or otherwise be located in the public right-of-way. Any existing PAT which is located or maintained in violation of Subsection A shall be removed within thirty (30) days after the effective date of this ordinance.

L. No PAT shall be installed within five feet (5') of any premises property line.

(ORD-12-0010 , § 1, 2012)

5.71.060 - Minimum standards for a publicly accessible exterior pay telephone permit.

Installation, operation, and maintenance of PAT's shall be in accordance with all applicable codes, laws, rules, regulations, and statutes including the City's General Plan, any applicable specific plans, the local coastal program, and all zoning regulations of the applicable district and the following minimum standards:

A. The PAT Operator shall have a valid City business license;

B. The PAT Operator shall have written consent of the current Property Owner for the placement of the PAT. Said written consent shall be provided to the City at the time the application for a permit is filed;

C. No PAT shall be installed in violation of the provisions of the Americans with Disabilities Act or equivalent California disability access regulations;

D. All PAT's shall have the following operating features at all times:

1. Display of a valid City permit identification number;
2. Display of PAT Operator identification;

E. All PAT's shall be maintained in a clean, neat, damage-free, and unless otherwise required, operable manner at all times;

F. Installation and operation of PAT's shall at all times be maintained in accordance with all applicable requirements of the California Public Utilities Commission and the Federal Communications Commission;

G. Lighting shall be provided and permanently maintained for all PAT's to ensure that any user of the PAT can be clearly visible to nearby traffic, pedestrians, or public areas and that the level of light will be a minimum of one (1) foot candle measured not less than two feet (2') from the base

of the instrument. Such lighting shall be directed away or screened from any adjacent residential uses;

H. PAT's shall, at all times, have posted on the pay phone a clearly visible number to call for consumer rights information, complaints and other information related to consumer protection, or as otherwise required by law or other regulatory agencies, or as required by the City Manager;

I. Any other feature, signage, or information as required by the City Manager.

(ORD-12-0010 , § 1, 2012)

5.71.070 - Operating conditions.

The City Manager may impose any and all additional conditions as may be reasonably required to maintain the public health, safety and welfare of the community, including, but not limited to the following:

A. A requirement that the PAT be located in close proximity to the place of business so that the PAT is clearly visible to the interior of the adjacent business or businesses;

B. Restrictions relating to the telephone style/mounting or mounting configuration;

C. Restrictions to prevent the use of pagers or beepers or the use of electronic wiring, not telephone wire, for electronic connections;

D. A restriction rendering the PAT incapable of receiving incoming calls;

E. A requirement that PATs shall be either a so-called "smart phone" equipped with a built in computer or a "smart line" phone having the capability of making the telephone inoperative for designated periods of time;

F. A requirement to provide lists to the City upon request of each outgoing call as to the number called, its duration, and the date and time of the call;

G. A requirement that each PAT be equipped with a built-in volume control and a key pad that prevents the use of pagers or beepers;

H. Requirements limiting the hours of PAT operation together with appropriate signage related to said hours of operation;

I. A requirement to install a timer or manual switch that would allow the property owner or operator of the location of the PAT to control the functionality of the PAT remotely;

J. A requirement to provide suitable trash receptacles adjacent to the PAT;

K. A requirement to program the PAT so that said PAT may not be used or operated other than during the hours of operation specifically permitted;

L. Limiting the hours of operation of the PAT, except that 911 service shall be operable at all times;

M. Relocating the PAT to a different location on the property as approved by the City Manager;

N. Rendering of the PAT inoperable for a period to be determined by the City Manager;

O. Relocating the PAT inside the business;

P. Blocking of all incoming calls.

(ORD-12-0010 , § 1, 2012)

5.71.080 - Public nuisance.

Any PAT which is used as an instrumentality for or contributes substantially by its presences to any of the following conditions is hereby declared to be a public nuisance:

A. Selling or giving away controlled substances (as defined in Division 10 of the California Health and Safety Code);
B. Soliciting, agreeing to engage in, or engaging in an act of prostitution; or other criminal activity;
C. Consumption of alcoholic beverages on nearby outdoor public or private property except where outdoor consumption of alcoholic beverages is specifically authorized pursuant to a license issued by the Department of Alcoholic Beverage Control;
D. Loitering on nearby public or private property;
E. Excessive noise;
F. Disturbance of the peace, public drunkenness, harassment of passerby, gambling, public urination or lewd conduct.

As used in this Section, "loitering" shall mean standing, sitting, lying or remaining on any property under such circumstances that a reasonable person would conclude that the person who remains on the property does not have a purpose connected with the usual and ordinary use to which such property is put, does not have a bona fide intent to exercise a constitutional right, and is causing public inconvenience or annoyance.

(ORD-12-0010 , § 1, 2012)

5.71.090 - Abatement generally.

Whenever the City Manager or designee determines that any PAT constitutes a public nuisance, the City Manager may commence proceedings to either suspend or revoke the permit or impose one (1) or more of the operating conditions set forth in Section 5.71.070, as appropriate.

(ORD-12-0010 , § 1, 2012)

5.71.100 - PAT permit—Suspension or revocation—Hearing.

A. No permit issued pursuant to the provisions of this Chapter shall be suspended or revoked until after a hearing is held by the City Manager, relating to such suspension or revocation, notice of which hearing shall be given in writing to the permittee and served at least ten (10) days prior to the date of the hearing thereon. Such service shall be upon the holder of such permit or his/her manager or agent, which notice shall state the ground of suspension or revocation and shall also state the time when, and the place where, such hearing will be held. The notice shall be served upon the holder of the permit by mailing a copy of the notice, postage fully prepaid, addressed to the permittee at the address set forth in the permit application at least ten (10) days prior to the date of the hearing.
B. Any permit revoked pursuant to the provisions of this Chapter shall be surrendered by the permittee to the City Manager who shall transmit it to the business license section of the Department of Financial Management. The PAT shall be surrendered within ten (10) days or other time frame as may be designated by the City Manager or the City Council.

(ORD-12-0010 , § 1, 2012)

5.71.110 - PAT permit—Suspension or revocation—Appeal.

A. Any applicant for a permit, pursuant to this Chapter, whose application for such permit has been denied by the City Manager, or any permittee whose permit has been suspended or revoked by the City Manager, may, within ten (10) days after such denial, suspension or revocation, appeal to the City Council pursuant to the provisions of Section 5.06.030. The disposition of the appeal by the City Council shall be final;

B. When an appeal is filed, the order of suspension or revocation shall be stayed pending the determination of the appeal by the City Council. The suspension or revocation shall be dissolved immediately if the decision of the City Council reverses the decision made by the City Manager.

(ORD-12-0010 , § 1, 2012)

5.71.120 - Removal of publicly accessible exterior pay telephones.

If any PAT permit is cancelled, suspended, or revoked, and the PAT is not removed by the Property Owner or PAT Operator within the time period designated by the City Manager, the PAT shall be deemed a public nuisance and the abatement of said nuisance will be accomplished by either City forces or private contractor, and the City Manager is expressly authorized to enter the premises for such purpose. Upon failure to claim the PAT and pay the expenses of removal and storage within thirty (30) days after removal, the PAT will be discarded or will be sold if determined to have value. The Property Owner or PAT Operator, as appropriate, shall be liable for the City's costs incurred in the removal and storage of such PAT, and said costs may constitute a lien upon said property until paid.

(ORD-12-0010 , § 1, 2012)

5.71.130 - Additional remedies.

In addition to any other remedy set forth in this Chapter, the City Manager or designee may cause the issuance of an administrative citation for any violation of this Chapter in accordance with Chapter 9.65 of this Code.

(ORD-12-0010 , § 1, 2012)

CHAPTER 5.72 - ENTERTAINMENT AND SIMILAR ACTIVITIES

5.72.110 - Permit required and prohibited uses.

A. No person shall carry on, maintain or conduct any entertainment activity in the City without first obtaining a permit therefor from the City.

B. Entertainment provided at a private residence for the monetary gain of any person is prohibited. However, this prohibition is in no way intended to infringe on the rights of private persons to engage in the activities regulated by this Chapter at their residence for private, as opposed to commercial, purposes.

(Ord. C-7423 § 26, 1996)

5.72.115 - Definitions.

A. "Entertainment activity" means any activity conducted for the primary purpose of diverting or entertaining a clientele in a premises open to the general public. Such activity shall include, but shall not be limited to, dancing, whether by performers or patrons of the establishment, live musical performances, instrumental or vocal, when carried on by more than two (2) persons or whenever amplified; musical entertainment provided by a disc jockey or karaoke, or any similar entertainment activity involving amplified, reproduced music.

B. "Adult entertainment activity" means the presence of any performer, dancer, employee, agent, model or other person in any place of entertainment who engages in any specified sexual activity (as that term is defined in Section 21.15.110 of this Code), who exposes any specified anatomical part (as that term is defined in Section 21.15.110 of this Code), or who performs in attire commonly referred to as pasties or a g-string, or any other opaque covering which does not expose the areola or nipples of the female breast, and/or covering the natal cleft and covers one inch (1") or less on either side of the entire length of the natal cleft and two inches (2") or less across the pubis from the end of the natal cleft to the top of the pubic bone.

(Ord. C-7713 § 1, 2000: Ord. C-7423 § 26, 1996)

5.72.120 - Permit application filing and process.

A. All applications for entertainment permits, other than adult entertainment activity as that term is defined in Subsection 5.72.115.B shall be filed with the Director of Financial Management on such forms as he or she may prescribe, and shall contain the following:

1. The name and permanent address of the applicant and all other persons having a financial interest in the operation of the entertainment, business or premises where the entertainment is to be located;
2. A description of the proposed entertainment, including the maximum number of persons who are expected to be present within the entertainment establishment at any one time;
3. The proposed opening date and hours of operation of the entertainment establishment;
4. For special or limited duration events, the date or dates, hours and location of the proposed entertainment;
5. The proposed security arrangements for the control of patrons;
6.

The name or names of the person or persons having management or supervision authority over the proposed entertainment, or any business or premises wherein the entertainment is proposed to be located;

7. Whether or not the applicant or any other responsible person(s) have been convicted of a misdemeanor involving moral turpitude or a felony offense within the past five (5) years, the nature of such offense(s), and the sentence(s) received therefor;
8. Written consent for the proposed entertainment on the premises from the owner of the property on which the entertainment is to be conducted;
9. Such other information as the Director of Financial Management shall deem necessary for the proper processing and review of the application.

B. The person whose signature appears on the application shall attest that he or she are a duly authorized representative of the applicant and that the information contained in the application is true and correct.

C. The application shall be filed under penalty of perjury. False statements therein will constitute grounds for denial, suspension or revocation as applicable.

D. An incomplete application shall not be accepted for processing.

E. A nonrefundable investigation and notification fee, as set by City Council resolution, shall be paid to the City at the time the application is filed.

F. Change in contents. Any change in any information in the application which occurs after the application has been filed, and prior to City Council approval, must be submitted in writing to the Director of Financial Management within ten (10) calendar days after the change has occurred.

G. Investigation. On receipt of a complete application, the Director of Financial Management shall refer it to all concerned City departments for investigation. Such departments shall file their reports and recommendations regarding the approval or denial of the permit with the Director of Financial Management within sixty (60) days after the application is filed, except where circumstances beyond the control of the City justifiably delay such response.

H. Hearing notices.

1. The Director of Financial Management shall transmit the application, together with the reports and recommendations of the City departments, to the City Council for hearing and shall notify the applicant of the date, time and place of the hearing which shall be held before the City Council on the first available hearing date.
2. Prior to scheduling the hearing, the Director of Financial Management shall give the applicant notice of the recommendations of the City departments.
3. Notice of the time and place of the hearing shall also be given:
    a. By mail to each owner of property within three hundred feet (300') of the site of the proposed activity;
    b. By mail to occupants of property within three hundred feet (300') of the site of the proposed activity;
    c. By posting the property in a conspicuous location at the site of the proposed activity.

The applicant shall pay all costs of such notice in the manner prescribed by the City's Director of Financial Management.

4.

At the hearing, the City Council shall approve the issuance of the entertainment permit if they find:

a. That issuance of the permit and conduct of the entertainment at the proposed location, as conditioned, is consistent with federal, state and local laws, rules, regulations and any existing special permit(s);

b. That issuance of the permit at the proposed location, as conditioned, will not constitute an undue burden on the neighborhood because of its proximity to residences, inadequate parking or other neighborhood circumstances and will not interfere with the reasonable use and enjoyment of the neighborhood by its residents;

c. Whether or not the applicant or any other responsible person(s) have been convicted of a misdemeanor involving moral turpitude or a felony offense within the past five (5) years, the nature of such offense(s), and the sentence(s) received therefor;

d. Neither the applicant or any responsible person or principal of the applicant has a history of committing, permitting or failing to prevent significant violations of the City code, or any license or permit, in connection with an entertainment establishment for which he or she is or was a responsible person;

e. It does not appear, based upon the information before the City Council, that the applicant has provided false or misleading material information in the application.

I. Where the Director of Financial Management does not recommend approval of a permit, the Director of Financial Management shall inform the applicant of the reason(s) for the denial in writing prior to the date the permit is scheduled for City Council consideration.

J. In issuing the permit, the City Council may impose conditions relating to the operation of the entertainment establishment. Conditions may relate to:

1. The days, hours and location of operation;
2. Restrictions designed to prevent minors from obtaining alcohol, such as separate entrances, exits, and restroom facilities on the premises;
3. The number and age of persons allowed on premises;
4. Whether licensed security guards are required, and if so, how many;
5. Specific measures the permittee must undertake to control the conduct of patrons so as to prevent or minimize disorderly conduct within the establishment;
6. Specific measures the permittee must undertake to remove trash attributable to the establishment or its patrons in and around the establishment, the surrounding neighborhood and the public right of way;
7. Specific measures the permittee must undertake to prevent the entertainment and its patrons from disturbing the peace and quiet of the surrounding neighborhood;
8. Specific measures the permittee must undertake to provide video camera surveillance of public areas, including but not limited to the front and rear of the business with full view of the public rights-of-way and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persons and areas within the exterior of the premises. Recordings shall be accessible via the Internet by the Long Beach Police Department;
9. Specific measures the permittee must undertake to prevent its patrons from engaging in disorderly conduct in the surrounding neighborhood;

10. Whether the Director of Financial Management must receive advance notice of the date of a particular event if that event is not held as part of the regularly scheduled events of the business; or
11. Other matters related to public health, safety and welfare.

K. Conditions shall be based on specific and articulable facts reasonably related to insuring the public health, safety and welfare, including, but not limited to, the protection of minors from alcohol and other criminal activity, the conservation of limited City public safety resources and the prevention of public nuisance activity that detracts from the peace and quiet of residential neighborhoods.

L. Conditions shall be listed on, or attached to, the permit.

M. The City Council shall give the permittee an opportunity to review any proposed conditions and the City Council shall consider the input of the permittee prior to imposing those conditions.

N. Conditions may not be imposed that conflict with any local, state or federal law, or that conflict with the permittee's ABC license. Nothing in this Subsection is intended to prevent the City Council from imposing any condition related to the age of patrons inside an ABC establishment if the ABC license does not address that issue. The intent of this Subsection is to allow the sale and service of food to minors in a bona fide public eating place (ABC license types 41, 47 and various club licensed premises) with reasonable conditions placed on the permit to prevent curfew violations and protect the minors from alcohol and other criminal activity.

O. The City Council may require the applicant to demonstrate compliance with applicable existing special permits prior to issuance of the permit or may issue the permit conditioned upon the applicant obtaining any other additional necessary special permit or other city, county or state approval.

P. No condition may be imposed pursuant to this Chapter that suppresses or regulates expression in any manner contrary to law.

Q. Imposition of any particular condition is appealable through the procedures set forth in Section 5.06 of the Long Beach Municipal Code.

R. Notwithstanding City Council approval of the application for the permit, the applicant shall not operate until a permit is actually issued by the Director of Financial Management. Upon approval of the application, the Director of Financial Management shall issue the permit, provided that the applicant has met all conditions imposed by any City department, has complied with all applicable laws, and has paid the applicable license tax and permit fees. The applicant shall have a maximum one hundred eighty (180) days after City Council approval to meet all applicable conditions. Failure to do so within that period shall render the City Council approval void, unless an extension of the compliance period is granted by the City Council before the compliance period has expired.

(ORD-12-0021 (Emerg.), § 1, 2012; ORD-12-0018 (Emerg.), § 1, 2012; Ord. C-7747 § 1, 2001; Ord. C-7434 § 1, 1996; Ord. C-7423 § 26, 1996)

5.72.120.5 - Duration of Permit.

A permit issued pursuant to this Chapter shall be valid for an indefinite duration, subject to administrative review by Financial Management every two (2) years. If grounds exist for modification, revocation or suspension of the permit, a hearing shall be held for that purpose. This provision does not affect the City's ability to modify, revoke or suspend a permit at any time pursuant to Section 5.72.145 of the Long Beach Municipal Code.

(ORD-12-0021 (Emerg.), § 2, 2012; ORD-12-0018 (Emerg.), § 6, 2012)

5.72.120.6 - Permits issued prior to the effective date of ordinance.

A permit issued prior to the effective date of the Ordinance codified in this Section shall be valid until the expiration date specified in the permit. Thereafter, permittees shall be subject to the provisions of this Chapter. Nothing in this Subsection shall interfere with the City's ability to modify, revoke or suspend a permit at any time pursuant to Section 5.72.145 of the Long Beach Municipal Code.

(ORD-12-0021 (Emerg.), § 3, 2012; ORD-12-0018 (Emerg.), § 7, 2012)

5.72.121 - Permit application filing and process for adult entertainment.

A. Any business or establishment desiring a permit required by this Chapter to provide adult entertainment as described in Subsection 5.72.115.B, shall complete and file the application form supplied by the City and shall accompany the form with the fee established by resolution of the City Council, which fee shall be no more than necessary to cover the costs of processing and investigating the application.

B. Application requirements. The application form shall require and the applicant shall provide information which includes the following:

1. The business owner's name, residence street address and mailing address, if different, and any and all aliases;
2. The name under which the entertainment business is to operate;
3. The telephone number of the entertainment business and the address and legal description of the parcel of land on which the entertainment business is to be located;
4. The date on which the owner acquired the enterprise for which the permit is sought and the date on which the enterprise began or will begin operations at the location for which the permit is sought;
5. A statement whether the owner previously operated in this or any other county, city or state under an entertainment establishment license/permit or similar business license, and whether the applicant has ever had such a license revoked or suspended and the reasons therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;
6. If the owner is a corporation, all of the aforementioned information shall be provided for each officer and director of the corporation as well as for any person, or other entity holding over fifty percent (50%) of the shares of the corporation;
7. If the owner is a partnership, the aforementioned information shall be provided for each general partner;
8. A statement under penalty of perjury that the owner has personal knowledge of the information contained in the application and that the information contained is true and correct, and that the application has been completed under the owner's supervision;
9. An initialized list of the operational requirements of a business providing entertainment and a signed, sworn statement that the owner has read, understands and intends to comply with the aforementioned operational requirements;
10. A description of all entertainment business activities proposed to occur on the site of the entertainment business and the anticipated occupancy of the entertainment business;
11. A site plan describing the building and/or unit proposed for the entertainment facility and a fully dimensioned interior floor plan;
12.

If the premises are being rented or leased or are being purchased under contract, a copy of such lease or contract.

C. Within seven (7) days of receipt of an application the Director of Financial Management or designee shall determine whether the application contains all the information required by the provisions of this Chapter. If it is determined that the application is not complete, the applicant shall be notified in writing within ten (10) business days of receipt of the application that the application is not complete and the reasons therefor, including any additional information necessary to render the application complete. The applicant shall have thirty (30) calendar days to submit additional information to render the application complete. Failure to do so within the thirty (30) day period shall render the application null and void. Within five (5) business days following the receipt of an amended application or supplemental information, the Director of Financial Management or designee shall again determine whether the application is complete in accordance with the procedures set forth above. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. Once the application is found to be complete, the applicant shall be notified within five (5) business days of that fact. All notices required by this Section shall be deemed given upon the date they are either deposited in the United States Mail or the date upon which personal service of such notice is provided.

D. Issuance of permit—Investigation.

1. Determination to issue permit. Upon receipt of a completed application for the permit, the Director of Financial Management or designee shall conduct an investigation to determine if the proposed business is in compliance with the provisions of this Chapter. Within thirty (30) calendar days of a completed application having been filed, the Director of Financial Management or designee shall approve and issue the permit if all the requirements of this Section have been met. If the Director of Financial Management or designee determines that the application does not satisfy the requirements of this Chapter, he/she shall deny the application. On the day the decision is made, the applicant shall immediately be served with written notice of the decision either personally or by deposit in the United States Mail, first-class postage prepaid, at the address shown on the application. Service shall be deemed complete upon personal service or deposit of the written notice in the United States Mail. A temporary license will automatically be issued in the event the City does not approve or deny the permit within the time period established by this Section.
2. Standards for approval of permit. The Director of Financial Management or designee shall approve and issue an entertainment permit if the application and evidence submitted demonstrates that:
    a. The place of entertainment is not located within three hundred feet (300') from any residential zoning district or residential planned development district within the City; or within one thousand feet (1,000') of any public or private school (kindergarten through twelfth grade) located within the City; or within six hundred feet (600') of a City park; or within five hundred feet (500') of a church (as defined in Section 21.15.510 of the Long Beach Municipal Code); or within one thousand feet (1,000') of any other adult entertainment business; or within the areas set forth in Subsection 21.45.110.F of the Long Beach Municipal Code. All measurements set forth above shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the adult entertainment business to the nearest point on the property line of the residential zone, school, church, park or other adult entertainment business, as applicable.

b. No owner, operator or manager shall permit any entertainer or employee on the premises of the adult entertainment business to engage in a showing of the human male or female genitals, pubic hair, anus, cleft of the buttocks, or vulva with less than a fully opaque covering and/or covered male genitals in a turgid state. This provision may not be complied with by applying an opaque covering simulating the appearance of the specific anatomical part required to be covered.

c. No owner, operator or manager shall permit any person to perform for patrons any entertainment except upon a stage at least eighteen inches (18") above the level of the floor which is separated by a distance of at least six feet (6') from the nearest area occupied by patrons, and no patron shall be permitted within six feet (6') of the stage while the stage is occupied by an entertainer.

d. No owner, operator or manager shall permit any person under the age of eighteen (18) years within the premises at any time during the hours of operation.

e. All indoor areas of the place of entertainment in which patrons are permitted, except restrooms, will be open to plain view, unaided by mirrors, electronic monitoring devices or other devices at all times from all public portions of the establishment.

f. At least one (1) permitted, authorized security guard shall be on duty within the premises at all times while the adult entertainment business is open for business. The security guard shall be charged with preventing violations of the law and enforcing compliance by patrons with the requirements of this Chapter. No security guard required pursuant to this Subsection shall act as a door person, ticket seller, ticket taker or attendance person while acting as a security guard.

g. The premises within which the entertainment is located shall provide sufficient sound absorbing insulation so that noise generated inside the premises shall not be audible anywhere on the adjacent property or public rights-of-way or within any other building or other separate unit within the same building.

h. The place of entertainment shall have a manager on-premises at all times while the establishment is open to the public.

i. If the place of entertainment is licensed to serve alcoholic beverages, the permittee shall abide by the rules and regulations set forth by the California Department of Alcoholic Beverage Control.

j. The stage or entertainment areas shall not be open to view from outside the premises.

k. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the business.

l. No exterior door or window shall be propped or kept open at any time during the hours of operation.

m. Any exterior windows shall be covered with opaque covering.

n. All areas of the place of entertainment accessible to patrons shall be illuminated at least to the extent of two (2) foot-candles, minimally maintained and evenly distributed at ground level.

o. The place of entertainment shall have a door person on the premises at all times the establishment is open to the public who shall check photo identification of all persons entering the premises to ensure that no person under the age of eighteen (18) is permitted on the premises.

p. The place of entertainment shall provide video camera surveillance of public areas, including but not limited to the front and rear of the business with full view of the public rights-of-way and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persons and areas within the exterior of the premises. Recordings shall be accessible via the Internet by the Long Beach Police Department.

q. The adult entertainment business shall not operate between the hours of two o'clock (2:00) a.m. and nine o'clock (9:00) a.m.

(ORD-12-0018 (Emerg.), § 2, 2012; Ord. C-7747 § 2, 2001)

5.72.125 - Temporary permit.

A. The Director of Financial Management shall issue a temporary entertainment permit for no more than ninety (90) days to a new business or an existing business with new ownership where the previous owner had a valid entertainment permit, not involving adult entertainment as defined in Title 21 of the Long Beach Municipal Code, if he or she finds:

1. The applicant is an individual or lawfully created business entity having a valid ownership interest in the business;
2. No suspensions, denials or revocations of an entertainment permit have occurred at the location in the past twelve (12) months before the application date;
3. The applicant has also applied for a regular entertainment permit for the same location;
4. The owner of the property on which the entertainment is to be conducted has consented in writing to the application for the temporary permit.

B. A temporary permit shall automatically expire ninety (90) days from date of issuance or when an application for a regular entertainment permit is approved or denied by the City Council, whichever occurs first. Where circumstances justifiably delay the hearing before the City Council on the regular entertainment permit, the City shall grant one thirty (30) day extension of the temporary permit until the regular entertainment permit is heard by the City Council. A temporary permit may be revoked or suspended pursuant to Chapter 5.06 of the Long Beach Municipal Code.

C. At the time a temporary permit is issued, the applicant shall agree to comply with all temporary operating conditions imposed. The applicant shall also agree to hold the City harmless for liability/damages arising from any contractual agreements or investments made by the applicant which may assume the eventual issuance of an unrestricted permit.

D. The applicant shall at all times during operation under the temporary permit comply with the following conditions. In issuing the permit, the Director of Financial Management may impose conditions relating to the operation of the entertainment establishment. Conditions may relate to:

1. The days, hours and location of operation;
2. Restrictions designed to prevent minors from obtaining alcohol, such as separate entrances, exits, and restroom facilities on the premises;
3. The number and age of persons allowed on premises;
4. Whether licensed security guards are required, and if so, how many;
5. Specific measures the permittee must undertake to control the conduct of patrons so as to prevent or minimize disorderly conduct within the establishment;
6.

Specific measures the permittee must undertake to remove trash attributable to the establishment or its patrons in and around the establishment, the surrounding neighborhood and the public right of way;

7. Specific measures the permittee must undertake to prevent the entertainment and its patrons from disturbing the peace and quiet of the surrounding neighborhood;
8. Specific measures the permittee must undertake to provide video camera surveillance of public areas, including but not limited to the front and rear of the business with full view of the public rights-of-way and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persons and areas within the premises. Recordings shall be accessible via the Internet by the Long Beach Police Department.
9. Specific measures the permittee must undertake to prevent its patrons from engaging in disorderly conduct in the surrounding neighborhood;
10. Whether the Director of Financial Management must receive advance notice of the date of a particular event if that event is not held as part of the regularly scheduled events of the business; or
11. Other matters related to public health, safety and welfare.

E. A nonrefundable fee, as set by City Council resolution, shall be paid to the City when the application for a temporary permit is filed.

(ORD-12-0018 (Emerg.), § 3, 2012; Ord. C-7423 § 26, 1996)

5.72.126 - Reserved.

Editor's note—

ORD-12-0018(Emerg.), § 8, adopted Dec. 4, 2012, repealed § 5.72.126, entitled "Short-term permit", which derived from: Ord. C-7434 § 2, 1996; and Ord. C-7461 § 5, 1997.

5.72.130 - Permits for occasional events.

A. Unless a permit has been approved and issued by the City Council or Director of Financial Management as outlined above, any entertainment activity as defined within this Chapter requires an occasional event permit, issued by the Director of Financial Management or his/her designee pursuant to the provisions of this Section.

B. An occasional event permit shall not be issued for any premises or location more than twenty-four (24) times within any twelve (12) month period, and events for which occasional event permits are issued must be at least ten (10) days apart. This prohibition shall not apply to any parks and recreation or other City operated facility.

C. Applications for occasional event permits will be accepted for consideration only if the following requirements have been met. Failure to meet any of these requirements will render the application incomplete/void. Incomplete or void applications will not be processed:

1. The application shall be submitted no more than thirty (30) business days and no less than ten (10) business days prior to the event.
2. The applicant shall pay the filing fee, as established by resolution of the City Council, at the time the application is filed with the City.
3. All parties to the application must be at least eighteen (18) years of age.
4.

The application must be accompanied by lease/rental agreements, security contracts, and any other supporting documentation as required by the Director of Financial Management.

D. An occasional event permit shall be issued by the Director of Financial Management only after he/she has determined the following:
   1. The peace and quiet of the neighborhood will not be disturbed.
   2. Adequate security, as determined by the Director of Financial Management, has been afforded.
      a. Where professional security services have been required, a written contract must be obtained and submitted to the Director of Financial Management no less than five (5) days prior to the scheduled event.
      b. The contract must contain such information as the Director of Financial Management may require, including, but not limited to:
         (i) The event location;
         (ii) The date and specific hours of the event;
         (iii) The number of guards assigned; and
         (iv) A statement that the guards will be uniformed or non-uniformed and armed or unarmed.
      c. The security contract must be signed by the permit applicant and by a duly authorized representative of a private patrol operator, as licensed by the State of California Department of Consumer Affairs, who is in possession of a Long Beach City business license, issued pursuant to Chapter 3.80 of the Long Beach Municipal Code.
   3. That all prerequisite requirements of other agencies or departments have been met.
   4. In making a determination of whether or not to issue an occasional event permit, the Director of Financial Management may inspect the premises and site at which the event is to take place. The Director of Financial Management may also consider prior complaints, police service calls and other relevant information related to prior events on the premises.

E. An occasional event permit for a nonprofit fundraising event shall not be approved unless and until a charitable solicitation permit has been obtained pursuant to Chapter 5.28 of the Long Beach Municipal Code.

F. Where a promoter has been engaged to market, advertise or conduct the event, said promoter must obtain a City business license prior to approval of the occasional event permit. If the event is a charitable event, then the promoter must also comply with all applicable requirements of Chapter 5.28 of the Long Beach Municipal Code.

G. As a condition of occasional event permit issuance, the permittee agrees to reimburse the City:
   1. Whenever excessive police services, as determined by the Director of Financial Management, are required as the result of any incident or nuisance arising out of or in connection with the permitted event; and
   2. For costs associated with the removal of signs posted in connection with the event, whether or not the signs had been permitted by any City department, as outlined in Chapter 21.44 of the Long Beach Municipal Code.

H. In no event shall the issuance of an occasional event permit by the Director of Financial Management be construed as permission to disturb the peace. Permits may be denied or revoked by the City if it is determined that the event sponsor or any agent, employee or associate of any such event organizer

has willfully made any false or misleading statement in an application or has not fully complied with the requirements of this Chapter or has violated any of the provisions of this Chapter or the provisions of any other applicable law, rule or regulation.

(ORD-12-0018 (Emerg.), § 4, 2012; ORD-10-0016, § 1, 2010; Ord. C-7423 § 26, 1996)

5.72.135 - Permit nontransferable.

A. Any permit issued pursuant to this Chapter 5.72 shall not be transferred or assigned to another person for any purpose. Any change in ownership shall require a new permit. Regardless of any change in ownership, the permittee shall be required to notify the Director of Financial Management of any change in the business name.

The following shall be deemed a change of ownership:

1. For general partnership personnel, the addition or substitution of a new partner;
2. For a limited partnership, the addition or substitution of a new partner or the addition or substitution of a general partner not listed as a partner in the application for the permit previously approved;
3. For a corporation, more than fifty percent (50%) of the shares of stock is transferred to or acquired by persons other than those designated in the application for the permit previously approved.

B. Any permit issued pursuant to this Chapter 5.72 shall not be transferred to any other location for any purpose. Any change in location shall require a new permit. The following shall be deemed a change in location:

1. Any relocation or expansion that includes a separate piece of property or parcel of land.
2. Any expansion of the initially permitted premises which represents a greater than fifty percent (50%) increase in the square footage of space devoted to public access or occupancy.

C. The lawful conduct of activity regulated by this Chapter by a permittee shall be limited to those activities expressly indicated on the permit application and approved by the City Council. Any change in entertainment activity which exceeds the parameters of the approved permit will require the approval of the City Council or, on a limited basis, the approval of an exclusive event permit, as provided within this Chapter 5.72

D. The holder of an entertainment permit shall not allow others to use or rent his/her permitted premises for dancing or other entertainment uses. This restriction shall not apply to a location which is additionally licensed for hall rental.

(Ord. C-7423 § 26, 1996)

5.72.140 - Conditions of operation.

Any person operating under a permit issued pursuant to this Chapter shall, at all times, observe the following conditions of operations:

A. Hours. No person shall carry on, maintain or conduct any business or activity regulated by this Chapter between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m.; except that this restriction shall not apply on New Year's Eve or to a graduation dance sponsored by a State-accredited school.

B.

Inspection. The premises where all businesses or activities are conducted pursuant to this Chapter, whether public or private, shall at all times when open be subject to inspection by the Director of Financial Management or his/her designee, all business license, health, building, and fire inspectors, and all police personnel in the pursuit of their official duties. No person shall hinder or obstruct such inspection. The purpose of the inspection is to determine whether the permitted premises is being operated in compliance with all requirements of applicable law. Delay or obstruction of such inspection may be grounds for suspension or revocation of any license or permit issued by the City.

C. Adult entertainment. Any person operating any adult entertainment business (as that term is defined in Section 21.15.110) shall, at all times, observe the following conditions of operations:

1. No owner, operator or manager shall permit any entertainer or employee on the premises of the adult entertainment business to engage in a showing of the human male or female genitals, pubic hair, anus, cleft of the buttocks, or vulva with less than a fully opaque covering, and/or the female breasts with less than a fully opaque covering over any part of the nipple or areola and/or covered male genitals in a turgid state. This provision may not be complied with by applying an opaque covering simulating the appearance of the specific anatomical part required to be covered.
2. No owner, operator or manager shall permit any entertainer or employee on the premises of the adult entertainment business to have intentional physical contact with any patron.
3. No owner, operator or manager shall permit any person to perform for patrons any entertainment except upon a stage at least eighteen inches (18") above the level of the floor which is separated by a distance of at least six feet (6') from the nearest area occupied by patrons, and no patron shall be permitted within six feet (6') of the stage while the stage is occupied by an entertainer.
4. No owner, operator or manager shall permit any person under the age of eighteen (18) years within the premises at any time during the hours of operation.
5. All indoor areas of the place of entertainment in which patrons are permitted, except restrooms, will be open to plain view, unaided by mirrors, electronic monitoring devices or other devices at all times from all public portions of the establishment.
6. At least one (1) permitted, authorized security guard shall be on duty within the premises at all times while the adult entertainment business is open for business. The security guard shall be charged with preventing violations of the law and enforcing compliance by patrons with the requirements of this Chapter. No security guard required pursuant to this subsection shall act as a door person, ticket seller, ticket taker or attendance person while acting as a security guard.
7. The premises within which the entertainment is located shall provide sufficient sound absorbing insulation so that noise generated inside the premises shall not be audible anywhere on the adjacent property or public rights-of-way or within any other building or other separate unit within the same building.
8. The place of entertainment shall have a manager on-premises at all times while the establishment is open to the public.
9. If the place of entertainment is licensed to serve alcoholic beverages, the permittee shall abide by the rules and regulations set forth by the California Department of Alcoholic Beverage Control.

10. The stage or entertainment areas shall not be open to view from outside the premises.
11. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the business.
12. No exterior door or window shall be propped or kept open at any time during the hours of operation.
13. Any exterior windows shall be covered with opaque covering.
14. All areas of the place of entertainment accessible to patrons shall be illuminated at least to the extent of two (2) foot-candles, minimally maintained and evenly distributed at ground level.
15. The place of entertainment shall have a door person on the premises at all times the establishment is open to the public who shall check photo identification of all persons entering the premises to ensure that no person under the age of eighteen (18) is permitted on the premises.
16. The place of entertainment shall provide a security system that visually records and monitors all parking lot areas serving the place of entertainment.
17. The adult entertainment business shall not operate between the hours of two o'clock (2:00) a.m. and nine o'clock (9:00) a.m.

(Ord. C-7747 § 3, 2001: Ord. C-7713 § 2, 2000: Ord. C-7591 § 1, 1999: Ord. C-7423 § 26, 1996)

5.72.145 - Suspension, denial or revocation.

A. Noncompliance. Failure to comply with any of the provisions of this Chapter 5.72, including any conditions attached to the permit at the time of approval, will constitute grounds for suspension, denial, or revocation of the permit. The suspension or revocation of the permit shall be governed by the provisions of Chapter 5.06 of this Code.

B. Cease activity. No person shall conduct any business or activity regulated by this Chapter during the pendency of a permit application, except as permitted by Section 5.72.125, or at any time after permit denial or revocation or during the time a permit therefor has been suspended, except as permitted by Subsection 5.72.145.C.

C. In the event that an entertainment permit for an adult entertainment business is suspended, denied, or revoked, the applicant or permittee may file or cause to be filed a petition for writ of mandate in State court regarding the validity of the suspension, denial or revocation. In the event the applicant or permittee files such legal action within fifteen (15) days of the suspension, denial or revocation of the permit, the applicant or permittee shall be permitted to operate its business until a decision is issued by a trial court, notwithstanding provisions to the contrary contained in this Chapter. During such time period, the business must be operated in a manner not to create a public nuisance, and such operation must comply with all other State and City laws and regulations.

(Ord. C-7747 § 4, 2001: Ord. C-7591 § 2, 1999: Ord. C-7423 § 26, 1996)

5.72.150 - Permit reapplication.

Whenever a permit has been revoked or an application for a permit has been denied, no other similar application shall be considered for a period of one (1) year from the date of such revocation or denial.

This applies to any person whose permit was revoked or whose application was denied who later becomes a director or officer of a corporation, profit or nonprofit, or a member of a partnership or a person owning or possessing fifty percent (50%) or more of the shares of a corporation which seeks to

obtain a new permit. This shall also apply to a corporation, profit or nonprofit, whose permit was revoked or application denied, to any of its directors or officers or to any person who owned fifty percent (50%) or more of its shares, who attempts by way of a new corporation or by the use of their individual names or by becoming a member of a partnership or a director or officer or a person owning or possessing fifty percent (50%) or more of the shares in another corporation to obtain a new permit. Whenever any permit is suspended, the provisions of this Section shall apply to the permittee during the period of suspension.

(Ord. C-7423 § 26, 1996)

5.72.155 - Initiative ordinance.

The following initiative ordinance was approved by the qualified electors of this City at an election held on the sixteenth day of August, 1932 as required by Ordinance No. C-1148. The placing of this initiative ordinance in this Code shall not be construed as altering, amending, or repealing such ordinance. Any violation of the provisions of the initiative ordinance shall not be deemed a violation of any of the provisions of this Code, but shall be deemed a violation of the initiative ordinance and punishable as therein provided.

ORDINANCE NO. - An ordinance regulating public dance halls and public dances in the City of Long Beach, California, providing penalties for the violation of this ordinance and repealing Ordinance No. B-1118, and all other ordinances or parts of ordinances in conflict with this ordinance.

The people of the City of Long Beach ordain as follows:

SECTION 1 - "Public dance hall" as used herein is defined to be any room place or space, excepting a private residence or home, where dancing is held or carried on; and "public dance" as used herein is defined to be any dance not held or given in private home or residence.

SECTION 2 - No person, as principal, agent or otherwise, shall carry on, maintain or conduct, or assist in carrying on, maintaining or conducting a public dance hall or a public dance in the City of Long Beach at any time between the hours of 2:00 o'clock a.m. and 6:00 o'clock a.m., except on New Year's Eve, or without first having filed with the Chief of Police a written schedule showing the time of commencing and the time of closing of all regular dances or without filing with the Chief of Police a written notice showing the time of commencing and time of closing of every dance carried on other than regular dances, at least forty-eight (48) hours previous to the holding of such dance.

SECTION 3 - No person, as principal, agent or otherwise, carrying on, maintaining or conducting, or assisting in carrying on, maintaining or conducting, a public dance hall, or a public dance in the City of Long Beach, shall permit any person under the age of seventeen (17) years to be present in any public dance hall or to participate in any public dance, unless accompanied by the parent or legal guardian of such person; or to permit any person to indulge in boisterous conduct or use profanity, or otherwise conduct himself or herself in a vulgar or indecent manner in such a public dance hall or in any of the hallways leading thereto; no intoxicated person shall be present in any public dance hall or at any public dance.

SECTION 4 - Every person seeking admission to a public dance hall or to any public dance shall, upon the request of the manager, proprietor or door keeper, or managing agent of the proprietor of such public dance hall or public dance, register his/her true name, age and address in his/her own handwriting.

SECTION 5 - Every person, as principal, agent or otherwise violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

SECTION 6 - Ordinance No. B-1118, and all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7 - The City Clerk shall certify to the passage of this ordinance by the People of the City of Long Beach.

(Ord. C-7461 § 6, 1997; Ord. C-7423 § 26, 1996)

Note—Prior ordinance history: Ord. C-6260.

5.72.200 - Downtown dining and entertainment district program area.

The downtown dining and entertainment district shall be established as a program known as the downtown program. Business operators presently holding entertainment permits in good standing who agree in writing to comply with the requirements of the downtown dining and entertainment district program shall be issued downtown entertainment permits.

(ORD-08-0039 § 1, 2008: ORD-07-0064 § 1, 2007: ORD-07-0012 § 1, 2007: ORD-07-0001 § 1, 2007: ORD-06-0010 § 1 (part), 2006)

5.72.210 - Boundaries of the downtown program.

The downtown program area consists of the area bounded by the north side of Ocean Boulevard, the south side of Third Street, the east side of Pacific and the west side of Long Beach Boulevard, and the areas known as the Pike at Rainbow Harbor and Shoreline Village, as shown on maps on file in the office of the City Clerk. Hotels within the boundaries are excluded from the requirements of the downtown program but continue to be subject to all other provisions of this Chapter and shall continue to operate under the conditions of their previously-issued entertainment permits.

(ORD-08-0039 § 1, 2008: ORD-06-0010 § 1 (part), 2006)

5.72.220 - Standard conditions.

The City Council shall adopt standard conditions which shall become part of each downtown entertainment permit. These conditions shall be in addition to those set forth in Sections 5.72.110 through 5.72.150 of this Chapter, in any conditional use permit issued by the City, any other requirement of the Municipal Code, or any Department of Alcoholic Beverage Control license. In the event of a conflict between the requirements of the downtown program and the more general provisions of this Chapter, the requirements of the downtown program shall control within the program area. In the event of a conflict between a downtown entertainment permit and a license issued by the department of alcoholic beverage control, the more stringent regulation shall govern.

(ORD-08-0039 § 1, 2008: ORD-06-0010 § 1 (part), 2006)

CHAPTER 5.74 - RUMMAGE SALES

5.74.010 - Definitions.

As used in this Chapter, the term "rummage sale" means the sale of miscellaneous items of new or secondhand merchandise, collected by or through bona fide religious, charitable, political, educational, fraternal and philanthropic organizations or associations, having their headquarters, main office, or a branch in this City, which organizations are not operated for profit, the proceeds of which sale, less reasonable expenses thereof, will be devoted solely to the furtherance of the objectives of such organization or association.

(Ord. C-7423 § 27, 1996: Ord. C-6260 § 1 (part), 1986)

5.74.020 - Permit required.

No rummage sale shall be conducted for a period in excess of five (5) days, and at least ten (10) days before commencing such rummage sale such organization or association shall obtain from the Chief of Police a permit to do so.

(Ord. C-7423 § 27, 1996: Ord. C-6260 § 1 (part), 1986)

5.74.030 - Application contents.

A permit shall be issued upon the applicant's furnishing the following information to the satisfaction of the Chief of Police; otherwise, it shall be denied:

A. Proof of compliance with the provisions of Long Beach Municipal Code Chapter 5.28
B. Name, address and telephone number of organization or association;
C. Names and addresses of principal officers;
D. Location of premises where the rummage sale is to be conducted;
E. Date of commencement of sale, hours, and proposed duration, not to exceed five (5) days;
F. Name, address and telephone number of person making application on behalf of the organization or association.
G. If the rummage sale is held on property not owned by the applicant/organization, a letter of permission from property owner is required.

(Ord. C-7423 § 27, 1996)

CHAPTER 5.75 - SOCIAL CLUBS

5.75.010 - Definitions.

As used in this Chapter, the following words and phrases shall have the following meaning:

A. "Social club" means any entity organized and maintained for the promotion of literature, science, politics, good fellowship, philanthropy, or for the social or physical welfare, benefit or amusement of the membership and which maintains a clubroom or clubhouse to which the membership may resort for recreation, amusement, or social intercourse and wherein intoxicating beverages are sold, served or consumed, or wherein dancing is carried on, maintained or allowed, or wherein card games and card playing are conducted or played or allowed. A social club may be organized and maintained either for profit or for nonprofit purposes.

(Ord. C-7423 § 34, 1996)

5.75.020 - Permit required.

No person shall carry on, maintain or conduct a social club in the City without first obtaining a permit from the City Council.

(Ord. C-7423 § 34, 1996)

5.75.030 - Permit application process.

A. Filing. Any person desiring a permit required by this Chapter shall make application on forms to be provided by the Director of Financial Management. Such application shall include the name and address of the applicant, the proposed location, and such other information deemed pertinent by the Director of Financial Management.
   1. The person whose signature appears on the application shall attest that they are a duly authorized representative of the applicant and that the information contained in the application is true and correct.
   2. The application shall be filed under penalty of perjury. False statements therein will constitute grounds for denial or revocation as applicable.
   3. An incomplete application shall not be accepted for processing.
   4. A nonrefundable investigation and notification fee, as set by a City Council resolution, shall be paid to the City at the time the application is filed.

B. Change in Contents. Any change in any information in the application, which occurs after the application has been filed and prior to City Council approval, must be submitted to the Director of Financial Management within ten (10) calendar days after the change has occurred.

C. Investigation. On receipt of the application, the Director of Financial Management shall refer it to all concerned City departments for investigation. Such City departments shall file their reports and recommendations regarding the approval or denial of the permit with the Director of Financial Management within sixty (60) days after the application is filed, except where circumstances beyond the control of the City justifiably delay such response.

D. Hearing.

1. The Director of Financial Management shall transmit the application, together with the reports and recommendations of the City departments, to the City Council for hearing and shall notify the applicant of the time and place of the hearing which shall be held before the City Council on the first available hearing date.
2. Prior to the hearing, the Director of Financial Management shall give the applicant notice of the recommendations of the City departments.
3. Notice of the time and place of the hearing shall also be given:
    a. By mail to each owner of property within three hundred feet (300') of the site of the proposed activity;
    b. By mail to occupants of property within three hundred feet (300') of the site of the proposed activity; and
    c. By posting the property at the site of the proposed activity.

   The applicant shall pay all costs of such notice in the manner prescribed by the City's Director of Financial Management.

4. At the hearing, if the City Council determines that the application is complete and truthful; that where the applicant is an entity, it is a bona fide entity, organized and conducted for a lawful purpose; that the applicant, the persons interested in the ownership and the operation of the entity and the officers and trustees of the entity are law abiding persons and persons who will operate and conduct the business or activity in a lawful manner; and that the public peace, welfare and safety will not be impaired, then the application shall be approved. Otherwise, it shall be denied. However, despite City Council approval of the application for the permit, the applicant shall not operate until a permit is actually issued by the Director of Financial Management. Upon approval of the application, the Director of Financial Management shall issue the permit provided that the applicant has met all conditions imposed by any City department, has complied with all applicable laws, and has paid the applicable license tax and permit fees. The applicant shall have a maximum one hundred eighty (180) days after City Council approval to obtain the permit. Failure to do so within that period shall render the City Council approval void, unless an extension of the compliance period is granted by the City Council before the compliance period has expired.

(Ord. C-7423 § 34, 1996)

5.75.040 - Suspension/Denial/Revocation.

A. Noncompliance. Failure to comply with any of the provisions of this Chapter, including any conditions attached to the permit at the time of approval, will constitute grounds for suspension, denial or revocation of the permit. The suspension or revocation of a permit shall be governed by the provisions of Chapter 5.06 of the Long Beach Municipal Code.

B. Cease Activity. No person shall conduct any business or activity regulated by this Chapter during the pendency of a permit application or subsequent to permit denial or revocation or during the time a permit therefor has been suspended.

(Ord. C-7423 § 34, 1996)

5.75.050 - Permit nontransferable.

A. Any permit issued pursuant to this Chapter shall not be transferred or assigned to another person for any purpose. Any change in ownership shall require a new permit. Regardless of any change in ownership, the permittee shall be required to notify the Director of Financial Management of any change in the business name. The following shall be deemed a change of ownership:

1. For general partnership personnel, the addition or substitution of a new partner;
2. For a limited partnership, the addition or substitution of a new partner or the addition or substitution of a general partner not listed as a partner in the application for the permit previously approved;
3. For a corporation, more than fifty percent (50%) of the shares of stock is transferred to or acquired by persons other than those designated in the application for the permit previously approved.

B. Any permit issued pursuant to this Chapter shall not be transferred to any other location for any purpose. Any change in location shall require a new permit. The following shall be deemed a change in location:
   1. Any relocation or expansion that includes a separate piece of property or parcel of land.
   2. Any expansion of the initially permitted premise which represents a greater than fifty percent (50%) increase in the square footage of space devoted to public access or occupancy.

C. The lawful conduct of activity regulated by this Chapter by a permittee shall be limited to those activities expressly indicated on the permit application and approved by the City Council. Any change in activity which exceeds the parameters of the approved permit will require the approval of the City Council or, on a limited basis, the approval of a special permit, pursuant to the provisions of Chapters 5.28 or 5.72 of the Long Beach Municipal Code.

(Ord. C-7423 § 34, 1996)

5.75.060 - Permit reapplication.

A. Whenever a permit has been revoked or an application for a permit has been denied, no other similar application shall be considered for a period of one (1) year from the date of such revocation or denial.

This applies to any person whose permit was revoked or whose application was denied who later becomes a director or officer of a corporation, profit or nonprofit, or a member of a partnership or a person owning or possessing fifty percent (50%) or more of the shares of a corporation. This shall also apply to a corporation, profit or nonprofit, whose permit was revoked or application denied, to any of its directors or officers or to any person who owned fifty percent (50%) or more of its shares, who attempts by way of a new corporation or by the use of their individual names or becoming a member of a partnership or a director or officer or a person owning or possessing fifty percent (50%) or more of the shares in another corporation to obtain a new permit. Whenever any permit is suspended, the provisions of this Section shall apply to the permittee during the period of suspension.

(Ord. C-7423 § 34, 1996)

5.75.070 - Conditions of operation.

A. Membership in a social club shall be granted and membership registration shall be maintained as follows:
   1. Where applicable, an application for membership shall be in writing, and each permittee shall establish a membership committee which shall review and act upon each application. An appropriate identification card shall be issued to each person approved for membership. The term "member" includes a dues-paying member, honorary member, associate member, lifetime member, or any other person granted a membership in the licensed entity. The term "registered member" is any person who pays dues, any other remuneration, or is otherwise a member in good standing.

2. No person shall be admitted to membership or granted temporary, provisional or limited membership rights within twenty-four (24) hours after his/her application is submitted.
3. Every social club shall keep on its premises at all times a membership book or register which shall contain a complete and current roster of the entire membership. It shall list the name, address, and type of membership of each member.
4. No person shall apply for membership under any false or fictitious name or any name and address other than the true name and address of such person. False information in the membership book or register may constitute grounds for revocation or suspension of the permit.
5. It shall be the duty of every permittee and of every employee, manager, agent or officer of such permittee to display and exhibit such membership book or any other document or record relevant to this Section to any Police Officer or other authorized public employee in the pursuit of his/her official duties on the demand, oral or written, of such Police Officer or public employee.

B. No card games or card playing is allowed where there is an exchange of money or anything else of value or anything which represents anything of value. Card games or card playing shall be allowed only for the purpose of entertainment and amusement. The definition of amusement for the purposes of this Section shall mean any game or contest between two (2) or more persons which is either skill or chance and which is played solely for the purpose of enjoyment and not for any consideration, monetary or otherwise.

(Ord. C-7423 § 34, 1996)

CHAPTER 5.76 - DISCOUNT COUPON BOOK AND MEMBERSHIP SALES

5.76.010 - Definition.

As used in this Chapter, "Discount Coupon Book and Membership Sales" means the selling or offering for sale of coupon books or club memberships whereby the purchaser of such membership or books is to be allowed a discount from any person who offers goods or services at a discount, or free, or partially free, as an inducement or reward for the purchase of such coupon book or club membership.

(Ord. C-7423 § 28, 1996: Ord. C-6325 § 28 (part), 1986)

5.76.020 - Permit required.

No person shall practice, engage in or carry on the business of coupon discount book and membership sales in the City without first having obtained a permit to do so and complying with all regulations and requirements contained and set forth in this Chapter.

(Ord. C-7423 § 28, 1996: Ord. C-6325 § 28 (part), 1986)

5.76.025 - Exemptions.

A. A charitable group or other nonprofit organization which has a tax exempt status as determined by the IRS and Franchise Tax Board shall be exempt from the permit regulation if able to demonstrate compliance with or exemption from the Charitable Solicitation permit requirements as stated in Chapter 5.28 of the Long Beach Municipal Code.

The provisions of this Chapter shall not apply to retail establishments having a fixed location within the City.

(Ord. C-7423 § 28, 1996)

5.76.030 - Permit—Application.

Each person, before obtaining a permit to carry on the business of Discount Coupon Book and Membership Sales, shall make a written application upon forms furnished by the Director of Financial Management. The application shall be signed by the applicant. Each applicant shall be fingerprinted and photographed by the Police Department for the purpose of a background investigation.

(Ord. C-7423 § 28, 1996: Ord. C-6325 § 28 (part), 1986)

5.76.040 - Grounds for denial.

An application for a permit under this Chapter shall be denied if:

A. The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for the permit required under the provisions of this Chapter; or

B. The applicant has violated any provisions of this Code, State or Federal law arising out of and in connection with the practice and/or operation of the business for which the permit is sought.

(Ord. C-7423 § 28, 1996: Ord. C-6325 § 28 (part), 1986)

5.76.050 - Permit fee.

Every applicant shall pay a nonrefundable fee established by resolution of the City Council adopted pursuant to Section 5.04.040.

(Ord. C-7423 § 28, 1996: Ord. C-6325 § 28 (part), 1986)

CHAPTER 5.78 - TATTOOING

5.78.010 - Definitions.

The following words and phrases as used in this Chapter shall have the meanings attached to them in this Section unless otherwise clearly apparent from the context:

A. "Tattooing" means and includes the act or process of marking or coloring the skin of any person by the insertion of pigment under or in the skin or by the production of scars.

(Ord. C-6260 § 1 (part), 1986)

5.78.020 - Permit—Application.

A. Each and every person engaged in the art of tattooing or desiring to carry on the business of tattooing or conducting or maintaining a place where tattooing is practiced, shall make a written application to the Director of Financial Management, on forms prescribed by the City Health Officer, for a permit to conduct the business. The application shall be signed and sworn to by the applicant and shall state the true or fictitious name or names of the applicant, his age, present street address, and other address or addresses where applicant may have lived or carried on such business during the six (6) months immediately preceding the date of the application; the name under which, and place where the applicant proposes to conduct the business.

B. The application shall also include a photograph in duplicate of the applicant, of a size prescribed by the Director of Financial Management, the photograph to be attached to the original permit application, and one (1) to the permit, if a permit to engage in or conduct or carry on the business is granted the applicant.

C. The permit application shall be transmitted by the Director of Financial Management to the City Health Officer, and the permit applied for shall not be issued to the applicant until a satisfactory report is made by the Health Officer that the proposed place of business complies with the laws and ordinances, and conforms with the rules and regulations of the Board of Health.

(Ord. C-6260 § 1 (part), 1986)

5.78.030 - Permit—Fee.

Any person owning, maintaining or conducting a place where tattooing is practiced, or practicing the art of tattooing, shall pay a permit fee established by resolution of the City Council adopted pursuant to Section 5.04.040.

(Ord. C-6260 § 1 (part), 1986)

5.78.040 - Permit—Employee.

No person shall have in his employ any person engaged in the art of tattooing unless such person holds a permit from the City authorizing said person to engage in said art.

(Ord. C-6260 § 1 (part), 1986)

5.78.050 - Inspection authorized.

The Health Officer or any of his duly authorized agents shall have the right to enter and inspect any place where tattooing is practiced for the purpose of determining whether same is being conducted, managed or carried on in compliance with the rules and regulations and sanitary requirements of the Health Department.

(Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.80 - VEHICLES FOR HIRE

FOOTNOTE(S):

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Charter reference— Provisions on franchises, see the City Charter.

State Law reference— Provisions authorizing local authorities to license and regulate the operation of taxicabs, Veh. C. §§ 16501 and 21100.

5.80.010 - Definitions.

For the purpose of this Chapter the following terms shall have the meanings respectively ascribed to them in this Section unless, from the particular context, it clearly appears that some other meaning is intended.

A. "Vehicles for hire" means every motor vehicle designed for carrying not more than eight (8) persons, excluding the driver, which is covered by this Chapter, and where the destination and route are under the control of the passenger(s) being carried for compensation.

B. "Carrier" means every person, corporation, partnership, joint venture or other form of business organization, their lessees, receivers or trustees, engaged in operating, or causing to be operated, any vehicle required by the provisions of this Chapter to obtain a permit.

C. "Chauffeured limousine" means a motor vehicle used for the transportation of passengers for hire along public streets, not over a defined route, but a route under the control of the person hiring such a vehicle, and the point of origin is within the City. A chauffeured limousine shall not bear any distinguishing insignia or monogram or top lights, and shall operate and be dispatched from a fixed location, and shall be hired by contract on a minimum hourly basis only; the minimum rates shall be approved by the City Council.

D. "City Council" means the City Council of the City of Long Beach.

E. "Compensation" means any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver of any vehicle in exchange for transportation of a person or persons, whether paid upon solicitation, demand or contract or voluntarily, or intended as a gratuity or donation.

F. "Driver" means every person driving, operating or in charge of any vehicle as defined by this Chapter.

G. "Driver's permit" means the permit issued by the Chief of Police to any persons operating or driving any vehicle as defined by this Chapter.

H. "Institution of learning" means a school wherein is conducted a regular program of general education and instruction in the public schools of the State.

I. "Jitney" means every motor vehicle of a distinct color or commercial appearance used in the business of carrying passengers; and which is hired from any fixed stand or location, or is hailed; and which travels along a fixed route; for a compensation which is fixed according to the distance traveled.

J. "Motor vehicle" or "vehicle" means every motor-propelled vehicle used for the transportation of persons over the public streets, and not upon rails or tracks.

K. "Permittee" means every person to whom a permit has been issued pursuant to this Chapter.

L. "Person" means a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns or the agent of any of the aforesaid.

M. "Ambulance" means a vehicle designed and used for the purpose of transporting sick, disabled or injured persons for compensation over the streets of the City, other than vehicles operated by the City or any public agency. Without limiting the generality of the foregoing, this definition includes those vehicles commonly referred to as "gurney vans" and "wheelchair vans".

N. "Sightseeing vehicle" means every vehicle other than taxicabs, jitneys, chauffeured limousines and automobiles for hire used for the transportation of passengers for compensation over the streets of the City whether or not over defined routes for sightseeing purposes or for showing points of interest when the route is designated by the carrier and when the point of origin is within this City.

O. "Taxicab" means every motor vehicle of a distinct color or commercial appearance used for the transportation of passengers and/or baggage and packages over the streets of the City for compensation irrespective of whether or not the operation extends beyond the boundaries of the City; and whose service is demand-responsive; and whose fare is determined and indicated by a taximeter, or by posted rates pertaining to a shared ride; and which has a top light; and a uniform monogram or insignia, a vehicle number, and telephone number clearly visible on the body of the vehicle; and whose route and destination are under the exclusive control of the passengers being transported.

P. "Taximeter" means a mechanical or electronic device by which the charge for hire of a taxicab is automatically calculated, either for distance traveled or for waiting time, or both, and upon which such charge is plainly registered by means of figures indicating dollars and cents.

Q. "Stand" means a particular place on a public street in the City which has been designated by the City Council for the use of the particular vehicles authorized by this Chapter to stop or stand in said place while awaiting employment.

(Ord. C-7277 §§ 1, 4, 1994; Ord. C-7001 § 1, 1992: Ord. C-6260 § 1 (part), 1986)

5.80.020 - Permit—Required.

No person shall drive, operate or cause to be operated, nor shall any person employ, permit or allow another to drive, operate or cause to be operated, any vehicle over any street of this City for the purpose of transporting any passenger or passengers for compensation, regardless of whether such operation extends beyond the boundary limits of the City, nor shall any person solicit, induce, persuade, invite or procure such transportation of passengers for compensation or accept compensation therefor without a permit first having been obtained from the City Council authorizing such operations and acts, except:

A. A vehicle which is lawfully transporting a passenger or passengers from a point outside the City to a destination within the City or is en route to a destination outside the City; provided that no driver shall, without such permit, solicit, or accept a passenger or passengers from within this City for transportation to any destination whatsoever;

B. A vehicle being operated pursuant to a franchise or permit issued by the City and vehicles operated by public agencies;

C. A vehicle being operated for the purpose of transporting bona fide pupils attending an institution of learning between their homes and such institutions;

D. A vehicle being operated under what is commonly referred to as a "share the ride" plan or arrangement, where a person en route from his place of residence to his place of business, or vice versa, transports another person or other persons living and working in the same general vicinities upon payment of a sum estimated to cover the actual or approximate cost of operation of the vehicle;

E. Vehicles rented or leased for self operation by a person using such vehicle under a plan commonly known as a U drive, but not when transporting other persons for compensation;

F. Vehicles used exclusively in funerals by a person engaged in the business of undertaker or funeral director;

G. Vehicles operating pursuant to a certificate of public convenience and necessity issued by the California Public Utilities Commission, but only to the extent, character and type of operation and regulation expressly prescribed by the certificate issued by said Commission. No person shall be exempt from the provisions of the ordinance codified in this Chapter if operating pursuant to an exemption certificate issued by either the State Public Utilities Commission or Interstate Commerce Commission.

(Ord. C-6260 § 1 (part), 1986)

5.80.030 - Permit—Application.

A. Any person desiring a permit to operate vehicles covered by this Chapter shall file an application therefor with the City Council. Such petition shall be verified by oath of the applicant, if a natural person; or by oath of an officer or partner of the applicant, if applicant is a corporation, partnership, association or unincorporated company, and which application shall set forth the name, age and address of the applicant, if a natural person; or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers together with their respective addresses; or if a partnership, association or unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective addresses.

The application shall also state:

1. The trade name or style under which the applicant proposes to operate;
2. Full information pertaining to the extent, character, and quality of the proposed operations and the manner in which such proposed operations are to be conducted;
3. The type(s) of motor vehicle(s) and the name(s) of the manufacturer or popular name;
4. The vehicle factory and State license numbers;
5. The vehicle manufacturer's seating capacity;
6. The color and unique monogram or insignia proposed;
7. The condition of vehicle(s) proposed to be operated;
8. A full statement of the applicant's assets and liabilities;
9. Such other or additional information as the City Council may require.

B.

The City Council shall, upon receipt of the application, make full and complete inquiry into the facts set forth therein and shall either grant or deny a permit upon the proposed terms, or upon terms and conditions other than those proposed. The permit shall authorize the operation of a specified number of vehicles which may be increased only by action of the City Council. When issued the permit shall constitute evidence of compliance with the terms of this Chapter and shall authorize the permittee to operate vehicles under the conditions therein specified; subject, however, to the requirements, obligations and limitations imposed by other applicable laws, ordinances, and orders of the City Council, and shall become effective only upon payment of the applicable fees as prescribed by resolution of the City Council.

(Ord. C-6260 § 1 (part), 1986)

5.80.035 - Ambulance permits.

A. Notwithstanding the provisions of Sections 5.80.030 and 5.80.060 to the contrary, any person desiring a permit to operate ambulances within the City shall file an application with the City Manager. The application shall be verified by the oath of the applicant, if a natural person; or by oath of an officer or partner of the applicant, if applicant is a corporation, partnership association or unincorporated company, and which application shall set forth the name, age and address of the applicant, if a natural person; or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers, together with their respective addresses; or if a partnership, association or unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective addresses. The application shall also include:

1. The trade name or style under which the applicant proposes to operate;
2. Complete details regarding the service proposed, including the days and hours, service area, dispatch procedures, employee training, safety record, and method for monitoring the quality of service;
3. A business plan for operation in the City. This must include financial statements, indicating viability of the company;
4. Proof of liability insurance, as required by Section 5.80.050
5. Proof of inspection and certification of vehicles as required by law and a statement that there are no outstanding parking and registration violations on any of the proposed vehicles.

B. The application shall be submitted to those City departments as determined necessary by the City Manager. Upon the review of the application and recommendation by those departments, and upon compliance by the applicant with all of the requirements of this Section and all applicable provisions of this Chapter, the City Manager or his designated representative shall issue a permit for the operation of the ambulance service.

(Ord. C-7277 § 3, 1994)

5.80.040 - Term and renewal of permits.

All permits issued under the provisions of this Chapter shall be for a period of not to exceed one (1) year and all permits shall expire on December 31 at twelve o'clock (12:00) midnight; however, such permits shall be renewed annually by the City Manager upon application of the permittee, provided the City Manager determines that the permittee during the prior permit period has operated in conformity with the provisions of this Chapter and that permittee is capable of such continued operation in the succeeding year. Renewal applications shall be filed on or before November 1 and shall be made on a

form provided or otherwise approved by the City Manager or his designee and taxicab and ambulance first shall provide a report on the prior year's operations and a current financial statement in a form approved by the City Manager.

A determination by the City Manager that a permit shall not be renewed shall be final unless an appeal therefrom is taken to the City Council by the filing of a notice of appeal with the City Clerk after notice of City Manager's decision in writing. Permittee shall be notified in writing by the City Clerk of the date, time and place of hearing. At the time set, the Council shall hear the permittee, City Manager, and other interested persons and may either affirm or annul the City Manager's decision. The decision of the City Council shall be final.

(Ord. C-6260 § 1 (part), 1986)

5.80.050 - Insurance and indemnity.

A. The applicant shall file with the Director of Financial Management insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040

B. The applicant shall maintain the insurance in full force and effect during the time any vehicles are operated pursuant to a permit issued under this Chapter. Failure to maintain such insurance shall be cause for suspension and revocation of a permit pursuant to Section 5.80.100

C. Prior to the issuance or renewal of a permit, the applicant or permittee shall execute an indemnity agreement on a form provided by the City which provides that, by the acceptance or use of the permit, permittee shall defend, indemnify and hold harmless the City, its officials, agents, and employees from and against any and all claims, demands, damage, causes of action, proceedings, loss, liability, costs and expenses (including reasonable attorney fees) (collectively in this Subsection, "claim") alleging injury to or death of persons or damage to property and that such injury, death or damage arises from or is attributable to or caused by the operations conducted pursuant to said permit and provides that permittee shall notify the City of any claim within ten (10) days.

D. No person shall operate or permit the operation of any vehicle described in this Chapter unless there is, on file, insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040

(Ord. C-7934 § 12, 2004: Ord. C-7277, § 2, 1994; Ord. C-6317 § 1 (part), 1986: Ord. C-6305 § 1, 1986: Ord. C-6260 § 1 (part), 1986)

5.80.060 - Permit hearing.

No permit shall be granted to any "carrier", as defined in this Chapter, except after a hearing thereon conducted under and in accordance with such rules and regulations as may from time to time be prescribed by the City Council, nor until the City Council has determined that the public convenience and necessity require the operation proposed by the applicant for the permit. The City Council, in determining whether or not such facts exist, shall take into consideration the public demand for the service, the adequacy or inadequacy of service being rendered by other carriers, the effect of the service upon traffic, the financial responsibility of the applicant, the amount of wages to be paid to employees, the character of equipment proposed to be furnished, the history of claims, insurance and accidents, and any and all other facts which the City Council may deem relevant. Before granting any such permit, the City Manager or his designated representative shall present to the City Council, either orally or in writing, a report, together with his opinion, as to the existence of public convenience and necessity for the operation of additional vehicles. However, the burden of establishing the existence of public convenience and necessity shall always be borne by the applicant for a permit, and no such permit shall be issued unless there has been an affirmative showing of the existence of such public convenience and necessity by the applicant.

(Ord. C-7691 § 1, 2000: Ord. C-6260 § 1 (part), 1986)

5.80.070 - Application/permit fees.

A. A nonrefundable application fee to defray the cost of processing the application for a permit under this Chapter shall be required to be paid by every applicant seeking such a permit.

B. A permit fee shall be required to be paid by each applicant whose application for a permit has been granted and for permit renewals, pursuant to the provisions of this Chapter, to defray the cost of processing the permit.

C. The City Manager is authorized to establish the amount of the application and permit fees which amount shall not exceed the actual cost of processing the application and the permit.

(Ord. C-6260 § 1 (part), 1986)

5.80.080 - Permit—Annexed areas.

A. Notwithstanding any provision in this Chapter to the contrary, any person who has been authorized by proper governmental authority to operate vehicles for hire in an unincorporated area which is later annexed to the City, and who is so authorized at the completion of such annexation proceedings, may, upon the application of such person therefor, and at the discretion of the City Council, be issued a permit to operate vehicles for hire in the annexed area. Application for such permit shall be made and the permit may be issued in accordance with the provisions of this Chapter, except that no hearing thereon is required and no such person shall be required to establish the existence of public convenience and necessity for such operation in the annexed area. In such case, the City Council shall be under no duty, as a condition precedent to the issuance of such permit, of determining that the public convenience and necessity require the operation.

B. Nothing in this Section nor in any permit issued pursuant to this Section shall be construed as authorizing the permittee to operate in any portion of the City other than the annexed area, except when transporting a passenger or passengers from a point within such area to any other point within the City. In no event shall the permit authorize the permittee to solicit or accept a passenger or passengers from within any portion of this City, other than the annexed area, for transportation to any destination whatever. Nothing in this Section nor in any permit issued pursuant to this Section shall exempt the permittee from the necessity of complying with the remainder of the provisions of this Chapter or the provisions of any other ordinance of the City applicable to his operation or lawful rule or regulation of the City Council.

(Ord. C-6260 § 1 (part), 1986)

5.80.090 - Permit decal.

There shall be displayed upon each vehicle for hire operated pursuant to the terms of this Chapter, an identifying decal for the permitted period in the lower right corner of the windshield in such a manner that a serial number shall be clearly visible from the exterior of the vehicle.

(Ord. C-6260 § 1 (part), 1986)

5.80.100 - Permit—Suspension or revocation.

The City Manager shall have the power to suspend or revoke any or all of the carrier permits granted under the provisions of this Chapter when it has been determined that any of the provisions of this Chapter have been violated, or that any holder of such a permit has failed to comply with the terms of such permit or the rules and regulations of the City Council pertaining to the operation and to the extent, character and quality of the service of any such vehicles. The City Manager shall give notice of the

suspension or revocation in writing to the permittee and the notice shall state the grounds upon which the suspension or revocation is based. A determination by the City Manager that a permit shall be suspended or revoked shall be final unless an appeal therefrom is taken to the City Council by the filing of a notice of appeal with the City Clerk within ten days after notice of suspension or revocation. Permittee shall be notified in writing by the City Clerk of the date, time and place of the hearing. At the time set, the Council shall hear the permittee, City Manager, and other interested persons and may either affirm or annul the City Manager's order. The decision of the City Council shall be final.

(Ord. C-6260 § 1 (part), 1986)

5.80.110 - Permit—Business license issuance.

Each permit issued pursuant to the requirements of this Chapter shall entitle the holder thereof to obtain a license to engage in the business described in the permit upon payment of the tax required by the licensing provisions of this Code, provided the holder of the permit complies with all other applicable provisions of law or ordinance.

(Ord. C-6260 § 1 (part), 1986)

5.80.120 - Authorized service only.

No carrier granted a permit under this Chapter shall conduct any operation or engage in, furnish, or render any service other than the service authorized by its permit granted by the City Council in accordance with the provisions of this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.80.130 - Service availability.

Taxicab service shall be available twenty-four (24) hours a day by telephone through a radio dispatch service, or by engagement of the taxicab when standing at a stand or when properly hailed from the street or curb. All taxicabs shall be equipped with two-way radios for communication with the dispatch office. Telephone calls for service shall be answered in a reasonable time. No driver shall work any shift which exceeds twelve hours, and all shifts are to begin and end at the garage. When a taxicab of such carrier is standing in a stand, no carrier or driver of a taxicab shall refuse or neglect to transport any orderly person or persons upon request anywhere in the City, and such service shall be rendered immediately upon request unless the driver is in physical danger.

(Ord. C-6260 § 1 (part), 1986)

5.80.135 - Posting of customer service notice.

There shall be displayed in each taxicab, in a place easily read by passengers, a notice, in both English and Spanish, which informs passengers of their right to make customer service inquiries or complaints to the City. Said notice shall provide a telephone number of the appropriate City department. The form and content of the notice shall be approved by the City Manager before it is posted in any taxicab.

(Ord. C-7691 § 2, 2000)

5.80.140 - Rates—Establishment.

No rate or fare shall be placed in effect, charged, demanded or collected by any carrier for the transportation of passengers by vehicle covered by this Chapter until the rate or fare has been established and authorized by City Council and the City Council, after a hearing upon its own motion, or upon application, or upon complaint, has found and determined the rate to be just, reasonable and

nondiscriminatory, and not in violation of any provisions contained in this Chapter or any other provision of law. In establishing and authorizing such rates or fares the City Council must take into account and give due and reasonable consideration to the cost of all comparable transportation services performed by all persons engaged in the transportation of persons for compensation in the City, whether by virtue of any franchise or permit granted by the City Council or otherwise, including length of haul, any additional transportation service performed or to be performed, or of any accessory service and the value of facilities reasonably necessary to perform such transportation service.

(Ord. C-6260 § 1 (part), 1986)

5.80.150 - Rates—Enforcement.

Upon the granting of any permit to any carrier as provided by this Chapter, a copy of the permit setting forth the rates established and authorized by the City Council shall be transmitted by the City Clerk to the Chief of Police, who shall, thereupon, be charged with the duty of enforcement of the rates and the applicable provisions of this Code and other ordinances pertaining to the operation of vehicles for hire.

(Ord. C-6260 § 1 (part), 1986)

5.80.160 - Rates—Display.

A. Every taxicab used or operated under this Chapter shall, at all times, have displayed therein in a location or locations and in a manner prescribed by the City Manager, the rates to be charged for the taxicab service, which rates shall be visible to all passengers in the taxicab at all times.

B. The driver of every chauffeured limousine shall at all times have in his or her possession rate cards upon which shall be printed the name and address of the permittee and the rates authorized to be charged for the chauffeured limousine service. Every person making inquiry regarding the rates charged by the chauffeured limousine service shall be furnished with a copy of the printed rates.

(Ord. C-6260 § 1 (part), 1986)

5.80.170 - Rates—Alteration.

The City Council shall, upon a hearing upon its own motion, or upon application, or upon complaint, investigate a single rate or fare, or the entire schedule of fares in effect, charged, demanded or collected for the transportation of passengers by vehicles covered by this Chapter and to establish a new rate, fare or schedule of fares in lieu thereof.

(Ord. C-6260 § 1 (part), 1986)

5.80.180 - Rates—Discrimination prohibited.

No carrier, or any agent or employee thereof, or any driver or operator of any vehicle covered by this Chapter, shall charge, collect, demand, receive, arrange, solicit or bargain for any amount of compensation other than the rates or fares established and authorized by the City Council.

(Ord. C-6260 § 1 (part), 1986)

5.80.190 - Taximeters.

A. No carrier shall operate any taxicab in the City unless and until the taxicab is equipped with a taximeter of a type and design which has been approved by the City Manager, and it shall be the duty of the carrier operating such taxicab, and also the driver thereof, to keep the meter operating at all times within such standard of accuracy as may be prescribed from time to time by the City Manager. No passengers shall be carried in any such cab unless the taximeter is in operation, unless the taxicab

is carrying multiple passengers and the rate schedule for this service is clearly posted for passenger viewing. This provision shall apply whether the taxicab is engaged for a trip entirely within the boundaries of the City or partially outside thereof, and the meter shall be kept operating continuously during the entire time that the vehicle is engaged in the transportation of passengers for compensation, regardless of the point of destination.

B. The taximeter shall be placed in each taxicab so that the reading dial showing the amount to be charged shall be well lighted and readily discernible to any passenger riding in such taxicab.

C. Every taximeter used in the operation of taxicabs shall be subject to inspection at any time by the City, or any of its agents or employees. Upon discovery or notification of any inaccuracy of the taximeter, the operator thereof shall remove, or cause to be removed from service any vehicle equipped with said taximeter until the taximeter has been repaired and accurately adjusted.

D. Every taximeter shall be inspected and tested for accuracy by the carrier at least once every six (6) months. Upon the completion of such inspection and of any adjustments necessary to cause the taximeter to operate within the standards of accuracy approved by the City Council, the carrier shall cause to be placed upon the meter an adhesive label having printed thereon the following:

The taximeter was inspected and tested on _____ (date), and found to comply with standard of accuracy prescribed by the City Council of the City of Long Beach.

The date on which the inspection was made shall be stamped in the blank space provided for that purpose. No such label shall be removed except at the time a subsequent inspection is made.

E. No driver of any taxicab, while carrying passengers, shall display the flag attached to the taximeter in such a position as to denote that the vehicle is not employed, or fail to throw the flag of the taximeter to a position indicating the vehicle is unemployed at the termination of each and every service.

F. All charges for taxicab service shall be calculated and indicated by a taximeter or a rate schedule for multiple passenger service, and at all times which the taxicab is engaged, the taximeter shall register charges for mileage or charges for waiting time. No taximeter shall be so operated as to cause any charge to be registered thereon except during the time while the taxicab is engaged by a passenger or passengers.

(Ord. C-6260 § 1 (part), 1986)

5.80.200 - Waiting time designated.

For the purpose of this Chapter, "waiting time" means the time consumed while the taxicab is not in motion at the direction of a passenger and also the time consumed while waiting for a passenger after having responded to a call; but no charge shall be made for the time consumed by the premature response to a call or for the first three (3) minutes following timely arrival at any location in response to a call or for delays caused by the inefficiency of the taxicab or its driver.

(Ord. C-6260 § 1 (part), 1986)

5.80.210 - Receipt on request.

No driver of any taxicab, upon receiving full payment for a fare as indicated by the taximeter, shall refuse to give a receipt upon the request of any passenger making such payment. When the taximeter is of the so-called "receipt type," a receipt shall be offered the passenger upon receiving payment without a request being made for said receipt.

(Ord. C-6260 § 1 (part), 1986)

5.80.220 - Refusal to pay fare.

No person shall refuse to pay the authorized fare of any of the vehicles mentioned in this Chapter after having employed the same, and no person shall hire any vehicle defined in this Chapter with intent to defraud the person, from whom it is hired or engaged, of the value of such service.

(Ord. C-6260 § 1 (part), 1986)

5.80.230 - Route—Number of passengers.

A. Every driver of a taxicab who is engaged to carry passengers shall take the most direct route possible that will carry the passengers safely and expeditiously to their destinations, unless otherwise directed by a passenger.

B. When a taxicab is engaged, the person engaging the taxicab shall have the exclusive right to the full and complete use of the passenger compartment, and it shall be unlawful for the carrier or driver of the taxicab to solicit or carry additional passengers.

C. The driver of a taxicab may transport two (2) or more passengers who voluntarily agree to share the vehicle from the same pickup point to one (1) discharge point. The rate schedule for point-to-point service must be clearly posted in passenger's view. A passenger who first engages a taxicab has the exclusive right to conveyance therein to a destination and the driver may not solicit additional passengers without the express permission of the first passenger.

D. The number of adult passengers which may be carried in any vehicle covered by this Chapter shall be limited to the seating capacity of the vehicle as specified by the manufacturer. The number of passengers consisting of children attending schools below the junior high school level which may be carried in any vehicle covered by this Chapter, shall be limited to adult seating capacity of the vehicle as specified by the manufacturer plus one. No person shall be carried in such vehicle who is required to share in any way the seating space occupied by another, nor shall any person be carried who is required to occupy a space in or on the vehicle which is not a seat.

(Ord. C-6260 § 1 (part), 1986)

5.80.240 - Cruising—Loading.

No driver of a vehicle permitted to operate under this Chapter, while driving such vehicle, shall cruise, loiter or stop on a public street for the purpose of soliciting passengers or seeking a place in a stand which is already occupied. However, employment may be accepted when such vehicles are hailed from the street or curb, while proceeding to a regularly assigned stand for taxis or a regularly established call station or to the carrier's principal place of business; provided that no driver shall accept passengers at any of the following places:

A. In any marked or unmarked crosswalk;

B. At any regularly established bus stop;

C. At any place in a street except alongside a curb;

D. Alongside any curb opposite a regularly established and marked traffic safety zone.

(Ord. C-6260 § 1 (part), 1986)

5.80.250 - Trip sheet and daily report.

The driver of every vehicle covered by this Chapter shall keep a complete and accurate record of each trip upon a daily trip sheet the form of which shall be approved by the City Manager, showing the time and place of origin and destination of the trip, the number of passengers carried, the mileage and the

amount of fare collected and all telephone orders. This record shall be filed daily by the driver with the company by whom he is employed and such record shall be kept on file available for inspection by the City, or any of its agents or employees, for a period of not less than six (6) months.

(Ord. C-6260 § 1 (part), 1986)

5.80.260 - Numbering.

Each taxicab operated pursuant to the terms of this Chapter shall be numbered. Such number shall be painted upon the body of the taxicab in numerals not less than four inches (4") nor more than six inches (6") in height in a position, or positions, approved from time to time by the City Manager.

(Ord. C-6260 § 1 (part), 1986)

5.80.270 - Inspection of vehicles.

A. All vehicles operated by any carrier as defined in this Chapter shall, before being placed in service, be approved by the City Manager or his designee. All such vehicles shall be of a design and type of construction as shall comply with orders and regulations pertaining to such equipment adopted from time to time by the City Council. Such vehicles shall at all times be kept in a clean and sanitary condition and in good state of repair and shall be subject to constant inspection by the City Manager or his designee. Any vehicle which becomes unsafe or unserviceable, either from the standpoint of state of repair or obsolescence, may be retired from service upon order of the City, and no vehicle which has been so retired shall be again operated in such service except with approval of the City.

B. In the event the condition of any vehicle, in the opinion of the City Manager or his designee, is so unclean, unsightly or mechanically defective as to be undesirable for use by the public, the City Manager or his designee may require the vehicle to be immediately withdrawn from service and the vehicle shall not be again placed in service until approved by the City Manager or his designee.

(Ord. C-6260 § 1 (part), 1986)

5.80.280 - Name or coloration.

A. No permit shall be granted to any carrier to operate any vehicle covered by this Chapter whose color scheme, name, trade name, monogram or insignia is in conflict with or in imitation of any color scheme, name, trade name, monogram or insignia used by any other carrier, and which is of such character and nature as to be misleading or deceptive to the public.

B. It shall be unlawful for any owner of any taxicab to make or cause to be made any change whatever in the color scheme, name, trade name, monogram or insignia of said taxicab unless the approval of the City Council has been obtained.

(Ord. C-6260 § 1 (part), 1986)

5.80.290 - Identity lights.

Every taxicab shall be equipped with an identity light attached to the top of such taxicab. The identity light shall be constructed in one (1) unit consisting of an illuminated plate or cylinder upon which shall be printed either the words "For Hire", "Taxi", the name of the carrier or the telephone number of the carrier. The overall dimensions of the identity light shall not exceed six inches (6") in height by twenty inches (20") in length. The lights of the identity light unit shall be connected to a contact switch attached to the taximeter, and the contact switch shall operate automatically to illuminate the identity light when the taximeter is not in operation indicating the cab is vacant and for hire, and to extinguish the identity light

when the taximeter is in operation. No person shall drive or operate any taxicab with the identity light illuminated while carrying passengers for compensation; and when the taxicab is for hire, no person shall drive, operate or be in charge of any taxicab unless the identity light is illuminated.

(Ord. C-6260 § 1 (part), 1986)

5.80.292 - Taxicab driver appearance standard.

Every taxicab operator to whom a taxicab permit is issued pursuant to this Chapter shall submit to the City Manager for approval prior to commencing operations, or on or before January 1, 2000, a distinctive driver appearance standard which clearly identifies the driver and his/her affiliation with that taxicab operator. Every taxicab driver, while on duty, shall conform to the taxicab operator's appearance standard and shall wear clothes that are neat and clean and shall be well groomed at all times while on duty.

(Ord. C-7633 § 1, 1999)

5.80.300 - Advertising.

No advertising device shall be placed on or in any taxicab operated pursuant to the terms of this Chapter without the approval of the City Manager or his designated representative.

(Ord. C-6260 § 1 (part), 1986)

5.80.310 - Taxi driver permit—Application.

A. No person shall drive, operate or lease a taxicab which is subject to this Chapter, and no person shall own any share or be a member of a taxicab cooperative carrier to which a taxicab permit has been issued pursuant to this Chapter, without having first obtained a driver's permit issued pursuant to this Chapter to do so.

B. Applicants for such permit shall:

1. Deposit the fee required for the background investigation and secure a receipt therefor. The fees to be deposited are to cover the expenses incurred and no refund shall be made for any reason; and
2. Appear personally and file with the Chief of Police an application, in writing, upon forms to be approved by the Chief of Police, containing such information as said officer may require, and shall satisfy the Chief of Police that the deposit required in this Chapter has been made.

C. When an applicant has applied for a driver's permit and has paid the fee required for such permit, the Chief of Police shall, subject to the conditions contained in Subsection 5.80.310.E, issue a temporary driver's permit. Such temporary driver's permit shall have written or printed thereon the expiration date.

D. As soon as possible thereafter, the Chief of Police shall make an investigation regarding the applicant. If satisfied that the operation by applicant of a vehicle authorized to be operated under the terms of this Chapter will not be detrimental to the public health, peace, safety or welfare, he shall issue to applicant a driver's permit in the manner provided in this Section; otherwise he shall deny the application.

E. No driver's permit shall be issued to any such applicant who is under the age of eighteen (18) years, or who has failed to obtain a valid California driver's license, or for any of the reasons known to the Chief of Police which are grounds for revocation as set forth in Subsection 5.80.320.A.

F.

If the Chief of Police has determined that he will approve an application for a driver's permit, he shall issue to applicant an identification card authorizing the applicant to drive, operate or be in the charge of any vehicle operated pursuant to the terms of this Chapter. The driver's permit shall be effective until the expiration date printed thereon unless suspended or revoked as provided elsewhere in this Chapter.

G. All permits issued as provided in this Section shall initially expire one (1) year from the applicant's next birthday. The permit may be renewed biennially thereafter, provided that the permittee pays all applicable fees and submits to a background investigation and that the Chief of Police finds no basis for denial of the permit.

H. All drivers' permits authorized to be issued under this Section shall be effective only while the driver to whom the permit is issued is employed by, is leasing a vehicle as an independent driver from, or is otherwise authorized to operate a taxicab by a carrier holding a valid permit issued pursuant to the provisions of this Chapter. Upon the driver terminating his employment, his independent contractor status with a carrier, or a lease with a carrier, or otherwise ceasing to be a member or owner of a taxicab cooperative carrier authorized by this Chapter, then the driver's permit shall automatically be suspended and shall become effective again only when and if the driver again is reemployed, otherwise assumes his independent driver status with a carrier, or assumes an ownership or membership interest in a taxicab cooperative carrier authorized by this Chapter, during the term for which the driver's permit or temporary driver's permit was issued. All driver's permits shall be returned to the Chief of Police by the driver upon their suspension or revocation. A carrier shall notify the Chief of Police upon the termination of employment, the termination of independent ownership status or termination of any ownership or membership status with the carrier.

(Ord. C-7574 §§ 1, 2, 1998; Ord. C-7423 § 11, 1996: Ord. C-7372 § 1, 1995; Ord. C-6260 § 1 (part), 1986)

5.80.315 - Driver permit—Mandatory controlled substances and alcohol testing certification.

A. As used in this Section, the following definitions shall apply:

1. "Controlled substance" shall mean those substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, as it exists on the effective date of this Ordinance, or as it may be amended.
2. "Negative test for alcohol" shall mean an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

B. Drivers shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, as it exists on the effective date of this Ordinance, or as it may be amended, before employment. Drivers shall test negative for these controlled substances and for alcohol as a condition of granting a permit or permit renewal of their driver's permit issued by the Chief of Police.

C. Testing procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, as it exists on the effective date of this Ordinance, or as it may be amended, except that the driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this Section. Requirements for rehabilitation and for return-to-duty and follow-up testing and other requirements, except as provided otherwise in this Section, shall be substantially as in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations, as it exists on the effective date of this Ordinance, or as it may be amended.

D.

The holder of a taxi carrier's permit, or an applicant therefor, shall be responsible for ensuring that all persons employed by them as drivers, all applicants who have been offered positions of employment as drivers, all persons to whom vehicles are leased to be used as taxicabs and all persons otherwise entitled to drive a vehicle authorized to be operated within the City by a carrier holding a valid permit issued pursuant to the provisions of this Chapter, have provided the Chief of Police with satisfactory proof of compliance with the drug and alcohol testing requirements contained in this Section.

E. Taxicab companies approved to operate in the City of Long Beach shall be responsible for the cost of drug and alcohol testing of drivers employed by them.

F. Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. Employing taxicab carriers shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that a carrier may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow-up testing.

G. Test results shall be reported directly to the employing taxicab carrier, who shall, within five (5) days of receipt of results, notify the Chief of Police of same. In the case of self-employed independent drivers all test results shall be submitted by the testing facility to the Chief of Police, who shall notify the taxicab carrier company of record, of any positive results.

H. The driver's permit of any person convicted of illegally using, possessing, selling, or driving under the influence of, any controlled substance or alcohol, shall be subject to suspension or revocation pursuant to the provisions of this Code.

I. A test in any jurisdiction shall be accepted as meeting the requirements of this Ordinance. Any negative test result shall be accepted for one (1) year as meeting a requirement for periodic permit renewal testing or any other periodic testing in any jurisdiction, if the driver has not tested positive subsequent to a negative result. However, an alternative negative result shall not be accepted as meeting the preemployment testing requirement for any subsequent employment, or any testing requirements under the program, other than periodic testing.

J. Upon the request of a driver applying for a permit, the Chief of Police shall provide the driver with a list of the consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that the City knows offer tests in or near the jurisdiction.

K. All test results are confidential and shall not be released without the consent of the driver, except as authorized or required by law.

L. No evidence derived from a positive test result pursuant to the program shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

(Ord. C-7574 § 4, 1998)

5.80.320 - Driver permit—Revocation.

A. The Chief of Police shall summarily revoke any driver's permit issued under the provisions of this Chapter provided he has knowledge that the holder thereof:

1. Has been convicted of violating any of the applicable provisions of this Code, or
2. Has been convicted within the last seven (7) years of a felony, or the violation of any of the provisions of the State narcotic laws, or of assault, battery, or a crime involving moral turpitude, or
3. Has been convicted within the last five (5) years of driving while under the influence of intoxicants or narcotics or reckless driving, or

4. Has a driving record which shows a negligent operator point count as specified in Sections 12810 and 12810.5 of the California Vehicle Code. For the purposes of this paragraph, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere, or a forfeiture of bail is deemed a conviction.
5. Has had more than three (3) chargeable vehicle accidents within the last three (3) years or more than one (1) such accident within the last year.
6. Has tested positive for alcohol or controlled substances as provided in Section 5.80.315

B. Notwithstanding the provisions of this Section and Section 5.80.310, the Chief of Police may, using his sound discretion, take into account any mitigating circumstances concerning any of the criminal convictions, moving violations and accidents enumerated therein, in deciding whether the applicant for a taxi driver's permit is a competent person to operate a taxi under the provisions of this Code, and in issuing, revoking or suspending the driver's permit. In utilizing his discretion, the Chief of Police shall take into account the following factors:
1. The severity of the crime in question;
2. The extent of the applicant's prior criminal record;
3. The nature of and circumstances surrounding the crime in relation to the type of permit sought by the applicant.

C. Any driver who may be aggrieved by the action of the Chief of Police in suspending or revoking his driver's permit, or any applicant who may be aggrieved by the denial by the Chief of Police of this application, within ten (10) days from such denial, suspension or revocation, may apply to the City Council for a hearing as to the matters in question, whereupon a time for the hearing shall be set, which shall be not later than thirty (30) days thereafter, at which time a full and complete hearing shall be held before the City Council. At the conclusion of the hearing the City Council may, exercising its sound discretion, affirm, modify or overrule the action of the Chief of Police, in which latter event the driver's permit shall be granted or reinstated, as the case may be, and the decision of the City Council shall be final. Such hearing, or application therefor, shall not, however, affect the order of suspension or revocation of the Chief of Police, unless and until acted upon and revoked or modified by the City Council.

D. The City Manager or his designee shall have power to suspend a driver's permit issued pursuant to the terms of this Chapter when he has personal knowledge of any violation of law or of this Chapter by the holder thereof. Such suspension shall be subject to ratification, modification or rescission by the City Council at any meeting thereof following such suspension and within thirty (30) days thereafter.

E. Any driver whose driver's permit is revoked pursuant to the provisions of this Chapter shall not be reinstated or granted a new permit before the expiration of one (1) year from the date of any such revocation.

(Ord. C-7574 § 3, 1998; Ord. C-7372 § 2, 1995: Ord. C-6260 § 1 (part), 1986)

5.80.330 - ID permit in vehicle.

No driver shall operate or be in charge of any vehicle without displaying in a conspicuous place a valid driver's ID issued pursuant to this Chapter, and no driver shall fail, while operating or in charge of such vehicle, to have in his immediate possession such driver's permit.

(Ord. C-7423 § 12, 1996: Ord. C-6260 § 1 (part), 1986)

5.80.332 - Misuse of driver's ID.

No driver operating or in charge of any vehicle covered by this Chapter shall display upon his person a driver's ID issued to another or use for the purpose of operating such vehicle a driver's permit issued to another.

(Ord. C-7423 § 31, 1996: C-6260 § 1 (part), 1986)

5.80.340 - Unlicensed operator prohibited.

No carrier, as defined in this Chapter, shall permit the operation of any vehicle covered by this Chapter by any person other than a holder of a driver's permit required by this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.80.350 - Carrier or employee operation.

A. Vehicles covered by this Chapter shall be operated only by the carrier or by a person employed by the carrier. Neither the carrier nor any person operating such vehicle shall enter into any contract, agreement or understanding between themselves by the terms of which any such person pays to, or for the account of, the carrier a fixed or determinable sum for the use or operation of such vehicle.

B. Notwithstanding the provisions of Subsection 5.80.350.A, a carrier having a valid taxicab permit issued pursuant to the provisions of this Chapter may operate or cause to be operated vehicles by persons who are other than employees of the carrier; provided, however, that the carrier shall be fully responsible to the City for the operations conducted by the drivers and operators of any permitted vehicles. Further, should the operations of permittee fail to provide taxicab service to the public as required by public convenience and necessity, the terms of the permit and any other applicable laws, ordinances and orders of the City Council, the carrier's permit is subject to revocation or suspension pursuant to the terms of Section 5.80.100

(Ord. C-6317 § 1 (part), 1986: Ord. C-6305 § 2, 1986: Ord. C-6260 § 1 (part), 1986)

5.80.360 - Stands.

No carrier or driver of any vehicle operated pursuant to the terms of this Chapter shall stand any such vehicle while awaiting employment at any place upon any portion of the street of the City other than at a place designated as a stand by the City Council for the nonexclusive use of such vehicles.

(Ord. C-6260 § 1 (part), 1986)

5.80.370 - Emergency or temporary service.

Notwithstanding any other provision contained in this Chapter, whenever, by reason of strikes, lockouts, public disaster, or other cause beyond the control of the City, there is a substantial reduction in public transportation facilities available for mass transportation in the City or if, by reason of special, temporary circumstances within the City which require increased transportation facilities and the presently authorized providers are unable to meet the increased demand for such services and the City Council determines that, by reason thereof, the public convenience and necessity require augmentation of the then-operating transportation facilities, the City Council shall have the power to grant special, temporary revocable permits to carrier; other than those permitted under the terms of this Chapter to operate their vehicles. Such special and limited operations shall be conducted as authorized by the City Council, and shall be governed by all applicable provisions as to rates, cruising, loading, operation of meters or passenger limits in cabs as may be provided by the City Council and contained in such special permits.

(Ord. C-6260 § 1 (part), 1986)

5.80.380 - Notice method.

Whenever a notice is required to be given, unless different provisions are otherwise specifically made in this Chapter, such notice may be given either by personal delivery thereof to the person to be notified, or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his last known business or residence address as the same appears in the public records, or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office. Proof of giving such notice may be made by an affidavit of any person over the age of eighteen (18) years, which affidavit shows service in conformity with this Chapter or other provisions of law applicable to the subject matter concerned.

(Ord. C-6260 § 1 (part), 1986)

5.80.390 - Penalty for violation.

Any person who violates any of the provisions of this Chapter, or of any permit issued by the City Council under this Chapter to any carrier, shall be guilty of a misdemeanor.

(Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.81 - TOBACCO RETAIL PERMIT

FOOTNOTE(S):

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Editor's note— ORD-14-0003, § 1, adopted Mar. 4, 2014, amended Ch. 5.81 in its entirety to read as herein set out. Former Ch. 5.81, §§ 5.81.005—5.81.100, pertained to similar subject matter, and derived from ORD-08-0003, § 1, (part), 2008.

5.81.005 - Purpose and intent.

It is the intent of the City Council, in enacting this Chapter, to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco and nicotine products to minors.

(ORD-14-0003 , § 1, 2014)

5.81.010 - Definitions.

The following words as used in this Chapter shall have the meanings set forth in this Section unless otherwise clearly apparent from the context:

A. "Electronic cigarette" means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. "Electronic Cigarette" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

B. "Electronic cigarette paraphernalia" means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, electronic cigarette batteries, electronic cigarette chargers, and any other item designed for the preparation, storing, charging, or use of electronic cigarettes.

C. "Nominal cost" means the cost of any item imposed for the transfer from one person to another for less than the total of: (1) twenty-five percent (25%) of the fair market value of the item exclusive of taxes and government fees; plus (2) all taxes and government fees previously paid and all taxes and government fees still due on the item at the time of transfer.

D. "Nonsale distribution" means to give, furnish, or cause or allow to be given or furnished within the jurisdictional limits of the City, a tobacco product, tobacco paraphernalia, an electronic cigarette or electronic cigarette paraphernalia at no cost or at nominal cost to a person who is not a retailer.

E. "Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have, or can or does share, ultimate control over the day-to-day operations of a business.

F.

"Self-service display" means the open display or storage of tobacco products, tobacco paraphernalia, electronic cigarettes or electronic cigarette paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of a retailer or employee of a retailer and a direct person-to-person transfer between a retailer or employee of a retailer and any other person. A vending machine is a form of self-service display.

G. "Tobacco paraphernalia" means cigarette papers or wrappers, pipe holders of smoking materials of all types, cigarette rolling machines, hookahs, and any other item designed for the smoking or ingestion of tobacco products.

H. "Tobacco product" means any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, bidis (or beedies) or any other preparation of tobacco.

I. "Tobacco retailer" means any person who sells, offers for sale, or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia; "tobacco retailing" shall mean engaging in any of these things.

(ORD-14-0003 , § 1, 2014)

5.81.020 - Permit—Required.

A. No person or proprietor shall act as a tobacco retailer without first obtaining and maintaining a valid permit for each location at which tobacco retailing is to occur or otherwise as provided in this Chapter. In addition to the criminal penalties attached to violations of this Section, tobacco retailing without a valid tobacco permit is a public nuisance.

B. No permit will be issued to authorize tobacco retailing at any place other than a fixed location; retailing by persons on foot and tobacco retailing from vehicles is prohibited.

C. Violations of this Chapter may constitute an infraction or a misdemeanor.

D. In addition to the above remedy, a violation of this Chapter may be remedied by a civil injunction or abatement action initiated by the City Attorney.

(ORD-14-0003 , § 1, 2014)

5.81.030 - Permit—Application.

A. Any person or proprietor desiring a permit to engage in tobacco retailing as provided by this Chapter shall file an application with the City Manager, City Health Officer or designee.

B. An application for a tobacco retailer's permit shall be submitted in the name of each proprietor proposing to conduct retail tobacco sales and shall be signed by each proprietor or an authorized agent thereof.

C. It is the responsibility of each proprietor to be informed of the laws affecting the issuance of a tobacco retailer's permit.

D. The application for a tobacco retailing permit shall be filed on a form and shall contain such information as is requested by the City, including the following:

1. The name, mailing address and telephone number of the applicant, and the signature of the applicant or an authorized person thereof;
2. The business name, address and telephone number of each location for which a tobacco retailing permit is sought;
3. Photo identification of the person seeking the permit;
4. Proof of State Board of Equalization Tobacco License; and

5. Such other information as may be required by the City Manager or designee, consistent with the purpose of this Chapter, this Code and applicable law.

E. The City Manager or designee shall receive any fee required for the tobacco retail permit. The fee for such permit shall be determined by the City Council by resolution.

F. The City Manager, City Health Officer or designee shall issue the tobacco retail permit to the applicant unless: such application is incomplete or inaccurate, the application seeks authorization for tobacco retailing by a person or location for which a suspension is in effect under this Chapter, or the application seeks authorization for tobacco retailing that is unlawful under this Chapter, this Code or applicable law.

G. Tobacco products and tobacco paraphernalia offered for sale or exchange in violation of this Chapter are subject to seizure and forfeiture. Forfeited tobacco products and tobacco paraphernalia may be destroyed.

(ORD-14-0003 , § 1, 2014)

5.81.040 - Permit—Issuance.

A. The tobacco retail permit shall clearly state the following on its face:

1. The legal owner(s) of the permitted premises;
2. Doing Business As (dba), if any;
3. The LBMC Chapter pursuant to which the permit was issued;
4. The business and mailing address of the owner of the permitted premises;
5. The date the permit was issued; and
6. The permit number.

B. The tobacco retail permit shall not be transferable or assignable from one (1) person or proprietor to another or from one (1) location to another location. If the information required in the permit application changes, a new tobacco retailer's permit is required before the business may continue to act as a tobacco retailer. For example, if a proprietor to whom a permit has been issued changes business location, that proprietor must apply for a new permit prior to acting as a tobacco retailer at the new location. Or if the business is sold, the new owner must apply for a permit for that location before acting as a tobacco retailer.

C. Each permittee shall prominently display the permit at each location where tobacco retailing occurs.

D. Possession of a valid tobacco retail permit under this Chapter does not entitle the permittee to engage in an activity which is otherwise prohibited by law. Violations of any tobacco-related laws shall constitute violations of the tobacco retail permit issued pursuant to this Chapter. In addition, a violation of California Penal Code Section 308 or any violation of the Long Beach Municipal Code, may subject the permit holder to suspension or revocation of their permit.

E. No person shall engage in tobacco retailing, if the person is below the minimum age allowed by State law for selling or possessing any tobacco product.

(ORD-14-0003 , § 1, 2014)

5.81.050 - Permit—Fees.

An annual fee shall be charged for a tobacco retail permit. The fee shall be generally calculated so as to recover the cost of both the administration and enforcement of the tobacco retail permit program, including the cost of issuing the permits, renewing the permits, administering the retailer permit program,

retailer education, retailer inspection and compliance checks, documentation of violations, adjudications, and convictions, and prosecution of violators. All fees are nonrefundable, except as required by law. Fees shall not be prorated.

(ORD-14-0003 , § 1, 2014)

5.81.060 - Permit—Term and renewals.

All tobacco retail permits issued under this Chapter will be for a period not to exceed one (1) year in duration. The City Manager or his or her designee shall automatically renew such permits if the City Manager or designee determines that the permit holder complied with the provisions of this Chapter and applicable laws during the preceding permit term, and if the permit holder pays the annual fee required by this Chapter. All tobacco retailers must notify the City in writing if they discontinue selling tobacco products.

(ORD-14-0003 , § 1, 2014)

5.81.070 - Permit—Retailing requirements and prohibitions.

A. Sale to minors prohibited. It shall be a violation of the permit to sell, give or furnish, or cause to be sold, given or furnished, a tobacco product or tobacco paraphernalia to a natural person under eighteen (18) years of age in any place within the City.

B. Positive identification required. No retailer shall sell, give or furnish a tobacco product or tobacco paraphernalia to a natural person who appears to be under the age of twenty-seven (27) years without first examining identification to confirm that the recipient is at least eighteen (18) years of age.

C. Self-service displays of tobacco products or tobacco paraphernalia are prohibited.

D. Nonsale distribution prohibited. No person, motivated by an economic or a business purpose, shall engage in the nonsale distribution of any tobacco product or tobacco paraphernalia in any public place.

E. It is a violation of the permit to violate any federal, State, or local laws relating to youth and tobacco products or youth and tobacco paraphernalia, including, for example, violations of: California Penal Code Section 308; the Stake Act (California Business and Professions Code Sections 22950 et seq.); any laws relating to self-service displays, signage, sale of bidis or single cigarettes, pack size, sampling, or mail order and internet sales; or any other law relating to youth and tobacco products.

(ORD-14-0003 , § 1, 2014)

5.81.080 - Permit—Retailing of electronic cigarettes and electronic cigarette paraphernalia.

All permitting requirements and any other regulatory provisions of this Chapter relating to tobacco retailing shall apply the same to the retailing of electronic cigarettes and electronic cigarettes paraphernalia.

(ORD-14-0003 , § 1, 2014)

5.81.090 - Permit—Violations and penalties.

In addition to the administrative penalties detailed pursuant to Section 9.65.060 of the Long Beach Municipal Code, violation of or failure to comply with any provision of Chapter 5.81 may result in the following:

A.

For the first violation in any five (5) year period, the tobacco retailer's tobacco retailing permit may be suspended for ten (10) business days;

B. For the second violation in any five (5) year period, the tobacco retailer's tobacco retailing permit may be suspended for thirty (30) business days;

C. For the third violation in any five (5) year period, the tobacco retailer's tobacco retailing permit may be revoked;

D. A tobacco retailer whose permit has been revoked may not apply for a new tobacco retailer's permit for a period of one hundred twenty (120) calendar days after the effective date of revocation.

E. Any decision to suspend or revoke a permit may be appealed pursuant to Section 5.06.010 of the Long Beach Municipal Code.

F. During any period of permit suspension or revocation, the tobacco retailer must remove from public view all tobacco products and tobacco-related advertising.

(ORD-14-0003 , § 1, 2014)

5.81.100 - Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City of Long Beach declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, subdivisions paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

(ORD-14-0003 , § 1, 2014)

5.81.110 - Administration and enforcement.

The provisions of this Chapter shall be administered by the Department of Health and Human Services, the Long Beach City Attorney and the Long Beach City Prosecutor offices.

(ORD-14-0003 , § 1, 2014)

CHAPTER 5.82 - TOW OPERATIONS

5.82.010 - Definitions.

The following words and phrases, as used in this Chapter, shall be construed to have the meanings respectively ascribed to them in this Section, unless the context requires a different meaning.

A. "Official Police tow" means a tow operation under contract to the City to respond to Police initiated requests for tow service.

B. "Tow operation" means any business which provides towing service for motor vehicles either on public highways or private property.

C. "Tow unit" means any motor vehicle, equipped to transport, carry or tow not more than two (2) motor vehicles, or used exclusively to render aid to other motor vehicles.

D. "Tow truck driver" means the driver of a tow unit, who is employed by a permitted tow operation business.

(Ord. C-7423 § 29, 1996: Ord. C-6260 § 1 (part), 1986)

5.82.020 - Towing operation permit—Required.

A. No person shall operate, or cause to be operated, nor shall any person employ, permit or allow another to operate or cause to be operated, a tow operation without a permit first having been approved by the Chief of Police.

B. A valid towing operation permit does not authorize the permittee to perform work for which a tow truck driver permit is required.

(Ord. C-7423 § 29, 1996: Ord. C-6260 § 1 (part), 1986)

5.82.030 - Towing operation permit—Application.

Every applicant for a permit required by this Chapter shall file with the Director of Financial Management a written application containing the name of the person, firm or corporation making the application, and if the operation is to be conducted under a fictitious name, the application shall contain, in addition to the fictitious name, the name or names of each and all persons having an interest in the operation. The application shall specify the location by street and number of the premises in or upon which the operation is to be conducted. The application shall contain a statement that applicant has complied with all State laws and regulations affecting the operation and shall be made on forms to be furnished by the Director of Financial Management.

(Ord. C-7423 § 29, 1996: Ord. C-6260 § 1 (part), 1986)

5.82.031 - Permit nontransferable.

A. Any permit issued pursuant to this Chapter 5.82 shall not be transferred or assigned to another person for any purpose. Any change in ownership shall require a new permit. Regardless of any change in ownership, the permittee shall be required to notify the Director of Financial Management of any change in the business name.

The following shall be deemed a change of ownership:

1. For general partnership personnel, the addition or substitution of a new partner;
2. For a limited partnership, the addition or substitution of a new partner or the addition or substitution of a general partner not listed as a partner in the application for the permit previously approved;
3. For a corporation, more than fifty percent (50%) of the shares of stock is transferred to or acquired by persons other than those designated in the application for the permit previously approved.

(Ord. C-7423 § 29, 1996)

5.82.035 - Tow operation permit renewal.

Prior to renewal of a tow operation permit, the permittee shall biennially:

A. Submit to a background investigation;
B. Have all vehicles pass inspection as required by Section 5.82.060
C. Provide evidence that permittee has maintained insurance, without lapse in coverage, as required by this Chapter; and
D. Submit a list of all employees currently employed as tow truck drivers.

(Ord. C-7423 § 29, 1996)

5.82.040 - Issuance and display of decal.

At the time of issuance of a permit under Section 5.82.020, the Director of Financial Management shall also issue one (1) identification decal for each approved tow unit proposed to be operated within the City under the permit. Approval shall be contingent upon the satisfactory compliance with the insurance and vehicle inspection requirements of this Chapter. The decal shall be maintained in the front right window of each approved vehicle.

(Ord. C-7423 § 29, 1996: Ord. C-6260 § 1 (part), 1986)

5.82.050 - Towing operation permit—Grounds for denial/Revocation/Suspension.

A. The Director of Financial Management may suspend, revoke, or deny an application for a permit to conduct towing operations on the following grounds:
    1. The applicant has been convicted within the last seven (7) years of a felony or a crime involving fraud, theft, auto theft, car tampering, any similar crime, or any violation of State narcotic law;
    2. The applicant has been convicted within the last five (5) years of driving while under the influence of intoxicants or narcotics or reckless driving;
    3. The applicant has a driving record which shows a negligent operator point count as specified in Sections 12810 and 12810.5 of the California Vehicle Code. For the purposes of this paragraph, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere, or a forfeiture of bail shall be deemed a conviction;
    4. The applicant has had more than three (3) chargeable vehicle accidents within the last three (3) years or more than one (1) such accident within the last year;
    5. The premises are not properly zoned for tow operations;
    6. The applicant or any other person has violated any provision of this Code, State or Federal law arising out of and in connection with the practice and/or operations of the business for which the permit has been granted;

7. The applicant or any other person under his/her control or supervision has maintained a nuisance which was caused by any act performed in the exercise of any rights granted by the permit required under the provisions of this Code;
8. The applicant, his/her employee, agent or any person connected or associated with the licensee or permittee as partner, director, officer, stockholder or manager has knowingly made any false, misleading, or fraudulent statement of material fact in the application for the permit required under the provisions of this Code;
9. The applicant has failed to comply with any condition which may have been imposed as a condition for the issuance of the permit required under the provisions of this Code;
10. The applicant has failed to pay the permit fees that are provided for under the provisions of this Code when due;
11. The applicant has failed to maintain insurance as required by law to protect against loss or damage to the public;
12. Failure to maintain vehicles utilized in connection with the towing operation in a safe condition and in compliance with the California Vehicle Code.

B. Notwithstanding the provisions of this Section, in formulating a recommendation for approval or denial of a permit, the Chief of Police may, using his/her sound discretion, take into account any mitigating circumstances concerning any of the criminal convictions, moving violations and accidents enumerated therein, in deciding whether the applicant for a tow operations permit is a competent person to operate a tow operation under the provisions of this Code. In utilizing his/her discretion, the Chief of Police shall take into account the following factors:
   1. The severity of the crime in question;
   2. The extent of the applicant's prior criminal history; and
   3. The nature of and circumstances surrounding the crime in relation to the type of permit sought by the applicant.

(Ord. C-7423 § 29, 1996: Ord. C-6260 § 1 (part), 1986)

5.82.055 - Permit—Reapplication.

Whenever a permit has been revoked or an application for a permit has been denied, no other application for a permit shall be considered for a period of one (1) year from the date of such revocation or denial.

This applies to any person whose permit was revoked or whose application was denied who later becomes a director or officer of a corporation, profit or nonprofit, or a member of a partnership or a person owning or possessing any portion of the shares of a corporation which seeks to obtain a new permit. This shall also apply to a corporation, profit or nonprofit, whose permit was revoked or application denied, to any of its directors or officers or to any person who owned any portion of its shares, who attempts by way of a new corporation or by the use of their individual names or by becoming a member of a partnership or a director or officer or a person owning or possessing any portion of the shares in another corporation to obtain a new permit. Whenever any permit is suspended, the provisions of this Section shall apply to the permittee during the period of suspension.

(Ord. C-7423 § 29, 1996)

5.82.060 - Inspections.

Every person to whom a permit is issued pursuant to Section 5.82.020 shall, annually on or before the expiration date of said permit, be subject to inspection, in accordance with the requirements of law, to all aspects of the tow operation so permitted, including, but not limited to, those grounds for permit denial set forth in Section 5.82.050. The inspections may include inspection of all tow units operated under the permit, which inspections shall be conducted in accordance with rules and regulations as set forth in this Chapter.

(Ord. C-7423 § 29, 1996: Ord. C-6260 § 1 (part), 1986)

5.82.070 - Tow truck driver—Permit required.

A. No person shall operate or drive a tow unit without a permit from the Chief of Police.

B. No person shall be employed as a tow unit operator until such time as said person has received a written permit in the form of an identification card from the Chief of Police to act as a tow truck driver.

C. Every person directly engaged in the operation of a tow unit shall display to any Police Officer, upon request, an identification card issued by the Chief of Police identifying the bearer as a permitted tow truck driver. The identification card shall bear the name, physical description, business address and photograph of the permittee and the name and address of the garage employing the permittee.

D. The permittee shall return the identification card to the Chief of Police immediately upon suspension, revocation or termination of employment or permit expiration.

(Ord. C-7423 § 29, 1996: Ord. C-6260 § 1 (part), 1986)

5.82.100 - Tow truck driver permit—Grounds for denial/Revocation/Suspension.

A. The Chief of Police may revoke, suspend, or deny an application for a permit as a tow truck driver on the following grounds:

1. The applicant has been convicted within the last seven (7) years of a felony or a crime involving fraud, theft, auto theft, car tampering, any similar crime, or any violation of any State narcotic law;
2. The applicant has been convicted within the last five (5) years of driving while under the influence of intoxicants or narcotics or reckless driving; or
3. The applicant has a driving record which shows a negligent operator point count as specified in Sections 12810 and 12810.5 of the California Vehicle Code. For the purposes of this paragraph, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere, or a forfeiture of bail is deemed a conviction; or
4. The applicant has had more than three (3) chargeable vehicle accidents within the last three (3) years or more than one (1) such accident within the last year; or
5. The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for the permit required under the provisions of this Chapter; or
6. The applicant has violated any provision of this Code, State or Federal law arising out of or in connection with the practice and/or operation of the business for which the permit is sought, has had his/her California driver's license revoked or suspended for driving-related offenses in the prior eighteen (18) month period; or has been convicted of or pled guilty to three (3) or more moving offenses under the California Vehicle Code in the prior twelve (12) months;
7. The applicant has failed to comply with any condition which may have been imposed as a condition for the issuance of a permit under the provisions of this Code;
8.

The applicant has failed to pay any fees that are provided for under the provisions of this Code when due.

B. Notwithstanding the provisions of this Section and Section 5.10.310, the Chief of Police may, using his/her sound discretion, take into account any mitigating circumstances concerning any of the criminal convictions, moving violations and accidents enumerated therein, in deciding whether the applicant for a tow truck driver's permit is a competent person to operate a tow truck under the provisions of this Code, and in issuing, revoking or suspending the tow truck driver's permit. In utilizing his/her discretion, the Chief of Police shall take into account the following factors:

1. The severity of the crime in question;
2. The extent of the applicant's prior criminal record;
3. The nature of and circumstances surrounding the crime in relation to the type of permit sought by the applicant.

(Ord. C-7423 § 29, 1996: Ord. C-6260 § 1 (part), 1986)

5.82.120 - Operating rules and regulations.

Every person permitted under Chapter 5.82 shall comply with the following rules and regulations:

A. Every tow operation shall display at the business location the permittee's business name, address, and phone number. The lettering shall be a minimum of two inches (2") in width and six inches (6") in height. It shall be clearly visible and legible from the street at all times and shall be illuminated at all times after dark.

B. Every permittee, employee or agent shall maintain all towed and impounded vehicles in his/her care and custody and all commercial vehicles used in connection with his/her business, within the confines of his/her storage facility and not upon the public streets, sidewalks, or other public property.

C. Every permittee, employee or agent who removes a vehicle from private property without the knowledge or consent of the vehicle owner shall cause a written inventory to be made describing the condition of the vehicle. Any damage to the vehicle shall be described in this inventory. In the event the permittee, employee or agent opened the vehicle, the inventory shall also include a complete listing of all property contained therein. A copy of this inventory shall be made available to the vehicle owner.

D. A permittee, employee or agent may enter a locked vehicle in order to remove it from legally posted private property; however, he/she shall be liable (under provisions of section 22658(d) of the Vehicle Code) for any and all damages caused to the vehicle.

E. Every permittee, employee or agent who removes a vehicle from private property without the vehicle owner's knowledge or consent shall cause the vehicle to be available for release:

1. During a minimum period of four (4) hours after impounding or towing the vehicle from private property. If the vehicle is towed or impounded after the normal business hours of the permittee, no additional release charges may be charged by permittee until the minimum period of four (4) hours above mentioned has elapsed; and
2. At the set fee which shall not exceed the maximum amounts set by resolution of the City Council.

F. Every permittee, employee or agent impounding a vehicle from private property without the vehicle owner's knowledge or consent shall ascertain whether the vehicle has been previously reported stolen or whether it is wanted by law enforcement for any other reason. If so, the

permittee shall notify the Police Department of the vehicle location and such other information as may be required. If the vehicle is impounded, the tow operation will notify the Police Department of the impound and the storage location within sixty (60) minutes after the vehicle has been removed from private property.

G. Every permittee, employee or agent responsible for impounding a vehicle from legally posted private property shall furnish to the owner of the vehicle, upon request, the name and legal address of the person, company or corporation authorizing the impound in order that the vehicle owner may effectively fulfill his/her legal recourse under section 22658(d) of the California Vehicle Code. The owner of a tow operation shall maintain for a period of one (1) year, and make available for inspection by the Chief of Police, the following information pertaining to private impounds:
    1. The name and legal address of the person, company or corporation authorizing a private impound;
    2. The date, time and location of a private impound;
    3. Description including license plate number and state of registration and condition of the vehicle impounded.

H. When the owner of a vehicle arrives at the scene prior to his vehicle being removed and disputes the tow operator's authority to remove the vehicle, it shall be the duty of the tow operator to release the vehicle and promptly leave the location.

I. No possessory lien shall attach to the vehicle for any fees due to the permittee unless and until the vehicle has been removed from private property and is in transit.

J. Each permittee shall at all times keep the permit and a copy of these rules and regulations posted in a conspicuous place on the premises. In addition, each tow driver must have a copy of these rules in his/her possession when operating a tow unit to enable him to inform the vehicle owner of the tow operator's legal authority and responsibilities. These rules shall be presented to the vehicle owner in the event of a dispute regarding the removal of the vehicle.

K. Tow operations, drivers and employees shall conduct their business in an orderly, ethical, and businesslike manner, and use every means to obtain and keep the confidence of the motoring public.

L. No permittee shall display, either on the premises or on a tow unit operated by the permittee, employees or agents, an official Police tow insignia without written permission from the Chief of Police.

M. Every tow operation shall maintain insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040

(Ord. C-7934 § 13, 2004; Ord. C-7461 §§ 7, 8, 1997; Ord. C-7423 § 29, 1996: Ord. C-6325 §§ 24, 25, 26, 1986; Ord. C-6260 § 1 (part), 1986)

5.82.140 - Storage location.

All vehicles impounded in the City shall be stored within the City.

(Ord. C-7423 § 29, 1996: Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.86 - WATER TAXIS, CHARTER BOATS AND SIMILAR VESSELS

5.86.010 - Definitions.

The words and phrases defined in this Section whenever used in this Chapter shall have the meanings indicated unless the context requires a different meaning:

A. "Charter boat" means any vessel used or offered for use under a contractual arrangement whether written or oral by which one (1) or more persons for cash, credit or any other form of valuable consideration use a vessel belonging to another.

B. "Dock structure" means a landing facility for boats and shall include floats, moorings, slips, wharfs, piers and quays.

C. "Cruise boat" means any vessel regardless of the manner of propulsion used or offered for use for the purpose of carrying passengers on the waterways of the City of Long Beach within a limited designated area or along a designated route.

D. "Gondola" means any lightweight, shallow draft vessel regardless of the manner of propulsion used or offered for use in connection with the business of carrying passengers for hire.

E. "Permittee" means any person to whom a permit is issued pursuant to the provisions of this Chapter.

F. "Person" means and includes any individual, partnership, corporation, organization and association.

G. "Vessel" means and includes boats and ships of all kinds regardless of the manner of propulsion and every structure designed to be, adapted to be, or capable of being navigated or operated on water from place to place for the transportation of merchandise, persons, or for any other purpose for hire, including, without limitation, charter boats, gondolas and water taxis.

H. "Water taxi" means any vessel regardless of the manner of propulsion used or offered for use in connection with the business of providing point-to-point public transportation on water within the limits of the City of Long Beach.

I. "Water areas of the City" means and includes Alamitos Bay (as defined in Section 16.08.020), the Downtown Shoreline Marina (as defined in Section 16.08.090), Marine Stadium East (as defined in Section 16.08.150), Marine Stadium West (as defined in Section 16.08.160), Shoreline Harbor Marina (as defined in Section 16.08.260), the mouth of the Los Angeles River (as defined in Section 16.12.070), the nearshore ocean area (as defined in Section 16.12.080), the protected ocean swimming area (as defined in Section 16.12.100) and all waterways contiguous with any of the above-described areas within the corporate limits of the City of Long Beach, but excluding therefrom the water areas in the harbor district of the City of Long Beach.

(Ord. C-6260 § 1 (part), 1986)

5.86.020 - Permit—Required.

Except as otherwise provided by law or pursuant to a lease, contract or permit heretofore specifically authorized by the City Council, no person shall operate or cause to be operated nor shall any person employ, permit or allow another to operate or cause to be operated for hire by the general public a

charter boat, cruise boat, gondola, water taxi or other vessel over any route within the water areas of the City originating from or having a destination at a dock structure located within the water areas of the City without a permit first having been obtained as provided in this Chapter. The permit required by this Section shall be in addition to any other permit, license or certification required by federal, State or local law, rule, regulation or order, including, but not limited to this Code.

(Ord. C-6260 § 1 (part), 1986)

5.86.030 - Permit—Application.

A. Any person desiring a permit to operate a charter boat, cruise boat, gondola, water taxi or other vessel subject to the provisions of this Chapter shall file an application therefor with the City Council. Such application shall be verified by oath of the applicant, if an individual person, or by oath of an officer or partner of the applicant, if applicant is a corporation, partnership, organization or association. The applicant shall set forth the name, age and address of the applicant, if an individual, or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers together with their respective addresses. If applicant is a partnership, organization or association, then the application shall set forth the names of the partners comprising the partnership, association or company, together with their respective ages and addresses. The application shall also state the trade name or style, if any, under which the applicant proposes to operate, full information pertaining to the extent, character and quality of the proposed operations, a full statement of the applicant's assets and liabilities, the manner in which the proposed operations are to be conducted, the type, model, capacity and condition of the vessels proposed to be operated, the location or locations from which applicant proposes to embark and disembark passengers, the location where applicant's vessel or vessels are to be permanently berthed, a copy of the lease or permit evidencing applicant's right to use the location or locations for the purpose of the proposed operations, copies of current valid permits, licenses or certificates issued by other governmental agencies having jurisdiction over the proposed operations, and such other or additional information as the City Council may require.

B. The City Council shall, upon receipt of the application, make full and complete inquiry into the facts set forth therein and shall either grant or deny a permit upon the proposed terms, or upon terms other than those proposed. The permit shall be for a specified number of vessels which may be increased only by action of the City Council, which action may, at the discretion of the City Council, be taken without the necessity of an additional hearing. Such permit may, at the pleasure of the City Council, be for a prescribed period or for an indefinite period; provided that, in either event, the permit shall contain a clause authorizing its revocation or suspension in accordance with the ordinances of the City either in effect at the date of granting the permit or thereafter adopted. When issued, the permit shall constitute evidence of compliance with the terms of this Chapter and shall authorize the permittee to operate the described vessels under the conditions therein specified; subject, however, to the requirements, obligations and limitations imposed by other applicable laws, ordinances, and orders of governmental agencies having jurisdiction and shall become effective only upon procurement of a business license and upon payment of the taxes required by the business licensing provisions of this Code.

(Ord. C-6260 § 1 (part), 1986)

5.86.040 - Permit—Hearings and findings.

No permit shall be granted under this Chapter, except after a hearing thereon conducted under and in accordance with such rules and regulations as may, from time to time, be prescribed therefor by the City Council, nor until the City Council has determined that the public convenience and necessity require the operation proposed by the applicant for the permit. The City Council, in determining whether or not such facts exist, shall take into consideration the public demand for the service, the adequacy or inadequacy of service upon waterborne traffic within the water areas of the City, the financial responsibility of the applicant, the character of the vessels proposed to be furnished, and any and all other facts which the City Council may deem relevant. Before granting any such permit, the City Council shall require the City Manager to present, either orally or in writing, a report, together with his opinion, as to the existence of public convenience and necessity for the proposed operation. The burden of establishing the existence of public convenience and necessity shall always be borne by the applicant for a permit, and no such permit shall be issued unless there has been an affirmative showing of the existence of such public convenience and necessity by the applicant.

(Ord. C-6260 § 1 (part), 1986)

5.86.050 - Permit—Contents.

A. Each permit shall specify the route to be traveled and the hours of operation. No permittee under this Chapter shall operate or permit operation of any vessel in violation of this Chapter or of the provisions of a permit issued pursuant to this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.86.060 - Rates—Establishment.

Except for rates and fares allowed by order of the Public Utility Commission, no rates or fares shall be placed in effect, charged, demanded or collected by any person for the transportation of passengers as covered by this Chapter until the City Council, after a hearing upon its own motion, or upon application, or upon complaint, has found and determined the rate to be just, reasonable and nondiscriminatory, nor in any wise in violation of any provision contained in this Chapter or any provision of law, nor until the rate or fare to be placed in effect, charged, demanded or collected has been established and authorized by the City Council. In establishing and authorizing such rates or fares, the City Council shall take into account and give due and reasonable consideration to the cost of all comparable transportation services, including length of haul, any additional transportation service performed or to be performed, or of any accessorial service and the value of the facilities reasonably necessary to perform such transportation service.

Upon the granting of any permit under the provisions of this Chapter, a copy of the permit defining the rates shall be transmitted by the City Council to the City Manager, who shall, thereupon, be charged with the duty of enforcement of the rates and the applicable provisions of this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.86.070 - Permit—Suspension or revocation.

A. The City Council shall have the power to suspend or revoke any or all of the permits granted under the provisions of this Chapter when it has been determined that any of the provisions of this Chapter have been violated, or that any permittee has failed to comply with the provisions of such permit or the rules and regulations of the City Council pertaining to the operation and to the extent, character and quality of the service. Before revocation of the permit, the holder thereof shall be entitled to a hearing thereon before the City Council and shall be notified thereof.

B.

Notice of hearing on the suspension or revocation shall be in writing and shall be served at least ten (10) days prior to the date of the hearing thereon, such service to be upon the permittee, or its manager or agent, and which notice shall state the grounds of complaint against the permittee and shall also state the time when and the place where the hearing will be held. In the event the permittee cannot be found, or service of the notice cannot be made in the manner provided in this Section, then a copy of the notice shall be mailed, postage fully prepaid, addressed to the permittee at its last known address at least ten (10) days prior to the date of the hearing.

(Ord. C-6260 § 1 (part), 1986)

5.86.080 - Authorized service only.

No person granted a permit under this Chapter shall conduct any operation or give any service other than the operations or the services authorized by the permit granted by the City Council in accordance with the provisions of this Chapter.

(Ord. C-6260 § 1 (part), 1986)

5.86.090 - Rates—Display.

Every vessel subject to the provisions of this Chapter at all times shall have displayed thereon in a location or locations and in a manner which has been approved by the City Manager or his designee, the rates to be charged for the authorized service, which rates shall always be visible to all passengers in the vessel.

(Ord. C-6260 § 1 (part), 1986)

5.86.100 - Rates—Alteration.

The City Council shall have power, upon a hearing upon its own motion, or upon application, or upon complaint, to investigate a single rate or fare, or the entire schedule of fares in effect, charged, demanded or collected for the transportation of passengers covered by this Chapter and to establish a new rate, fare or schedule of fares in lieu thereof. Nothing contained in this Section shall be construed to empower the City Council to establish or authorize any rate or fare or any schedule of fares that will, by means of rebate, discount, allowance, premium or penalty, violate the rates or fares specified in the permit or the provisions contained in this Chapter or any applicable provision of law.

(Ord. C-6260 § 1 (part), 1986)

5.86.110 - Rates—Discrimination prohibited.

No permittee, or any agent or employee thereof, shall charge, collect, demand, receive, arrange, solicit or bargain for any amount of compensation other than the rates or fares established and authorized by the City Council.

(Ord. C-6260 § 1 (part), 1986)

5.86.120 - Insurance.

Every permittee shall, as a condition precedent to the commencement of operations pursuant to the permit and to the issuance of a business license therefor, obtain insurance as prescribed in the regulations issued by the City Manager pursuant to Section 2.84.040.

(Ord. C-7934 § 14, 2004: Ord. C-6260 § 1 (part), 1986)

5.86.130 - Inspection of vessels.

A. All vessels subject to the provisions of this Chapter shall, before being placed in service, be in a seaworthy condition, certified by the United States Coast Guard for carrying the number of passengers to be carried on the vessel. Such vessels shall at all times be kept in a clean and sanitary and seaworthy condition and in good state of repair and shall be subject to inspection by the City Council by and through the City Manager or his designee. Any vessel which becomes unsafe or unseaworthy either from the standpoint of its state of repair or its condition of obsolescence shall be retired from service upon order of the City Council, and no vessel which has been so retired shall be again operated in such service except with approval of the City Manager or his designee.

B. In the event the condition of any vessel, in the opinion of the City Manager or his designee, is so unclean, unsightly or unseaworthy as to be undesirable for use by the public, the City Manager or his designee may require the vessel to be immediately withdrawn from service and the vessel shall not be again placed in service until approved by the City Manager or his designee.

(Ord. C-6260 § 1 (part), 1986)

CHAPTER 5.87 - RESERVED

FOOTNOTE(S):

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Editor's note— ORD-12-0004, § 3, adopted Feb. 14, 2012, repealed Ch. 5.87 §§ 5.87.010—5.87.140, entitled "Medical Marijuana Collectives", which derived from: ORD-10-0007, § 1, 2010; ORD-11-0002, § 1, 2011; and ORD-11-0013, § 1, 2011. See Chapter 5.89 for similar provisions.

CHAPTER 5.88 - SMOKING LOUNGES

5.88.010 - Purpose and intent.

The City Council finds that a regulatory process is necessary for reviewing, approving and enforcing related business and public health codes for smoking lounges as defined in this Chapter. It is the intent of this Chapter to establish regulatory provisions that allow the City or such persons as the City may designate to regulate smoking lounges operating in the City. The issuance of any smoking lounge permit under this Chapter shall not be deemed permission or authorization for a business to operate in any manner otherwise prohibited by local, State or federal law.

(ORD-09-0038, § 3, 2009)

5.88.020 - Definitions.

The following words as used in this Chapter shall have the meanings set forth in this Section unless otherwise clearly apparent from the context:

A. "Director of Financial Management" means the Director of Financial Management of the City of Long Beach, or his or her designee.

B. "Food" means any raw, cooked or processed edible article, substance, ice, beverage or ingredient, used or intended to be used in whole or in part as food, drink, liquor, confection or condiment for human consumption.

C. "Health Officer" means and includes the Health Officer of the City of Long Beach, his/her deputy, or other designated officer.

D. "Smoke" or "smoking" means the carrying or holding of a lighted pipe, lighted cigar, hookah, or lighted cigarette of any kind, including, but not limited to, tobacco or any other weed or plant.

E. "Smoking lounge" means any business establishment that is dedicated to the smoking of tobacco products, including, but not limited to, establishments known variously as cigar lounges, hookah lounges or tobacco clubs. For purposes of this Chapter, "smoking lounge" means private smokers' lounge as defined in California Labor Code § 6404.5.

F. "Tobacco product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, bidis (or beedies), hookah, or any other preparation of tobacco.

(ORD-09-0038, § 3, 2009)

5.88.030 - Compliance required.

No person shall operate any smoking lounge without first complying with the provisions of this Chapter regulating such businesses. Owners and operators of smoking lounges shall adequately inform their workers and employees of all smoking laws and regulations, and shall ensure that workers and employees comply with the provisions of this Chapter. Such owners and operators shall be held responsible for violations of their workers and employees.

(ORD-09-0038, § 3, 2009)

5.88.040 - Business license, tobacco retail permit and smoking lounge permit—Required.

No person shall engage in, operate, conduct, carry on or allow to be carried on, the business of a smoking lounge in the City without first having obtained, for each separate smoking lounge or place of business where indoor smoking is to occur, a business license as prescribed by the provisions of Chapter 3.80, a tobacco retail permit as provided in Chapter 5.81, and a smoking lounge permit as provided in this Chapter.

(ORD-09-0038, § 3, 2009)

5.88.050 - Smoking lounge permit application process.

A. Any person desiring a permit required by this Chapter to carry on or conduct the business of a smoking lounge in the City shall, for each separate smoking lounge or place of business where indoor smoking is to occur, complete and file an application on forms provided by the Director of Financial Management. Such application forms shall require information including the name, address and telephone number of the applicant, the business name ("doing business as" (dba), if any) and location of the smoking lounge or place of business where indoor smoking is to occur, a brief description of the nature of the business, products to be sold, and such other and further information deemed pertinent by the Director of Financial Management, the Health Officer, or any concerned City department, to ensure compliance with the provisions of this Chapter and other applicable laws.
    1. The person whose signature appears on the application shall attest that they are a duly authorized representative of the applicant and that the information contained in the application is true and correct.
    2. The application shall be filed under penalty of perjury. False statements therein will constitute grounds for denial, or revocation as applicable.
    3. An incomplete application shall not be accepted for processing.
    4. A nonrefundable investigation fee, as adopted by the City Council by resolution, shall be paid to the City at the time the application is filed.
B. On receipt of a completed smoking lounge permit application, the Director of Financial Management shall refer the application to all concerned City departments for investigation. Such departments shall file a report providing recommendations regarding the approval or denial of the permit with the Director of Financial Management within sixty (60) calendar days after the completed application is filed, except where circumstances beyond the control of the City justifiably delay such response.

(ORD-09-0038, § 3, 2009)

5.88.060 - Smoking lounge permit—Issuance.

A. The Director of Financial Management shall make or cause to be made an investigation of the place of business and the manner in which the smoking lounge is to be conducted, and if it is found that all provisions of this Code and all applicable laws have been and will be complied with, the Director of Financial Management shall issue the smoking lounge permit; otherwise, the application for a smoking lounge permit shall be denied.
B. Such smoking lounge permits shall be good for one (1) year and shall be automatically renewed every year, provided that the Director of Financial Management determines that the permit holder has complied with the provisions of this Chapter and applicable laws during the preceding permit term.
C. Permittees must notify the Director of Financial Management in writing if structural modifications are planned to be made to a smoking lounge for which a permit has been issued under this Chapter. Prior to making any structural modifications to a smoking lounge, in whole or in part, the permittee shall submit plans and specifications to the Director of Financial Management for approval. The Director of

Financial Management shall refer the plans and specifications to all concerned City departments for review and inspection, as appropriate. Such departments shall file a report providing recommendations regarding the approval or denial of the structural modifications with the Director of Financial Management within thirty (30) calendar days after the plans and specifications are submitted, except where circumstances beyond the control of the City justifiably delay such response.

(ORD-11-0008, § 2, 2011; ORD-09-0038, § 3, 2009)

5.88.065 - Smoking lounge permit—Limit on number of permits and nontransferable.

A. The maximum number of smoking lounge permits issued by the City and in effect at any given time shall not exceed eight (8) permits.

B. A smoking lounge permit issued pursuant to this chapter shall become null and void upon the cessation of the business operations and/or the relocation of the business to a different property. All smoking lounge permit holders must notify the Director of Financial Management in writing of any discontinuance of business operations, change in ownership, change in business location, or change in the business name.

C. Any smoking lounge permit issued pursuant to this chapter shall not be transferable or assignable from one owner or operator to another, or from one location to another location. If the information required in the permit application changes, a new smoking lounge permit is required before the business may continue to operate as a smoking lounge. For example, if an owner or operator to whom a permit has been issued changes business location, that owner or operator must apply for a new permit prior to operating a smoking lounge at the new location. Or if the business is sold or otherwise has a change in ownership, the new owner must apply for a new permit for that location before the business may operate as a smoking lounge.

(ORD-13-0017 , § 2, 2013; ORD-11-0008, § 3, 2011)

5.88.070 - Smoking lounge permit—Fees.

Every applicant for a smoking lounge permit under this Chapter shall pay to the City, before a permit is issued, an annual fee as adopted by the City Council by resolution. All fees are nonrefundable; therefore, in the event that any permit issued pursuant to this Chapter is suspended or revoked, or because the permittee no longer owns or operates the smoking lounge, no portion of a permit fee paid by such permittee shall be refunded.

(ORD-09-0038, § 3, 2009)

5.88.080 - Inspections.

A. The Director of Financial Management, the Health Officer and representatives of concerned City departments are empowered to enter any smoking lounge, or other place of business where indoor smoking occurs or is suspected of occurring, at any time for the purpose of inspection, including the taking of photographs, samples or other evidence that is plainly visible, and to enforce any of the provisions of this Chapter, or of any applicable law, rule or regulation governing such places in the City.

B. No person shall refuse to permit or allow the Director of Financial Management, the Health Officer, any authorized inspector, or any representatives of concerned City departments, to enter or inspect or examine any portion of any smoking lounge or other place of business where indoor smoking occurs. No person shall interfere with, hinder, or harass, in any manner any City representative in the inspection or the examination of such smoking lounge or other place of business where indoor smoking occurs.

(ORD-09-0038, § 3, 2009)

5.88.090 - Smoking lounge permit; suspension; revocation; denial; hearing.

A. If a City department determines that the applicant does not satisfy applicable requirements of this Chapter, the Director of Financial Management shall deny said permit application in accordance with the provisions set forth in Subsection 5.06.020.A, of this Code.

B. If a City department determines that the permittee failed to comply with any provision of this Chapter, or with any other provision or requirement of law, the Director of Financial Management shall revoke or suspend the smoking lounge permit in accordance with the provisions set forth in Subsection 5.06.020.A, of this Code.

C. The Director of Financial Management shall notify the applicant of a rejected application, or the permittee of the permit revocation or suspension by dated written notice. Said notice shall advise the applicant or permittee of the right to appeal the decision to the City Council. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based and shall be submitted to the Director of Financial Management within ten (10) calendar days from the date the written notice was mailed along with an appeal deposit in an amount determined by the City Council by resolution.

D. The City Council shall conduct a hearing on the appeal or refer the matter to a hearing officer, pursuant to Chapter 2.93 of this Code, within thirty (30) business days from the date the completed request for appeal was received by the Director of Financial Management, except where good cause exists to extend this period. The appellant shall be given at least ten (10) business days' written notice of such hearing. The hearing and rules of evidence shall be conducted pursuant to Chapter 2.93 of this Code. The determination of the City Council on the appeal shall be final.

E. Whenever a smoking lounge permit application has been denied or a smoking lounge permit has been revoked, no other such permit application shall be considered for a period of one (1) year from either the date notice of the denial, or revocation was mailed or the date of the final decision of the City Council, whichever is later.

F. Notwithstanding any other provisions in this Chapter, in the event that a tobacco retail permit is suspended, denied or revoked, the smoking lounge permit shall at the same time be suspended, denied or revoked.

(ORD-09-0038, § 3, 2009)

5.88.100 - License and permits display.

City business license, tobacco retail permit and smoking lounge permit shall be prominently displayed in each smoking lounge.

(ORD-09-0038, § 3, 2009)

5.88.110 - Health warning signage.

A. A "Proposition 65" warning sign regarding exposure to tobacco smoke, supplied by the Health and Human Services Department, must be posted at each entrance to a smoking lounge.

B. A smoking hazard sign, supplied by the Health and Human Services Department, must be posted at each entrance to a smoking lounge.

(ORD-09-0038, § 3, 2009)

5.88.120 - Age restriction and signage.

A. No persons under eighteen (18) years of age shall be permitted within the smoking lounge at any time.

B. A warning sign must be posted at each entrance to a smoking lounge, and conspicuously posted in a place that can be clearly seen by the public, stating that persons under eighteen (18) years of age are prohibited.

(ORD-09-0038, § 3, 2009)

5.88.130 - Sale of food and beverages prohibited.

No person shall receive for sale, sell, offer for sale, keep for sale, have in such person's possession with intent to sell, any food or beverages in the smoking lounge. All places where food or beverages are kept or suspected of being kept shall be subject at all times to inspection by the Health Officer, other officers or City representative appointed for that purpose, and such persons are authorized to enter and inspect all such places.

(ORD-09-0038, § 3, 2009)

5.88.140 - Ventilation requirement.

The permittee of a smoking lounge permit shall minimize the intrusion of drifting tobacco smoke and other adverse impacts on businesses in the vicinity of the smoking lounge and areas where smoking is not permitted. Exhaust air from the smoking lounge shall be exhausted directly to the outside by an exhaust fan and shall not be recirculated to other parts of the building. The ventilation and exhaust system shall conform to the latest edition of the California Mechanical Code and California Building Energy Efficiency Standards for Residential and Nonresidential Buildings, as adopted and amended by Chapter 18.36 of the Long Beach Municipal Code, or as otherwise required by applicable State or federal laws.

(ORD-09-0038, § 3, 2009)

5.88.150 - Application to existing businesses.

Any business establishment operating as a smoking lounge under an existing business license on the effective date of this Chapter shall be brought into full compliance with the provisions of this Chapter, not later than ninety (90) days following the effective date of this Chapter.

(ORD-09-0038, § 3, 2009)

5.88.160 - Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity of enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City of Long Beach declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, subdivisions paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

(ORD-09-0038, § 3, 2009)

5.88.170 - Administration and enforcement.

Any violation of the terms and conditions of a smoking lounge permit, of this Chapter, or of applicable local, state or federal regulations and laws shall be grounds for permit denial, suspension or revocation. Each day a violation exists constitutes a separate and distinct offense. Suspension or revocation of the

permit shall be governed by the provisions of this Chapter, and criminal penalties may be assessed under Chapter 1.32 of this Code.

(ORD-09-0038, § 3, 2009)

CHAPTER 5.89 - MEDICAL MARIJUANA DISPENSARIES

5.89.010 - Purpose and intent.

The purpose of this Chapter is to promote the public health, safety and welfare by:

A. Prohibiting medical marijuana dispensaries and cultivation sites from locating in the City of Long Beach.

B. Protecting citizens from the secondary impacts and effects associated with medical marijuana and related activities, including, but not limited to, loitering, increased pedestrian and vehicular traffic, increased noise, fraud in obtaining or using medical marijuana identification cards, sales of medical marijuana to minors, drug sales, robbery, burglaries, assaults or other violent crimes.

C. Decreasing demands on police or other valuable and scarce City administrative, financial, or personnel resources in order to better protect the public fisc.

D. This Chapter is not intended to conflict with federal or State law. It is the intention of the City Council that this Chapter be interpreted to be compatible with federal and State enactments and in furtherance of the public purposes which those enactments encompass.

(ORD-12-0004 , § 2, 2012)

5.89.020 - Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this Section shall govern the construction, meaning and application of words and phrases used in this Chapter:

A. "Cultivation Site" means any facility, establishment, location, or business, indoors or outdoors, that independently or collectively, grows or stores marijuana, in excess of the limitations set forth in Health and Safety Code Section 11362.7 et seq.

B. "Identification Card" shall have the same definition as given such term in California Health and Safety Code Section 11362.7, as may be amended, and which defines "Identification Card" as a document issued by the State Department of Health Services which identifies a person authorized to engage in the medical use of marijuana, and identifies the person's designated primary caregiver, if any.

C. "Marijuana" shall have the same definition as given such term in California Health and Safety Code Section 11018, as may be amended, and which defines "Marijuana" as all parts of the plant Cannabis *sativa L*., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Marijuana" includes any of the above parts of the plant, its seeds, or resin, incorporated or infused in foodstuff.

D.

"Medical Marijuana" means Marijuana authorized in strict compliance and used or cultivated for medical purposes in accordance with California Health and Safety Code Sections 11362.5 or 11362.7 et seq., or any such section as may be amended.

E. "Medical Marijuana Dispensary or Dispensary" means any association, business, facility, use, establishment, location, delivery service, cooperative, collective, or provider, whether fixed or mobile, that possesses, cultivates, distributes, or makes available medical marijuana to any person, including: a Primary Caregiver, a Qualified Patient, or a patient with an Identification Card. The term "Medical Marijuana Dispensary" does not include three (3) or fewer qualified patients or their primary caregivers who associate at a particular location or property in the City to collectively or cooperatively cultivate or distribute medical marijuana amongst themselves in accordance with all applicable provisions of State law.

F. "Primary Caregiver" shall have the same definition as given such term in California Health and Safety Code Sections 11362.5 and 11362.7 as may be amended, and which define "Primary Caregiver" as an individual, designated by a Qualified Patient or Identification Card holder, who has consistently assumed responsibility for the housing, health, or safety of that Qualified Patient.

G. "Qualified Patient" means a person who is entitled to the protections of Health and Safety Code Section 11362.5 for patients who obtain and use marijuana for medical purposes upon the recommendation of an attending physician, whether or not that person applied for and received a valid Identification Card issued pursuant to State law.

(ORD-12-0004 , § 2, 2012)

5.89.030 - Medical marijuana dispensary prohibited.

A. No person or entity shall operate or permit to be operated a Medical Marijuana Dispensary or Cultivation Site in or upon any premises or any zone in the City. The City shall not issue, approve, or grant any permit, license, or other entitlement for the establishment or operation of a Medical Marijuana Dispensary or Cultivation Site.

B. It shall be unlawful for any person or entity to own, manage, conduct, establish, operate or facilitate the operation of any Medical Marijuana Dispensary or Cultivation Site, or to participate as an employee, contractor, agent, or volunteer, or in any other manner or capacity, in any Medical Marijuana Dispensary or Cultivation Site in the City. The term "facilitate" shall include, but not be limited to, the leasing, renting or otherwise providing any real property or other facility that will in any manner be used or operated as a Medical Marijuana Dispensary or Cultivation Site in the City.

(ORD-12-0004 , § 2, 2012)

5.89.040 - Establishment, maintenance, or operation of medical marijuana dispensaries declared a public nuisance.

The establishment, maintenance, operation, facilitation, of, or participation in a Medical Marijuana Dispensary or Cultivation Site within the City limits of the City of Long Beach is declared to be a public nuisance, and may be abated by the City or subject to any available legal remedies, including but not limited to civil injunctions and administrative penalties. The City Attorney may institute an action in any court of competent jurisdiction to restrain, enjoin or abate any condition(s) found to be in violation of the provisions of this Chapter, as provided by law. In the event the City files any action to abate any dispensary or cultivation site as a public nuisance, the City shall be entitled to all costs of abatement, costs of investigation, Attorney's fees, and any other relief available in law or in equity.

(ORD-12-0004 , § 2, 2012)

5.89.050 - Existing medical marijuana dispensary operations.

No Medical Marijuana Dispensary, Cultivation Site, Collective, operator, establishment, or provider that existed prior to the enactment of this Chapter shall be deemed to be a legally established use or a legal nonconforming use under the provisions of this Chapter or the Code.

(ORD-12-0004 , § 2, 2012)

5.89.055 - Temporary Exemption.

Unless otherwise extended by the City Council, the provisions of this Chapter, which prohibit and ban dispensary and cultivation sites in the City shall not be applicable until August 12, 2012, to those applicants of certain dispensaries or cultivation sites that were successful participants in a lottery conducted by the City on September 20, 2010, and were not otherwise excluded by the amendment adopted pursuant to ORD-11-0013, which amended the definition of "park" or "public park" in former Chapter 5.87 of this Code. This temporary exemption is enacted in recognition of the fact that even though no permits have been issued, said applicants may have expended funds in good faith to facilitate their operations in accordance with the provisions of Chapter 5.87 of the Municipal Code at the time it was in existence and before the decision in *Pack v. City of Long Beach* was issued by the California Court of Appeal. A complete list of those applicants eligible for a temporary exemption pursuant to the terms of this Section is attached hereto and incorporated herein by this reference. Said list shall exist as an uncodified provision of this Chapter.

The temporary exemption established pursuant to this Section shall not be construed to protect applicants, dispensary or cultivation site owners, permittees, operators, and employees or their members from State or federal laws that may prohibit cultivation, sale, use, or possession of controlled substances. Moreover, cultivation, sale, possession, distribution, and use of marijuana remain violations under federal law as of the date of the adoption of this Chapter, and this Section is not intended to, nor does it, protect any of the above-described persons or entities from arrest or prosecution under those federal laws.

(ORD-12-0004 , § 2, 2012)

5.89.060 - Penalties for violation.

A. The violation of any provision of this Chapter is unlawful and constitutes a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000.00) or a jail term of six (6) months, or both. Each and every day a violation occurs shall be deemed a separate violation.

B. In addition to the remedies set forth herein, the City in its sole discretion, may also issue an Administrative Citation in accordance with Chapter 9.65 of this Code to any person or entity that violates the provisions of this Chapter.

(ORD-12-0004 , § 2, 2012)

5.89.070 - Severability.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this Chapter that can be given effect without the invalid provision or application; and to this end, the provisions or applications of this Chapter are severable.

(ORD-12-0004 , § 2, 2012)

CHAPTER 6.04 - ANIMAL SHELTER

FOOTNOTE(S):

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Editor's note— ORD-09-0022, § 2 adopted Aug. 4, 2009, amended Ch. 6.04 in its entirety to read as herein set out. Former Ch. 6.04, §§ 6.04.010—6.04-120 pertained to similar subject matter and derived from Prior code §§ 5610, 5610.1, 5610.10, 5610.40—5610.48; Ord. C-5403 §§ 3—5, 1978; Ord. C-5645 § 1 (part), 1980; Ord. C-5808 § 1, 1982; Ord. C-6147 § 1, 1985; and Ord. C-6530 § 1, 1988.

6.04.010 - Established.

There shall be provided a suitable enclosure or place for the purpose of keeping and safely holding animals impounded, which shall be designated as the animal shelter; provided, that one (1) or more suitable enclosures or places may be provided for the purpose of keeping and safely holding animals impounded, which places shall be designated as branches of the City animal shelter and shall be included within the meanings of the words animal shelter wherever the name may appear in this Title.

(ORD-09-0022, § 2, 2009)

6.04.020 - Director designated.

Whenever in this Title 6 of the Long Beach Municipal Code the words "Director" or "Director of Animal Care Services Bureau" are used, they shall mean the Director of Animal Care Services Bureau of the Department of Health and Human Services or his/her designee.

(ORD-09-0022, § 2, 2009)

6.04.025 - Person responsible—Defined.

Whenever in this Title 6 of the Long Beach Municipal Code, the words "person responsible" are used, they shall mean any person owning, having a proprietary interest in harboring or having the care, charge, control, custody or possession of an animal.

(ORD-09-0022, § 2, 2009)

6.04.030 - Impoundment—Authority.

The Director shall take up, impound and safely keep any and all of the animals enumerated in this Chapter and found running at large, pastured, herded, staked or tied in any street, park, or other public place, or upon any private property, in violation of any of the provisions of this Title 6.

(ORD-09-0022, § 2, 2009)

6.04.040 - Impoundment—Duty.

It shall be the duty of the Director and of every Police Officer to take up and deliver to the animal shelter any animal, regulated pursuant to Title 6 of the Long Beach Municipal Code, found to be at large, loose and/or unattended, by a person responsible for that animal, upon any public or private property within the City in violation of any of the provisions of this Title 6.

(ORD-09-0022, § 2, 2009)

6.04.050 - Impoundment—Care of animals.

The Director shall safely keep all animals, regulated pursuant to Title 6 of the Long Beach Municipal Code, impounded at the animal shelter and shall furnish the same all necessary food and water, and shall give the same ordinary attention as may appear to be reasonably required for the welfare of such animals.

(ORD-09-0022, § 2, 2009)

6.04.060 - Voluntary impoundment.

The person responsible for an animal may, with the consent of the Director, place the custody of such animal with said official for the purpose of obtaining his/her assistance in procuring a new owner for the animal under such terms and conditions as that official, in his/her sole and absolute discretion, shall determine. The act of the person responsible in so placing the custody of the animal with the Director shall, in no event and under no circumstances, obligate that official of the City to procure a new owner for the animal and, in the event such official so determines, the animal may be destroyed and disposition made of the carcass. By placing the animal in the custody of the Director in accordance with this Section, the person responsible thereof relinquishes and conveys to the City all his/her right, title and interest in and to the animal and to the proceeds of any sale of the animal thereafter made, and neither the City, nor the official shall be required to make an accounting for any such proceeds. If the Director elects to accept the custody of the animal, he/she shall require the person responsible thereof to evidence in writing his/her knowledge and acceptance of the provisions of this Section. Notwithstanding anything in this Section to the contrary, in the event the Director has not procured a new owner for the animal and the same has not been destroyed, the person so placing the animal in custody may redeem and reclaim it from the custody of the City upon the payment of a fee established by the City Council by resolution. The person responsible for the unwanted animal may deliver the animal to the animal shelter subject to a fee determined by the City Council by resolution, or, in the alternative, the person responsible may request that a representative of the Animal Care Services Bureau pick up the animal at a fee established by the City Council by resolution.

(ORD-09-0022, § 2, 2009)

6.04.070 - Impoundment—Disposal.

Upon the impounding of any animal, the Director shall immediately notify the person responsible thereof, if known, to redeem the animal within five (5) days following the date of impoundment; and unless timely redeemed, the Director shall sell the animal at public or private sale, at such price as he/she may deem reasonable. At the time of sale of any impounded animal, the purchaser shall pay a spay and neuter fee established by the City Council by resolution. All such fees shall be deposited in the City of Long Beach Animal Care Services Bureau Spay and Neuter Trust Account. In the event a purchaser cannot be obtained for any animal, the Director shall destroy such animal and dispose of the carcass. The Director may, without waiting for such five (5) day period to elapse, cause any impounded animal to be destroyed when he/she reasonably determines that such animal is unfit for further use by reason of its having been injured, having become infected with a dangerous or communicable disease, having become incurably crippled or having become infirmed on account of advanced age. The Director may likewise so destroy any impounded animal upon receiving the written, telephonic, or verbal directive from a duly licensed veterinarian that such animal is afflicted with a painful and incurable disease.

(ORD-09-0022, § 2, 2009)

6.04.080 - Impoundment—Redemption.

The person responsible for any impounded animal, regulated pursuant to Title 6 of the Long Beach Municipal Code, shall have the right to redeem and to take possession of the animal at any time prior to the sale or destruction thereof upon payment to the Director of the costs and charges incident to the impounding, taking and keeping thereof, and upon satisfactory proof of the ownership and right to possession of the animal. As an incident to the redemption of any dog, the person responsible shall also pay the license tax plus any penalty, determined by the City Council by resolution, for any dog for which a license tag has not been issued for the current year, and shall also provide satisfactory evidence of compliance with Section 6.12.110.

(ORD-09-0022, § 2, 2009)

6.04.090 - Redemption—Microchips.

When the Director determines that an impounded animal is without microchip identification, in addition to the requirements set forth in Section 6.04.080, the person responsible shall, prior to redemption, pay a fee at his/her own expense to have microchip identification implanted into the animal. The Director shall provide the person responsible with a written statement confirming that a microchip, approved by the Animal Care Services Bureau, has been implanted by the Director's designee only after the procedure is complete. The identifying microchip information shall be maintained by the Animal Care Services Bureau. Fees for impounding animals shall be those established by the City Council by resolution.

(ORD-09-0022, § 2, 2009)

6.04.100 - Interference with officers or shelter.

No person shall conceal or attempt to conceal, remove/retrieve or attempt to remove/retrieve any animal regulated pursuant to Title 6 from the Director, or from any other officer authorized to enforce any of the provisions of this Title 6, while engaged in the capture or in conveying to the animal shelter any such animal, or to interfere in any manner with said persons in the performance of any duty incident to their office, or to conceal or attempt to conceal, remove/retrieve or attempt to remove/retrieve any animal which has been impounded in the animal shelter.

(ORD-09-0022, § 2, 2009)

CHAPTER 6.08 - DOG AND CAT LICENSING

FOOTNOTE(S):

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Editor's note— ORD-10-0017 § 1, adopted June 15, 2010, amended Ch. 6.08 in its entirety to read as herein set out. Former Ch. 6.08, §§ 6.08.010—6.08-080, was entitled "Dog Licensing", and derived from: Prior code §§ 5610.12—5610.20; Ord. C-5403 §§ 1, 2, 1978; Ord. C-5528 § 1, 1979; Ord. C-5645 § 1 (part), 1980; Ord. C-5721 § 1, 1981; Ord. C-6096 § 1 (part), 1984; Ord. C-6876 § 2, 1991; and ORD-09-0022, § 3 adopted Aug. 4, 2009.

State Law reference— Provisions on the licensing of dogs, Food and Agric. Code § 30501 et seq.

6.08.010 - License—Required.

A. Dog license. No person responsible for any dog shall have such dog, male or female, over the age of four (4) months, within the City without at all times having upon such dog a collar or harness to which shall be securely fastened a tag as provided in this Chapter. Said tag may be issued at any time during the calendar year and may be issued for a period of twelve (12) months. The tag shall be obtained from the Director, inscribed with the letters and words "LONG BEACH" and with the serial number of the tag. The tax shall be sufficient only during the period for which the tag is issued.

B. Cat license. No person responsible for any cat shall have such cat, male or female, over the age of four (4) months, within the City without at all times having upon such cat either a tag as provided in Subsection B.1. below, or a microchip as provided in Subsection B.2. below.

   1. Tag. The tag shall be securely fastened to a collar or harness as provided in this Chapter. Said tag may be issued at any time during the calendar year and may be issued for a period of twelve (12) months. The tag shall be obtained from the Director, inscribed with the letters and words "LONG BEACH" and with the serial number of the tag. The tag shall be sufficient only during the period for which the tag is issued.
   2. Microchip. In place of the tag and collar described in Subsection B.1. above, a person responsible for a cat may instead ensure that the cat bears an identifiable microchip. For the purposes of this Chapter, the term "microchip" shall mean the injection of an identification chip below the skin of an animal performed by a veterinarian, registered veterinary technician or other qualified staff. The person responsible for such cat shall obtain an annual license at such times and in the manner as specified in Section 6.08.030

(ORD-10-0017, § 1, 2010)

6.08.015 - Penalty.

A. Violation of, or failure to comply with any provision of Chapter 6.08 of this Code constitutes a criminal offense punishable as an infraction for the first offense, and a misdemeanor for any subsequent offense committed within a twelve-month period, with criminal penalties set forth in Chapter 1.32 of this Code.

B. In addition to criminal penalties, persons who violate any provision of this Chapter may be assessed administrative fines and penalties established pursuant to Chapter 6.16 of this Code.

(ORD-10-0017, § 1, 2010)

6.08.020 - Annexed territory—County license acceptable.

It shall not be necessary for a person who is a resident of any area at the time the area is annexed to the City and who at said time is a person responsible for a dog or cat for which a license fee has been paid and a dog or cat license issued under and by virtue of the ordinances of the County to obtain a license for the animal as is provided in Section 6.08.010, except that after the effective date of an annexation such person shall cause the dog or cat to have upon it a collar, harness or similar device to which shall be attached the County dog or cat license tag or such other official indicia as is issued by the County, or, in the case of a cat, a microchip; but such person shall be subject to all provisions of Section 6.08.010, from and after the expiration date of the County dog or cat license.

(ORD-10-0017, § 1, 2010)

6.08.030 - License —Issuance—Records.

A. Tags for dogs or cats. The Director is authorized and directed to procure on an as needed basis such quantity of tags as may be required for dogs and cats in the City, which tags shall be plainly inscribed as set forth in this Chapter, and shall be valid for only the period for which they are issued. The Director shall furnish such tags to the person(s) responsible for dogs and cats in the City for fees which shall be established by the City Council by resolution for each unaltered dog and for each altered dog whose spaying or neutering is verified by a certificate from a licensed veterinarian and for each altered cat. The Director shall keep a register, wherein shall be entered the name of every person to whom a dog or cat tag has been issued, together with the serial number, and the period for which it is valid, the date of issuance, the address of applicant, and any other data deemed pertinent. Such tag shall be good only for use upon the dog or cat described in such application.

B. Microchipped cats. The Director shall issue a certificate of license, which shall be valid for only the period for which it is issued. The Director shall furnish such licenses to the person(s) responsible for cats in the City for fees which shall be established by the City Council by resolution for each microchipped cat. The Director shall keep a register, wherein shall be entered the name of every person to whom a license has been issued, together with the microchip number and the period for which the license is valid, the date of issuance, the address of applicant, and any other data deemed pertinent. Such license shall be good only for use upon the cat described in such application.

(ORD-10-0017, § 1, 2010)

6.08.040 - License—Late penalty.

Penalties, which shall be established by the City Council by resolution, shall be added to the license fees established by the City Council by resolution for dogs and cats, if the required tag for a dog or cat is secured more than sixty (60) days subsequent to the required renewal date; provided, that no penalty shall be added for the securing of any license secured within sixty (60) days after the date on which the dog or cat for which the license is secured becomes subject to the provisions of this Chapter, nor shall any penalty be added for a license secured within sixty (60) days after the applicant becomes the person responsible for the dog or cat for which the license is bought.

(ORD-10-0017, § 1, 2010)

6.08.050 - Tag—Replacement.

In case of loss or destruction of any tag required by the provisions of this Chapter, a duplicate shall be issued by the Director upon request and upon the payment of the fee established therefore by the City Council by resolution.

(ORD-10-0017, § 1, 2010)

6.08.060 - Exemptions.

No license fee or tax shall be required for the issuance of a tag for any dog owned as a guide dog, signal dog and/or service dog, as those terms are currently defined in California Penal Code Section 365.5 or as may be amended in the future. The Director shall annually issue tags free of charge to persons responsible for having the custody and control of such dogs.

(ORD-10-0017, § 1, 2010)

6.08.070 - License—Counterfeit prohibited.

No person shall imitate or counterfeit any tag, license, receipt or registration certificate required or issued pursuant to this Chapter or use any imitation or counterfeit of any such tag, license, receipt or certificate.

(ORD-10-0017, § 1, 2010)

6.08.080 - Exhibit of receipt or license required.

No person responsible for any dog or cat subject to license under this Chapter shall refuse to show upon demand to the Director, any Animal Care Services Bureau enforcement officer or inspector, or any Police Officer, the City license or the license tag for any duly registered dog or cat.

(ORD-10-0017, § 1, 2010)

6.08.090 - Unaltered cats—License prohibited.

No license shall be issued for an unaltered cat pursuant to this Chapter, unless the cat is certified by a licensed veterinarian as not being suitable for spaying or neutering due to health reasons pursuant to Section 6.16.085.

(ORD-10-0017, § 1, 2010)

CHAPTER 6.12 - RABIES CONTROL

FOOTNOTE(S):

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Editor's note— ORD-09-0022, § 4 adopted Aug. 4, 2009, amended Ch. 6.12 in its entirety to read as herein set out. Former Ch. 6.12, §§ 6.12.010—6.12-150 pertained to similar subject matter and derived from Prior code §§ 5610.29—5610.36, 5610.38, 5610.39, 5610.53—5610.56; Ord. C-5645 § 1 (part), 1980; and Ord. C-6194 § 1, 1985.

Cross reference— Provisions on the City Health Officer, see the City Charter.

State Law reference— Provisions on rabies control, Health and Saf. Code § 1911 et seq.

6.12.010 - Rabies report responsibility.

Whenever a person responsible for a dog or other animal observes or learns that such dog or animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that the dog or animal may have rabies, that person shall immediately notify the Health Officer, and it shall be the duty of the Health Officer, when called upon, to examine or have examined the dog or animal and to ascertain whether or not the dog or animal is afflicted with rabies, and no person responsible for such dog or animal shall fail, refuse or neglect to notify the Health Officer.

(ORD-09-0022, § 4, 2009)

6.12.020 - Suspected infection.

Whenever the Director, or any other person, captures a dog or any other animal suspected of having rabies, he/she shall deliver the same to the animal shelter or shall confine the same in some safe place and shall immediately report the same to the Health Officer, and it shall be the duty of the Health Officer, when called upon, to examine or cause to be examined any such dog or other animal and to ascertain whether or not any such dog or animal is afflicted with rabies.

(ORD-09-0022, § 4, 2009)

6.12.030 - Refusal to report prohibited.

No person responsible for any dog or other animal showing symptoms of rabies, or that acts in a manner which would lead to a reasonable suspicion that such dog or animal may have rabies, or whenever it is shown that any dog or other animal has bitten any person, shall refuse or fail to submit such dog or animal to inspection or examination by the Health Officer or his/her representative in order to ascertain whether or not such dog or animal is afflicted with rabies.

(ORD-09-0022, § 4, 2009)

6.12.040 - Dog or other animal bite—Report.

Any person having knowledge that any dog or other animal has bitten any person shall immediately and without delay advise the Director or the Police Department of such fact, furnishing such information as he/she may possess relative to the identity of the animal, the person responsible for the animal and the

person bitten.

(ORD-09-0022, § 4, 2009)

6.12.050 - Dog or other animal bite—Identification of animal.

Upon receipt of a report as described in Section 6.12.040, the Director shall undertake all measures necessary to the identification of the subject dog or other animal and the person responsible for the dog or other animal and upon the identification of the dog, or other animal, or person responsible, or both, shall inform the Health Officer thereof.

(ORD-09-0022, § 4, 2009)

6.12.060 - Dog or other animal bite—Quarantine.

A. Upon written order of the Health Officer or his/her authorized representative so directing any person responsible for a dog or other animal having bitten any person shall cause the animal to be kept in strict quarantine in a closed, fenced yard, kennel or animal shelter for a period of ten (10) days and shall permit the Health Officer or his/her authorized representative to inspect or examine the dog or other animal at any time during the period.

B. The Health Officer shall have the power, in his/her discretion, to quarantine the animal in the animal shelter.

(ORD-09-0022, § 4, 2009)

6.12.070 - Dog or other animal bite—Quarantine order.

A. Upon the issuance of a written order of quarantine as described in Section 6.12.060, the person to whom such order is directed shall permit the Health Officer or his/her authorized representative to post a printed or written notice of the quarantine order upon or about the premises wherein the subject dog or other animal is confined.

B. No person shall obscure, deface, render illegible or remove the posted notice during the quarantine period.

(ORD-09-0022, § 4, 2009)

6.12.080 - Dog or other animal bite—Redemption from animal shelter.

Whenever any dog or other animal is quarantined in the animal shelter for inspection, examination or observation for rabies, and at the expiration of the period of quarantine, the dog or other animal is determined by the Health Officer or his/her representative to be free from said disease, then the Director shall immediately cause the person responsible for the dog or animal, if known, to be notified to redeem the dog or other animal from the animal shelter within the time and in the same manner provided for the redemption of other impounded dogs or animals. The person responsible for any animal which has been quarantined in the animal shelter shall pay to the Director the boarding fee established by the City Council by resolution for the period the animal is held under quarantine in the animal shelter. If the dog or other animal is not redeemed after the period of such quarantine within the time specified for redemption of impounded animals, then the dog or other animal shall be disposed of in the same manner provided for the disposition of other impounded dogs or animals.

(ORD-09-0022, § 4, 2009)

6.12.090 - Impoundment of diseased animals.

If it appears to the Health Officer or his/her representative that any dog or other animal has rabies, it shall be his/her duty to immediately quarantine the dog or other animal at the animal shelter, subject to his/her further orders, or to notify the Director to destroy such animal and dispose of its carcass.

(ORD-09-0022, § 4, 2009)

6.12.100 - Contact with rabid animal.

Every dog or other animal which has been bitten by a rabid dog or other rabid animal, or which has come in contact or consorted with a rabid dog or other rabid animal, or which has been harbored in the same home, apartment, kennel or part of any premises with a rabid dog or other rabid animal, shall be kept isolated and under quarantine for ninety (90) days in a veterinary hospital approved by the Health Officer, or surrendered to the Director to be destroyed.

(ORD-09-0022, § 4, 2009)

6.12.110 - Inoculation—Required.

No person responsible for any dog or cat shall permit a dog or cat four (4) months of age or older to be in the City unless such person has procured a canine anti-rabies vaccine for the dog or a feline anti-rabies vaccine for the cat from a State licensed veterinarian unless:

A. Such dog or cat is less than four (4) months of age; or

B. Such dog or cat is in a state of health that inoculation at the time would be hazardous to the life of the dog or cat, as evidenced by the written, dated and signed statement of a licensed veterinarian, and approved by the authority of the Health Officer. Such statement shall provide exemption from the requirements of this Section for a maximum period of one (1) year. The Health Officer shall not authorize the endorsement of the statement for any period of time unless the illness of the dog or cat requires it.

(ORD-10-0017, § 2, 2010; ORD-09-0022, § 4, 2009)

6.12.120 - Inoculation—Certificate.

Every person responsible for a dog or cat in the City, whenever such dog or cat is required to be inoculated by the provisions of Section 6.12.110, shall have such dog or cat inoculated against rabies by a licensed veterinarian. The inoculation by any person licensed to practice veterinary medicine in the State, or in the event the dog or cat is inoculated in any State other than California, then the inoculation by any person authorized or permitted by such State to practice veterinary medicine, shall be deemed to be inoculated by a licensed veterinarian. The Health Officer shall, at such intervals of time as he deems necessary, provide for the rabies inoculation of such dog or cat upon payment of a fee established therefore by the City Council by resolution. The Health Officer shall issue to such person a certificate of inoculation, signed under the authority of the Health Officer, stating thereon the breed and description of the dog or cat, the date of the inoculation, and the type of vaccine used.

(ORD-10-0017, § 3, 2010; ORD-09-0022, § 4, 2009)

6.12.130 - Inoculation—Required for license issuance.

Every person responsible for any dog or cat, and who is required by the provisions of Chapter 6.08 to secure a license tag for such dog or cat, shall provide evidence satisfactory to the licensing authority of compliance with Section 6.12.110. A certificate of inoculation or a statement of health containing the

information required by Sections 6.12.110 and 6.12.120, signed under the authority of the Health Officer and a licensed veterinarian, shall be deemed satisfactory evidence of compliance with Section 6.12.110. No dog or cat license shall be issued unless and until the requirements of this Section are fulfilled.

(ORD-10-0017, § 4, 2010; ORD-09-0022, § 4, 2009)

6.12.140 - Inoculation—Record.

The Director shall, at the time a dog or cat license is issued, record on the register, provided for by Section 6.08.030, the date of inoculation, the type of vaccine used, or the reason no vaccine was used.

(ORD-10-0017, § 5, 2010; ORD-09-0022, § 4, 2009)

6.12.150 - Rabies vaccination certificates.

Every person practicing veterinary medicine in the City of Long Beach who vaccinates a dog or cat with rabies vaccine shall issue to the person responsible to whom he or she delivers the dog or cat the original certificate and to the Director of the Animal Care Services Bureau of the City of Long Beach a copy of every rabies immunization certificate issued by such veterinarian. The certificate should contain the following:

A. Name, address and telephone number of the person responsible for the dog or cat;
B. A description of the dog or cat, including breed, color, sex and age;
C. The date of rabies immunization;
D. The type of rabies vaccine administered;
E. The name of the manufacturer and the lot number of the vaccine used;
F. The veterinarian's name, address and telephone number either stamped, printed or typed on the certificate;
G. The signature of the veterinarian who administered the vaccine or the signature of a person authorized by the veterinarian to sign the certificate.

(ORD-10-0017, § 6, 2010; ORD-09-0022, § 4, 2009)

CHAPTER 6.16 - ANIMAL REGULATION

FOOTNOTE(S):

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State Law reference— Provisions on animal regulation, Food and Agric. Code § 16301 et seq.

6.16.010 - Livestock—Running at large—Distance from habitation.

No person responsible for any ox, steer, bull, cow, calf, horse, mare, stallion, colt, jack, mule, sheep, goat or hog, shall permit the same, of any thereof, to run at large or pasture, herd, stake, tie or stable any thereof in any of the streets, avenues, places, lanes, alleys, parks or other public places in the City, or tie, stake, pasture, stable, or otherwise keep any thereof upon any private property in the City so as to permit any thereof to approach nearer than one hundred feet (100') to any building used or occupied or designed for use and occupancy as a residence for human habitation other than such building so occupied by the person responsible for any such animal, and other than such building, the occupant of which continues his or her consent to the closer approach of any such animal.

(ORD-09-0022, § 5, 2009)

6.16.020 - Livestock—Driving in street.

No person shall drive or conduct along any street, avenue, place, lane, alley, park or other public place any ox, steer, bull, cow, calf, horse, stallion, colt, jack, mule, sheep, goat or hog without having such animal or animals enclosed in some conveyance or tied or otherwise attached to some person or vehicle in such manner that such animal or animals cannot run at large or enter upon private property, or drive or conduct a herd or any number of such animals along any street or other public place without obtaining a written permit therefore from the Director, and such permit shall be granted only upon the applicant therefore depositing with the Director a fee established by the City Council by resolution.

(ORD-09-0022, § 5, 2009)

6.16.030 - Dangerous animals—Permit required.

No person shall have, keep, maintain, or have in possession or under control, within the City, any elephant, bear, hippopotamus, rhinoceros, lion, tiger, leopard, wolf, reptile, serpent or any dangerous or carnivorous wild animal without first applying to and receiving from the Animal Care Services Bureau a permit so to do.

(ORD-09-0022, § 5, 2009)

6.16.040 - Dangerous animals—Permit issuance.

The Director is invested with the authority to issue permits for the keeping or maintaining of any of the animals, reptiles or serpents enumerated and described in Section 6.16.030 to any person when, in the opinion of the Director, any such animal or animals, serpents or reptiles may be kept or maintained without menacing the safety of any person or property; provided, however, that the Director may require any such animal or animals, serpents or reptiles to be properly caged or tethered, and may make and issue additional rules and regulations regulating the keeping or maintaining of any such animals, reptiles

or serpents, and may revoke any such permit for the violation of any other provisions of this Chapter or any of the rules and regulations issued by the Director, or when, in his or her opinion, the safety of any person or property is menaced by the keeping of any such animal.

(ORD-09-0022, § 5, 2009)

6.16.050 - Selling animals on public place.

No person shall sell, offer or display for sale, barter or give any live animal to any person on any public street or other public place within the City other than a person maintaining a fixed place of business wherein such animals are sold.

(ORD-09-0022, § 5, 2009)

6.16.060 - Animal shop—Location restricted.

No person shall establish, conduct or maintain any store or place of business in which dogs, cats, guinea pigs, mice, rats or other domestic pets are legally sold or kept for sale, or carry on the business of dealing in any of such animals within fifty feet (50') of any residence, dwelling house, hotel, theater, or within five hundred feet (500') of any schoolhouse or church, unless such person has been issued a permit to breed at a residence under Section 6.16.190 of this Chapter.

(ORD-09-0022, § 5, 2009)

6.16.061 - Animal shop—Report of sales to City.

Every person who owns, operates or maintains an animal shop, as described in Section 6.16.060, shall report to the Director the name and address of the purchaser of every dog sold by the animal shop, along with the breed, age and description of the animal, on forms provided by the City. The report shall be transmitted to the Director no later than ten (10) days from the date of sale. The shop may charge a fee of up to one dollar ($1.00) to the purchaser to cover the cost of the report.

(ORD-09-0022, § 5, 2009)

6.16.070 - Herding on unenclosed private property.

No person, as principal, agent, employee, or otherwise, shall herd any of the animals mentioned in this Chapter on any unenclosed private property.

(ORD-09-0022, § 5, 2009)

6.16.080 - Breeding prohibited.

No person, as principal, agent, employee or otherwise, shall breed any dog, cat or other animal at any place within the City, except as provided in Section 6.16.190 of this Chapter. "Breeding" shall be deemed to have occurred upon the production of offspring, whether such offspring result from sexual activity or artificial insemination, and whether such sexual activity was intentional or the result of improper confinement.

(ORD-09-0022, § 5, 2009)

6.16.085 - Unaltered cats prohibited.

No person responsible for a cat over the age of four (4) months shall allow such cat to remain unaltered, unless the cat is certified by a licensed veterinarian as not being suitable for spaying or neutering due to health reasons.

(ORD-09-0022, § 5, 2009)

6.16.090 - Dogs prohibited on beaches or schoolgrounds.

A. Except as provided in Section 6.16.310 of this Chapter, no person responsible for a dog shall permit such dog to be upon any beach or public school ground within the City.

B. Notwithstanding the provisions of Subsection A. of this Section or Section 16.16.010 of this Chapter, no person responsible for any dog(s) and/or other animal(s) shall permit such animal(s) to be on a beach bike path, beach immediately adjacent to the bike path, and/or on other beach locations within the City unless:

1. The animal is authorized to be present pursuant to a special event permit issued by the City pursuant to Chapter 5.60 of this Code which permit contains terms and conditions governing indemnification, supervision, cleanup and control relating to the presence of dogs and/or other animals at such special events; and/or
2. The animal is deemed a guide dog, signal dog and/or service dog, as those terms are currently defined in California Penal Code Section 365.5 or may be amended in the future.

(ORD-09-0022, § 5, 2009)

6.16.100 - Dog leash required.

A. No person responsible for a dog shall permit such dog to do any of the following, unless the dog is upon a secure leash not more than six feet (6') long held continuously in the hands of a responsible person capable of controlling the dog, or unless the dog is securely confined within an automobile:

1. Be in or upon any public street, sidewalk, improvement, park or other public place, or private property if the private property is open or accessible to the public; or
2. Enter upon another person's property without permission.

B. This Section shall not apply to any such person who is in possession or operating within the terms of a valid, unrevoked permit from the City for the conduct of obedience or other types of trial or show of dogs in or upon any public place.

C. This Section shall not apply to person responsible for a dog in a fenced dog exercise area in a City park, or portion of a City park, approved and designated for that purpose by the City Council.

D. A person responsible for a dog shall comply with the following regulations and limitations applied to all dog exercise areas identified in Subsection C. of this Section:

1. Designated off-leash exercise areas will be open from 6:00 a.m. to 10:00 p.m.
2. As a condition of admission to such dog exercise areas, the person responsible for such dog(s) shall use a suitable container or instrument to remove dog feces and shall dispose of it in waste containers for that purpose.
3. Aggressive dogs are not permitted. Persons responsible for such dogs are legally responsible for any injury caused by their dog(s)
4. Any dog(s) which has been declared vicious under Section 6.16.250 of this Chapter, or any other state law or local ordinance, is not permitted. Persons responsible for such dogs are legally responsible for any injury caused by their dog(s).
5. All persons responsible for dogs must keep their dogs under visual and voice control at all times.
6. Dogs shall not be left unattended.
7. Dogs under four (4) months old are not permitted.
8. All dogs must have current vaccinations and licenses.

9. Female dogs in estrus (heat cycle) are not permitted.
10. Professional dog trainers may not use the dog exercise areas to conduct classes or individual instruction.
11. Professional dog handlers and walkers shall have a City business license.
12. Children shall be accompanied by an adult and shall not run, shout, scream, wave their arms, or otherwise excite or antagonize dogs.
13. Bicycles, rollerblades, roller skates, skateboards, strollers and the like, are not permitted. Wheelchairs and other aids for the disabled are permitted.
14. Spiked collars on dogs are not permitted.
15. A person responsible for a dog must have in his/her possession a leash for the dog which shall be worn by the dog at all times that the dog is not in the exercise areas.
16. A person responsible for a dog shall otherwise comply with all rules governing the parks and relevant parking regulations.
17. Use of the exercise areas by any person responsible for a dog shall constitute implied consent of that person to all regulations and shall constitute a waiver of liability to the City of Long Beach and an agreement to protect, defend, indemnify, and hold harmless the City of Long Beach, its officials and employees for any injury or damage caused by a dog when the dog is not on its leash.
18. No person shall play any team sport including, but not limited to, football, baseball, soccer, rugby and volleyball within the exercise area. The use of a frisbee is permitted.

E. A person responsible for a dog may be deemed to have violated Subsection A. of this Section, when the violation was not committed in the presence of the Director or Animal Care Services Bureau enforcement officer(s) or inspector(s) if three (3) or more persons have submitted, within a one (1) year period, declarations signed, under penalty of perjury, that the violation(s) was committed in their presence.

(ORD-09-0022, § 5, 2009)

6.16.110 - Dog noise—Prohibited.

No person responsible for a dog shall permit such dog to bark, howl, whine and/or make other loud and unusual noises, whether within a building or enclosure, tied, or otherwise confined, or while at large upon any public street, sidewalk, improvement, park or other public place, or private property, which disrupts the public peace or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

(ORD-09-0022, § 5, 2009)

6.16.120 - Dog noise—Enforcement.

When the Director or his/her enforcement officer(s) and/or inspector(s) determine that a person responsible for a dog has violated Section 6.16.110 of this Code, such Animal Care Services Bureau personnel are authorized to:

A. Direct the person responsible for the dog to immediately terminate the actions of the dog that are causing the loud noise;

B.

Issue a written notice to the person responsible that if, within a twelve (12) month period following the initial response. Animal Care Services Bureau personnel are again required to respond to the same person responsible for violating Section 6.16.110 of this Code, a criminal and/or administrative citation will be issued pursuant to Chapters 1.32 and 6.16 of this Code; and

C. Issue criminal and/or administrative citations to the person responsible for recurrent violations of Section 6.16.110 of this Code within a twelve (12) month period.

(ORD-09-0022, § 5, 2009)

6.16.130 - Food business—Keeping animals prohibited.

No person shall keep any dog or other animal in any bakery, restaurant, lunch stand, or other place of business wherein food or foodstuffs are served or sold.

(ORD-09-0022, § 5, 2009)

6.16.140 - Food business—Permitting animal at large prohibited.

No person responsible for any dog or any other animal shall permit the same to run at large in any place where food or foodstuffs are served, displayed, and offered for sale or shall permit any dog or any other animal to come in contact with any food products intended for human consumption in any such place of business where food or foodstuffs are served, displayed or offered for sale.

(ORD-09-0022, § 5, 2009)

6.16.150 - Food business—Allowing animal on-premises prohibited.

No owner, operator, manager or employee of any place of business where food or foodstuffs are served, displayed or offered for sale shall permit any dog or any other animal on such premises or in such place of business.

(ORD-09-0022, § 5, 2009)

6.16.160 - Possession without owner's consent.

No person, without the consent of the person responsible for a dog, cat or other domestic animal, shall hold or retain in his or her possession such dog, cat or other animal legally owned as a domestic pet within the City for any period longer than twenty-four (24) hours unless such person reports the same, with the true description thereof, to the Director.

(ORD-09-0022, § 5, 2009)

6.16.170 - Dog and cat hospital—Location.

No person shall erect, construct, establish or maintain any dog hospital, cat hospital, or dog and cat hospital, outside of industrial districts, as defined by the zoning provisions of this Code, as the same now is or may hereafter be.

(ORD-09-0022, § 5, 2009)

6.16.180 - Dog and cat hospital—Defined.

The terms "dog hospital", "cat hospital" and "dog and cat hospital", as used in this Chapter, mean and include any place where dogs or cats, or both, are received and kept, or either, for the purpose of treating such animals for any disease or injury.

(ORD-09-0022, § 5, 2009)

6.16.190 - Restricted dog breeding and dog and cat transfer.

A. No person, as principal, agent, employee or otherwise, shall establish or maintain any dog kennel for breeding purposes, keep any dog for breeding purposes, or breed any dog which is owned, harbored or kept within the City, without first applying to and receiving a breeding permit to do so from the Department of Health and Human Services, Animal Control Division. "Breeding" shall be deemed to have occurred upon the production of a litter, whether such litter results from sexual activity or artificial insemination, and whether such sexual activity was intentional or the result of improper confinement.

B. The application for a breeding permit shall be filed by all of the persons responsible for both dogs to be bred, including persons who may reside outside of the City, and shall contain such information as is requested by the City, including without limitation the following:

1. A complete description of the nature and extent of the breeding to be conducted and for which application is made, including the breed of dogs proposed to be bred;
2. The address of the location at which breeding will occur and, if different from the breeding address, the address of the location at which the litter shall be whelped;
3. The name and address of the applicant(s);
4. A statement by the applicant(s) stating that each applicant(s) owns either of the dogs to be bred and that there are no other owners;
5. A statement by the applicant(s) stating that at least one (1) of the litter is intended to be offered for sale;
6. Evidence that the dogs to be bred do not have the same sire or dam;
7. Evidence that the dam to be bred is at least two (2) years old and not older than seven (7) years old;
8. A copy of a valid certificate of health for the dam;
9. Evidence that both dogs to be bred have electronic animal identification devices implanted;
10. Written authorization to breed and/or whelp from the owner(s) of the properties at which the dogs will be bred and/or whelped, if such owners are not the applicant(s);
11. A statement by the applicant(s) stating that the applicant(s) have reviewed and will comply with all applicable rules and regulations regarding breeding and keeping animals on private property;
12. Such other information as may be required by the Director, consistent with the purposes of this Chapter, this Code and applicable law.

C. The Chief of Police and/or Director shall conduct a background check of any applicant(s) for a breeding permit. The City shall not issue a breeding permit to any applicant for whom the Chief of Police or Director determines the background to be unacceptable. Breeding permits shall not be issued to applicant(s) who are under the age of eighteen (18), or who have violated this Section, Sections 6.16.080, 6.16.110, and/or 21.51.210 of this Code, or any of Sections 596 through 599 of the California Penal Code, or to persons responsible for dogs which have been declared vicious under Section 6.16.250 of this Chapter or otherwise have previously bitten any person, or to persons responsible for any breed of dog which is disproportionately responsible for dog bite complaints within the City, or to persons responsible for any breed of dog which is disproportionately euthanized within the City. Breeding permits shall not be issued for the purposes of breeding any dog breeds that

are not recognized by the American Kennel Club (or any other organization determined by the Director to be a generally recognized leading national breeding organization) and shall not be issued for the purpose of mixing breeds.

D. Prior to processing the application, the Director shall receive the required breeding permit application fee, and such application fee shall be nonrefundable. The breeding permit application fee shall be determined by the City Council by resolution. After processing the application but prior to issuing a breeding permit, the Director shall receive the required breeding permit fee, and such permit fee shall be nonrefundable. The breeding permit fee shall be determined by the City Council by resolution. The following dogs are exempt from both the application fee and breeding permit fee requirements but are subject to the other requirements of this Section to the extent such requirements do not conflict with State or federal law:
    1. Dogs documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement or rescue activities, the offspring of which are to be used for the same purposes.
    2. Dogs documented as guide, signal or service dogs pursuant to the California Penal Code or the California Business and Professions Code, the offspring of which are to be used for the same purposes.

E. The breeding permit shall be valid for one (1) year and shall not be transferable or assignable from one (1) person or entity to another or from one (1) household to another household, and only one (1) breeding permit shall be issued per year, per household, regardless of how many dogs or persons may reside in such household.

F. Once permitted by the City, the breeding permittee shall comply with each of the following operating restrictions:
    1. Only one (1) litter per year, per dog per household may be whelped.
    2. Proper shelter shall be provided for all dogs and litters. "Proper shelter" shall be defined as an enclosure with four (4) walls, a roof and a raised floor which adequately protects from exposure to cold, heat and water, and which gives access to an enclosed yard or other open outdoor space.
    3. Clean and reasonably temperate water shall be provided to all dogs at all times.
    4. Nutritious food sufficient to properly nourish the dame and her litter shall be provided.
    5. Dogs' living quarters and yards shall be properly maintained at all times, including without limitation, removal of feces and urine to prevent odors from entering surrounding areas.
    6. Dogs shall be kept in a manner which prevents barking from disturbing occupants or users of surrounding areas.
    7. Births shall be reported to the Director within ten (10) days of their occurrence.
    8. No offspring shall be sold or otherwise transferred, whether for compensation or otherwise, until it has reached the age of eight (8) weeks, has been immunized against common diseases and has been issued a certificate of health.
    9. All offspring must have an electronic animal identification device implanted before the age of eight (8) weeks.

G. No person shall sell or transfer, for compensation or otherwise, any dog or cat within the City, without first applying to and receiving a transfer permit to do so from the Department of Health and Human Services, Animal Care Services Bureau. Persons responsible for a dog who have received a breeding permit under this Section shall not be required to apply for a transfer permit under this Section. One

(1) transfer permit shall be issued per litter, unless the applicant for a transfer permit operates a pet store or is a validly incorporated Section 501(c)(3) animal rescue organization, in which case the transfer permit shall be issued annually.

H. The application for a transfer permit shall be filed by all of the persons responsible for the dogs or cats to be transferred, and shall contain such information as is requested by the City, including without limitation the following:

1. The name and address of the breeder(s) of the dogs or cats to be transferred or offered for transfer, or if unknown, evidence that the applicant is a validly incorporated Section 501(c)(3) animal rescue organization;
2. The address of the location at which the dog or cat litter was whelped, or if unknown, evidence that the applicant is a validly incorporated Section 501(c)(3) animal rescue organization;
3. Such other information as may be required by the Director consistent with the purposes of this Chapter, this Code and applicable law.

I. Prior to processing the application, the Director shall receive the required transfer permit application fee, and such application fee shall be nonrefundable. The transfer permit application fee shall be determined by the City Council by resolution. After processing the application but prior to issuing a transfer permit, the Director shall receive the required transfer permit fee, and such permit fee shall be nonrefundable. The transfer permit fee shall be determined by the City Council by resolution. The following dogs and/or applicant(s) are exempt from both the application fee and transfer permit fee requirements but are subject to the other requirements of this Section to the extent such requirements do not conflict with State or federal law:

1. Dogs documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement or rescue activities, the offspring of which are to be used for the same purposes;
2. Dogs documented as guide, signal or service dogs pursuant to the California Penal Code or the California Business and Professions Code;
3. Validly incorporated Section 501(c)(3) animal rescue organizations.

J. The following provisions shall apply to the sale, adoption or other transfer of dogs and cats, whether or not a transfer permit is required under this Section:

1. Any person who offers or provides any dog or cat for sale or transfer, whether for compensation or otherwise, shall disclose to the transferee in writing, information regarding the dog's or cat's immunization history and the license and permit requirements of the City applicable to the transferred animal.
2. No person shall sell or otherwise transfer any dog without such dog having an electronic animal identification device implanted, which such device shall identify the breeding permit number under which the dog was bred or the transfer permit number, as applicable, and a description of the transferred dog including the breed, gender, color and age.
3. No person shall see or otherwise transfer any dog or cat without reporting the name, address and phone number of the transferee to the Director within ten (10) business days of the transfer.
4. Any advertisement to the public regarding the availability of any dog which was bred within the City for sale or transfer, whether for compensation or otherwise, shall prominently display the breeding permit number.
5.

Any advertisement to the public regarding the availability of any dog or cat for sale or transfer, which was bred outside the City, whether for compensation or otherwise, shall prominently display the transfer permit number.

6. No person shall give away any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, auction, game or competition.
7. No person shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.
8. No person shall sell, barter, exchange or offer for adoption, whether for compensation or otherwise, any dog or cat to any minor under the age of eighteen (18).
9. Proper shelter shall be provided for all dogs and cats to be transferred.
10. Clean and reasonably temperate water shall be provided to all dogs and cats at all times.
11. Nutritious food sufficient to properly nourish the dog or cat shall be provided.
12. Dogs' and cats' living quarters and yards shall be properly maintained at all times, including without limitation, removal of feces and urine to prevent odors from entering surrounding areas.
13. Dogs shall be kept in a manner which prevents barking from disturbing occupants or users of surrounding areas.
14. A valid business license shall be required for all transfers made for compensation.

K. Employees of the Animal Care Services Bureau shall have the right to inspect, on more than one (1) occasion, the property of any permittee used for breeding, whelping or holding any animals during reasonable hours and without advance notice.

L. Failure of any person to comply with all terms and conditions of the breeding permit or the transfer permit and applicable law shall be grounds for the revocation or suspension of such breeding permit or transfer permit and shall be grounds for denial of future breeding and/or transfer permits.

M. Possession of a valid breeding or transfer permit under this Chapter does not entitle the permittee to engage in an activity which is otherwise prohibited by law.

(ORD-09-0022, § 5, 2009)

6.16.200 - Defecation—Removal required.

A. No person responsible for any animal shall permit such animal to defecate on any public sidewalk, street, improvement, park or other public place, or on any private property without the consent of the owner of such private property, unless such person responsible for the animal removes any such defecation to a proper trash receptacle.

B. When the Director or his/her enforcement officer(s) and/or inspector(s) determine that a person responsible for a dog has violated Subsection A. of this Section 6.16.200, such Animal Care Services Bureau personnel are authorized to:

1. Direct the person responsible for the animal to immediately remove and dispose of the defecation to a proper trash receptacle;
2. Issue a written notice to the person responsible that if, within a twelve (12) month period following the initial response. Animal Care Services Bureau personnel are again required to respond to the same person responsible for violating Subsection A. of this Section 6.16.200, a criminal and/or administrative citation will be issued pursuant to Chapters 1.32 and 6.16 of this Code; and
3. Issue criminal and/or administrative citations to the person responsible for recurrent violations of Subsection A. of this Section 6.16.200 within a twelve (12) month period.

(ORD-09-0022, § 5, 2009)

6.16.210 - Enforcement.

A. The Director along with Animal Care Services Bureau enforcement officers and inspectors shall have the duty to enforce the sections included in this Chapter, and all other chapters included in Title 6, and are authorized, pursuant to the California Penal Code, Section 836.5, to arrest persons and to prepare, issue and deliver to any such arrested person written notice to appear in court for any violation or violations of any section or sections in Title 6 of this Code. Additionally, those employees of the City holding the classified positions of park district supervisor and park crew supervisor employed by the Department of Parks and Recreation and those employees holding the classified position of security officer employed in the Department of Parks and Recreation shall have the duty to enforce Sections 6.16.100 and 6.16.200 and are authorized, pursuant to California Penal Code, Section 836.5, to arrest persons and to prepare, issue and deliver to any such arrested person written notice to appear in court and to release such person from custody upon receiving from such person their written promise to appear in court for any violation or violations of Sections 6.16.100 or 6.16.200

B. Notwithstanding the provisions of Subsection 6.16.210.A of this Section, those employees holding the position of fire captain, marina agent, marine safety officer, marine safety sergeant, marine safety captain and security officer, shall have the duty to enforce Sections 6.16.090, 6.16.100, 6.16.110, 6.16.200 and 6.16.310, and are authorized, pursuant to California Penal Code, Section 836.5, to arrest persons and to prepare, issue and deliver to any such person arrested written notice to appear in court and to release such person from custody upon receiving from such person their written promise to appear in court for any violation or violations of Sections 6.16.090, 6.16.100, 6.16.110, 6.16.200 and 6.16.310

C. Nothing in this Section is intended to operate either in addition to or in contravention of Title 3, Chapter 4.5, of the Penal Code which expressly designates those persons who are classified as peace officers.

D. Further, nothing in this Section is intended to or shall operate to change or shall have the effect of changing the status of the officers and employees authorized to act pursuant to this Section from public or miscellaneous officers and employees to individual peace officers or safety members or classes of peace officers or safety members for purposes of retirement, workers' compensation or similar injury or death benefits or any other employee benefit or benefits to which said officer or employee would not have been entitled as a public or miscellaneous officer or employee prior to the adoption of this Section.

E. Any person who violates any provision of Title 6 of the Long Beach Municipal Code may also be issued an administrative citation by the Director or Animal Care Services Bureau enforcement officers or inspectors, in addition to any criminal penalties that may be assessed under Title 6 and Chapter 1.32 of this Code.

F. Each and every day a violation exists constitutes a separate and distinct offense.

G. Civil fines shall be assessed by means of administrative citations and shall be payable directly to the City of Long Beach Animal Care Services Bureau.

H. Administrative fines for violations of Chapters 6.04 Animal Shelter, 6.08 Dog Licensing, 6.12 Rabies Control, 6.20 Fowl, Rabbits and Goats, 6.28 Police Animals and/or 6.16 Animal Regulation shall be assessed as follows:

1. A fine for each initial violation, in an amount established by the City Council by resolution;
2.

A fine for each instance of a second violation of the same Code section within one (1) year from the date of the first violation, in an amount established by the City Council by resolution; and

3. A fine for each additional violation of the same Code section within one (1) year from the date of the first violation, in an amount established by the City Council by resolution.

(ORD-09-0022, § 5, 2009)

6.16.220 - Animal sale refunds.

In the event the Director determines after the sale of an animal by the Animal Care Services Bureau that the animal bites or destroys property, or that an examining veterinarian has determined that the animal is ill and there are sufficient facts and circumstances which indicate that the illness was incurred by the animal prior to the sale, the Director may authorize the refund of the purchase price, inoculation fee, licensee fee, and any other fees or charges paid by the purchaser to the Animal Care Services Bureau in connection with the sale of the animal; provided, that the purchaser of the animal files a written request for the refund with the Animal Care Services Bureau within fifteen (15) days after the date of the sale of the animal.

(ORD-09-0022, § 5, 2009)

6.16.230 - Manure removal required.

A. Manure must be removed from private stables at least once in seven (7) days. During the time manure from private stables is allowed to remain on the premises the same must be kept covered with close screen wire to prevent the breeding of flies therein. When the amount of manure from any private stable equals one (1) cubic yard it shall not be allowed to remain longer than one (1) day.

B. Stables or yards where more than four (4) horses or mules are kept shall be cleaned and refuse removed daily.

(ORD-09-0022, § 5, 2009)

6.16.240 - Dead animal disposal.

The carcass of any dead horse, cow, mule or donkey not slaughtered for human food shall be removed and disposed of by the owner of the carcass.

(ORD-09-0022, § 5, 2009)

6.16.250 - Vicious animals—Defined.

A. "Vicious animal" is any animal which bites or attempts to bite any human or animal without provocation, or which has a disposition or propensity to attack, bite or menace any human or animal without provocation and endangers the health and safety of any person.

B. Any animal while on the premises of the person responsible for that animal which bites or attempts to bite a person or other animal that is unlawfully on such premises, or which has been provoked or teased, or which is otherwise performing its duties as a police dog, shall not be deemed to be a vicious animal.

(ORD-09-0022, § 5, 2009)

6.16.260 - Impoundment of vicious animal.

A. Any law enforcement officer or Animal Care Services Bureau enforcement officer or inspector of the City shall have the authority summarily and immediately to impound a dog or other animal where there is evidence it is vicious within the meaning of this Chapter.

B.

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, such official may enter private property at all reasonable times to inspect same or to perform any duty imposed by this Chapter; provided, that if such private property is occupied, such official shall first present proper credentials and demand entry. If entry is refused, or if the owner or other person having control of such property is not present to permit entry, such official shall have recourse to every remedy provided by law to secure entry at a later time.

C. Any person responsible for such dog or other animal subject to being impounded who fails to surrender the animal to such official upon demand shall be guilty of a misdemeanor and/or be subject to administrative fines and penalties set forth in Section 6.16.210

D. If the dog or other animal cannot be safely taken up and impounded, it may be destroyed forthwith by such law enforcement officer or Animal Care Services Bureau enforcement officer or inspector.

(ORD-09-0022, § 5, 2009)

6.16.270 - Vicious animal hearing.

A. "Hearing Officer" means an individual who has been designated by the City Manager to adjudicate vicious animal determination hearings.

B. Where there exists evidence sufficient to give rise to the suspicion that a dog or other animal falls within the provisions of Subsection 6.16.250.A., the Director shall cause a public hearing to be conducted for the purpose of determining whether the dog or other animal is a vicious animal. The Director shall notify the person responsible for the animal of the time and place for the hearing during which he/she may present evidence as to why the animal should not be declared vicious. Each party shall be given the opportunity to present any evidence relevant to the issue. The Hearing Officer may find, by a preponderance of evidence, such dog or other animal to be a vicious animal, and may impose additional orders authorized by Section 6.16.290 of this Chapter.

C. The hearing shall be conducted not less than five (5), nor more than ten (10) business days after notice was served or deemed to have been served upon the person responsible for the animal.

D. Any person responsible for a dog or other animal determined to be vicious shall be guilty of a misdemeanor and/or be subject to administrative fines and penalties set forth in Section 6.16.210

(ORD-09-0022, § 5, 2009)

6.16.280 - Disposition of vicious animals.

Any dog or other animal declared to be a vicious animal may, at the discretion of the Director, be humanely destroyed. Such humane destruction shall occur no earlier than ten (10) days following written notice given to the person responsible for such animal of the intention to destroy.

(ORD-09-0022, § 5, 2009)

6.16.290 - Issuance of rules and regulations—Summary destruction.

A. The Director, if he or she elects not to destroy a vicious animal, may issue certain rules and regulations pertaining to the keeping and containing of such animal.

B. If the person responsible for such vicious dog or other animal is thereafter determined to be in violation of any rule or regulation as made pursuant to Subsection A. of this Section, such animal shall be impounded and thereafter subject to summary destruction no earlier than ten (10) days following written notice given to the person responsible for the animal of the intention to destroy.

C.

Any person responsible for a vicious dog or other animal who violates and/or knowingly permits such animal to violate any rule and/or regulation set forth pursuant to Subsection A. of this Section shall be deemed guilty of a misdemeanor and/or be assessed administrative fines and penalties pursuant to Section 6.16.210 of this Code.

(ORD-09-0022, § 5, 2009)

6.16.300 - Liability for charges.

The person responsible for a dog or other animal impounded pursuant to this Chapter shall be liable for any and all of the prevailing board and keep charges incurred by the City's Animal Care Services Bureau.

(ORD-09-0022, § 5, 2009)

6.16.310 - Dog exercise area on the beach.

Notwithstanding any other ordinance or rules of the City of Long Beach, dogs may be permitted, during the below mentioned times of day, on that part of the beach of the City of Long Beach bounded between the halfway point between Argonne and St. Joseph Avenues (the eastern boundary) and the halfway point between Roycroft and Quincy Avenues (the western boundary) from the water line to the designated boundary markers located approximately sixty (60) yards from the water line (the northern boundary) to be designated by appropriate posting by the Department of Parks, Recreation and Marine. Dogs are permitted on this designated part of the beach for the purpose of exercise. The hours that dogs may be so on the beach shall be set at the discretion of the Director of the Department of Parks, Recreation and Marine. Permission for dogs to be on this designated area of the beaches of the City of Long Beach may be revoked at any time by the Director of the Department of Parks, Recreation and Marine by appropriate posting at the designated area mentioned above. With regard to said use of this designated part of the beach of the City of Long Beach:

A. The dog exercise area must be accessed from the adjacent parking lot in a ninety degree (90°) angle to the marked boundaries of the dog exercise area.
B. Each dog must be under the control of an adult person responsible for the dog, and only one (1) dog per adult is permitted. The dog must be under visual and voice control by the person responsible at all times. Dogs that do not respond to voice commands are not permitted.
C. All dogs must wear a collar with current tags.
D. All dogs must have current vaccinations and licenses.
E. As a condition of admission to such dog exercise area, the person responsible for such dog shall use a suitable container or instrument to remove dog feces and shall dispose of it in waste containers provided for that purpose.
F. Dogs previously declared vicious pursuant to this Chapter, and/or any other State law or local ordinance, and aggressive dogs are not permitted. The persons responsible for such dogs are legally responsible for any injury caused by their dog(s).
G. Dogs shall not be left unattended.
H. Dogs under four (4) months old are not permitted.
I. Female dogs in estrus (heat cycle) are not permitted.
J. Professional dog trainers may not use the dog exercise area to conduct classes or individual instruction.
K.

Children shall be accompanied by an adult and shall not run, shout, scream, wave their arms, or otherwise excite or antagonize dogs.

L. Bicycles, rollerblades, roller skates, skateboards, strollers and the like, are not permitted. Wheelchairs and other aids for the disabled are permitted.

M. Spiked collars on dogs are not permitted.

N. The person responsible for a dog must have in his/her possession a leash for the dog which shall be worn by the dog at all times that the dog is ingressing/egressing the dog exercise area.

O. The person responsible for a dog shall provide drinking water for their dog.

P. No food of any kind is permitted in the dog exercise area during the designated hours.

Q. The person responsible for a dog shall otherwise comply with all rules governing the beaches and relevant parking regulations.

R. No one shall play any team sport including, but not limited to, football, baseball, soccer, rugby and volleyball during the designated dog exercise hours. The use of a frisbee or a small, retrievable ball is permitted.

S. Use of the dog exercise area by the dog shall constitute implied consent of the person responsible for the dog to all regulations and shall constitute a waiver of liability to the City of Long Beach and an agreement to protect, defend, indemnify, and hold harmless the City of Long Beach, its officials and employees for any injury or damage caused by a dog when the dog is not on a leash.

T. The Director of the Department of Parks, Recreation and Marine shall have the discretion to terminate the program.

(ORD-09-0022, § 5, 2009)

6.16.320 - Administrative citation—Service procedures.

An administrative citation subject to this Chapter shall be issued on a form approved by the Director, and may be served by the Director or an Animal Care Services Bureau enforcement officer or inspector in the following manner:

A. Personal service. In any case where an administrative citation is issued:
   1. The Director or Animal Care Services Bureau enforcement officer or inspector shall attempt to locate the person responsible and personally serve the administrative citation;
   2. If the person responsible refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or any subsequent proceedings.

B. Service of citation by posting notice. If the Director or Animal Care Services Bureau enforcement officer or inspector do not succeed in personally serving the person responsible:
   1. The Director or Animal Care Services Bureau enforcement officer or inspector shall post the administrative citation or duplicate thereof in a conspicuous place on the lot last reported by the person responsible as his/her residence in the City of Long Beach, and such posting shall be deemed effective service; and
   2. Any posted notice shall be photographed on the date of posting by the Director or Animal Care Services Bureau enforcement officer or inspector, and a proof of service of the notice shall be made by declaration of the Director or enforcement officer or inspector effecting the service.

C. Service of citation by mail. If the Director or Animal Care Services Bureau Enforcement officer or inspector do not succeed in personally serving a person responsible, in addition to posting notice when the last reported residence of that person lies within the City of Long Beach:

1. The administrative citation or duplicate thereof shall be mailed to the residence or place of business of the person by depositing the same in the United States Mail, postage prepaid as first class mail; and
2. A proof of service of the notice shall be made by declaration of the Director or enforcement officer or inspector effecting the service.

(ORD-09-0022, § 5, 2009)

6.16.330 - Administrative citation—Contents of notice.

Each administrative citation shall contain the following information:

A. The date of service of the citation and the date, time, address or description of the location where the violation(s) occurred in the City of Long Beach.
B. The Long Beach Municipal Code section(s) violated, a description of the violation(s), and where appropriate a description of conditions violated.
C. The amount of the administrative fine(s) for each violation.
D. An explanation of how the fine(s) shall be paid and the payment due date.
E. Notice of the right to appeal the citation, the time within which the citation may be appealed and the place to obtain a request for hearing form to appeal the administrative citation.
F. The name and signature of the Director or Animal Care Services Bureau enforcement officer or inspector and, if obtained, the signature of the person responsible.

(ORD-09-0022, § 5, 2009)

6.16.340 - Administrative citation satisfaction.

Upon service of an administrative citation, the cited party shall pay the fine no later than thirty (30) calendar days from the date of issuance as specified on the administrative citation. Payment of a fine shall not bar further enforcement action by the City. Late charges shall be imposed for fine payments made after the fine payment due date. The late charge shall be calculated at a rate of twenty-five percent (25%) of the fine, and will be imposed in addition to any outstanding fine.

(ORD-09-0022, § 5, 2009)

6.16.350 - Administrative citation—Appeal.

A. Any cited party may appeal an administrative citation by completing a written request for hearing form, obtained as directed on the citation, and returning it to the Animal Care Services Bureau within thirty (30) calendar days from the date the citation was served or was deemed to have been served, together with a deposit in the total amount of the fine.
B. Failure to timely file a written request to appeal the administrative citation shall be deemed a waiver of rights to appeal and to seek judicial review.

(ORD-09-0022, § 5, 2009)

6.16.360 - Administrative citation—Hardship waiver.

A. Any cited party who intends to appeal the administrative citation and who is financially unable to make the advance deposit as required in Subsection A. of Section 6.16.350, may request an advance deposit hardship waiver by completing a written request for deposit waiver form obtained as directed on the citation.

B. The deposit waiver request shall be filed together with the appeal within thirty (30) calendar days from the date the administrative citation was served or deemed to have been served.

C. The deposit requirement as described in Subsection A. of Section 6.16.350 shall be stayed unless or until the Director makes a determination regarding the waiver request.

D. The Director may waive the requirement of an advance deposit only if the cited party submits to the Director a written statement made under penalty of perjury, together with supporting documents, demonstrating to the satisfaction of the Director the cited party's actual financial inability to deposit with the City the full amount of the fine in advance of the hearing.

E. If the Director declines to issue a waiver, the cited party shall remit the full deposit to the City as indicated on the citation within ten (10) calendar days of the date of that decision, or thirty (30) calendar days from the date the administrative citation was served or was deemed to have been served, whichever is later.

F. The Director shall issue a written determination listing the reasons for his/her determination to issue or not issue the hardship waiver. The written determination of the Director shall be final.

G. The written determination of the Director shall be served personally or by first class mail, postage prepaid, upon the cited party who applied for the hardship waiver.

(ORD-09-0022, § 5, 2009)

6.16.370 - Administrative citation—Appeal hearing procedure.

A. No hearing to appeal an administrative citation shall be held unless and until a timely request for hearing form has been completed and submitted, as indicated on the citation, and the deposit has been paid, or a hardship waiver has been issued.

B. An appeal hearing shall be set for a date not sooner than twenty-one (21) calendar days and not more than sixty (60) calendar days from the date the request for hearing is completed and submitted in accordance with the provisions of this Chapter. The cited party requesting the hearing shall be notified in writing of the time and place set for the hearing at least fifteen (15) calendar days prior to the date of the hearing.

C. The Hearing Officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the cited party is the person responsible for creating, committing, maintaining or allowing the violation(s) to occur. Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify, if the Hearing Officer determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer in accordance with the fundamentals of due process. The Hearing Officer may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present his/her case as is allowed to the City.

D. The cited party contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation. The City's case shall be presented by any person designated by the Director. The appellant and City may be represented by counsel at their own expense.

E.

The failure of the appellant to appear at the hearing shall constitute a forfeiture of the deposit and failure to exhaust administrative remedies.

F. The administrative citation and any additional documents prepared by the City in connection with the violation(s) may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.

G. If the City submits any additional documents concerning the administrative citation to the Hearing Officer for consideration at the hearing, then, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.

H. The Hearing Officer may continue the hearing or request additional information from the City or the appellant prior to issuing a written decision.

(ORD-09-0022, § 5, 2009)

6.16.380 - Administrative citation—Hearing Officer decision.

A. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within fifteen (15) business days of the hearing. The decision of the Hearing Officer shall be final.

B. If the Hearing Officer denies the appeal, then the deposit shall be retained by the City.

C. If the Hearing Officer grants the appeal, then the City shall refund the deposit within thirty (30) business days from the date of the written decision.

D. The appellant and City shall each be served with a copy of the Hearing Officer's written decision.

(ORD-09-0022, § 5, 2009)

6.16.390 - Administrative citation—Failure to pay fines.

A. The failure of the cited party to pay a civil fine or late penalty in a timely manner may result in the imposition of a special assessment and/or lien, and/or filing of an action with the small claims court for recovery of the fine and late penalty. The only issue to be adjudicated by the small claims court shall be whether or not the fines and possible late fees were paid. A cited party may only obtain judicial review of the validity of the citation by first requesting and participating in an administrative hearing before a Hearing Officer. In the small claims court action, the City may also recover its costs, according to proof.

B. The City may also refuse to issue, extend or renew to any cited party who has unpaid delinquent fines, interest, penalties, liens or assessments, any City permit, license, entitlement or other City approval pertaining to the subject of the fine and administrative citation.

(ORD-09-0022, § 5, 2009)

6.16.400 - Administrative citation—Dismissal.

The Director may dismiss an administrative citation at any time if it is determined to have been issued in error, in which event any deposit will be refunded to the cited party.

(ORD-09-0022, § 5, 2009)

6.16.410 - Administrative citation—Judicial review.

Either the City or the cited party aggrieved by a decision of a Hearing Officer on appeal of an administrative citation issued pursuant to this Chapter, may obtain review of the decision by filing a petition for review with the Los Angeles Superior Court in accordance with the time lines and provisions as set forth in California Government Code Section 53069.4. Judicial review of an administrative citation shall not be available unless all administrative remedies have been exhausted.

(ORD-09-0022, § 5, 2009)

CHAPTER 6.20 - FOWL, RABBITS AND GOATS

FOOTNOTE(S):

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Note— Prior history: Prior code §§ 5620, 5620.1, 5620.2, 5620.3, 5620.4, 5620.5, 5620.6, 5620.7, 5620.8, 5620.9, 5620.10, 5620.11, 5620.12, 5620.13, 5620.14, 5620.15, 5620.16, 5620.17 and ordinance C-5755 §§ 1, 2, 1981.

6.20.010 - Definitions.

The following words, as used in this Chapter, shall have the signification attached to them in this Section, unless otherwise clearly apparent from the context:

A. "Coop" means and includes any pen, coop or enclosure wherein live fowl are kept and maintained.
B. "Crowing fowl" means and includes any male fowl capable of making a sound peculiar to its species or type.
C. "Fowl" means and includes male and female chicken, duck, goose, seafowl, peacock, turkey and pheasant.

(Ord. C-7781 § 1, 2001)

6.20.020 - Fowl—Number restricted.

No person shall keep or maintain more than a total of twenty (20) live fowl or any combination of such animals on any lot or parcel of land within the City.

(Ord. C-7781 § 1, 2001)

6.20.030 - Fowl—Distance from dwelling.

A. Except as provided in Subsection 6.20.030.B, no person shall keep or maintain any live fowl within the City less than fifty feet (50') from any single-family or two-family dwelling or less than one hundred feet (100') from any hotel or dwelling occupied by, or designed for the occupancy of three (3) or more families.
B. One (1) live fowl may be kept or maintained as a pet on any lot or parcel of land within the City, provided that the pen, coop or other such enclosure for any such pet fowl shall be no less than twenty feet (20') from any structure designed or used for human habitation.

(Ord. C-7781 § 1, 2001)

6.20.050 - Crowing fowl prohibited.

No person shall keep or maintain or cause to be kept or maintained any crowing fowl.

(Ord. C-7781 § 1, 2001)

6.20.060 - Fowl—Dealers exempt.

Nothing contained in this Chapter shall be deemed to prohibit the keeping of fowl by regularly licensed dealers for the purpose of sale at their respective places of business. Such animals shall be kept and maintained in a clean and sanitary condition and such dealers shall conform to and abide by the rules and regulations of the Health Department with reference to the keeping of such animals on the premises of such dealers.

(Ord. C-7781 § 1, 2001)

6.20.070 - Fowl—Enclosure sanitation.

Wherever live fowl are permitted to be kept or maintained in the City, no person, so keeping or maintaining such fowl, shall fail at any time to keep the coops, pens or yards wherein such fowl are enclosed in a clean and sanitary condition nor shall fail to remove the manure or other debris from such enclosures daily. No person shall fail to conform to and abide by the rules and regulations of the Health Department with reference to the keeping of such fowl in such enclosures.

(Ord. C-7781 § 1, 2001)

6.20.080 - Fowl—Running at large prohibited.

No person shall allow any fowl owned or controlled by such person to run at large.

(Ord. C-7781 § 1, 2001)

6.20.090 - Fowl—Impoundment—Food and water.

No person shall impound any live fowl unless provision is made by such person for the proper feeding and the furnishing of water to such fowl at intervals not longer than twelve (12) hours apart.

(Ord. C-7781 § 1, 2001)

6.20.100 - Fowl—Impoundment—Coop size.

No person shall impound any live fowl in a coop which is less than twice as large in floor space or standing room as the total size of all live fowl which may be impounded therein, and which is not sufficiently high as to permit each fowl impounded therein to stand in a natural erect position.

(Ord. C-7781 § 1, 2001)

6.20.110 - Fowl—Wing locking prohibited.

No person handling live fowl shall lock the wings of such fowl.

(Ord. C-7781 § 1, 2001)

6.20.120 - Fowl and rabbits—Artificial coloring prohibited.

A. No person, by means of any application to or upon the exterior portion thereof or in any other manner, shall dye, artificially color or alter or otherwise change the natural color of any live rabbit or fowl.

B. No person shall sell, offer or display for sale, barter or give to any person any live rabbit or live fowl, the natural color of which animal has been changed by dyeing, coloring, or any other artificial manner.

C. No person shall sell, offer for sale, barter or give away any chick, duckling, or other fowl under four (4) weeks of age, or rabbit under two (2) months of age, as pets, toys, premiums or novelties.

D.

This Section shall not be construed to prohibit the display or sale of rabbits, chicks, ducklings or other fowl in proper facilities by dealers, hatcheries or stores engaged in the business of selling the same to be raised for food purposes.

(Ord. C-7781 § 1, 2001)

6.20.130 - Goats—Location.

No person shall keep or maintain any live goat within that portion of the City lying south of Anaheim Street and east of the Los Angeles River flood control channel.

(Ord. C-7781 § 1, 2001)

6.20.140 - Goats—Number.

No person shall keep or maintain more than one (1) live goat in any portion of the City.

(Ord. C-7781 § 1, 2001)

6.20.150 - Goats—Distance from dwelling.

No person shall keep or maintain any live goat in the City within one hundred feet (100') of any residence or place of habitation except as provided in Section 6.16.010.

(Ord. C-7781 § 1, 2001)

6.20.160 - Rabbits or goats—Enclosure sanitation.

Wherever live rabbits or goats are permitted to be kept or maintained in the City, no person so keeping or maintaining such rabbits or goats shall fail at any time to keep the pens, hutches, spaces or other enclosures wherein such rabbits or goats are enclosed in a clean and sanitary condition or fail to remove the manure or other debris from such enclosures daily. No person shall fail to conform to and abide by the rules and regulations of the Health Department with reference to the keeping of such rabbits or goats in such enclosures.

(Ord. C-7781 § 1, 2001)

6.20.170 - Rabbits and goats—Running at large prohibited.

No person shall allow any rabbits or goats owned or controlled by such person to run at large.

(Ord. C-7781 § 1, 2001)

CHAPTER 6.22 - INSECT CONTROL MEASURES

6.22.010 - Insect control measures.

A. All premises shall be cleaned, and effective insecticides applied, as often as necessary to prevent the harboring of fleas, flies, roaches, stinging insects, venomous arachnids, and other insects that may be a danger to the public health. Stinging insects include, but are not limited to Africanized honeybees; and

B. It shall be unlawful for any property owner or tenant to maintain or permit a beehive, nest or swarm to exist that may pose a danger to the public health and safety. This includes a managed hive that has become Africanized. All beekeeping operations shall be registered with the Los Angeles County Department of the Agricultural Commissioner or designated agency; and

C. The prohibition regarding maintenance of beehives, nests or swarms shall not restrict the activities of a professional beekeeper if not in violation of the provisions of this Chapter or other City ordinances. For purposes of this Subsection, the term "professional beekeeper" shall mean a person who holds a current registration as a beekeeper with the Los Angeles County Department of the Agricultural Commissioner or designated agency.

(Ord. C-7666 § 1, 1999)

CHAPTER 6.24 - PIGEONS AND BEES

6.24.010 - Beehives.

A. No person shall establish or maintain a beehive at a distance less than one hundred feet (100') from a dwelling, except the dwelling occupied by the person establishing or maintaining the beehive.

B. No person shall establish or maintain a beehive at a distance less than one hundred feet (100') from a public way.

C. No person shall establish or maintain a beehive at an elevation less than ten feet (10') above the ground.

D. For the purposes of this Section, a "beehive" means any box, container, structure, chamber or shelter within which bees are kept or of which bees have taken possession.

E. For the purposes of this Section, the term "dwelling" means any place of human habitation.

(Prior code § 5620.4)

6.24.020 - Pigeon keeping.

A. Pigeons, which are not raised or kept for market or other commercial purpose, may be kept and liberated for exercise or racing if their enclosure is not less than thirty-five feet (35') from the owner's dwelling, and not less than fifty feet (50') from any other dwelling, and not less than one hundred feet (100') from a multiple dwelling.

B. Each person desiring to keep and liberate for exercise or racing such pigeons shall make a written application to, and upon forms furnished by the Health Officer. Such application shall state the name and address of the applicant and the address at which the pigeons will be kept and liberated. The Health Officer shall make or cause to be made an investigation of the application, and if he finds that all provisions of the Code have been and will be complied with, he shall issue the permit; otherwise the application for permit shall be denied. Such permits shall be good for one (1) year from date of issuance and shall be annually renewed in the same manner as that provided for the securing of a new permit. A fee as determined by the City Council by resolution shall be charged for the original permit and for each renewal thereof. Such permits shall be nontransferable and nonassignable.

C. Whenever the Health Officer determines from his examination or inspection that the holder of any permit issued under the provisions of this Section has violated any of the provisions of this Code, he may serve a written notice upon such permittee to appear before the Health Officer to show cause why the permit shall not be revoked. The notice shall contain a brief statement of the alleged violation and the time and place of hearing, which shall be held within ten (10) days after receipt of notice. The permittee may appear in person or with counsel, and present such evidence as he may desire regarding the alleged violation and show cause why his permit shall not be revoked. The Health Officer shall receive such information, evidence and testimony as may concern the circumstances of the alleged violation, and the formal rules of evidence shall not apply. If the Health Officer determines that any of the provisions of this Section or any other provisions of the Code regarding pigeons are being violated, he may temporarily suspend or revoke the permit, provided any such suspension

period shall not exceed ninety (90) days. Reinstatement of suspended permit shall not be effected unless the act, default or omission which was the ground for suspension has been remedied prior to the time of reinstatement.

D. Any person aggrieved by any finding, determination or act of the Health Officer shall, within ten (10) days from the date thereof, take whatever legal steps he may deem necessary to forestall or prevent such finding, determination or act from becoming final and conclusive.

E. Whenever any permit has been revoked under the terms of this Section, no other application for a permit to carry on a similar activity by the permit holder shall be considered for a period of one (1) year from the date of the revocation.

F. No person shall keep or maintain on any lot or parcel of land more than forty (40) live pigeons.

G. Wherever live pigeons are permitted to be kept or maintained in the City, no person so keeping or maintaining such pigeons shall fail at any time to keep the coops wherein such pigeons are enclosed in a clean and sanitary condition. No person shall fail to conform to and abide by the reasonable rules and regulations of the Health Department with reference to the keeping of such pigeons in such enclosures.

H. No person shall impound any live pigeons unless provision is made by such person for the proper feeding and the furnishing of water to such pigeons at intervals not longer than twelve (12) hours apart.

I. No person shall impound any live pigeons in a coop which is less than twice as large in floor space or standing room as the total size of all live pigeons which may be impounded therein, and which is not sufficiently high as to permit each pigeon impounded therein to stand in a natural erect position.

J. All feed for the pigeons shall be stored in containers which offer protection against rodents and insects; pigeon manure and other waste material arising from their maintenance shall be removed from permittee's premises at least once a week, or as often as it is necessary to prevent fly breeding, or other similar nuisance; such material shall be disposed of in a sanitary manner.

K. No person shall allow any pigeon owned or controlled by such person, except when said pigeon or pigeons are being exercised or raced through flight, to run at large.

L. The Health Officer shall have the right to inspect each such coop and pigeon house at such times as he deems advisable.

(ORD-10-0014, § 11, 2010; Ord. C-5422 § 1, 1978; Ord. C-5408 § 1, 1978; Ord. C-5335 § 1, 1977; prior code § 5620.18)

CHAPTER 6.28 - POLICE ANIMALS

6.28.010 - Protection of animals utilized by Police Department.

It is unlawful for any person to wilfully tease, taunt, torment, strike, kick, mutilate, disable, or otherwise injure, or kill, or to interfere or meddle with any dog while such animal is being utilized by the Police Department or any officer or employee thereof, in the performance of any function or duty of the department, or of such officer or employee.

(Ord. C-5731 § 1, 1981: prior code § 3530)

CHAPTER 8.04 - HEALTH DEPARTMENT SERVICES

8.04.010 - X-rays.

The Health Department is empowered to furnish free of charge, minifilm X-rays for the benefit of persons who are residents of the City and who are applicants for licenses from the State Department of Social Services authorizing such person to maintain or conduct an institution, boarding home, day nursery or other place for the reception or care of children under sixteen (16) years of age, or to engage in the business of receiving or caring for such children, or of receiving or caring for such child in the absence of its parents. The Health Department may also furnish such films for nonresidents of the City upon payment of a fee as determined by the City Council by resolution.

(ORD-10-0014, § 12, 2010; Prior code § 5160)

CHAPTER 8.08 - COMMUNICABLE DISEASES

8.08.010 - Pneumonia or influenza—Quarantine.

Whenever a person affected with pneumonia of a communicable, contagious or infectious nature or with influenza is reported to the Health Department, and upon making investigation the Health Department is satisfied that the report is correct, or that the condition of such person is strongly suggestive of communicable, contagious or infectious pneumonia or influenza, the Health Department shall establish a quarantine of the premises where the disease exists by affixing a placard, consisting of a white card with the name of the disease printed thereon in blue letters not less than two and one-half inches (2½") in height, in a conspicuous place at the principal place of entrance of the premises, or at the principal place of entrance to the room, suite, apartment or flat where the premises is a hotel, apartment, lodging house, or rooming house, and the placard shall remain so affixed for five (5) days after all symptoms of the disease have disappeared and the premises have been thoroughly disinfected, or longer, at the discretion of the Health Department.

(Prior code § 5120)

8.08.020 - Pneumonia or influenza—Entering or leaving premises.

No person shall leave or enter any premises or remove any article from any premises so quarantined without permission in writing from the Health Department.

(Prior code § 5120.3)

8.08.030 - Pneumonia or influenza—Report.

Every physician, nurse, clergyman, attendant, parent or guardian of any person ill with communicable, contagious or infectious pneumonia or influenza shall immediately report the name, age and address of such ill person to the Health Department, and every owner, proprietor or manager of an apartment house, hotel, flat building or lodging house shall immediately report to the Health Department the name, age and address of every person ill of communicable, contagious or infectious pneumonia or influenza, in such apartment house, hotel, flat building or lodging house.

(Prior code § 5120.4)

8.08.040 - Report of illness.

It shall be the duty of every physician, householder, or other person in the City to report to the Health Officer immediately in writing every person in the City who is or whom they may have reason to believe is sick from cholera, smallpox, diphtheria, scarlet fever or any other contagious or infectious disease.

(Prior code § 5120.5)

8.08.050 - Quarantine—Required.

It shall be the duty of the Health Officer, as soon as any case of any person suffering from cholera, smallpox, diphtheria, yellow fever or scarlet fever or other dangerous or infectious disease is brought to his knowledge to immediately cause the house or building in which the person is located to be placarded in a conspicuous place, with a placard setting forth the fact of the existence of such disease, and the

placard shall not be removed, nor shall any person unauthorized by the Health Officer be permitted to enter or leave such dwelling or building until the Health Officer is satisfied that all danger from contagion is past and has removed the quarantine and placard.

(Prior code § 5120.6)

8.08.060 - Disinfecting premises.

Any person, householder or hotel keeper having a person suffering from any contagious or infectious disease in any house, dwelling or premises owned, conducted or controlled by him shall renovate, clean, purify and disinfect the same to any extent and in such manner as the Health Department may direct for the purpose of preventing further infection.

(Prior code § 5120.7)

8.08.070 - Precautions against spread of disease.

All persons attending or coming in contact with a case of infectious or contagious disease shall take such precautions against the spread of such disease and carry out such sanitary regulations as the Health Department may direct.

(Prior code § 5120.8)

8.08.080 - Removal from premises.

No person suffering from any infectious or contagious disease shall be removed from or leave the place where he first became sick without a permit from the Health Officer. The Health Officer may cause to be removed from such houses as cannot be satisfactorily quarantined, to a hospital or other place provided by the City for quarantine, any person affected with smallpox, yellow fever, typhus fever, glanders, leprosy, Asiatic cholera or other infectious or contagious diseases.

(Prior code § 5120.9)

8.08.090 - Notice to school.

It is the duty of the Health Officer to notify the superintendent of schools of the name and location of any person who is pupil at a public school, or the principal, teacher or other person in charge of any private school if a pupil at any such private school, when such person is suffering from any contagious disease.

(Prior code § 5120.10)

8.08.100 - Exclusion of exposed person from school.

It shall be the duty of every superintendent, principal or teacher, of any public or private school in the City to exclude from school any person suffering from any infectious or contagious disease, and any person who may belong or reside with a family or in the same house in which a person is affected with any infectious or contagious disease, until a permit is obtained from a registered physician stating that such person has permission to attend school.

(Prior code § 5120.11)

8.08.110 - Preventive measures authorized.

The Health Department may take such measures as it may from time to time deem necessary to prevent the spread of contagious disease.

(Prior code § 5120.12)

8.08.120 - Quarantine—Regulations.

It is the duty of the Health Department to make any and all regulations for the proper management and control of persons and places under quarantine in the City, and is the duty of the Health Officer to enforce the same.

(Prior code § 5120.14)

8.08.130 - Bringing diseased person into City.

That it is unlawful for any person to bring into the City any person afflicted with Asiatic cholera, yellow fever, typhus fever, plague, smallpox, scarlet fever, diphtheria, membranous croup, leprosy, anthrax or glanders affecting human beings.

(Prior code § 5120.15)

8.08.140 - Water vessel rat shields.

No owner, agent, master or other officer in charge of any vessel, steamboat or other watercraft, except vessels, steamboats or other watercraft engaged in domestic commerce, shall cause or permit the vessel, steamboat or other watercraft to lie alongside any wharf or dock in the City unless each chain, hawser, rope or line of any kind extending from any vessel, steamboat or other watercraft is equipped with and has properly and securely attached thereto, in good working order, a rat shield or guard of such design and in such manner as shall be approved by the City Health Officer.

(Prior code § 5120.16)

8.08.150 - Preventing Health Officer admittance prohibited.

No person in charge of any building, premises, or part thereof shall refuse admission thereto to any inspector or other representative of the Health Department between the hours of nine o'clock (9:00 a.m.) in the morning and five o'clock (5:00 p.m.) in the afternoon of any business day when such inspector or other representative has announced his intention of entering such building, premises, or part thereof, for the purpose of inspecting it and ascertaining whether there exists therein or thereon any violation of the provisions of this Chapter; nor shall any person deny such access to such inspectors or representatives at any reasonable hour for purposes of quarantine.

(Prior code § 5120.17)

8.08.160 - Rat control—Required.

All food products or other products or goods liable to attract or to become infested with rats, whether such products or goods are kept for sale or any other purpose, shall be so protected as to prevent rats from gaining access thereto or coming in contact therewith. All buildings and basement walls thereof within which such products are stored or kept shall be constructed or repaired in such a manner as to prevent rats from being harbored thereunder or within the walls thereof.

(Prior code § 5120.18)

8.08.170 - Rat control—Docks and wharves.

All public and private docks and wharves shall be so protected as to prevent rats from gaining entrance to such docks or wharves, at either high or low tide, from vessels anchored or moored alongside of such docks or wharves, or from other sources, and all food products stored in docks or wharves shall

be so kept and stored as to prevent rats from gaining access thereto or coming in contact therewith. All docks and wharves shall be subjected to a continuous rat eradication and control program. The Health Officer shall establish methods and scope of trapping and control.

(Prior code § 5120.19)

8.08.180 - Rat control—Slaughterhouses.

All slaughterhouses of every kind and nature shall be so protected as to prevent rats from gaining access to the building or buildings thereof, and all holes and openings in the building or basement walls shall be thoroughly stopped with cement or other material approved by the Health Officer, and all food products stored in slaughterhouses shall be so kept as to prevent rats from coming in contact therewith.

(Prior code § 5120.20)

8.08.190 - Rat control—Buildings and premises.

All buildings, places and premises whatsoever in the City shall at once be placed and shall continuously be kept by the owner or the occupant thereof in a clean and sanitary condition and free from rats.

(Prior code § 5120.21)

8.08.192 - Rat control—Demolition of buildings.

Before the City issues a building demolition permit, the owner shall present to the Building Official written certification from the Health Officer that the building is free from rat or vermin infestation.

(Ord. C-6121 § 1, 1984)

8.08.200 - Rat control—Accumulation of refuse.

No rubbish, waste or manure shall be placed, left, dumped or permitted to accumulate or remain in any building, place or premises in the City so that the same shall or may afford food or a harboring or breeding place for rats.

(Prior code § 5120.22)

8.08.210 - Refuse container cleaning.

The owner of any container provided for the storage or reception of refuse or garbage shall keep such container in a clean condition and in good repair to prevent fly breeding, odors, or other nuisance.

(Ord. C-5320 § 19, 1977: prior code § 5120.23)

8.08.220 - Offensive accumulation prohibited.

No person shall permit any dead animal, manure, garbage, refuse, trash, decaying or offensive material to remain on any premises owned, controlled, or occupied by such person, or to deposit any such material upon any vacant lot or public street or place. Salvageable material shall be maintained or stored in a manner to prevent the possibility of a rodent harborage or breeding site for other insects. No person having control of, owning or occupying a premises shall permit any wastewater or other liquid to drain upon, drain from, or pool upon any such premises. Any yard, stable, or other enclosure where any animals, birds or fowl are kept shall be maintained in such a manner as to prevent a rodent or insect harborage or create an unhealthy or offensive condition.

(Ord. C-5320 § 20, 1977: prior code § 5120.24)

8.08.230 - Lodging place sanitation.

Every lodging, tenement or apartment house, and also any yard, court, passage, or alley connected with or belonging to such house, must be kept clean and free from any accumulation of dirt, filth, garbage or other offensive material.

(Ord. C-5320 § 21, 1977: prior code § 5120.25)

8.08.240 - Drains to be kept clear.

Every person conducting or managing any lodging, tenement or apartment house must take adequate precautions to prevent any improper substances entering any water closet, sink, hopper or drain, and must remove such improper substances when placed in a water closet, sink, hopper or drain.

(Ord. C-5320 § 22, 1977: prior code § 5120.26)

8.08.250 - Depositing garbage in sewer prohibited.

No person shall deposit swill, garbage, bottles, ashes, cans, coal, or other such improper substances in water closets, sinks, drains or hoppers connected to a sewer, except when such facility is equipped with a garbage disposal unit.

(Ord. C-5320 § 23, 1977: prior code § 5120.27)

CHAPTER 8.12 - DRUGS

FOOTNOTE(S):

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State Law reference— Provisions on the regulation of drugs, Health and S. C. § 11000 et seq.

8.12.010 - Registration of health care specialists.

No physician, surgeon, osteopath, midwife, professional nurse, dentist or any other person employing any method of healing the sick shall practice or carry on his profession, business or employment in the City until he has first registered as such with the Health Officer in a register kept by the Health Officer in his office for that purpose. No physician, surgeon, osteopath, or dentist shall be permitted to register unless he has first obtained a license from one (1) of the respective State Boards of Examiners.

(Prior code § 5130)

8.12.020 - Registration of drug peddlers.

No person shall peddle or dispense any medicine or drugs within the City until such person has first registered with the Health Officer, in a register kept by the Secretary in his office for that purpose, the name of the person wishing to peddle or dispense such medicines or drugs together with the names of the various medicines or drugs which they wish to peddle or dispense. If the Health Officer is satisfied that the peddling or dispensing of such medicines and drugs by such person does not conflict with any State laws or ordinances of the City, he may issue a permit to peddle and dispense the medicines and drugs named in the permit upon the payment of a fee as determined by the City Council by resolution. Nothing in this Chapter, however, shall apply to licensed pharmacists or travelling salesmen dealing directly with physicians or pharmacists.

(ORD-10-0014, § 13, 2010; Prior code § 5130.1)

8.12.030 - Prescriptions required for certain drugs.

No person shall barter, sell, dispense, or give away any veronal, veronal-sodium, barbital, barbital sodium, brominyl and barbital, luminal or luminal-sodium, except under the prescription of a physician duly licensed to practice as such under and in accordance with the State laws, such prescription to be filled only once on the date of issuance thereof. Every such prescription shall be issued, signed, and dated by a duly licensed physician and shall have endorsed upon it by such physician the name and address of the person for whose use the prescription is made and the statement that in his opinion the drug so prescribed is required by the person as a medicine. No other form of prescription shall be deemed to be within the intent of this Section. All such prescriptions shall be kept on file for at least one (1) year and open at all times to the inspection of duly authorized officers of the City while the pharmacy is open for business.

(Prior code § 5130.2)

CHAPTER 8.16 - FOOD SALE REGULATIONS

8.16.010 - Unsanitary wrapping—Use prohibited.

No dealer shall use or furnish any unsanitary wrapping in the sale, dispensing, giving away, or delivery of any food.

(Prior code § 5520)

8.16.020 - Unsanitary wrapping—Keeping on-premises prohibited.

No dealer shall keep on his premises any unsanitary wrapping for use in the sale, dispensing, giving away, or delivery of any food.

(Prior code § 5520.1)

8.16.030 - Unsanitary wrapping—Exception.

The provisions of Sections 8.16.010 and 8.16.020 shall not apply where the purchaser furnishes the wrapping, other than newspaper, for use in wrapping his own purchase.

(Prior code § 5520.2)

8.16.040 - Fruit and vegetables—Sale of unwholesome product prohibited.

No person shall sell, offer for sale or have in his possession with intent to sell any fruit or vegetables infected with scale or other insects, or which has been frozen or affected by frost, wholly decomposed or partially decomposed so as to be unwholesome or unfit for food, or affected in any manner so as to be unwholesome or unfit for food.

(Prior code § 5530)

8.16.050 - Fruit and vegetables—Covering required.

A. All fruits and vegetables exposed for sale, except the following: Irish spuds, sweet spuds, dry onion, beets, parsnips, carrots, garlic, peppers, cucumbers, eggplant, brussels sprouts, green lima beans, string beans, green peas, oyster plant, squash, pumpkin, watermelons, cantaloupes, casaba, bananas, oranges, tangerines, lemons, grapefruit, apples and pineapples, shall at all times be kept covered with gauze, screen wire, mosquito netting, or electric fan or fans to which ribbons of sufficient length are attached so as to protect the same from dirt, dust, flies and other insects; provided, however, that the provisions of this Section shall not apply to the handling of fruit or vegetables in the delivery thereof by wholesale dealers and produce men to the retailer when such fruit or vegetable is enclosed in sanitary boxes or cases, covered with canvas or burlap.

B. All dried, candied or cured fruit shall at all times be kept in a glass case or under glass so as to protect the same from dust, dirt, flies and other insects.

(Prior code § 5530.1)

8.16.060 - Fruit and vegetables—Inspection authorized.

All places where fruits or vegetables are kept or offered for sale shall be subject at all times to inspection by the Health Officer or other officers appointed for that purpose, and such officers are authorized to enter and inspect all such places.

(Prior code § 5530.2)

8.16.070 - Fruit and vegetables—Packing or unpacking spoiled products.

No person, whether as principal, agent, servant, employee, or otherwise, shall pack, unpack, crate or uncrate any fresh fruits or vegetables, or keep or store any fresh fruits or vegetables, that have become spoiled or decayed, except within a building or structure so constructed, arranged, and used as to confine all noises and odors within the same.

(Prior code § 5530.3)

8.16.080 - Open air markets prohibited.

No person shall operate, conduct or maintain any grocery market unless located in a building having walls on all four (4) sides.

(Prior code § 5560)

CHAPTER 8.20 - BAKERIES

8.20.010 - Bakery defined.

A "bakery" means any room or place where bread, crackers, cakes, pies, breadstuffs, of any kind or any product of flour or meal are baked or cooked or mixed or prepared for baking or cooking or for sale for food; provided, however, that the term "bakery" shall not be deemed to include restaurants, hotels, cafes, boarding houses or other public eating places.

(Prior code § 5540)

8.20.020 - Elevation restricted.

No person shall establish any bakery in any room or place, the floor of which is more than four feet (4') below the level of the adjacent street, walk or ground, provided this Section shall not apply to any clean, well-drained and sanitary room used exclusively for storage of flour, meal or other articles necessary in the preparation, baking or cooking of bread, crackers or cake, pies, breadstuffs of any kind, or any other products of flour or meal.

(Prior code § 5540.1)

8.20.030 - Drainage and plumbing.

Every building or room used for a bakery shall be well-drained and all plumbing shall conform to the ordinances regulating plumbing, and all rules and regulations that may be adopted by the Health Department. No water closet, urinal, earthen closet or privy shall be within or communicated with any room where bread or other breadstuffs or products of meal or flour are cooked, baked or mixed or prepared for cooking or baking.

(Prior code § 5540.2)

8.20.040 - Construction standards.

Every building or room used for a bakery shall be of good workmanship; the floors, walls and ceiling shall be clean and dry and so constructed as to exclude rats, mice, insects and all other vermin. Ample toilet facilities shall be provided in all bakeries, separate and apart from any utensils used in the preparation of bakery products, so as to enable employees therein or thereof to keep their persons clean.

(Prior code § 5540.3)

8.20.050 - Floors and ceilings.

The floors in all bakeries must be smooth and have an impregnable surface and be constructed of wood, cement or tile laid in cement. The rooms shall be not less than eight feet (8') in height; all ceilings and sidewalls shall be tight and well constructed and whitewashed or painted at intervals not longer than twelve (12) months and oftener, if for sanitary reasons the Health Department deems it necessary.

(Prior code § 5540.4)

8.20.060 - Furnishings and utensils.

All furnishings, utensils, and receptacles used in or about the preparation of bakery products shall be kept clean.

(Prior code § 5540.5)

8.20.070 - Dressing rooms.

Dressing rooms for employees or other persons shall be separated from the bakery or storage rooms of a bakery by walls or other substantial partitions at least six feet (6') in height.

(Prior code § 5540.6)

8.20.080 - Storage of ingredients and products.

All raw materials capable of being used in the preparation of bakery products and all bakery products shall be thoroughly enclosed, covered or protected from dust and dirt at all times while said bakery is being swept, dusted, or cleaned.

(Prior code § 5540.7)

8.20.090 - Employee clothing.

Every person employed in any bakery shall, while engaged in or about such work, wear shoes or slippers and an external suit of coarse linen or other washable material, and such slippers, shoes and garments shall at all times be kept clean and in a sanitary condition.

(Prior code § 5540.8)

8.20.100 - Use as dwelling prohibited.

No person shall use for the purpose of a dwelling or sleep in any bakery or storage room or any room having a door opening or leading into any such bakery or store room connected or used in connection with or belonging to any bakery.

(Prior code § 5540.9)

8.20.110 - Dressing or clothes storage prohibited.

No person shall dress or undress or leave or store any clothing in any bakery or store room connected therewith.

(Prior code § 5540.10)

8.20.120 - Tobacco use prohibited.

No person shall smoke or chew tobacco or use the same in any form or manner in any bakery or store room connected therewith.

(Prior code § 5540.11)

8.20.130 - Communicable disease prohibited.

No person affected with pulmonary tuberculosis, venereal disease or other communicable disease shall work or be employed in any bakery, and no person shall employ any such person to work or be employed in any bakery.

(Prior code § 5540.12)

8.20.140 - Animals and fowl prohibited.

No person shall keep any animal or fowl in any bakery or store room connected therewith, and no person shall conduct any bakery in any building where any animal or fowl is kept.

(Prior code § 5540.13)

8.20.150 - Wrapping or covering products required.

No person shall receive for sale, sell, offer for sale or keep for sale, any bread without having each loaf of such bread entirely covered with oiled, grease-proof parchment or paraffin paper, or carry, transport or convey any bread or bakery products upon or along any street, alley, thoroughfare or open space unless the same is thoroughly enclosed or covered and protected from dust, dirt, flies or other insects, or deliver or leave any bread or bakery products on any porch, step, open or exposed place unless such article so delivered or left is thoroughly enclosed, covered and protected; provided, however, that the provisions of this Section shall not prohibit the display of bread under a showcase or in a window properly protected from flies, where the same is manufactured and sold on the same premises.

(Prior code § 5540.14)

8.20.160 - Sealed storage of fruit, vegetables and syrups.

No person shall keep any fruit, vegetable or syrup in any tin vessel in any bakery or store room connected therewith, unless such vessel is so sealed or fastened as to prevent the air from entering same.

(Prior code § 5540.15)

8.20.170 - Interference with inspector prohibited.

No person shall refuse to permit or allow the Health Officer or any authorized inspector to enter or inspect or examine any portion of any bakery or other place where bakery products are cooked, kept, sold, or offered for sale. No person shall interfere with or hinder in any manner the Health Officer in the inspection or the examination of such bakery or other place where bakery products are kept, sold, offered for sale or prepared for transportation; or in the inspection or examination of any wagon or other conveyance or receptacle used for the cartage, transportation or conveyance of any bakery products in, upon, or along any street, alley, thoroughfare, or open space, or any private driveway or other private property.

(Prior code § 5540.16)

CHAPTER 8.24 - FISH CANNERIES

8.24.010 - Zoning restriction.

No person shall clean or dress fish for commercial purposes except within a zone authorizing such use.

(Prior code § 5550.12)

8.24.020 - Permit—Required.

No person shall conduct or operate any fish cannery within the City without first applying for and receiving a fish cannery permit from the Health Officer.

(Prior code § 5550.14)

8.24.030 - Permit—Application.

Every applicant for a fish cannery permit shall file with the Health Officer a written application therefor. The application shall state the name and address of the applicant and, if the applicant is not a permanent resident of the City, the name and address of the agent of the applicant residing in the City and having the management of the cannery. The application shall also contain a description of the property, by street and number, where it is proposed to conduct or operate, or cause to be conducted or operated, the fish cannery, and if the location thereof has no street number, then the description as will enable the same to be easily found.

(Prior code § 5550.15)

8.24.040 - Permit—Issuance—Suspension.

If, after investigating and considering such application, it appears to the Health Officer that the statements made therein are true, that the existing sanitary conditions in such place comply with the provisions of the laws and ordinances in force at the time of the application, and conform to the rules and regulations of the Health Department regulating the sanitary conditions of such places, the Health Officer shall grant the permit applied for; provided, however, that the permit shall be granted only upon the express condition that it shall be subject to suspension, for a period not exceeding ninety (90) days, by the Health Officer in his discretion and upon proof to his satisfaction of the violation by the holder of the fish cannery permit, his employee, servant, agent or any person acting with his consent or under his control, of any provision of any law of the State, or of any ordinance of the City or of any rule of the Health Department regulating fish canneries; and provided further, that no fish cannery permit shall be suspended without a hearing before the Health Officer in the matter of the suspension permit, and notice of the hearing shall be given, in writing, and served upon the holder of the fish cannery permit, his manager or agent, at least five (5) days prior to the date of the hearing, and the notice shall state the ground of complaint against the holder of the fish cannery permit, and shall state the time and place when and where the hearing will be had. The notice shall be served by delivering a copy thereof to the holder of the fish cannery permit or to his manager or agent, or to any person in charge of or employed at his fish cannery, or by leaving the notice at the place of business or place of residence of any such persons with some person over the age of eighteen (18) years; or if the holder of the permit cannot be found and personal service of the notice cannot be made upon him, or upon his manager, agent or person in charge

of or employed in the fish cannery, or with some person over eighteen (18) years of age at his place of business or place of residence, then a copy of the notice shall be posted upon the cannery and a copy mailed, postage fully prepaid, addressed to the holder of the fish cannery permit at his last place of business, at least five (5) days prior to the date of the hearing.

(Prior code § 5550.16)

8.24.050 - Unwholesome fish prohibited.

No person conducting or carrying on any fish cannery in the City shall receive in such fish cannery, or upon the premises surrounding the same, any decomposed, tainted, corrupted, diseased or unwholesome fish, or any fish from which the head has been removed, or any fish from which all viscera, that is, all of the contents of the abdominal cavity, have not been previously removed; or shall have, keep or store in their cannery, or their property surrounding the same, any canned or cooked fish which, for any reason, is unsafe or unfit for human food; provided, however, that this provision shall not apply to the necessary accumulation of inedible product resulting from the ordinary methods of food preparation.

(Prior code § 5550.17)

8.24.060 - Dumping in harbor prohibited.

No person managing, conducting or carrying on any fish cannery in the City shall dump or place any fish offal, oil or residue from the cooking of soup in the Long Beach harbor.

(Prior code § 5550.18)

8.24.070 - Refuse collection and removal.

Every person managing, conducting or carrying on any fish cannery in the City shall provide such fish cannery with metal receptacles sufficient for keeping refuse and offal produced in such cannery; shall keep such receptacles in a sanitary condition; shall not use such receptacles for any edible product; and shall not permit refuse and offal to accumulate in or about the canneries but shall remove or otherwise dispose of the same before any putrefaction commences.

(Prior code § 5550.19)

8.24.080 - Tobacco use prohibited.

No person shall smoke or use tobacco in any form in any fish cannery operating within the City.

(Prior code § 5550.20)

8.24.090 - Lavatory facilities.

Every person conducting or carrying on any fish cannery in the City shall provide the fish cannery with convenient and adequate toilet and lavatory facilities and all employees therein shall keep themselves clean.

(Prior code § 5550.21)

8.24.100 - Construction and equipment.

Every place or building used as a fish cannery in the City shall be of good and strong workmanship, shall be provided with adequate means to exclude flies and rodents therefrom, and all utensils, receptacles and other appliances and appurtenances shall be kept clean and in a safe and sanitary condition.

(Prior code § 5550.22)

8.24.110 - Inspection authorized.

The Health Officer, his deputy or other officer delegated by him, is empowered to enter any fish cannery located within the City at any time for the purpose of inspection and to enforce any of the provisions of this Chapter, or of any law, rule or regulation governing such places in the City.

(Prior code § 5550.23)

8.24.120 - Condemnation and removal of products.

Any fish received, kept or stored in any fish cannery or on the premises surrounding the same, within the City, or at any other place in the City, in violation of any of the provisions of this Chapter, or of any law, rule or regulation governing fish canneries in the City at the time, shall be condemned, and the Health Officer, his deputy or other officer delegated by him, shall mark or mutilate such fish so condemned and make the fact of such condemnation apparent and shall immediately, in writing, order the person in charge of the cannery, or in the possession of the fish, to remove the same from the premises within such time as may be fixed in the order, and every such person so ordered to remove condemned fish shall immediately after the removal of the same make a report in writing to the Health Officer stating the time and manner of the removal and disposal of the condemned fish. Copies of all condemnations and reports of removal shall be filed in the office of the Health Officer.

(Prior code § 5550.24)

CHAPTER 8.26 - INDUSTRIAL HYGIENE SERVICES

8.26.010 - Purpose.

The purpose of this Chapter is to prescribe minimum sanitary, environmental and preventive public health requirements for the protection of the health of all employees and the public in establishments subject to the provisions of this Chapter.

(Ord. C-5891 § 1 (part), 1982)

8.26.020 - Scope.

This Chapter shall apply to all establishments in which articles are manufactured, processed, cleaned, sorted, assembled or renovated, in whole or in part, educational facilities, establishments in which the public may be present, and those establishments practicing the healing arts.

(Ord. C-5891 § 1 (part), 1982)

8.26.030 - Definitions.

The following words and terms as used in this Chapter shall have the meanings as indicated in this Section as follows:

A. "Adequate or approved" means in conformance with good health practices which in the opinion of the Health Officer are sufficient to protect the health and well being of the employee.

B. "Breathing zone" means the area or zone of a worker's head during normal operation of a process while at work.

C. "Capture velocity" means the velocity of air at specific points or zones which causes air contaminants to flow to an exhaust system.

D. "Conveying velocity" means the air speed determined to be necessary to convey a contaminant through a duct or system.

E. "Corrosive substance" means any substances which on contact with living tissue will cause destruction of tissue by chemical action, but does not refer to action on inanimate surfaces.

F. "Dermatitis" means inflammation of the surface of the skin or epidermis.

G. "Employee" means any person, including an owner, or partner who works in or is employed in a place of employment.

H. "Employer" means any person who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of a man, woman or minor.

I. "Gassing" means the rate of generation of a contaminant.

J. "General ventilation" means introduction of uncontaminated air into an area, room or building or exhausting air therefrom by other than local exhaust ventilation systems.

K. "Health Officer" means the Health Officer of the City of Long Beach.

L.

"Hood" means any air intake device connected to an exhaust ventilation system or duct to capture and remove dust, fumes, gases, vapors, mists, smoke, heat or otherwise provide local exhaust ventilation.

M. "Irritant" means any substance not necessarily corrosive as defined herein, but which on either immediate, prolonged or repeated contact with normal living tissue will induce a local inflammatory reaction.

N. "Lateral exhaust" means local exhaust ventilation designed with slots at the periphery or along the midsection of a surface or tank for the purpose of preventing escape of significant amounts of contaminants to the breathing zone.

O. "Local exhaust ventilation" means a ventilating system intended to capture air contaminants at or near their point of origin and transport them to an approved exhaust system.

P. "Occupational disease" as hereinafter used means any disease or infection, including dermatitis, which is peculiar to the industrial process, trade or occupation in each instance and which arises out of and in the scope of employment, and to which an employee is not ordinarily subjected or exposed other than during a period of regular actual employment therein.

Q. "An occupational health hazard" within the meaning of this Code is any risk to employee's health associated with or arising out of his occupation or occupational work or environment.

R. "Place of employment or industrial establishment" means every place where persons are employed.

S. "Sanitary condition" means that physical condition which will tend to prevent the incidence and spread of disease.

T. "Strong sensitizer" means a substance which will cause on normal living tissue through an allergic or photodynamic process, a hypersensitivity which becomes evidence on reapplication of the same substance and which is so recognized by national authority. Before designating any substance as a strong sensitizer, the department, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

U. "Toilet facilities" means fixtures maintained within toilet rooms for the purpose of defecation.

V. "Toilet room" means a room maintained within or on the premises of any place of employment containing toilet facilities for use of employees, and shall be used for no other purpose.

W. "Toxic substance" means any substance other than a radioactive substance which has the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface.

X. "Urinal" means a fixture connected with a sewer, maintained within a toilet room for the sole purpose of urination.

Y. "Water closet" means a toilet facility which is connected to a sewer and flushed with water under pressure.

(Ord. C-5891 § 1 (part), 1982)

8.26.040 - Water supply.

The employers or other persons as provided herein shall be responsible for the following requirements relating to water supply as set forth herein:

A.

It shall be the responsibility of the owner, operator or employer to provide to every place of employment at all times an adequate supply of running water under pressure for use by human beings for both drinking, face and body washing purposes. Such supply and the facilities, and the location of such facilities, must be approved by the Health Officer.

B. Ice in contact with drinking water or other beverages shall be made of potable water and maintained in a sanitary condition. All containers used for drinking water shall be of a type and of a construction approved by the Health Officer.

C. No employee shall provide or expose for common use, or permit to be so provided or exposed or allow to be used in common, any cup, glass, or other receptacle used for drinking purposes.

D. Where single-service drinking cups are supplied, there shall be provided by the owner at all times, an approved sanitary container for the unused cups and also an approved receptacle for disposing of the used cups.

E. When sanitary drinking fountains are provided in compliance with this Code, it shall be the responsibility of the employer that they shall be of the angle jet type, with guard, and in good working order at all times, and must be of a design approved by the Health Officer. When such drinking fountains are provided, at least one (1) must be provided for each fifty (50) employees, or fraction thereof.

F. No person shall fail to provide a drain from any drinking fountain or other potable water source. Said drain shall be connected to an approved drainage system as approved by the Health Officer.

G. No employer or employee shall provide an open container such as barrels, pails, or tanks for drinking water for general use, from which the water must be dipped or poured, whether fitted with a cover or not.

(Ord. C-5891 § 1 (part), 1982)

8.26.050 - Sanitary facilities.

The employer shall be responsible for the following requirements relating to sanitary facilities as set forth herein:

A. Separate toilet facilities shall be provided by the employer for each sex according to the following table:

Number of Employees	Minimum Number of Water Closets*
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6

over 150	1 additional for each additional 40 employees or fraction thereof

* Urinals may be installed instead of water closets in toilet rooms to be used only by men provided that the number of water closets shall not be less than two-thirds of the minimum number of toilet facilities specified.

When there are less than five (5) employees, separate toilet rooms for each sex are not required provided toilet rooms can be locked from the inside and contain at least one (1) water closet.

B. When persons other than employees are regularly permitted the use of toilet facilities on the premises, the number of such facilities shall be correspondingly increased in accordance with this Section.

C. Toilet facilities shall be kept clean, maintained in good working order and be accessible to the employees at all times. Where practicable, toilet facilities should be within two hundred feet (200') (sixty-one (61) meters) of locations at which workers are regularly employed and should not be more than one (1) floor-to-floor flight of stairs from working areas.

D. The requirements of this Section do not apply to mobile crews or to normally unattended work locations provided employees at these locations have immediately available transportation to nearby toilet facilities which meet the other requirements of this Section.

E. All water-carried sewage shall be disposed of by means of either a public sewage system or by a sewage disposal system in conformance with applicable state and local laws, ordinances, and regulations. The sewage disposal method shall not endanger the health of employees.

F. An adequate supply of toilet paper with holder shall be provided for every water closet.

G. Covered receptacles for sanitary napkin disposal shall be provided in all toilet rooms used by women.

H. Washing facilities shall be provided in every toilet room or be adjacent thereto. A minimum of one (1) lavatory shall be provided for every three (3) toilet facilities, or fraction thereof, required by this Section. (See Subsection 8.25.060.C for total number of required washing facilities including those associated with toilet rooms).

I. The floors, walls and ceilings of all toilet rooms shall be of a nonabsorbent material approved by the Health Officer that can be easily cleaned and maintained in good repair.

J. All outside windows of all toilet rooms shall be equipped with suitable and effective insect screens approved by the Health Officer.

K. All inside toilet rooms shall be effectively vented to the outside air by mechanical means as approved by the Health Officer.

L. Every water closet bowl shall be set entirely free and open from all enclosing woodwork, and shall be so installed that the space around the fixture may be easily cleaned.

(Ord. C-5891 § 1 (part), 1982)

8.26.060 - Washing facilities.

Adequate facilities for maintaining personal cleanliness shall be provided by the employer in every place of employment. Their number and proximity to the employees shall be such as to fulfill properly the requirements set forth in this Code and shall be maintained in a clean and sanitary condition at all times and in compliance with the following:

A. Washing facilities for maintaining personal cleanliness shall be provided in every place of employment. These facilities shall be reasonably accessible to all employees.
B. Washing facilities shall be maintained in good working order and in a sanitary condition.
C. Lavatories, including those associated with toilet rooms, shall be made available according to the following table:

Type of Employment	Number of Employees	Minimum Number of Lavatories
Nonindustrial-office buildings, public buildings, and similar establishments	1 to 15	1
	16 to 35	2
	36 to 60	3
	61 to 90	4
	91 to 125	5
	over 125	1 additional for each additional 45 employees fraction thereof
Industrial-factories, warehouses, loft buildings, and similar establishments	1 to 100	1 for each ten employees
	over 100	1 additional for each additional 15 employees or fraction thereof

In a multiple-use lavatory, twenty-four (24) lineal inches (sixty-one cm) of sink or eighteen (18) inches (forty-five cm) of circular basin, when provided with individual faucet, shall be considered equivalent to one (1) lavatory.

D. The requirements of Subsection C of this Section do not apply to mobile crews or to normally unattended work locations provided employees working at these locations have readily available transportation to nearby washing facilities which meet the other requirements of this paragraph.
E.

Each lavatory shall be provided with running water and suitable cleansing agents. The water shall be available at temperatures of at least eighty-five degrees Fahrenheit (85°F.) in those instances where:

1. Substances regulated as carcinogens in these orders are used.

F. Clean individual hand towels, or sections thereof, of cloth or paper or warm-air blowers convenient to the lavatories shall be provided. Warm-air blowers shall provide air at not less than ninety degrees Fahrenheit (90°F.), shall have means to automatically prevent the discharge of air exceeding one hundred forty degrees Fahrenheit (140°F.), and shall have electrical components which meet the requirements of the Electrical Safety Orders of Title 8 of the California Administrative Code.

G. Receptacles shall be provided for the disposal of used towels.

H. Where showering is required:

1. Separate shower rooms shall be provided for each sex. One (1) shower facility with hot and cold water feeding a common discharge line shall be provided for each ten (10) employees, or numerical fraction thereof, who are required to shower during the same shift. When there are less than five (5) employees the same shower may be used by both sexes provided the shower room can be locked from the inside.
2. Body soap or other appropriate cleansing agents convenient to the shower shall be provided.
3. Employees who use showers shall be provided with individual clean towels.

I. Where there is exposure to skin contamination with poisonous, infectious or irritating materials, one (1) lavatory shall be provided for each five (5) persons. Where wash sinks or circular basins are used, twenty-four (24) lineal inches of wash sink or eighteen inches (18") of circular basin, when provided with water outlets for each space, shall be considered equivalent to one (1) lavatory. In all instances, a suitable cleansing agent shall be provided at each wash place.

J. Employers shall provide change rooms, showers, baths, or lavatories having hot and cold running water, soap and towels, in every place of employment where lack of such facilities may constitute an occupational health hazard and may result in an occupational disease.

(Ord. C-5891 § 1 (part), 1982)

8.26.070 - Lunch rooms.

A. In all places of employment where employees are permitted to lunch on the premises the employer shall provide an adequate space suitable for that purpose for the maximum number of employees who may use such space at one time. Such space shall be separate and apart from any location where there is an exposure to toxic materials.

B. The employers shall provide receptacles constructed of smooth, corrosion-resistant, easily cleanable or disposable materials which shall be used for the disposal of food. The number, size and location of such receptacles shall be adequate to prevent overfilling. Receptacles containing food waste shall be emptied not less than once each working day and shall be maintained in a clean and sanitary condition. They shall be provided with solid, tight-fitting covers and be covered at all times when containing waste food.

C. It shall be unlawful for any employer to permit any employee, or for any employee to store or eat any part of his or her lunch or other food at any time where there are present any toxic materials or other substances that may be injurious to health.

(Ord. C-5891 § 1 (part), 1982)

8.26.080 - Sanitation of respiratory equipment.

The employer shall provide the means for cleaning and sanitizing all respiratory equipment, and it shall be the duty of the employer to cause such equipment to be maintained in a clean and sanitary condition. Respiratory equipment shall not be passed on from one (1) person to another until such equipment is cleaned and sanitized. When filter or cartridge type respirators are used, each employee shall have such respirator for his or her own exclusive use. Respiratory equipment and replacement units shall be stored, when not in use, in containers approved by the Health Officer.

(Ord. C-5891 § 1 (part), 1982)

8.26.090 - Health hazards—General.

No person, firm, corporation or employer shall use, or permit to be used, in the conduct of any business, manufacturing establishments, or other places of employment, any material or condition determined by the Health Officer to have possible adverse effects on the health of any person or persons employed therein unless arrangements have been made to maintain the environment to the extent that such injury will not result as approved by the Health Officer.

(Ord. C-5891 § 1 (part), 1982)

8.26.100 - Health hazards—Health Officer power to declare a material as a toxic substance.

Whenever, in the judgment of the Health Officer, such action will promote the objective of this Code by avoiding or resolving uncertainty as to their application, the Health Officer may declare any specifically named material, compound, substance or mixture thereof to be a "toxic substance".

(Ord. C-5891 § 1 (part), 1982)

8.26.110 - Health hazards—Inspections and orders.

The Health Officer shall make health and sanitary inspections of places of employment to determine whether any manufacturing process or procedure may have an adverse effect on the physical health of employees or members of the public. Where necessary, the Health Officer shall order the employer to take corrective action to protect the health and well being of employees and members of the public. Any person failing to comply with such an order from the Health Officer shall be guilty of a misdemeanor.

(Ord. C-6326 § 1, 1986: Ord. C-5891 § 1 (part), 1982)

8.26.120 - Sanitation in places of employment.

It shall be unlawful for any employer to fail to maintain any place of employment in a sanitary manner free of vermin, dirt, dusts, manufacturing debris, unusable or unused chemicals, and unsalvageable materials. Storage of such materials shall be in containers approved by the Health Officer for such use and be of adequate size and number as to eliminate improper storage conditions. Said materials are to be removed on a regular basis and of sufficient frequency as approved by the Health Officer.

(Ord. C-5891 § 1 (part), 1982)

8.26.130 - Lighting.

Every employer shall equip each place of employment with lighting facilities which will adequately and effectively illuminate all operations and areas. The Health Officer shall adopt those lighting standards set forth by the Society of Illuminating Engineers to the National Institute for Occupational Safety and Health (NIOSH).

(Ord. C-5891 § 1 (part), 1982)

8.26.140 - Liquid discharge.

No person shall discharge any liquid from any industrial process on the ground or other surface in any place of employment or on public or private property. To avoid creating a hazardous or unsanitary environmental condition for employees or members of the public, an employer shall provide proper drainage, as approved by the Health Officer, for any discharge of liquid from any industrial process.

(Ord. C-6326 § 2, 1986: Ord. C-5891 § 1 (part), 1982)

8.26.150 - Aisle and passageway sanitation.

Permanent aisles and passageways shall be provided by the employer and kept clean and the floor surfaces thereof shall be kept in good repair.

(Ord. C-5891 § 1 (part), 1982)

8.26.160 - Maintenance of equipment.

It shall be the responsibility of the employer to regularly inspect all fans, fan blades, hoods, ducts, filters and baffles and shall properly clean, maintain, repair or replace as often as is necessary said equipment to maintain performances of the involved systems to intended design requirements.

(Ord. C-5891 § 1 (part), 1982)

8.26.170 - Storage of chemicals.

It shall be unlawful for any person to store together, incompatible chemicals as determined by the Health Officer which, if combined, would produce a toxic product.

(Ord. C-5891 § 1 (part), 1982)

8.26.180 - Storage of unopened drums and carboys.

It shall be the responsibility of the employer to provide proper storage for all unopened drums and boxed carboys. Such materials, if stacked upright and two or more layers high, shall be staggered or with pallets between layers so as to provide stability to such stacks.

(Ord. C-5891 § 1 (part), 1982)

8.26.190 - Storage of opened drums and carboys.

It shall be the responsibility of the employer to see that opened drums shall be stored upright and shall not be stacked. Exception: For the purpose of dispensing, such drums may be stored on their sides not over two (2) tiers high if dispensing spigots are installed on the drums and the drums are secured in place.

(Ord. C-5891 § 1 (part), 1982)

8.26.200 - Stacking of opened carboys prohibited.

No person shall stack carboys which have been opened.

(Ord. C-5891 § 1 (part), 1982)

8.26.210 - Identification and labeling of toxic substances.

The employer should at all times store and label toxic substances in a manner approved by the Health Officer. Said materials shall be protected from sources of external corrosion or damage and maintained in containers of sound construction designed to contain the toxic substance stored therein.

(Ord. C-5891 § 1 (part), 1982)

8.26.220 - Review of plans.

The Health Officer may review and approve or disapprove all plans and specifications pertaining to the design of ventilation systems for all places of employment or public occupancy, for the control of environmental health hazards and shall have the authority to require the submission of such plans and specifications. The employer shall submit all plans and specifications at the request of the Health Officer and shall not use, operate, or allow any person to work with any hazardous materials until the Health Officer has approved said installation.

(Ord. C-5891 § 1 (part), 1982)

8.26.230 - Violations.

A. Any person violating any provision or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor, and any person so convicted shall be subject to such punishment as is provided in the Municipal Code of the City of Long Beach for such misdemeanor offense. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted by such person and shall be punishable accordingly.

B. All other applicable general penalty provisions of the Municipal Code shall apply to violations of this Chapter.

(Ord. C-5891 § 1 (part), 1982)

8.26.240 - Construction of Chapter.

In adopting this Chapter, it is not the intention of this City Council to intrude upon any area or provisions of Federal or State law that are preemptive of local legislative or regulatory authority, and to the extent that any such intrusion may be suggested, the provisions of this Chapter should be construed to be consistent with and not in conflict with such Federal and State law including but not limited to the provisions of the Occupational Safety and Health Acts.

(Ord. C-5891 § 1 (part), 1982)

CHAPTER 8.27 - COMMUNITY LEAD HAZARD CONTROL/ABATEMENT

8.27.010 - Purpose.

The purpose of this Chapter is to require the removal of lead hazards when the Health Officer has found that a child under six (6) years of age has an elevated blood lead level as a result of such a hazard.

(Ord. C-7367 § 1, 1995)

8.27.020 - Scope.

This Chapter shall apply to any dwelling, dwelling unit, hotel, motel, guest room, child care facility, institution, yard, soil, or any premises or areas inhabited or frequented by children. The property owner or responsible party shall be responsible for the removal or the control of any lead hazard. The extent of the removal or the control of the lead hazard shall be determined by the City Health Officer or his/her representative and completed in accordance with approved State or Federal methods.

(Ord. C-7367 § 1, 1995)

8.27.030 - Definitions.

A. "Abatement" shall mean measures designed to permanently eliminate known lead hazards to a child, including, but not limited to the following:
   1. The removal of lead-based paint from a building component, the replacement of a building component painted with a lead-based paint or the enclosure or encapsulation of lead-based paint.
   2. Removal or covering of lead contaminated soil and dust.
   3. Removal of any item found to be a lead hazard to a child.
   4. All preparation, clean-up, worker protection, disposal and post abatement clearance testing activities associated with such measures.

B. "Child" means any person who is under six (6) years of age.

C. "Materials containing dangerous levels of lead-containing substances" means any soil, dust, water, food, household and cosmetic products, pottery, folk remedies, hobby items, paint, varnish, or other material which contains lead or its compounds in a quantity, when measured by any scientifically accepted method, determined by the Health Officer to constitute a lead hazard to children; or that level as determined in the most recent standards as established by the U.S. Department of Health and Human Services, U.S. Department of Housing and Urban Development, Centers for Disease Control and Prevention, the U.S. Environmental Protection Agency, or the California Department of Health Services.

D. "Elevated blood level for lead" means a confirmed blood level of twenty (20) micrograms of lead or greater per deciliter of venous blood, or two (2) consecutive confirmed blood lead levels of fifteen (15) micrograms per deciliter within three (3) months, or that level as determined in the standards as established by the United States Department of Health and Human Services, the Centers for Disease Control and Prevention, the California State Department of Health Services, or the Health Officer for the City of Long Beach.

E.

"Encapsulation" means a method of abatement that involves the coating and sealing of surfaces with durable surface coatings specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-based paint from becoming part of house dust or otherwise accessible to children. Paint is not an encapsulant unless approved for such use by the U.S. Environmental Protection Agency or the City Health Officer.

F. "Enclosure" means a method of abatement that involves the resurfacing or covering of surfaces with durable materials such as gypsum board or paneling, and sealing or caulking the edges and joints so as to prevent or control caulking, flaking, peeling, scaling, or loose lead-based paint from becoming part of house dust or otherwise accessible to children.

G. "Interim controls" means strategies or measures to temporarily reduce a lead hazard to a child including, but not limited to specialized cleaning, paint stabilization, painting, repairs and maintenance.

H. "Lead-based paint" means any paint or other surface coating that contains lead in excess of 1.0 milligrams per square centimeter, as measured by x-ray fluorescence (XRF), or 0.5 percent (5,000 parts per million [ppm]) by weight as measured by approved laboratory analytical methods, or that level as determined in the most recent standards as established by the U.S. Environmental Protection Agency.

I. "Lead hazard control" means a range of measures through abatement or interim controls to control lead hazards to children.

J. "Lead hazards to children" shall mean the presence of a readily accessible, dangerous level of lead-containing substance on the exterior or interior of a surface, fixture, connection or appurtenance of any dwelling, dwelling unit, hotel, motel, guest room, child care facility, institution, yard, soil or any premises inhabited or frequented by children that may cause an elevated blood lead level.

K. "Readily accessible" means in a dusty, peeling, flaking, or chipped condition, or located on or in a substance or surface from which it may be chewed, ingested or inhaled by children.

L. "Replacement" means a method of abatement that removes components such as windows, doors and trim that have lead-based painted surfaces, and installs new or de-leaded components free of lead-based paint.

(Ord. C-7367 § 1, 1995)

8.27.040 - Inspection.

The Health Officer or his/her representative is empowered to enter any premises or area inhabited or frequented by a child with an elevated blood lead level for the purpose of inspection, sampling, and enforcement of the provisions of this Chapter, subject to any applicable requirements of law relating to such entry.

(Ord. C-7367 § 1, 1995)

8.27.050 - Violations.

It is declared unlawful and a misdemeanor for any person owning, leasing, occupying or having charge or possession of any premises:

A. To refuse or neglect to remove or reduce known lead hazards to a child if ordered to do so by the Health Officer or his/her representative; or

B.

To damage, disturb, neglect or remove any abatement or interim control measures so as to cause a lead hazard to a child; or

C. To permit readily accessible, dangerous levels of lead-containing substances to remain on any toy, furniture, food container or utensil, household product, or the exterior or interior surfaces, soil fixtures or appurtenances of any dwelling, dwelling unit, child care facility, institution, hotel guest room, rooming house, or any premises inhabited or frequented by children; or

D. To sell, offer for sale, display for sale, hold for sale, give away, apply, maintain on any surface accessible to children, or cause to be applied any paint in excess of 0.06% lead by weight for use on interior or exterior surfaces, fixtures or appurtenances of any dwelling, dwelling unit, institution, hotel guest room, recreational facilities or equipment, furniture, cooking, eating, drinking utensils, or other household items.

(Ord. C-7367 § 1, 1995)

8.27.060 - Abatement procedure.

The City Health Officer or his/her representative shall commence enforcement under this Ordinance by inspecting premises inhabited or frequented by a child with an elevated blood lead level for the purpose of environmental assessment and enforcement.

A. If the inspection establishes the presence of lead-containing substances which have created a lead hazard to the child, the Health Officer or his/her agent shall issue an order to eliminate the hazard to the property owner, an agent of such owner, or the occupant of the premises.

B. The Health Officer or his/her agent may also issue interim control measures until permanent abatement measures are in place.

(Ord. C-7367 § 1, 1995)

8.27.070 - Abatement work plan.

A. Prior to implementation of an abatement work plan or interim control measures, property owners, their agents, or occupants of the premises must submit such plans for approval to the Health Officer or his/her representative.

B. The work plan shall include a description of the method to be used to reduce the hazard to the child; the disposal method for the lead-containing substances; the personnel performing the work; and other information requested by the Health Officer or his/her representative.

(Ord. C-7367 § 1, 1995)

8.27.080 - Qualifications of persons employed to perform lead hazard control or removal.

All individuals hired or employed by an owner, agent, or responsible party to perform lead-related construction, hazard control, removal, or abatement within the City must have a State of California Interim Certification, or Health Services Permanent Certification when such certification is available through the California State Department of Health Services.

(Ord. C-7367 § 1, 1995)

8.27.090 - Appeal—Order to control or remove hazard.

Within ten (10) days after notice by the Health Officer, his/her deputy, or other designated officer, the affected person may appeal a perceived incorrect measurement or procedure to the Director of the Department of Health and Human Services. The Director of the Department of Health and Human

Services may sustain, reverse, or modify the decision of the Health Officer or his/her representative; such order may be made subject to specific conditions.

(Ord. C-7367 § 1, 1995)

CHAPTER 8.28 - MEAT PROCESSING

FOOTNOTE(S):

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State Law reference— Provisions on meat inspection and sanitation, Health and S. C. § 111950 et seq.

8.28.010 - Definitions.

The term "hamburger" or "hamburg steak" shall be deemed and construed to mean ground beef with or without suet added.

(Prior code § 5550.1)

8.28.020 - Inspection authorized.

The Health Officer is empowered to enter any place where meat, fish, game, poultry or any product thereof is stored, held, kept, exposed or offered for sale for human food, and every establishment where meat is manufactured into articles of human food or preserved, cured, canned or otherwise prepared for human food for the purpose of inspecting the same, and the stock therein contained, and whenever such meat, game, fish, poultry or the products thereof, are, upon such inspection and examination, found to be tainted, unwholesome or corrupted from any cause, or infected with any form of disease, the Health Officer shall condemn the same as unfit for human food and shall mark or mutilate the same, or make the fact of such condemnation and unfitness apparent, and shall immediately order the same, by notice in writing, to be removed from the premises within four (4) hours from the time of the service of the notice, and no person shall resist the entry and inspection by the Health Officer or fail to comply with the written notice.

(Prior code § 5550.2)

8.28.030 - Sales regulations.

A. No person shall hold, offer, keep or expose for sale any meat, game, fish, poultry or any article of food manufactured therefrom, that is immature, in-nutritious, emaciated, tainted, decayed, putrid, unwholesome or infected with any disease, or corrupted from any cause whatsoever.

B. No person shall sell, hold, keep, offer or expose for sale the flesh, meat or any meat food product intended for food purposes of any calf that is less than four (4) weeks old at the time it is slaughtered or weighs less than sixty-five (65) pounds after the removal of the viscera, feet and head.

C. No person shall remove, mutilate or destroy the umbilical or naval cord of any calf or remove the same from the pelt, hide or skin of any calf that is offered, held or exposed for sale, and the removal, mutilization or destruction of the same shall be considered as prima facie evidence of the immaturity of such calf.

D. No person shall sell, hold, keep, offer or expose for sale any beef, veal, mutton, pork or meat food product unless such veal, mutton, pork or meat food product has been inspected by an agent of the Department of Agriculture of the State in accordance with the provisions of any existing law

pertaining to the same, whether Federal, State or Municipal regulation, said inspection to be evidenced by a stamp bearing the words "California inspected and passed" or "U.S. inspected and passed", or by a stamp of an approved municipal meat inspection department.

E. No person shall sell, hold, keep or mingle any beef, veal, mutton, pork or meat food product thereof intended for purposes other than for human consumption, with any beef, veal, mutton, pork or meat food product intended for food purposes, in the same refrigerator, icebox, compartment, cooler, room or receptacle.

F. No person shall sell, hold, keep, offer or expose for sale any meat, fish, game, poultry or any product thereof, intended for human food, or carry, transport or convey the same in, upon, or along any street or open space unless the same is thoroughly enclosed and covered and protected from dirt, dust, flies and other insects; except, that the same may be allowed to remain uncovered and outside of a sanitary showcase or enclosure while the same is being prepared or cut up for market.

G. No person who does not have an established place of business in the City shall sell, offer or expose for sale any meats or meat food products, either fresh, smoked or processed, to any person other than wholesale meat dealers, retail meat dealers or operators of wholesale meat markets licensed to sell meat and meat food products in the City.

H. No person other than wholesale meat dealers, retail meat dealers, or operators of wholesale meat markets licensed to sell meat and meat food products in the City shall buy any meats or meat food products, either fresh, smoked or processed from any person who does not have an established place of business in the City.

I. No person shall sell, hold, keep, offer, or expose for sale, any hamburger or hamburg steak to which has been added any meat or substance other than the flesh of beef or beef suet, or to which has been added viscera, hearts, lungs, or other organs, or any preservative, coloring or any other substance, or which contains in excess of seventy percent (70%) moisture or thirty percent (30%) beef suet or fat.

J. No person owning, operating, managing or conducting any meat market, restaurant, delicatessen, butcher shop, or other food establishment, as defined in this Chapter, shall have, keep or store at such meat market, restaurant, delicatessen, butcher shop, or other food establishment, as defined in this Chapter, any beef, veal, mutton, pork or meat food product unless the same has been inspected by an agent of the Department of Agriculture of the State in accordance with the provisions of now existing laws pertaining to the same, whether Federal, State or Municipal regulations, said inspection to be evidenced by a stamp bearing the words "California inspected and passed," or "United States inspected and passed," or by a stamp of an approved municipal meat inspection department. The provisions of this Subsection shall include and apply to both wholesale and retail meat markets, restaurants, delicatessens, butcher shops or other food establishments.

(Prior code § 5550.3)

8.28.040 - Slaughterhouse location.

No person shall slaughter any animal or fowl except within an area properly zoned for such purpose.

(Prior code § 5550.4)

8.28.050 - Refrigeration plant—Inspection.

Every refrigeration plant where meat is stored shall be maintained and operated in a clean and sanitary manner and condition, and every such plant and all locker boxes, compartments and storage space therein shall be open at all time to inspection by the Department of Health.

(Prior code § 5550.5)

8.28.060 - Refrigeration plant—Uninspected meat—Storage.

A. Every person operating a cold storage or refrigeration plant for the storage of meat shall:
   1. So handle and store uninspected meat, possession of which is authorized by law, that the same will not at any time come into physical contact with inspected meat;
   2. Provide separate chilling, cutting and aging room or rooms for such uninspected meat;
   3. Handle or store all such uninspected meat in rooms used for that purpose exclusively;
   4. Use separate cutting and other utensils and separate cutting blocks for the butchering and cutting of inspected and uninspected meats.

B. For the purposes of this Section, the word "room" means any space in a building separated from other areas by substantial partitions reaching to the ceiling or not less than seven feet (7') high.

(Prior code § 5550.6)

8.28.070 - Refrigeration plant—Uninspected meat—Deposit statement contents.

No person, owning or operating a cold storage or refrigeration plant shall permit any person to store or place in said cold storage or refrigeration plant any:

A. Horse meat;

B. Any meat, unless the same has been slaughtered under the supervision of a United States Government Inspector in accordance with the regulations relating to the inspection of meats as prescribed by the Department of Agriculture of the United States, or unless the same has been slaughtered in an official establishment under the supervision of the State Veterinarian in accordance with the laws of the State regulating the inspection of animals slaughtered for human food, or under the supervision of the Health Officer or a meat inspector of the City in accordance with the provisions of this Chapter, without first procuring from the person storing said meat a written statement in triplicate setting forth:
   1. The name and address of the person storing said uninspected meat,
   2. The date of such storage,
   3. That the person storing the same is the owner thereof,
   4. A description of the slaughtered animal or animals (e.g., cattle, sheep, swine, etc.),
   5. The quantity by weight of the meats so stored,
   6. By whom slaughtered,
   7. Where slaughtered,
   8. The date the meat to be stored was obtained by the person storing same,
   9. Whether the person storing the meat was the owner of the animal at the time it was slaughtered,
   10. If not the owner of the meat at the time of slaughter, from whom it was obtained:
      a. The address of the person from whom obtained;
      b. Whether meat was purchased by the person storing same.

(Prior code § 5550.7)

8.28.080 - Refrigeration plant—Uninspected meat—Deposit statement filing.

The owner or operator of such cold storage or refrigeration plant shall forthwith file one (1) copy of the statement provided for in the preceding section with the Health Department, one (1) copy shall be forwarded forthwith to the Division of Livestock Identification of the Department of Agriculture of the State, and one (1) copy shall be retained in the files of the cold storage or refrigeration plant.

(Prior code § 5550.8)

8.28.090 - Refrigeration plant—Uninspected meat—Withdrawal from storage.

A. No person, other than the owner thereof, shall remove any uninspected meat from any cold storage or refrigeration plant.

B. No owner or operator of a cold storage or refrigeration plant shall permit or allow anyone but the owner of uninspected meat to remove the same from the cold storage or refrigeration plant.

C. It shall not be a violation of the provisions of this Section, however, if uninspected meat stored in privately rented locker boxes is withdrawn in quantities not to exceed ten (10) pounds in any one (1) day by a member of the immediate family or household of the owner; provided, that the person so withdrawing the meat signs a certificate that the uninspected meat so withdrawn is for the personal use of the family or household of the owner.

(Prior code § 5550.9)

8.28.100 - Refrigeration plant—Uninspected meat—Withdrawal statement.

A. No person owning or operating a cold storage or refrigeration plant shall permit any person to withdraw any uninspected meat from the plant without first procuring from such person a written statement setting forth:

1. The name and address of the person withdrawing such uninspected meat;
2. The date of such withdrawal;
3. That the person withdrawing the same is the owner thereof, or a member of such owner's immediate family or household;
4. The quantity, by weight, of meat being withdrawn;
5. If withdrawn by a member of the owner's immediate family or household, that the same is for the personal use of the family or household of the owner.

B. Such statement shall be attached to and filed with the statement of deposit of the uninspected meat required by this Chapter to be retained in the office of the cold storage or refrigeration plant.

(Prior code § 5550.10)

8.28.110 - Boiling offal, tallow or lard.

No person shall boil offal, tallow, lard or any portion of an animal, except fresh from the animal and not decayed or putrid.

(Prior code § 5550.11)

CHAPTER 8.32 - MEAT SALES INITIATIVE ORDINANCE

8.32.010 - Initiative set out.

The following initiative ordinance was approved by the qualified electors of this City at an election held on the fourth day of May, 1937, as required by Ordinance No. C-1491. The placing of this initiative ordinance in this municipal code shall not be construed as altering, amending, or repealing the ordinance. Any violation of the provisions of the initiative ordinance shall not be deemed to be a violation of any of the provisions of this municipal code, but shall be deemed to be a violation of the initiative ordinance and punishable as provided in the initiative ordinance.

An ordinance amending Section 27 of Ordinance No. 35 (new series); repealing Section 1 of Ordinance No. 711 (new series), Ordinances of the City of Long Beach, and repealing all other ordinances and parts of ordinances in conflict herewith.

The City Council of the City of Long Beach ordains as follows:

SECTION 1—Definitions—The following terms used in this ordinance, shall have the significance attached to them in this Section unless otherwise clearly apparent from the context:

(a) Inspector—The term "Inspector" shall be deemed and considered to mean and include the Health Officer of the City of Long Beach and any of his subordinates by him detailed as meat inspectors of the Health Department; provided, however, that any inspector, except the Health Officer himself, must be approved by the Health Department of the State of California or other appropriate State Department and must fully qualify himself under the Civil Service regulations of the City of Long Beach.

(b) Meat—The term "Meat" shall be deemed and construed to mean and include all animal flesh, carcasses and parts thereof, and meat food products as defined by the California Meat Inspection Regulation, designed and intended for human consumption or sold and disposed of as human food, including fish, game and rabbits.

(c) Person—The word "Person" shall mean and include both the singular and plural and shall also mean and include all natural persons, firms, associations, clubs, co-partnerships, corporations and all associations or combination of persons, whether acting by themselves or by a servant, agent or employee.

(d) Sale Etc.—The terms "Sale," "Sell," "Offer to Sell" or "Offer for Sale" shall include every contract of sale or disposition of, attempt or offer to dispose of, or solicitation of an offer to buy.

(e) Wholesale Meat Dealer—The phrase "Wholesale Meat Dealer" shall be deemed and construed to mean and include any person, other than the owner and holder of a wholesale meat market license, who sells or disposes of meats and meat food products at wholesale, to customers for the purpose of resale at retail or wholesale or the preparation, cooking or processing thereof for human consumption.

(f) Wholesale Meat Market—The phrase "Wholesale Meat Market" shall be deemed and construed to mean and include all premises, buildings, and/or parts thereof used for the preparation and display for sale, or for the sale or disposal of meats and meat food products, at wholesale, to customers for resale, or to restaurants, cafes and others for curing, processing, cooking or otherwise preparing for food. The conduct of a wholesale meat market shall include deliveries therefrom of orders previously received.

Sec. 3—It shall be unlawful to apply, affix, or attach to any meats or meat food products, any mark, tag, stamp, or insignia indicating the grade or quality of the meats or meat food products that the same are inspected meats or meat food products within the meaning of this ordinance unless the same has actually been inspected and the stamp affixed thereto by proper authority.

It shall be unlawful for any person to advertise, offer for sale, or cause or knowingly permit the advertising, offering for sale or selling of any meat, except shanks, offal, heads, plucks and wild game other than by weight, determined on a scale by weight or beam, properly sealed by the Department of Weights and Measures.

Sec. 5—Section 1 of Ordinance No. 711 (new series), ordinances of the City of Long Beach, and all other ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Sec. 6—If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Long Beach hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one (1) or more other sections, sub-sections, sentences, clauses or phrases be declared invalid or unconstitutional.

Sec. 7—Every person violating any of the provisions of this ordinance or doing any act or thing herein declared to be unlawful shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars ($50.00), nor more than two hundred dollars ($200.00), or by imprisonment in the City Prison for not more than six (6) months, or by both such fine and imprisonment.

Sec. 8—The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach and cause the same to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect thirty (30) days after its final passage.

Note: Section 2, including Subsection (h) thereof, of Ordinance 35 (N. S.), as amended by initiative ordinance adopted on May 4, 1937, pursuant to Ordinance No. C-1491, was repealed by the people at an election held on June 5, 1951, pursuant to Ordinance No. C-3037. The initiative ordinance did not contain a Section 4 at the time of its adoption.

(Prior code § 5550)

CHAPTER 8.36 - MILK AND MILK PRODUCTS

8.36.010 - Definitions.

All words, terms, and phrases used in this Chapter, except "Health Officer," shall be construed as defined in the Agricultural Code of the State, unless from the particular context it clearly appears that some other meaning is intended.

(Prior code § 5140.4)

8.36.020 - Permit—Milk.

No person shall engage in the business of producing or processing of any grade of market milk to be sold in the City or sell any grade of market milk in the City without applying for and obtaining an annual permit so to do from the Health Officer for each separate dairy, milk plant or place of business.

(Prior code § 5140.5)

8.36.030 - Permit—Milk products.

No person shall engage in the business of producing, processing or manufacturing any ice cream, ice milk, ice cream mix, ice milk mix, buttermilk, or cottage cheese to be sold in the City or sell any ice cream, ice milk, ice cream mix, ice milk mix, buttermilk, or cottage cheese in the City without applying for and obtaining an annual permit so to do from the Health Officer for each separate dairy or plant where such products are produced, processed, or manufactured.

(Prior code § 5140.6)

8.36.040 - Permit—Applicant investigation.

Upon receipt of an application for any permit issued under the terms of this Chapter, the Health Officer shall cause an investigation to be made of the dairy, milk plant, or place of business where market milk or milk products are produced, processed, manufactured, sold or distributed; and in the case of a dairy, of the herd producing the milk.

(Prior code § 5140.7)

8.36.050 - Permit—Suspension, revocation or expiration.

If the provisions of the State Agricultural Code regulating the production, processing, manufacturing, and standards of market milk or milk products, and the regulations pertaining thereto, and the provisions of this Chapter are complied with, the permit shall be issued by the Health Officer; provided, however, that the permit shall be granted only on the expressed condition that the same shall be subject to revocation or suspension for a period not to exceed six (6) months upon proof to the satisfaction of the Health Officer of any violation by the holder thereof or his servants, employees, or agent of any of the provisions of the State Agricultural Code or regulations pertaining thereto, regulating the production, processing, or standards of market milk or milk products or of any provision of this Chapter. Each permit issued under the terms of this Chapter shall expire at the end of the calendar year in which it is issued unless the same has been revoked or suspended as provided by this Chapter.

(Prior code § 5140.8)

8.36.060 - Permit—Suspension or revocation notice.

No permit shall be suspended or revoked until after a hearing has been held by the Health Officer. Notice of the hearing shall be given in writing and served at least five (5) days prior to the date of hearing, upon the holder of the permit or upon his manager or agent. The notice shall state the grounds of complaint against the holder of the permit and shall also state the time when, and the place where, the hearing will be held. The notice shall be served upon the holder of the permit by delivering the same to said person or to his manager or agent; if such person has no place of business, then at his place of residence. If the holder of the permit cannot be found and service of the notice cannot be made upon him or his manager or agent, then a copy of the notice shall be mailed postpaid and registered, to the last known address of the holder of the permit; provided, however, when deemed necessary for the preservation of public health, the Health Officer is empowered to temporarily suspend the sale of milk or milk products immediately when the emergency arises, without the necessity of holding a hearing.

(Prior code § 5140.9)

8.36.070 - Change of ownership or location.

A. Any person who purchases any such business for which a permit has been obtained and is in force at the time of such sale may conduct and operate such business under such permit for a period of not to exceed thirty (30) days from and after the date of such sale, unless such permit is revoked or suspended as provided in this Chapter, and such purchaser shall, during the period of said thirty (30) days, apply for and obtain a permit in the manner provided by this Chapter; and provided further, that if any holder of any such permit changes or removes the location of his place of business, such holder may continue to conduct and operate such business under such permit for a period of not to exceed thirty (30) days from and after the date of such change or removal unless such permit is revoked or suspended as provided in this Chapter, and such holder shall, during the said period of thirty (30) days, apply for and obtain a permit in the manner provided by this Chapter.

B. If such new permit is not applied for and obtained in the manner and within the time prescribed in this Section, such person shall be deemed to be conducting and operating such business without a permit from and after the expiration of such period of thirty (30) days.

(Prior code § 5140.10)

8.36.080 - Tuberculin testing of cows required.

No person shall sell any milk or milk products of any kind intended or prepared for human consumption unless such milk or the milk used in any such milk products has been produced from nonreacting tuberculin tested cows.

(Prior code § 5140.11)

8.36.090 - Milk fats and solids required.

No person shall sell in the City any grade of market milk containing less than three point five percent (3.5%) milk fat, eight point five percent (8.5%) solids not fat.

(Prior code § 5140.12)

8.36.100 - Raw milk bottling.

No person shall sell any grade of raw market milk not bottled on-premises where produced.

(Prior code § 5140.13)

8.36.110 - Acceptance of other inspection services.

The Health Officer may at his discretion, in lieu of personal inspection, examinations and tests, accept the physical examinations of milk handlers, inspections covering tuberculin tests of dairy cattle or goats, physical examinations of dairy cattle or goats, laboratory tests or examinations for the determination of disease of dairy cattle or goats, laboratory examinations of milk and milk product or dairy products, sanitary inspection of dairies, milk plants, or water ices manufacturing plants, when made or conducted by representatives of the State Department of Agriculture, or inspector of an approved milk inspection service of such animals, products, and places that may be situated in or whose products are sold in another approved inspection area. In such cases, the Health Officer may require an interexchange of records and reports and shall when notified in writing by the Health Officer if another approved inspection service refuses admission into the City any milk and milk products that do not conform to the provisions of the State Agricultural Code, or when such milk and milk products have been degraded or excluded by another approved inspection service for violation of any provisions of the State Agricultural Code.

(Prior code § 5140.14)

8.36.120 - Milk delivery hours.

A. No person shall deliver dairy products to any residence, dwelling, living quarters, or business in the City except between the hours of five a.m. and six p.m. of any day.

B. The provisions of this Section shall not be deemed to apply to the following:

1. Delivery of milk to any plant or place of business for bottling, processing, or pasteurizing;
2. Delivery of milk to a central depot or other place for distribution;
3. Delivery to any governmental agency.

(Prior code § 5140.15)

CHAPTER 8.40 - MOBILE FOOD VENDING VEHICLES

FOOTNOTE(S):

--- (**3**) ---

Cross reference— Provisions on licensing, see Chapter 8.44 of this Code.

State Law reference— Provisions on mobile food units, Health and S. C. division 104, part 7, chapter 4.

8.40.010 - Construction.

Mobile food vending vehicles shall be constructed so that those portions used for display or storage of food, foodstuffs or food products, liquids or materials intended for food or drink for human consumption, are constructed of a durable hard-finish, washable material; and said portions of said vehicles shall be completely enclosed while being moved, driven, or conveyed along or upon any street or open space. Said vehicles shall be painted, in good repair, in good sanitary condition, and shall have licensee's name painted on both sides of the body in letters at least four inches (4") in height.

(Prior code § 5510.22)

8.40.020 - Food packaging.

All food except confectionery items and pastries to be served, sold or offered for sale from mobile food vending vehicles shall be dated, prepared and packaged in individual portions in a licensed food establishment, approved by the Health Department or other governmental agency having jurisdiction.

(Prior code § 5510.24)

8.40.030 - Beverages.

Coffee, milk, tea, hot chocolate, sugar and cream may be served from mobile food vending vehicles in single service containers approved by the Health Department. Cream shall be kept refrigerated and in a closed container. Coffee may be obtained from a food products establishment which is subject to Health Department inspection, or may be prepared on the vehicle, provided the vehicle is properly equipped for making coffee and the water used as an ingredient in the coffee is obtained from an approved source. No drinks may be served from bulk type dispensers on any such vehicle except as provided in this Section.

A. All drinks, except coffee, are to be prepared, properly labeled, and placed in individual sealed containers in a food products establishment approved by the Health Department.
B. The ingredients of any drink shall conform to all applicable laws and regulations.
C. Coffee, hot water, sugar and cream shall be served from a dispenser approved by the Health Department.
D. No ice shall be placed in any drink.
E. Drip catchers and containers, readily removable for cleaning and easily cleaned, shall be installed beneath the outlet or faucet.
F. The drink outlet shall be protected from contamination. The parts of the dispenser which come in contact with the drink shall be readily removable for cleaning purposes, or shall be readily cleanable in place, and shall be thoroughly cleaned each day, and the vehicle or the whole

dispenser shall be regularly taken to an approved food establishment which is equipped with adequate facilities for cleaning and sanitizing the units, and shall be kept in a clean and sanitary condition.

G. All cups and containers for drinks shall be stored in closed cartons and served from dispensers which protect their rims from contamination. No food containers, wrappers or utensils shall be kept in the driver's compartment.

(Prior code § 5510.25)

8.40.040 - Dating of food.

All foods, other than tamales, intended to be sold hot and which are required to be kept hot or cold to prevent spoilage shall be marked to show the name of the day on which such food is placed on the mobile food vending vehicle. All foods, including tamales, which have been heated in the mobile food vending vehicle and which have not been sold on the day for which they are dated shall not be sold on subsequent days and shall be disposed of in a manner approved by the Health Officer. No such food shall be rewrapped, repackaged or redated. Plate lunches and cream pastries are prohibited from sale on mobile food vending vehicles.

(Prior code § 5510.26)

8.40.050 - Heating appliance—Thermometer required.

Heating appliances or ovens for heating food shall be equipped with a thermometer showing the internal temperature of such heating appliance, oven or device. The thermometer shall be placed on the heating appliance, oven or device so that the internal temperature may be readily ascertained from the outside of the device.

(Prior code § 5510.27)

8.40.060 - Heating appliance—Temperature required.

Heating appliance or oven temperature shall be kept at a minimum temperature of one hundred eighty degrees Fahrenheit (180°F.) during the period that foods are being heated. Heated foods shall have an internal temperature of at least one hundred forty degrees Fahrenheit (140°F.).

(Prior code § 5510.28)

8.40.070 - Refrigeration.

All salads, cottage cheese, yogurt, milk or buttermilk, and other perishable foods shall be kept in approved refrigeration facilities so arranged that their container tops or contents are not submerged in or subject to splashing of water accumulation from melted ice or by other possible sources of contamination.

(Prior code § 5510.29)

8.40.080 - Ice.

When chipped ice is in contact with beverage bottles, adequate drains shall be maintained to continuously remove all water from the melting ice from the compartments wherein bottled beverages are kept in contact with such ice. All ice shall be procured from an approved source.

(Prior code § 5510.30)

8.40.090 - Refuse container.

The operator shall maintain a suitable container for refuse and, unless operating on private property where adequate sanitary maintenance is provided by the property owner or manager, he shall be responsible for sanitation of the environs of the place of operation.

(Prior code § 5510.31)

8.40.100 - Animals prohibited.

No animal, fowl or pets shall be permitted on the vehicle.

(Prior code § 5510.32)

8.40.110 - Inspection days.

All mobile food vending vehicles having a City license and a Health Department permit to operate within the City shall be transported to the Health Department building, 2655 Pine Avenue, on the second or third Tuesday of each of the even-numbered months of the year, between the hours of eight a.m. and five p.m. for the purpose of inspection. In the event of either day being a legal holiday, the next following day is designated. Failure to appear for vehicle inspection as described in this Section shall be deemed a violation of this Chapter and may be cause for revocation of permit to operate.

(Prior code § 5510.33)

8.40.120 - License and permit display.

City license and Health Department permits shall be prominently displayed in each mobile food vending vehicle.

(Prior code § 5510.34)

8.40.130 - Communicable disease prohibited.

No operator or licensee shall operate a mobile food vending vehicle, who, in the opinion of the Health Officer having jurisdiction, is affected with, or a carrier of any communicable or infectious disease.

(Prior code § 5510.35)

CHAPTER 8.44 - RESTAURANTS

FOOTNOTE(S):

--- (**4**) ---

Cross reference— Provisions on mobile food vending vehicles, see Chapter 8.40 of this Code.

State Law reference— Provisions on the sanitation of restaurants, Health and S. C. division 104, part 7, chapter 4 et seq.

8.44.010 - Definitions.

A. "Dealer" means and includes any person who sells or offers for sale, dispenses or delivers food at wholesale or retail, whether from a fixed place of business or otherwise, and includes the owner, agent, employee and servant.

B. "Food" as used in this Chapter is defined to mean all articles used for food, drink, liquor, confectionery, condiment or chewing gum by human beings whether such articles are simple, mixed or compound.

C. "Food handler" means and includes any person who engages or serves in any work, occupation or employment which requires or occasions the handling of any food or drink for human consumption or the handling of any dishes or other articles used in the preparation or service of such food or drink.

D. "Grocery market" means any establishment or portion thereof where canned, bottled, packaged, wrapped, or bulk foods, including meats, fruits and vegetables, are sold or offered for sale at retail or for consumption on premises other than where sold, except a public market operated directly under City supervision.

E. "Mobile food vending vehicle" means and includes any self-powered vehicle wherein or wherefrom only wrapped food, foodstuffs, products, liquids or material intended for food or drink for human consumption are sold, served, distributed, or offered for sale, and mobile food preparation vehicles, as defined in Long Beach Municipal Code Section 3.57.010. A vehicle from which bakery products, ice cream, meat and eggs shall be dispensed shall not be included within the term "mobile food vending vehicle."

F. "Restaurant" means any coffee shop, cafeteria, short-order cafe, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria or eating establishment, in-plant or employee eating establishment, and any other eating establishment, organization, club, including veterans' club, boardinghouse, guesthouse or political subdivision, which gives, sells, or offers for sale food to the public, guests, patrons, or employees as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering functions. The term "restaurant" shall not include itinerant restaurants, vending machines, vehicles, cooperative arrangements by employees who purchase food or beverages for their own consumption and where no employee is assigned full-time to care for or operate equipment used in such arrangement, or private homes; nor shall the term "restaurant" include churches, church societies, private clubs or other nonprofit associations of a religious, philanthropic, civic improvement, social, political, or educational nature, which purchase food, food products, or beverages or which receive donations of food, food products or beverages, for service without charge to their members, or for service or sale at a reasonable charge to their

members or to the general public at occasional fundraising events, for consumption on or off the premises at which the food, food products, or beverages are served or sold, if the service or sale of such food, food products or beverages does not constitute a primary purpose or function of the club or association, and if no employee or member is assigned full-time to care for or operate equipment used in such arrangement.

G. "Unsanitary wrapping" includes any newspaper, used sack, used paper and any other covering or material that has been used.

(ORD-11-0030, § 3, 2011; Prior code § 5510)

8.44.020 - Compliance required.

No person shall operate any restaurant, lunch counter, cafeteria, confectionery, candy factory, soda fountain, malt beverage establishment, cocktail room, ice cream parlor, hotel kitchen, bakery, other food establishments, or mobile food vending vehicle without first complying with the provisions of this Chapter regulating such businesses.

(Prior code § 5510.1)

8.44.030 - License—Applicant investigation.

A. No license to operate any food establishment or mobile food vending vehicle in the City shall be originally issued, renewed or transferred by the Tax Collector unless such food establishment or mobile food vending vehicle is first inspected by the Health Officer.

B. Upon application being made to the Tax Collector for a license to operate a food establishment or a mobile food vending vehicle, or a renewal or a transfer of either such license, the tax collector shall refer the application to the Health Officer. The Health Officer shall make or cause to be made an investigation of such applicant and the place where and the manner in which such food establishment or mobile food vending vehicle is to be or is being operated and conducted. If the Health Officer determines that the applicant and the food establishment or mobile food vending vehicle conform to the provisions of this Chapter and to the other provisions of this Code, and to all applicable State laws and statutes regarding the operation of food establishments and mobile food vending vehicles, he shall authorize the Tax Collector to issue, renew, or transfer the license, and the tax collector shall issue, renew or transfer such license; otherwise, the Health Officer shall deny the application and the Tax Collector shall not issue, renew or transfer the license. The Health Officer shall make his recommendation to the Tax Collector within ten (10) days after the filing of the application with the Tax Collector.

(Prior code § 5510.13)

8.44.040 - License and permit—Required.

No person shall engage in or carry on the business of a food establishment or mobile food vending vehicle in the City without first having obtained a permit and a license so to do, as provided in this Chapter.

(Prior code § 5510.14)

8.44.050 - License and permit—Application contents.

Every person desiring to carry on or conduct the business of a food establishment or mobile food vending vehicle in the City shall make a written application to, and upon forms furnished by, the Health Officer. Such application shall be verified and state the name and address of the applicant, the address at which the business is proposed to be carried on, a brief description of the nature of the business,

products to be prepared or sold, equipment, method of operations, name under which, and places where the applicant conducted any similar business, if any, within twelve (12) months immediately preceding the date of the application.

(Prior code § 5510.15)

8.44.060 - Permit—Issuance.

The Health Officer shall make or cause to be made an investigation of the applicant and the proposed place of business or mobile food vending vehicle and the manner in which the food establishment or mobile food vending vehicle is to be conducted, and if he finds that all provisions of this Code and all laws of the State regarding food establishments or mobile food vending vehicles have been and will be complied with, he shall issue the permit; otherwise, the application for permit shall be denied. Such permits shall be good for one (1) year from date of issuance and shall be annually renewed in the same manner as that provided for the securing of a new permit; provided, however, that no fee shall be charged for a renewal of any permit. Such permits shall be nontransferable and nonassignable.

(Prior code § 5510.16)

8.44.061 - Inspection.

A. The City Health Officer shall periodically conduct inspections of all places in the City where food is prepared, stored, or sold to determine whether they comply with the requirements of this Chapter and other applicable laws or whether the activities on the premises constitute a public health hazard.

B. An eating establishment may be found to be a public health hazard where it is maintained in an unhealthful, unsafe or unsanitary condition. An unhealthful, unsafe or unsanitary condition exists where the location has faulty plumbing or any other condition resulting in sewage or wastewater discharge into any area not designed and intended to carry or hold such sewage or wastewater discharge; no hot water, no water; infestation by rodents, vermin or vectors; no means of sanitizing multi-use utensils; filthy premises or related or similar conditions.

(Ord. C-6056 § 1, 1984)

8.44.062 - Emergency closure.

A. The City Council hereby finds and determines that any eating establishment which constitutes a public health hazard as defined in Section 8.44.061 is a public nuisance which should be abated.

B. If the City Health Officer finds a premises to constitute a public health hazard, the City Health Officer shall order that premises to be closed immediately and shall commence proceedings to revoke the permit of such establishment. Said premises shall remain closed until the permit revocation process has been completed or until the conditions creating a public health hazard have been cured.

(Ord. C-6056 § 2, 1984)

8.44.070 - Permit—Revocation—Hearing.

Whenever the Health Officer determines from his examination or inspection of any food establishment or mobile food vending vehicle that the holder of any permit issued under the provisions of this Chapter has violated any of the provisions of this Code or any of the laws of the State regarding food establishments or mobile food vending vehicles or the sale, preparation or distribution of food, he may serve a written notice upon the permittee to appear before the Health Officer to show cause why the permit shall not be revoked. Such notice shall contain a brief statement of the alleged violation, and the time and place of hearing, which shall be held within ten (10) days after the receipt of notice. The permittee may appear in person or with counsel and present such evidence as he may desire regarding

the alleged violation and show cause why the permit shall not be revoked. The Health Officer shall receive such information, evidence and testimony as may concern the circumstances of the alleged violation, and the formal rules of evidence shall not apply. If the Health Officer determines that any of the provisions of this Chapter or any other provisions of the Code regarding food establishments or mobile food vending vehicles or the sale, preparation or distribution of food have been or are being violated, he may temporarily suspend or revoke the permit, provided any such suspension period shall not exceed ninety (90) days. Reinstatement of suspended license shall not be effected unless the act, default or omission which was the grounds for suspension has been remedied prior to the time of reinstatement.

(Prior code § 5510.17)

8.44.080 - Appeal.

Any person aggrieved by any finding, determination, or act of the Health Officer shall within ten (10) days from the date thereof take whatever legal steps he may deem necessary to forestall or prevent such finding, determination or act from becoming final and conclusive.

(Prior code § 5510.18)

8.44.090 - Permit—Revocation—Reapplication.

Whenever any permit has been revoked under the terms of this Chapter, no other application for a permit to carry on a similar business by the permit holder shall be considered for a period of one (1) year from the date of such revocation.

(Prior code § 5510.19)

8.44.100 - Water.

Every restaurant, cafe, cafeteria, eating house or hotel kitchen, malt beverage establishment, cocktail room, and other food establishments, must have an adequate supply of hot and cold running water available at all times.

(Prior code § 5510.2)

8.44.110 - Ventilation canopies.

All stoves, ranges, candy kettles, doughnut kettles, doughnut machines, ovens, hot plates, or other similar cooking devices, shall be equipped with a metal canopy of a size at least four inches (4") larger than the entire cooking surface of the cooking device on all sides. The canopy shall be ventilated to the outside air by a separate ventilating flue of not less than six inches (6") in diameter for an ordinary stove, or as much larger as the Health Officer may deem necessary for effective operation.

(Prior code § 5510.3)

8.44.120 - Eating utensil—Repair.

All dishes, glasses, drinking glasses, or other utensils or articles used for table service or used by customers or for the public generally shall be kept in first class condition and repair. Dishes, glasses, drinking glasses or other utensils becoming cracked, chipped or damaged shall not be used and may be confiscated at any time by the Health Officer.

(Prior code § 5510.4)

8.44.130 - Eating utensils—Sterilization.

All dishes, glasses, drinking glasses, or other utensils used in the preparation, serving, distribution and handling of food shall be sterilized after each separate use in compliance with rules and regulations of the State Board of Health, the Health Officer and as prescribed in this Code; provided, however, the bacterial count shall not exceed two hundred fifty (250) organisms per utensil surface examined.

(Prior code § 5510.5)

8.44.140 - Paper cups and plates.

Individual paper drinking cups and plates shall be used whenever facilities for sterilization of glasses and plates do not meet the requirements of the Health Officer or the methods as set forth in this Chapter.

(Prior code § 5510.6)

8.44.150 - Beverages dispensed from tap—Dipper wells.

A. No person shall sell, dispense, furnish or give away any malt beverages, or any other beverages from any tap, faucet or any container, unless there is available and not farther than four feet (4') from such tap, faucet, or container, two separate sinks made of metal or other impervious material, each sink of the minimum capacity of three (3) gallons.

B. All dipper wells or containers used to hold spoons, dippers and other utensils must be provided with circulating water.

(Prior code § 5510.7)

8.44.160 - Malt beverage tap—Drain.

No person shall sell, dispense, furnish or give away any malt beverages from any tap or faucet unless all drainage from such tap or faucet is rigidly connected with a pipe of one-half inch (1/2") in diameter without break or interruption to sewer line.

(Prior code § 5510.9)

8.44.170 - Malt beverage tap—Coil cleaning.

No person shall sell, dispense, furnish or give away any malt beverages from any tap or faucet unless the conduit, coil, pipe or other connection leading from the source of supply of the beverage to the faucet or tap is flushed and cleaned thoroughly at least once each week, or oftener if necessary, with a suitable cleaning agent or by mechanical means so as to maintain the coil, pipe or connection in a clean and sanitary condition at all times.

(Prior code § 5510.10)

8.44.180 - Food handler—Outer garment.

No food handler shall engage or serve in any work, occupation or employment or on any mobile food vending vehicle which requires or occasions the handling of any food or drink for human consumption or the handling of any dishes or other articles used in the preparation or service of such food or drink unless the food handler wears an outer garment made of washable material. These garments shall be kept clean and sanitary at all times.

(Prior code § 5510.11)

8.44.190 - Food handler—Hand washing.

All food handlers who handle any food or food products, liquids or drink for human consumption, or the material from which food is prepared, before beginning work and immediately after visiting a toilet or lavatory and resuming work shall wash their hands and arms thoroughly with soap and water.

(Prior code § 5510.12)

8.44.200 - Toilet facilities.

Every food establishment in the City shall be provided with suitable and adequate toilet facilities conveniently located with separate rooms for men and women. The doors of all toilet rooms shall be self-closing and shall not open directly into any room in which food, drink or utensils are handled, prepared, or stored.

(Prior code § 5510.20)

8.44.210 - Lighting.

No person shall operate any restaurant, lunch counter, cafeteria, bakery, ice cream parlor, confectionery, soda fountain, malt beverage establishment, eating place, food establishment, premises for which an on-sale license has been issued pursuant to the State Alcoholic Beverage Control Act, or any rooms or portions thereof in which food, beverages or drink intended for human consumption are sold, offered for sale or given away unless the same are lighted on a plane of thirty-six inches (36") from the floor with a minimum light intensity of ten (10) foot-candles.

(Prior code § 5510.21)

8.44.220 - Menu with prices required.

No person shall conduct any hotel, restaurant, cafe or other place where food is sold, served or offered for sale or service, to the public, upon orders therefor, without having displayed thereat a menu, bill of fare or other device, showing to the patrons thereof, the time of ordering food, the price of each kind of food and each combination of foods offered for sale or service thereat.

(Prior code § 5520.3)

8.44.230 - Cafeteria—Price tags required.

No person shall conduct any cafeteria, or other place where food is sold, served or offered for sale or service to and in view of the public, without having conspicuously displayed immediately adjacent to each kind of such food and each combination of foods a card, tag or other device showing to the patrons thereof, at the time of ordering food, the price thereof.

(Prior code § 5520.4)

CHAPTER 8.45 - FOOD FACILITY

8.45.010 - Definitions.

A. "Food" means any raw or processed substance, ice, beverage, including water, or ingredient intended to be used as food, drink, confection, or condiment for human consumption.

B. "Food facility" for the purposes of this Chapter, includes the following:

1. "Commissary" means a food establishment in which food, containers, equipment, or supplies are stored or handled for use in mobile food facilities, mobile food preparation units, stationary mobile food preparation units.
2. "Food establishment" means any room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, transporting, salvaging, or otherwise handling food at the retail level. "Food establishment" includes a restricted food service transient occupancy establishment, as defined herein.
3. "Mobile food preparation unit" means any mobile food facility or portable food service unit upon which food is prepared for service, sale, or distribution at retail.
4. "Mobile food vehicle" means any vehicle from which prepackaged or approved unpackaged foods are sold or offered for sale at the retail level. Shall not include a vehicle from which only ice cream or produce is sold or offered for sale.
5. "Restricted food service transient occupancy establishment" means an establishment of twenty (20) guest rooms or less, that provides overnight transient occupancy accommodation, that serves food only to its registered guests, that serves only a breakfast or similar early morning meal, and no other meals, and with respect to which the price of food is included in the price of the overnight transient occupancy accommodation.
    a. "Restricted food service transient occupancy establishment", notwithstanding Subsection B.5 of this Section, may serve light foods or snacks presented to the guest for self-service.
    b. "Restricted food service occupancy establishment", for purposes of this Section, refers to an establishment as to which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this Section, the existence of some other legal relationships as between some occupants and the owner or operator shall be immaterial.
6. "Stationary mobile food preparation unit" means a mobile food preparation unit which operates at a State, County, district, or citrus fair or any approved occasional event and which remains in a fixed position during food preparation and its hours of operation.

(Ord. C-7581 § 1, 1998)

8.45.020 - Exemptions.

Notwithstanding the definitions contained in Section 8.45.010, a food facility shall not include the following:

A cooperative arrangement wherein no permanent facilities are used for storing or handling food, or private home, church, private club, or other nonprofit association that gives or sells food to its members and guests at occasional events, or a for-profit entity that gives or sells food at occasional events, for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition for participating in the event.

(Ord. C-7581 § 1, 1998)

8.45.030 - Food facility inspection report.

"Food facility inspection report" means the written notice prepared and issued by the City, Department of Health and Human Services, after conducting an inspection of a food facility to determine compliance with all applicable Federal, State and local statutes, orders, ordinances, quarantines, rules, regulations or directives relating to the public health.

(Ord. C-7581 § 1, 1998)

8.45.040 - Inspection summary report.

"Inspection summary report" means a report that shall be posted by the Director of Health and Human Services or his/her designee at a food facility upon completion of a routine inspection that indicates a summary of the findings contained in the food facility inspection report as determined by the Director of Health and Human Services or his/her designee. For the purposes of this provision, a food facility shall include a food facility operating in conjunction with a food processing establishment. Nothing in this provision shall prohibit the Director of Health and Human Services or his/her designee from immediately closing any food facility if, in his or her discretion, immediate closure is necessary to protect the public health.

(Ord. C-7581 § 1, 1998)

8.45.050 - Notice of closure.

"Notice of closure" means a notice that may be posted by the Director of Health and Human Services or his/her designee at a food facility upon suspension or revocation of the establishment's public health permit and that results in the immediate closure of the facility and the discontinuance of all operations of the food facility, by order of the Director of Health and Human Services or his/her designee because of violations of applicable Federal, State and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health.

(Ord. C-7581 § 1, 1998)

8.45.060 - Routine inspection.

"Routine inspection" means a periodic, unannounced inspection of any food facility to determine compliance with all applicable Federal, State and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health. A routine inspection shall not mean an inspection conducted by the Director of Health and Human Services or his/her designee to determine compliance with a previously issued food facility inspection report or any interim inspection conducted to determine compliance with specific regulations or legal requirements.

(Ord. C-7581 § 1, 1998)

8.45.070 - Posting requirements—Penalty for noncompliance—Documents available for public review.

A. Upon issuance by the Director of Health and Human Services or his/her designee, the Director of Health and Human Services or his/her designee shall post at every food facility the inspection summary report, as determined by the Director of Health and Human Services or his/her designee, so as to be conspicuous to the general public and to patrons entering or using the food facility. "Conspicuous to the general public and to patrons" shall mean:
    1. Posted on the front door or in the front window of the facility within five feet (5') of the front door;
    2. Posted in a display case mounted on the outside front wall of the facility within five feet (5') of the front door; or
    3. Posted in a location as directed and determined in the discretion of the Director of Health and Human Services or his/her designee to ensure proper notice to the general public and to patrons.

B. In the event that a food facility is operated in the same building or space as a separately licensed or permitted business, or in the event that a food facility shares a common patron entrance with such a separately licensed or permitted business, or in the event of both, the Director of Health and Human Services or his/her designee shall post the inspection summary report, in the initial patron contact area, or in a location as determined in the discretion of the Director of Health and Human Services or his/her designee.

C. The inspection summary report shall not be defaced, marred, camouflaged, hidden or removed. It shall be unlawful to operate a food facility unless the inspection summary report is in place as set forth in this Section. Removal of the inspection summary report is a violation of this Chapter and may result in the suspension or revocation of the public health permit and may be punishable as specified in Section 8.45.100

D. The food facility inspection report upon which the inspection summary report is based and all subsequent reports issued by the Director of Health and Human Services or his/her designee shall be maintained at the food facility and shall be available to the general public and to patrons for review upon request. The food facility shall keep the food facility inspection report and all subsequent reports until such time as the Director of Health and Human Services or his/her designee completes the next routine inspection of the facility and issues a new food facility inspection report.

(Ord. C-7581 § 1, 1998)

8.45.080 - Inspection summary report—Period of validity.

The inspection summary report shall remain valid and posted until the Director of Health and Human Services or his/her designee completes the next routine inspection of the food facility.

(Ord. C-7581 § 1, 1998)

8.45.090 - Public health permit suspension or revocation—Notice of closure.

A. Upon issuance of a written notice of suspension or revocation of the public health permit by the Director of Health and Human Services or his/her designee, the Director of Health and Human Services or his/her designee shall post a notice of closure at the food facility so as to be clearly visible to the general public and to patrons.

B. Upon issuance of the written notice of suspension or revocation of the public health permit by the Director of Health and Human Services or his/her designee, the food facility shall immediately close to the general public and to patrons and shall discontinue all operations until the public health permit has been reissued or reinstated by order of the Director of Health and Human Services or his/her designee or until the facility no longer operates as a food facility.

C. The notice of closure shall remain posted until removed by the Director of Health and Human Services or his/her designee. Removal of the notice of closure by any person other than the Director of Health and Human Services or his/her designee or the refusal of a food facility to close upon issuance of the written notice of suspension of the public health permit is a violation of this Chapter and may result in the suspension or revocation of the food facility's public health permit and may be punishable as specified in Section 8.45.100

(Ord. C-7581 § 1, 1998)

8.45.100 - Violation.

Notwithstanding any other provision of this Chapter, violation of this Chapter is punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the County jail for not more than six (6) months, or both. Each day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted makes such violation a separate offense.

(Ord. C-7581 § 1, 1998)

8.45.110 - Severability.

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. C-7581 § 1, 1998)

CHAPTER 8.46 - DISPOSAL OF FATS, OILS AND GREASE

8.46.010 - Definitions.

A. "Best management practices" means activities, prohibitions or practices, maintenance procedures, and other management practices as determined by the Long Beach Water Department to prevent or reduce the discharge of fats, oils and grease in the public sewer and storm drain systems.

B. "Enforcement official" means the persons designated in Section 8.46.060

C. "Fats, oils and grease" (sometimes referred to in this Chapter as simply "grease") means organic polar compounds derived from animal or plant sources, containing multiple carbon chain triglyceride molecules, detectable and measurable using analytical test procedures established in section 136 of title 40 of the Code of Federal Regulations, in effect at the time of enactment hereof and as hereafter amended or replaced.

D. "Food facility" shall have the same meaning defined in Subsection 8.45.010.B of this Code and, in addition, includes grocery markets and restaurants as defined in Section 8.44.010 of this Code.

E. "Grease interceptor" means a large underground tank installed outside a food facility and connected to the outgoing sewer drainage system of the food facility, and designed for removing and preventing fats, oils and grease from entering the public sewer collection system.

F. "Grease trap" means a device connected directly to the outgoing drains of sinks inside a food facility near the areas of food preparation and intended for separating the fats, oil and grease from wastewater before the fats, oils and grease enter the public sewer collection system.

G. "Wastewater" means water after it has been used in homes, businesses, landscaping or agriculture (such as plots where food is grown) that contains enough harmful material to damage the water's quality. Wastewater also includes domestic-sewage and industrial waste from manufacturing sources.

(Ord. 05 0003 § 1, 2005)

8.46.020 - Public nuisance and public health hazard.

In addition to being a misdemeanor as stated in Section 1.32.010 of this Code, any condition caused or permitted to exist in violation of this Chapter may be declared a public nuisance after a hearing held in accordance with this Chapter and may constitute a public health hazard subject to Sections 8.44.061 and 8.44.062 of this Code.

(Ord. 05 0003 § 1, 2005)

8.46.030 - Requirements for food facilities.

Any food facility that discharges wastewater into the public sewer collection system shall comply with the following requirements:

A. The owners and employees of a food facility shall be able to and, when requested by a representative of the City, shall demonstrate that the food facility complies with best management practices for handling fats, oils and grease.

B. A food facility shall have one (1) or more drums or containers for the recycling and disposal of fats, oils and grease. Drums and containers used for storage of fats, oils and grease shall be leakproof and shall be secured with close fitting lids. The owner or operator of a food facility shall

keep the drums and containers in a location on the site of the food facility so that there is no possibility of an accidental or deliberate spilling of fats, oils or grease onto a public right-of-way. The drums and containers shall be removed for recycling as frequently as necessary to avoid an unsafe, hazardous, or untidy condition or an impediment to passage. The owner, operator and employees of a food facility shall remove fats, oils and grease that have spilled, including, but not limited to, grease generated by washing hoods, floors and mats, and shall immediately clean the area where the spill occurred.

C. Prior to or at the time that the owner or operator of a new food facility applies for a business license or a building permit from the City's Department of Planning and Building, the owner or operator shall submit to the Long Beach Water Department plans describing the manner in which the owner or operator will comply with this Chapter, particularly with respect to the grease interceptor. Prior to or at the time that the owner or operator of an existing food facility applies for a building permit from the City's Department of Planning and Building for modifications to the plumbing system at that existing food facility which modifications have an estimated cost of twenty thousand dollars ($20,000.00) or more, the owner or operator shall submit to the Long Beach Water Department plans describing the manner in which the owner or operator will comply with this Chapter, particularly with respect to the grease interceptor. Any time there is a change in ownership of an existing food facility or a change in the operation of an existing food facility, the new owner (if there is a change in ownership) or the current owner or operator (if there is a change in the operation) shall submit to the Long Beach Water Department plans describing the manner in which the owner will comply with this Chapter, particularly with respect to the grease interceptor.

Food facilities subject to this Subsection may apply for a variance from the requirements relating to a grease interceptor. If the enforcement official determines that the installation of a grease interceptor would not be feasible due to limitations on space or other relevant factors, a variance will be granted. The burden is on the food facility to demonstrate that the installation of a grease interceptor is not feasible.

D. The Long Beach Water Department may authorize the installation of a grease trap or other alternative pretreatment technology where the installation of a grease interceptor is not feasible provided that the owner has obtained the prior written approval of the Long Beach Water Department for the type and size of alternative pretreatment technology to be installed by the owner. Alternate pretreatment technology includes, but is not limited to, devices used to trap, separate and store grease from wastewater to prevent it from discharge into the public sewer collection system.

E. The owner or operator of a food facility shall keep a written record of the maintenance, repair and cleaning of grease traps and grease interceptors for a period of one (1) year, beginning on the date a new business is open to the public or, in the case of a modification to the food facility which requires a building permit, on the date of final inspection as shown on the building permit (a copy of which shall be delivered to the Long Beach Water Department). This record shall contain documentation (including, but not limited to, receipts) showing the times, dates, nature of the maintenance, repair and cleaning, quantities of fats, oils and grease removed, and the name, address and phone number of the person or entity cleaning the grease interceptor, grease trap or alternative pretreatment technology (if it has been approved by the City).

F.

The owner or operator of a food facility that fails to implement best management practices or that has repeated incidents relating to grease spills or blockages shall install grease interceptors or, if a variance is granted under Subsection C of this Section, grease traps or other alternative pretreatment technology.

G. The owner, operator and employees of a food facility shall allow enforcement officials access to the food facility during the normal business hours of the food facility or outside of normal business hours, if acceptable to the food facility, for the purpose of sampling wastewater, inspecting the grease interceptors and grease traps, and reviewing the records and documentation required by Subsection E of this Section.

H. Food facilities shall comply with the latest edition of the "Rules And Regulations" regularly published by the Long Beach Water Department as they relate to the prevention of spills or blockages of fats, oils and grease, and to grease trap requirements.

(Ord. 05 0003 § 1, 2005)

8.46.040 - Requirements for grease interceptors.

A. The size and installation of grease interceptors shall comply with the requirements of the latest edition of the California Plumbing Code adopted by the City.

B. Grease interceptors shall be constructed in accordance with a design approved by the City's Department of Planning and Building and shall have a minimum of two (2) compartments with fittings designed for the retention of grease.

C. The owner or operator of a food facility shall install grease interceptors at a location easily accessible for inspection, cleaning and removal of grease and shall not install or allow them to be installed in any part of a building where food is handled. Owners or operators shall obtain the prior written approval for the location of grease interceptors from the City's Department of Health and Human Services.

D. The owner or operator of a food facility shall empty grease interceptors of accumulated grease and other contents as necessary to maintain the minimum capacity or volume of the grease interceptor.

E. The owner or operator of a food facility shall inspect the grease interceptor at least once each month or more frequently if ordered to do so by enforcement official when maintenance and repair of the grease interceptor is unsatisfactory.

F. The owner or operator of a food facility shall ensure that the grease interceptor provides a minimum hydraulic retention time in accordance with the latest edition of the California Plumbing Code adopted by the City, and shall remove all accumulated grease cap and sludge pockets as necessary to allow the grease interceptor to perform at maximum efficiency.

G. The owner or operator of a food facility shall keep the grease interceptor free from inorganic-solid materials including, but not limited to, grit, rocks, gravel, sand, eating utensils, cigarettes, shells, rags and similar things that could settle into the sludge pocket and reduce the effective volume of the grease interceptor.

H. The owner or operator of a food facility shall not allow the discharge of sanitary waste through a grease interceptor.

I. The owner or operator of a food facility shall provide a manhole having a minimum diameter of twenty-four inches (24″) to allow access over each chamber and sanitary tee of a grease interceptor. The manholes shall extend at least to finished grade and shall be designed and maintained to prevent water inflow or infiltration. The manholes shall have covers that can be removed readily for inspection, removal of grease and sampling of wastewater.

(Ord. 05 0003 § 1, 2005)

8.46.050 - Requirements for grease traps.

A. Following receipt of the written approval of the Long Beach Water Department, the owner or operator of a food facility shall install a grease trap in the waste line leading from sinks, drains, and other fixtures or equipment in the food facility where fats, oils and grease may be introduced into the drainage system or sewer system in quantities that could cause a blockage in either the public or private sewer lines. In addition to the approval of the Long Beach Water Department, all grease traps must be of a type or design approved by the IAPMO (International Association of Plumbing and Mechanical Officials), NSF (National Sanitation Foundation), and UL (Underwriters' Laboratory).

B. The size and installation of grease traps shall comply with the requirements of the latest edition of the California Plumbing Code adopted by the City.

C. The owner or operator of a food facility shall not install a grease trap that has a stated rate of flow of more than fifty-five (55) gallons per minute or less than twenty (20) gallons per minute, unless the enforcement official has granted a variance from this stated rate of flow.

D. The owner or operator of a food facility shall maintain grease traps in efficient operating condition, including, but not limited to, the frequent, periodic-removal of accumulated grease and food debris, and shall maintain them in accordance with the manufacturer's directions. The owner, operator and employees of a food facility shall not allow accumulated grease to be introduced into any drain pipe or public or private sewer line.

E. The owner or operator of a food facility shall not connect a food waste disposal unit or dishwasher to a grease trap and shall not allow any discharge from a food waste disposal unit or dishwasher into a grease trap.

F. The owner or operator of a food facility shall not allow wastewater in excess of one hundred forty degrees Fahrenheit (140°F) or sixty degrees Celsius (60°C) to discharge into a grease trap.

(Ord. 05 0003 § 1, 2005)

8.46.060 - Enforcement.

This Chapter shall be enforced by the City Health Officer, or designee, or by the General Manager of the Long Beach Water Department, or designee. These persons shall be known as enforcement officials and they are authorized to take any actions necessary to enforce this Chapter.

(Ord. 05 0003 § 1, 2005)

8.46.070 - Administrative hearing procedure.

A. The City Attorney shall appoint a Hearing Officer who shall not be an enforcement official. The Hearing Officer shall set the time and place for the hearing and send notice of the hearing to the owner of record of the food facility or restaurant and to the enforcement official at least ten (10) days before the hearing. The notice shall also include the location and the nature of alleged violation of this Chapter.

B. At least five (5) days before the hearing, the enforcement official shall provide to the owner of record and to the Hearing Officer a copy of any report made by the enforcement official or any other City employee regarding the alleged violation. If the enforcement official has a proposed plan for abatement of the alleged nuisance, then the enforcement official shall also provide this plan to the owner of record and to the Hearing Officer.

C.

The Hearing Officer may proceed with the hearing in the absence of the owner of record or the enforcement official if he or she has not received an explanation for the absence prior to the commencement of the hearing.

D. Once a notice of hearing has been given, there shall be no communications between the owner of record, the operator of the food facility or restaurant or its employees regarding the alleged violation.

E. The owner of record may submit to the Hearing Officer with a copy to the enforcement official written evidence to rebut the City's report alleging a violation of this Chapter.

F. The owner and the enforcement official may make an oral statement and the time limits for the statements will be set by the Hearing Officer prior to the hearing. If either the owner or the enforcement official wishes to call witnesses at the hearing, then they shall provide the names, addresses, telephone numbers, and a summary of the testimony of the witnesses to the Hearing Officer and to the other interested party at least three (3) days prior to the hearing. The Hearing Officer may ask questions of the parties or the witnesses.

G. The Hearing Officer shall render a decision, in writing, after the hearing is closed and shall mail a copy of the decision to the owner at the address for the location of the alleged violation and shall deliver or mail a copy to the enforcement official. The decision of the Hearing Officer shall be final.

(Ord. 05 0003 § 1, 2005)

8.46.080 - Exemptions.

Any food facility that is not engaged in the preparation of food to be consumed by the public including, but not limited to, liquor stores, candy stores, and stores selling only prepackaged food is exempt from this Chapter.

(Ord. 05 0003 § 1, 2005)

8.46.090 - Severability.

If any part of this Chapter or the application of this Chapter to any person or entity is held to be invalid by a court of competent jurisdiction, then the remainder of this Chapter shall remain in full force and effect and shall not be affected by the invalidity of only part of the Chapter.

(Ord. 05 0003 § 1, 2005)

8.46.100 - Complementary to Chapter 15.20.

This Chapter is not intended to nor shall it be deemed to supersede or have priority over Chapter 15.20. This Chapter and Chapter 15.20 shall be construed as complementary.

(Ord. 05 0003 § 1, 2005)

CHAPTER 8.48 - DAIRIES AND HOG RANCHES

FOOTNOTE(S):

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Cross reference— Provisions on sanitation and regulation of milk and milk product sales, see Chapter 8.36 of this Code.

State Law reference— Provisions on milk and milk products, Food and Agric. C. § 32501 et seq.

8.48.010 - Definitions.

A. "Dairy" as used in this Chapter means and includes any ranch, farm, lot, parcel of real property, building, barn, shed, corral, enclosure or other place where four (4) or more cows are kept or maintained and milked.

B. "Hog farm" means and includes any ranch, farm, lot, parcel of real property, building, barn, shed, corral, enclosure, sty or other place where ten (10) or more swine are kept or maintained.

C. "Milk" means and includes milk, cottage cheese, cream and buttermilk.

(Prior code § 5140)

8.48.020 - Areas prohibited.

No person, as principal, agent, employee, or otherwise, shall maintain any dairy or hog farm within that portion of the City described as follows:

A. Beginning at the intersection of the easterly line of American Avenue with the southerly line of Wardlow Road and running thence southerly along said easterly line of American Avenue to the centerline of Anaheim Street; thence east along said centerline of Anaheim Street to the centerline of Orange Avenue; thence south along said centerline of Orange Avenue to the centerline of Eleventh Street; thence east along the centerline of Eleventh Street and the prolongation thereof to the centerline of Temple Avenue; thence southerly along said centerline of Temple Avenue and the prolongation thereof to the southerly boundary line of the City; thence westerly along said southerly boundary line of the City to the prolongation southerly of the centerline of Lime Avenue; thence northerly along said prolongation southerly and said centerline of Lime Avenue to the centerline of First Street; thence west along said centerline of First Street to the centerline of Frontenac Court; thence north along said centerline of Frontenac Court to the centerline of Fourth Street; thence west along said centerline of Fourth Street to the centerline of Golden Avenue; thence south along said centerline of Golden Avenue and the prolongation thereof to the southerly boundary line of the City; thence westerly along said southerly boundary line of the City to the westerly boundary line of the City; thence northerly along said westerly boundary line of the City and following its various courses to the prolongation southwesterly of a northwesterly boundary line of the City, said northwesterly boundary line of the City being a line one hundred feet northwesterly of, measured at right angles and parallel, to a northwesterly boundary line of the City as said boundary line existed prior to the annexation election of December 28th, 1923; thence northeasterly along said prolongation southwesterly and said northwesterly boundary line of the City and following its various courses to the northerly line of

Wardlow Road, as Wardlow Road is shown on map of "Tract No. 6823", as per map recorded in Book 74, page 61 of Maps, Records of the County; thence easterly along said northerly line of Wardlow Road to the westerly line of Perris Avenue; thence easterly in a direct line to the intersection of the easterly line of Perris Avenue with the southerly line of Wardlow Road; thence easterly along said southerly line of Wardlow Road to the westerly right-of-way line of the County flood control channel; thence easterly in a direct line to the intersection of the easterly right-of-way line of the County flood control channel with the southerly line of Wardlow Road and thence easterly along said southerly line of Wardlow Road to the point of beginning.

B. Or that portion of the City lying east of a line described as follows:

Beginning at the intersection of the prolongation southerly of the centerline of Temple Avenue with the southerly boundary line of the City; and running thence northerly along said prolongation southerly and said centerline of Temple Avenue to the centerline of Eleventh Street; thence west along said centerline of Eleventh Street and the prolongation thereof to the centerline of Orange Avenue; thence north along said centerline of Orange Avenue to the centerline of Anaheim Street; thence west along said centerline of Anaheim Street to the easterly line of American Avenue; and thence northerly along said easterly line of American Avenue to the easterly line of Long Beach Boulevard; thence northerly along said easterly line of Long Beach Boulevard to a point on The Compromise Line between Rancho San Pedro and Rancho Los Cerritos, as said Compromise Line is shown in Licensed Surveyor's Map Book 6, pages 15 and 16, Records of the County, said Compromise Line being also a boundary line of the City; thence in a northeasterly direction along said Compromise Line and following the various courses of the boundary line of the City to the easterly line of Long Beach Boulevard, as Long Beach Boulevard is located at the southerly line of Scott Street, as Scott Street is shown on Map of "Tract No. 9119", as per map recorded in Book 123, pages 33 and 34 of Maps, Records of the County; and thence northerly along the easterly line of Long Beach Boulevard to the northerly boundary line of the City.

(Prior code § 5140.1)

8.48.030 - Exceptions.

Nothing in this Chapter shall apply to that portion of real property in the City described as:

All that portion of Lot seven, Block twenty-nine, Cooperative Colony Tract, except the east one hundred ninety-two and sixty-five one-hundredths feet thereof, as per map recorded in Book 21, pages 15 to 16, Miscellaneous Records of the County.

(Prior code § 5140.3)

CHAPTER 8.52 - FUMIGATING AND DISINFECTING

8.52.010 - Notice to Health Officer.

No person shall put or place any cyanide or other dangerously poisonous material in any house or other building for the purpose of fumigating or disinfecting the same unless written notice thereof is given to the Health Officer at least three (3) days in advance thereof stating the intention of such person to so put or place such cyanide or other dangerously poisonous material, together with the exact location of the house or other building to be fumigated or disinfected.

(Prior code § 5150)

CHAPTER 8.56 - WEED REMOVAL

FOOTNOTE(S):

--- (**6**) ---

Note— Prior ordinance history: Prior code §§ 5230—5230.21, 5568.

8.56.010 - Purpose.

This Chapter is enacted pursuant to the City Charter and State law for the purpose, among others, of providing a system to keep all privately owned real property within the City free of weeds and debris and providing a system for levy and collection to cover the cost of such removal by the City including incurred enforcement costs.

(Ord. C-7098 § 1, 1993: Ord. C-6104 § 1 (part), 1984)

8.56.020 - Definitions.

For the purpose of this Chapter, certain terms used shall have the meaning provided in this Section unless such meaning would be repugnant to the subject matter or the context in which used:

A. "Lot" means a lot, parcel, tract or piece of land, improved or unimproved, in the City, including the sidewalk area abutting or adjoining said lot, parcel, tract or piece of land, and the parkway or area lying between the curbline and the property line of the adjoining or abutting lot bounded on the sides by the prolongation in a straight line of the side lines of the lot in front of which such parkway or area exists.

B. "Lot cleaning levy" means the charge made by the Building Official for removing weeds or debris from a lot plus all penalties for nonpayment of the charges which have accrued at the time plus any civil penalties that are assessable under the provisions of Section 8.56.210. In the event the owner fails to comply within the time frame established by the Building Official or as modified on appeal by the Board of Examiners, Appeals and Condemnation, the lot cleaning levy shall also include all incidental enforcement costs incurred by the City whether or not the work was performed later by the City, by the owner, or by others, except as provided below. Incidental enforcement costs include, but are not limited to, the actual expenses and costs of the City in investigating the nuisance, obtaining title information, preparing notices, and performing inspections. Incidental enforcement costs shall not be included in the lot cleaning levy for a property owned by a head of a low-income household (defined to be a household earning less than eighty percent (80%) of the County median income).

C. "Weeds" and/or "debris" includes all bushes, vines, trees, grass or other vegetation, whether cultivated or uncultivated, and whether dead or growing, and all refuse and rubbish of any kind or description, or wood, asphalt, concrete and similar materials, or tin cans, parts of machinery, implements and automobiles, any of which cause unpleasant or noxious odors, or which are or may become a refuge or breeding place for insects and vermin, or which conceal or are capable of concealing filth and other unsanitary conditions, or which are, or are capable of becoming, a fire or other hazard to the use and occupancy of neighboring property, or which obstruct or hinder the use of any public street, sidewalk, alley or way.

(Ord. C-7098 § 2, 1993; Ord. C-6104 § 1 (part), 1984)

8.56.030 - Nuisance.

The existence upon any lot of weeds and/or debris, as defined in this Chapter, is expressly declared to be a public nuisance, and it shall be the duty of both the owner of the lot and any person who may be in possession thereof or who has a right to such possession, to at all times keep such lot clean and free therefrom.

(Ord. C-6104 § 1 (part), 1984)

8.56.040 - Notice—Form.

Whenever the Building Official finds weeds and/or debris on any lot, he shall cause a notice to clean premises to be given to the assessee of the lot as shown upon the current equalized assessment roll, in the manner provided in this Section, and the assessee shall be deemed to be the agent of the owner for the purpose of receiving service of the notice. The notice shall be in substantially the following form:

NOTICE TO CLEAN
PREMISES

To _____, as owner of the hereinafter described premises:

Pursuant to the provisions of Chapter 8.56 of the Municipal Code of the City of Long Beach, you are hereby notified to remove from _____

_____

(Description of property)

AKA; _____

(address)

All weeds and/or debris, as defined in said Municipal Code, within twenty (20) days from the date of this notice. If such weeds and/or debris are not removed within that time, the undersigned will cause it to be removed and the charges for removal, including all incidental enforcement costs incurred by the City, shall become a lien upon your property. Be advised that incidental enforcement costs will become a lien upon your property if the weeds and/or debris are not removed within twenty (20) days even if you perform the work later.

If you intend to remove such weeds and/or debris on your account, you are required, pursuant to the Long Beach Municipal Code, to obtain from the undersigned a certificate stating that your premises have been satisfactorily cleaned; otherwise he will, if dissatisfied with the manner in which said work has been done, cause the premises to be recleaned at your expense.

If you object to cleaning the weeds and/or debris from your premises you may appeal to the Board of Examiners, Appeals and Condemnation by filing a written notice of appeal in the office of the undersigned within fifteen (15) days from the date of this notice. Failure to appeal shall be construed as your acceptance of the Building Official's determination and any and all remedies provided by the Long Beach Municipal Code.

Dated: _____

_____

Superintendent of Building and Safety

City of Long Beach

(Ord. C-7098 § 3, 1993: Ord. C-6104 § 1 (part), 1984)

8.56.050 - Notice—Service.

The notice to clean premises shall be served upon the person whose name appears on the current equalized assessment roll as the owner of the premises involved. Such service may be made either by personal delivery of the notice or by depositing the same in the United States mail, postage prepaid, as certified, first class mail, return receipt requested, addressed to the owner at the most recent address appearing on the assessment roll, or if no address appears thereon, such service may be made by posting the notice in a conspicuous place upon the property. Proof of the service of the notice shall be made by affidavit of the person effecting the service, and the affidavit shall be sufficient for all purposes.

(Ord. C-6104 § 1 (part), 1984)

8.56.060 - Appeal hearing—Service of notice.

A. The Building Official shall serve on the owner who has appealed, a copy of the notice of hearing by certified mail.

B. The notice of hearing shall be served at least ten (10) days before the hearing. Proof of service shall be made by declaration filed with the Board of Examiners, Appeals and Condemnation.

C. Service shall be completed at the time of the deposit of the notice in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.

D. "Owner", as used in this Section, means any person so designated on the last equalized assessment roll and also any person having or claiming to have any legal or equitable interest in the premises.

E. The failure of any person to receive such notice shall not affect the validity of any proceedings under this Chapter.

(Ord. C-6104 § 1 (part), 1984)

8.56.070 - Appeal—Hearing—Procedure.

A. At the time stated in the notice, the Board shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, including City personnel, and interested persons relative to the alleged public nuisance and to the proposed cleaning of the premises. The hearing may be continued without further notice.

B. Upon conclusion of the hearing, the Board shall determine whether the premises, or any part thereof, as maintained, constitutes a public nuisance as defined in this Chapter. If the Board finds that such public nuisance does exist, it shall determine how the nuisance is to be abated and shall establish a time, not to exceed twenty (20) days, within which cleaning shall take place; and in the event the owner fails to correct the nuisance within the time prescribed, the City shall cause the nuisance to be abated and the cost incurred by the City, including incidental enforcement costs, plus any prescribed penalties, shall become a lien upon the property.

C. A copy of the Board's determination shall be served by mail upon the owner of the affected premises. Service shall be complete at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.

D.

No legal proceeding or action shall lie against the City or any officer, agent or employee of the City, to review or enjoin the enforcement of its determination or orders made pursuant to this Chapter, unless such legal action is commenced within thirty (30) days after the decision of the Board.

(Ord. C-7098 § 4, 1993; Ord. C-6104 § 1 (part), 1984)

8.56.080 - Owner removal notice.

Every owner served with a notice or order to clean premises, who upon his own account cleans the weeds and/or debris from his lot shall upon completion of the work immediately give written notice thereof to the Building Official. Such notice shall be either delivered or mailed to the office of the Building Official. Upon receipt of such notice the Building Official shall cause the lot to be inspected, and if no weeds and/or debris exist thereon he shall issue to the owner a certificate so stating. If weeds and/or debris still exist on the lot, he shall cause the same to be removed and the cost thereof assessed against the lot as if no such notice was received from the owner.

(Ord. C-6104 § 1 (part), 1984)

8.56.090 - City removal—Authorized.

If any owner served with a notice to clean premises fails to remove the weeds and/or debris from his lot within the time stated in the notice, or order of the Board of Examiners, Appeals and Condemnation after appeal, he shall be deemed to have consented to such removal by the Building Official who shall thereupon be authorized, and it shall be his duty to enter upon the lot involved and clean the weeds and/or debris therefrom.

(Ord. C-6104 § 1 (part), 1984)

8.56.100 - City removal—Lot cleaning levy computation.

The Building Official shall, after the removal of weeds and/or debris from any lot, compute all expenses so incurred by the City in connection therewith including the applicable processing fees as set forth by City Council resolution and all incidental enforcement costs plus any prescribed penalties. All expenses shall be charged to and become an indebtedness of the owner of such premises, except that incidental enforcement costs shall not be included in the lot cleaning levy for a property owned by a head of a low-income household (defined to be a household earning less than eighty percent (80%) of the County median income).

(Ord. C-7098 § 5, 1993: Ord. C-6104 § 1 (part), 1984)

8.56.110 - City removal—Lot cleaning levy payment notice.

Upon computing the expenses, the Building Official shall serve upon the owners of all lots cleaned, as said owners are determined from the current assessment roll, and in the same manner as provided for service of the notice to clean premises, a notice to pay lot cleaning levy (sometimes referred to in chapter as notice to pay), which notice shall be in substantially the following form:

NOTICE TO PAY
LOT CLEANING LEVY

In accordance with the provisions of Chapter 8.56 of the Long Beach Municipal Code, the Building Official has caused the weeds and/or debris upon _____

_____

(legal)

AKA _____

(address)

to be cleaned either at City expense or the work was accomplished by that owner or others after the established deadline.

You are hereby notified that the total cost, including incidental enforcement costs and any prescribed penalties, of _____ are now due and payable to the City of Long Beach.

Section 8.56.120 of the Long Beach Municipal Code provides, in part, that the property owner or any interested person may demand a hearing within fifteen (15) days of this notice before the Board of Examiners, Appeals and Condemnation on the reasonableness of the charges. Such demand shall be in writing, filed with the Building Official and shall describe the property involved, the reasons for objecting, the name, address and interest of the appellant.

If no hearing is demanded, this payment shall become delinquent thirty (30) days from this notice and a lien for said amount, plus a fee for preparation of the lien, shall be attached to the affected property and thereafter bear interest at the rate of twelve percent (12%) per annum until paid. An additional fee will be incurred in the event that payment is not received before the end of the fiscal year (June 30) and transfer of collection to the City Treasurer becomes necessary.

(Ord. C-7098 § 6, 1993: Ord. C-6104 § 1 (part), 1984)

8.56.120 - Hearing on charges.

Within fifteen (15) days from the date of the notice to pay, the property owner, or any interested person, may demand a hearing as to the reasonableness of such charges. Such demand shall be in writing and filed with the Building Official. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. The Building Official shall thereupon set a date for hearing such protest by the Board of Examiners, Appeals and Condemnation within a reasonable time. The Building Official shall send written notice of such hearing in the manner provided in Section 8.56.060. At the time set for such hearing, the Board shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the Board shall be final, and the Building Official shall give notice to the parties affected in the manner provided in Section 8.56.070.

(Ord. C-6104 § 1 (part), 1984)

8.56.130 - Interest of charges.

If the amount of the charges as determined by the Board of Examiners, Appeals and Condemnation has not been paid within thirty (30) days of its decision, the payment shall thereupon become delinquent and a lien against the real property and the amount so determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid. If no hearing is demanded as to the reasonableness of the charges, the payment shall become delinquent and a lien against the real property thirty (30) days after the notice of the charges for abatement is served by the Building Official; and such amount shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid.

(Ord. C-6104 § 1 (part), 1984)

8.56.140 - Transfer of collection.

The Building Official shall certify a list of all delinquent charges for lot cleaning or nuisance abatement to the City Treasurer who shall submit the list to the City Council for confirmation. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the County Tax Collector. The amount of the charges including such interest as has accrued after the delinquent date to July 1st of the year shall be set forth opposite the description by the City Treasurer.

(Ord. C-6104 § 1 (part), 1984)

8.56.150 - Method of collection.

Upon receipt of the list, the County Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as ad valorem taxes, and penalties and interest for nonpayment thereafter shall attach as though the amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for collection for lot cleaning, correction of substandard conditions or nuisance abatement, and penalties thereon, entered upon that tax roll against the lot are first paid in full.

(Ord. C-6104 § 1(part), 1984)

8.56.160 - Tax—Sold property.

Upon the sale of any lot to the State for nonpayment of taxes, all charges for lot cleaning, correction of substandard conditions or nuisance abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

(Ord. C-6104 § 1 (part), 1984)

8.56.170 - Tax—Sold property—Redemptions.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for lot cleaning, correction of substandard conditions and nuisance abatement, and penalties entered on the delinquent tax records against the property involved, have first been paid in full.

(Ord. C-6104 § 1 (part), 1984)

8.56.180 - Error correction—Assessment cancellation.

A. The Building Official may, prior to certifying any such unpaid charges to the City Treasurer, correct any errors with respect to such levies appearing upon his records.

B. After such levies have been certified to the City Treasurer and confirmed by the City Council, the Council, by order entered on its minutes, may cancel any charges for lot cleaning, correction of substandard conditions or nuisance abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any City, or any school district or other political subdivision and, because of this public ownership, not subject to sale for delinquent assessments.

(Ord. C-6104 § 1 (part), 1984)

8.56.190 - Interfering with enforcement prohibited.

No person as owner, lessee, or agent or person in possession of any property within the City shall allow a public nuisance, as defined in Section 8.56.030, to exist within the City, or refuse to allow the Building Official to enter upon any property during the hours of daylight where any such nuisance exists, for the purpose of inspecting or abating same, after notice has been given as provided in Section 8.56.040, or after appeal is concluded or time for appeal has expired, or interfere with the Building Official in any manner whatsoever in the abating of the nuisance.

(Ord. C-6104 § 1 (part), 1984)

8.56.200 - No dumping—Property may be posted.

A. The Building Official may post a "no dumping" sign on any public or private property if he finds that such property has been repeatedly subjected to dumping in violation of Section 374b of the Penal Code.

B. The sign shall read:

NO DUMPING
(Penal Code Section 374b)

Violators Will Be Prosecuted

In addition, the sign shall contain an appropriate City telephone number designated by the Building Official.

(Ord. C-6407 § 1, 1987)

8.56.210 - Civil penalty—City removal more than once.

If the Building Official finds that the City had previously removed weeds from the same property after notice to the same owner, he shall assess a civil penalty based on the following schedule when weeds are again removed by the City:

Civil penalty: for previous removal of weeds by the City once within the preceding five (5) years—fifty percent (50%) of the City's administrative cost for removal including processing fees; for previous removal by the City two (2) or more times within the preceding five (5) years—one hundred percent (100%) of the City's administrative cost for removal including processing fees.

The City will give notice of this civil penalty to all property owners when weed abatement procedures are instituted against their properties.

The imposition of this civil penalty may be appealed to the Board of Examiners, Appeals and Condemnation, as provided in Section 8.56.120.

The civil penalty constitutes a debt of the person charged to the City of Long Beach and is collectible by the City as an obligation or liability created by statute.

(Ord. C-6498 § 1, 1988)

CHAPTER 8.58 - GRAFFITI ABATEMENT

8.58.010 - Purpose.

This Chapter is enacted for the purpose of providing a system to keep all privately owned real property within the City free of graffiti and providing a system for levy and collection to cover the cost of such removal by the City.

The increase of graffiti on both private and public buildings and structures creates a condition of blight resulting in a deterioration of property and business values for adjacent properties all to the detriment of the City.

(Ord. C-6769 § 1 (part), 1990)

8.58.020 - Definitions.

For the purpose of this Chapter, certain terms used shall have the meaning provided in this Section:

A. "Lot" means a lot, parcel, tract, premises or piece of land, improved or unimproved, in the City.

B. "Graffiti removal levy" means the charge made by the Building Official for removing graffiti from a lot plus all penalties for nonpayment of the charges which have accrued.

C. "Graffiti" means any unauthorized inscription, word, figure or design which is marked, etched, scratched, drawn or painted on any structural component of any building structure, or other facility regardless of the nature of the material of that structural component.

D. "Owner" as used in this Section, means any person so designated on the last equalized assessment roll and also any person having or claiming to have any legal or equitable interest in the premises.

(Ord. C-6769 § 1 (part), 1990)

8.58.030 - Nuisance.

The existence upon any lot of graffiti is expressly declared to be a public nuisance, and it shall be the duty of both the owner of the lot and any person who may be in possession or who has a right to such possession, to at all times keep such lot clean and free from graffiti.

(Ord. C-6769 § 1 (part), 1990)

8.58.040 - Notice—Form.

Whenever the Building Official finds on any lot graffiti which can be seen by any person using any public right-of-way, he shall cause a notice to remove graffiti to be given to the assessee of the lot as shown upon the current equalized assessment roll, and the assessee shall be deemed to be the agent of the owner and tenant for the purpose of receiving service of the notice. The notice shall be in substantially the following form:

NOTICE TO REMOVE GRAFFITI

To_____, as owner:

Pursuant to the provisions of Chapter 8.58 of the Long Beach Municipal Code, you are hereby notified to remove from _____

_____

(Description of property)

AKA _____

Address

all graffiti as defined in the Municipal Code, within seven (7) days from the date of this notice. If such graffiti is not removed within that time, the City will cause it to be removed and the charges for removal shall become a personal obligation and a lien upon your property.

If you intend to remove such graffiti yourself, you are required to obtain from the City a certificate stating that the graffiti has been satisfactorily removed; otherwise if the City is dissatisfied with the manner in which the work has been done, the graffiti will be further removed at your expense.

If you object to the removal of the graffiti from your premises, you may appeal to the Board of Examiners, Appeals and Condemnation by filing a written notice of appeal in the office of the undersigned within five (5) days from the date of this notice. Failure to appeal shall be construed as your acceptance of the Building Official's determination and any and all remedies provided by the Long Beach Municipal Code.

Dated: _____

_____

Superintendent of Building and Safety

City of Long Beach

(Ord. C-6769 § 1 (part), 1990)

8.58.050 - Notice—Service.

The notice to remove graffiti shall be served upon the person whose name appears on the current equalized assessment roll as the owner of the premises involved. Such service may be made either by personal delivery or by depositing the notice in the United States mail, postage prepaid, as certified, first class mail, return receipt requested, addressed to the owner at the most recent address appearing on the assessment roll, or if no address appears thereon, such service may be made by posting the notice in a conspicuous place upon the property. Proof of the service of the notice shall be made by affidavit of the person effecting the service, and the affidavit shall be sufficient for all purposes.

(Ord. C-6769 § 1 (part), 1990)

8.58.060 - Appeal hearing—Service of notice.

A. If there is an appeal, the Building Official shall serve on the owner who has appealed, a copy of the notice of hearing by certified mail.

B. The notice of hearing shall be served at least ten (10) days before the hearing. Proof of service shall be made by declaration filed with the Board of Examiners, Appeals and Condemnation.

C. Service shall be completed at the time of the deposit of the notice in a receptacle maintained by the United States Postal Service, with postage fully prepaid.

D. The failure of any person to receive such notice of hearing shall not affect the validity of any proceedings under this Chapter.

(Ord. C-6769 § 1 (part), 1990)

8.58.070 - Appeal—Hearing—Procedure.

A. At the time stated in the notice, the Board shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, including City personnel, and interested persons relative to the alleged public nuisance and to the proposed removal of the graffiti. The hearing may be continued without further notice.

B. Upon conclusion of the hearing, the Board shall determine whether the premises, as maintained, constitutes a public nuisance as defined in this Chapter. If the Board finds that such public nuisance does exist, it shall determine how the nuisance is to be abated and shall establish a time, not to exceed seven (7) days, within which removal shall take place; and in the event the owner fails to correct the nuisance within the time prescribed, the City shall cause the nuisance to be abated and the cost incurred by the City shall become a personal obligation of the owner and tenant and a lien on the property.

C. A copy of the Board's determination shall be served by mail upon the owner of the affected premises. Service shall be completed at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage fully prepaid.

D. No legal proceeding or action shall lie against the City or any officer, agent or employee of the City to enjoin the enforcement of its determination or orders made pursuant to this Chapter, unless such legal action is commenced within thirty (30) days after the decision of the Board.

(Ord. C-6769 § 1 (part), 1990)

8.58.080 - Owner removal notice.

Every owner served with a notice or order to remove graffiti who upon his own account removes the graffiti from his lot shall upon completion of the work immediately give written notice thereof to the Building Official. Such notice shall be either delivered or mailed to the office of the Building Official. Upon receipt of such notice the Building Official shall cause the lot to be inspected, and if no graffiti exists thereon he shall issue the owner a certificate so stating. If graffiti still exists on the lot, he shall cause it to be removed and the cost will be assessed against the owner and tenant and become a lien on the property as if no such notice of removal was received from the owner.

(Ord. C-6769 § 1 (part), 1990)

8.58.090 - City removal—Authorized.

If any owner served with a notice fails to remove the graffiti from his lot within the time stated in the notice, or order of the Board of Examiners, Appeals and Condemnation after appeal, he shall be deemed to have consented to such removal by the Building Official who shall thereupon be authorized, to enter upon the lot involved and remove the graffiti.

(Ord. C-6769 § 1 (part), 1990)

8.58.100 - City removal—Graffiti abatement levy computation.

The Building Official shall, after completing the removal of graffiti from any lot, compute all expenses so incurred by the City, including the applicable processing fees as set forth by City Council resolution. All expenses shall be charged to and become an indebtedness of the owner and tenant of such premises.

(Ord. C-6769 § 1 (part), 1990)

8.58.110 - City removal—Graffiti abatement levy payment notice.

Upon computing the expenses, the Building Official shall serve upon the owners of all lots where graffiti was removed, as the owners are determined from the current assessment roll, a notice to pay the graffiti abatement levy which notice shall be in substantially the following form:

NOTICE TO PAY GRAFFITI
ABATEMENT LEVY

In accordance with the provisions of Chapter 8.58 of the Long Beach Municipal Code, the Building Official has caused the graffiti upon _____

_____

(legal)

AKA _____

(address)

to be removed at City expense.

You are hereby notified that the total cost of _____ is now due and payable to the City of Long Beach.

Section 8.58.120 of the Long Beach Municipal Code provides in part, that the property owner, tenant or any other interested person may demand a hearing within fifteen (15) days of this notice before the Board of Examiners, Appeals and Condemnation on the reasonableness of the charges. Such demand shall be in writing, filed with the Building Official and shall describe the property involved, the reasons for objecting, the name, address and interest of the appellant.

If no hearing is demanded, this payment shall become delinquent thirty (30) days from this notice and if the amount due is not otherwise collected, a lien for this amount, plus a fee for preparation of the lien and any civil penalty shall be attached on the affected property and thereafter bear interest at the rate of twelve percent (12%) per annum until paid. An additional fee will be incurred in the event that payment is not received before the end of the fiscal year (June 30) and transfer for collection to the City Treasurer becomes necessary.

(Ord. C-6769 § 1 (part), 1990)

8.58.120 - Hearing on charges.

Within fifteen (15) days from the date of the notice to pay, the property owner, tenant or any other interested person, may demand a hearing as to the reasonableness of such charges. Such demand shall be in writing and filed with the Building Official. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. The Building Official shall thereupon set a date for hearing such protest by the Board of Examiners, Appeals and Condemnation within a reasonable time. The Building Official shall send written notice of such hearing in the manner provided in Section 8.58.060. At the time set for such hearing, the Board shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the Board shall be final, and the Building Official shall give notice to the parties affected in the manner provided in Section 8.58.070.

(Ord. C-6769 § 1 (part), 1990)

8.58.130 - Interest of charges.

If the amount of the charges as determined by the Board of Examiners, Appeals and Condemnation has not been paid within thirty (30) days of its decision, the payment shall thereupon become delinquent and if the amount due is not otherwise collected, a lien against the real property, and the amount so determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid. If no hearing is demanded as to the reasonableness of the charges, the payment shall become delinquent and if the amount due is not otherwise collected, a lien against the real property thirty (30) days after the notice of charges for abatement is served by the Building Official; and such amount shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid.

(Ord. C-6769 § 1 (part), 1990)

8.58.140 - Transfer of collection.

The Building Official shall certify a list of all delinquent charges for graffiti abatement to the City Treasurer who shall submit the list to the City Council for confirmation. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the County Tax Collector. The amount of the charges including such interest as has accrued after the delinquent date to July 1st of the year shall be set forth opposite the description by the City Treasurer.

(Ord. C-6769 § 1 (part), 1990)

8.58.150 - Method of collection.

Upon receipt of the list, the County Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as ad valorem taxes, and penalties and interest for nonpayment thereafter shall attach as though the amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for collection for graffiti abatement and penalties thereon, entered upon that tax roll against the lot are first paid in full.

(Ord. C-6769 § 1 (part), 1990)

8.58.160 - Tax—Sold property.

Upon the sale of any lot to the State for nonpayment of taxes, all charges for graffiti abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

(Ord. C-6769 § 1 (part), 1990)

8.58.170 - Tax—Sold property—Redemptions.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for graffiti abatement, and penalties entered on the delinquent tax records against the property involved, have first been paid in full.

(Ord. C-6769 § 1 (part), 1990)

8.58.180 - Error correction—Assessment cancellation.

A. The Building Official may, prior to certifying any such unpaid charges to the City Treasurer, correct any errors with respect to such levies appearing upon his records.

B. After such levies have been certified to the City Treasurer and confirmed by the City Council, the Council, by order entered on its minutes, may cancel any charges for graffiti abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any City, or any school district or other political subdivision and, because of this public ownership, not subject to sale for delinquent assessments.

(Ord. C-6769 § 1 (part), 1990)

8.58.190 - Interfering with enforcement prohibited.

No person as owner, lessee, or agent or person in possession of any property within the City shall allow a "public nuisance", as defined in Section 8.58.030, to exist within the City, or refuse to allow the Building Official to enter upon any property during the hours of daylight where any such nuisance exists, for the purpose of inspecting or abating same, after notice has been given as provided in Section 8.58.040, or after appeal is concluded or time for appeal has expired, or interfere with the Building Official in any manner whatsoever in the abating of the nuisance.

(Ord. C-6769 § 1 (part), 1990)

8.58.200 - Civil penalty—City removal more than once.

If the Building Official finds that the City had previously removed graffiti from the same property after notice to the same owner, he shall assess a civil penalty based on the following schedule when graffiti is again removed by the City:

Civil penalty: For previous removal of graffiti by the City once within the preceding five (5) years - fifty percent (50%) of the City's total cost for removal including processing fees; for previous removal by the City two (2) or more times within the preceding five (5) years - one hundred percent (100%) of the City's total cost for removal including processing fees.

The City will give notice of this civil penalty to all property owners when graffiti abatement procedures are instituted against their properties.

The imposition of this civil penalty may be appealed to the Board of Examiners, Appeals and Condemnation, as provided in Section 8.58.120.

The civil penalty constitutes a debt of the person charged to the City and is collectible by the City as an obligation or liability created by statute.

(Ord. C-6769 § 1 (part), 1990)

8.58.210 - Delegation of duties.

Whenever this Chapter designates duties to be performed by the "Building Official" or "Superintendent of Building and Safety", those same duties may be performed by the Director of Public Works when authorized by the City Manager.

(Ord. C-6769 § 1 (part), 1990)

CHAPTER 8.59 - LOT FENCING

8.59.010 - Purpose.

This Chapter is enacted pursuant to the City Charter and State law for the purpose, among others, of providing a system to keep all privately owned real property within the City subject to mandatory fencing in order to keep such real property free of weeds, debris, graffiti and other nuisances and providing a system for levy and collection to cover the cost of such fencing by the City including incurred enforcement costs.

(Ord. 05 0002 § 1, 2005)

8.59.020 - Definitions.

For the purpose of this Chapter, certain terms used shall have the meanings provided in this Section unless such meanings would be repugnant to the subject matter or the context in which used:

A. "Board" means the Board of Examiners, Appeals and Condemnation.

B. "Building Official" means the Building Official of the City of Long Beach or designee.

C. "Fence" means any unobstructed fence composed of chainlink or other material, as determined suitable by the Building Official, of uniform height not less than six feet (6’) high and not more than ten feet (10’) high, as determined appropriate by the Building Official, complete with at least one (1) set of lockable gates which provide access to the property from a public street when unlocked.

D. "Graffiti" means any unauthorized inscription, word, figure or design which can be seen by any person using any public right-of-way and which is marked, etched, scratched, drawn or painted on any structural component of any building, structure, or other facility regardless of the nature of the material of that structural component.

E. "Lot" means an unimproved lot, parcel, tract or piece of land in the City.

F. "Lot fencing levy" means the charge made by the Building Official for erecting fencing around a lot plus all penalties for nonpayment of the charges which have accrued at the time. In the event the owner fails to comply within the time frame established by the Building Official or as modified on appeal by the board, the lot fencing levy shall also include all incidental enforcement costs incurred by the City whether or not the work was performed later by the City, by the owner, or by others, except as provided below. Incidental enforcement costs include, but are not limited to, the actual expenses and costs of the City in investigating the nuisance, obtaining title information, preparing notices, and performing inspections.

G. "Weeds" and/or "debris" includes all bushes, vines, trees, grass or other vegetation, whether cultivated or uncultivated, and whether dead or growing, and all refuse and rubbish of any kind or description, or wood, asphalt, concrete and similar materials, or tin cans, parts of machinery, implements and automobiles, any of which cause unpleasant or noxious odors, or which are or may become a refuge or breeding place for insects and vermin, or which conceal or are capable

of concealing filth and other unsanitary conditions, or which are, or are capable of becoming, a fire or other hazard to the use and occupancy of neighboring property, or which obstruct or hinder the use of any public street, sidewalk, alley or way.

(Ord. 05 0002 § 1, 2005)

8.59.030 - Nuisance.

The existence upon any lot of "weeds", "debris" and/or "graffiti", as defined in this Chapter, is expressly declared to be a public nuisance, and at the determination and direction of the Building Official it shall be the duty of both the owner of the lot and any person who may be in possession thereof or who has a right to such possession, to keep such lot fenced until the Building Official determines such fencing is no longer needed.

(Ord. 05 0002 § 1, 2005)

8.59.040 - Notice—Form.

Whenever the Building Official finds weeds, debris and/or graffiti on any lot and the Building Official determines that in order to effectively abate such nuisances, and prevent the recurrence of the same, the lot needs to be fenced, the Building Official shall cause a notice to fence premises to be given to the owner or owners of the lot as shown upon the current equalized assessment roll, in the manner provided in this Section. The notice shall be in substantially the following form:

NOTICE TO FENCE PREMISES

To _____, as owner of the hereinafter described premises:

Pursuant to the provisions of Chapter 8.59 of the Municipal Code of the City of Long Beach, you are hereby notified to erect an unobstructed fence composed of _____ of uniform height not less than _____ feet high and not more than _____ feet high complete with at least one (1) set of lockable gates which provide access to the property from a public street when unlocked. The fence shall completely enclose that certain real property known as:

_____
(Description of property)

AKA _____
(address)

A permit shall be obtained and the fence shall be erected within twenty (20) days from the date of this notice. If such fence is not erected within that time, the undersigned will cause it to be erected and the charges for erection, including all incidental enforcement costs incurred by the City, shall become a lien upon your property. Be advised that incidental enforcement costs will become a lien upon your property if the fence is not erected within twenty (20) days even if you perform the work later.

If you intend to erect a fence on your account, you are required, pursuant to the Long Beach Municipal Code, to obtain from the undersigned a certificate stating that your premises have been satisfactorily fenced; otherwise the undersigned will, if dissatisfied with the manner in which said work has been done, cause the premises to be refenced at your expense.

If you object to the fencing of your premises you may appeal to the Board by filing a written notice of appeal in the office of the undersigned within fifteen (15) calendar days from the date of this notice. Failure to appeal shall be construed as your acceptance of the Building Official's determination and any and all remedies provided by the Long Beach Municipal Code. Further, if you elect not to appeal this action, said conduct shall be considered on your part a failure to exhaust administrative remedies.

Dated:_____

_____Superintendent of Building and Safety
City of Long Beach

(Ord. 05 0002 § 1, 2005)

8.59.050 - Notice—Service.

The notice to fence premises shall be served upon the person whose name appears on the current equalized assessment roll as the owner of the premises involved. Such service may be made either by personal delivery of the notice or by depositing the same in the United States mail, postage prepaid, as certified, first class mail, return receipt requested, addressed to the owner at the most recent address appearing on the assessment roll, or if no address appears thereon, such service may be made by posting the notice in a conspicuous place upon the property. Proof of the service of the notice shall be made by declaration of the person effecting the service.

(Ord. 05 0002 § 1, 2005)

8.59.060 - Appeal hearing—Service of notice.

A. The Building Official shall serve on the owner who has appealed, a copy of the notice of hearing by certified mail.

B. The notice of hearing shall be served at least ten (10) days before the hearing. Proof of service shall be made by declaration filed with the Board.

C. Service shall be completed at the time of the deposit of the notice in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.

D. "Owner", as used in this Section, means any person so designated on the last equalized assessment roll and also any person having or claiming to have any legal or equitable interest in the premises.

E. The failure of any person to receive such notice shall not affect the validity of any proceedings under this Chapter.

(Ord. 05 0002 § 1, 2005)

8.59.070 - Appeal—Hearing—Procedure.

A. At the time stated in the notice, the Board shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, including City personnel, and interested persons relative to the alleged public nuisance and to the proposed fencing of the premises. The hearing may be continued without further notice.

B. Upon conclusion of the hearing, the Board shall determine whether the premises, or any part thereof, as maintained, constitute a public nuisance as defined in this Chapter. If the Board finds that such public nuisance does exist, it shall determine if fencing would be appropriate to effectively abate the nuisance and any recurrence of the same and shall establish a time, not to exceed twenty (20) days, within which the erection of the fencing shall take place; and in the event the owner fails to erect the

fence within the time prescribed, the City shall cause the fence to be erected and the cost incurred by the City, including incidental enforcement costs, plus any prescribed penalties, shall become a lien upon the property.

C. A copy of the Board's determination shall be served by mail upon the owner of the affected premises. Service shall be complete at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.

D. No legal proceeding or action shall lie against the City or any officer, agent or employee of the City, to review or enjoin the enforcement of its determination or orders made pursuant to this Chapter, unless such legal action is commenced within thirty (30) days after the decision of the Board.

(Ord. 05 0002 § 1, 2005)

8.59.080 - Owner fencing notice.

Every owner served with a notice or order to fence premises, who upon his own account erects a fence around his lot shall upon completion of the work immediately give written notice thereof to the Building Official. Such notice shall be either delivered or mailed to the office of the Building Official. Upon receipt of such notice the Building Official shall cause the lot to be inspected, and if the fencing is acceptable, the Building Official shall issue to the owner a certificate so stating. If the fencing is unacceptable, the Building Official shall cause the same to be reconstructed and the cost thereof shall be assessed against the lot as if no such notice was received from the owner.

(Ord. 05 0002 § 1, 2005)

8.59.090 - City fencing—Authorized.

If any owner served with a notice to fence premises fails to erect a fence around his lot within the time stated in the notice, or order of the Board after appeal, he shall be deemed to have consented to such erection by the Building Official who shall thereupon be authorized, and it shall be his duty to enter upon the lot and erect the fence thereon.

(Ord. 05 0002 § 1, 2005)

8.59.100 - City fencing levy computation.

The Building Official shall, after the erection of a fence on any lot, compute all expenses so incurred by the City in connection therewith including the applicable processing fees as set forth by City Council resolution and all incidental enforcement costs plus any prescribed penalties. All expenses shall be charged to and become an indebtedness of the owner of such premises.

(Ord. 05 0002 § 1, 2005)

8.59.110 - Lot fencing levy payment notice.

Upon computing the expenses, the Building Official shall serve upon the owners of all lots on which fencing was erected, as said owners are determined from the current assessment roll, and in the same manner as provided for service of the notice to fence premises, a notice to pay lot fencing levy (sometimes referred to in this Chapter as a notice to pay), which notice shall be in substantially the following form:

NOTICE TO PAY LOT
FENCING LEVY

In accordance with the provisions of Chapter 8.59 of the Long Beach Municipal Code, the Building Official has caused a fence to be erected enclosing the following real property: _____

_____
(legal description)

AKA _____
(address)

The fence was erected either at City expense or the work was accomplished by that owner or others after the established deadline.

You are hereby notified that the total cost, including incidental enforcement costs and any prescribed penalties, in the amount of _____ are now due and payable to the City of Long Beach.

Section 8.59.120 of the Long Beach Municipal Code provides, in part, that the property owner or any interested person may demand a hearing within fifteen (15) days of this notice before the Board on the reasonableness of the charges. Such demand shall be in writing, filed with the Building Official and shall describe the property involved, the reasons for objecting, and the name, address and interest of the appellant.

If no hearing is demanded, this payment shall become delinquent thirty (30) days from this notice and a lien for said amount, plus a fee for preparation of the lien, shall be attached to the affected property and thereafter bear interest at the rate of twelve percent (12%) per annum until paid. An additional fee will be incurred in the event that payment is not received before the end of the fiscal year and transfer of collection to the City Treasurer becomes necessary.

(Ord. 05 0002 § 1, 2005)

8.59.120 - Hearing on charges.

Within fifteen (15) days from the date of the notice to pay, the property owner, or any interested person, may demand a hearing as to the reasonableness of such charges. Such demand shall be in writing and filed with the Building Official. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. The Building Official shall thereupon set a date for hearing such protest by the Board within a reasonable time. The Building Official shall send written notice of such hearing in the manner provided in Section 8.59.060. At the time set for such hearing, the Board shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the Board shall be final, and the Building Official shall give notice to the parties affected in the manner provided in Section 8.59.070.

(Ord. 05 0002 § 1, 2005)

8.59.130 - Interest on charges.

If the amount of the charges as determined by the Board has not been paid within thirty (30) days of its decision, the payment shall thereupon become delinquent and a lien against the real property and the amount so determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid. If no hearing is demanded as to the reasonableness of the charges, the payment shall become delinquent and a lien against the real property shall be recorded thirty (30) days after the notice of the charges for abatement is served by the Building Official; and such amount shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid.

(Ord. 05 0002 § 1, 2005)

8.59.140 - Transfer for collection.

The Building Official shall certify a list of all delinquent charges for lot fencing or nuisance abatement to the City Treasurer who shall submit the list to the City Council for confirmation. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the County Tax Collector. The amount of the charges including such interest as has accrued after the delinquent date shall be set forth opposite the description by the City Treasurer.

(Ord. 05 0002 § 1, 2005)

8.59.150 - Method of collection.

Upon receipt of the list, the County Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as ad valorem taxes, and penalties and interest for nonpayment thereafter shall attach as though the amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for collection for lot fencing, correction of substandard conditions or nuisance abatement, and penalties thereon, entered upon that tax roll against the lot are first paid in full.

(Ord. 05 0002 § 1, 2005)

8.59.160 - Tax—Sold property.

Upon the sale of any lot to the State for nonpayment of taxes, all charges for lot fencing, correction of substandard conditions or nuisance abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

(Ord. 05 0002 § 1, 2005)

8.59.170 - Tax—Sold property—Redemptions.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for lot fencing, correction of substandard conditions and nuisance abatement, and penalties entered on the delinquent tax records against the property involved, have first been paid in full.

(Ord. 05 0002 § 1, 2005)

8.59.180 - Error correction—Assessment cancellation.

A. The Building Official may, prior to certifying any such unpaid charges to the City Treasurer, correct any errors with respect to such levies appearing upon his records.

B. After such levies have been certified to the City Treasurer and confirmed by the City Council, the Council, by order entered on its minutes, may cancel any charges for lot fencing, correction of substandard conditions or nuisance abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any City, or any school district or other political subdivision and, because of this public ownership, not subject to sale for delinquent assessments.

(Ord. 05 0002 § 1, 2005)

8.59.190 - Interfering with enforcement prohibited.

No person as owner, lessee, or agent or person in possession of any property within the City shall allow a public nuisance, as defined in Section 8.59.030, to exist within the City, or refuse to allow the Building Official to enter upon any property during the hours of daylight where any such nuisance exists, for the purpose of inspecting or abating same, after notice has been given as provided in Section 8.59.040, or after appeal is concluded or time for appeal has expired, or interfere with the Building Official in any manner whatsoever in the abating of the nuisance or the fencing of the property.

(Ord. 05 0002 § 1, 2005)

CHAPTER 8.60 - SOLID WASTE, RECYCLING AND LITTER PREVENTION

FOOTNOTE(S):

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State Law reference— Provisions authorizing cities to contract for garbage and rubbish disposal and to prescribe terms for such services, Pub. Res. C. § 49300.

Note— Prior ordinance history: Ord. C-5320; Ord. C-5401; Ord. C-5444; Ord. C-5533.

8.60.010 - Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

A. "Account" means any property owner or occupant of any dwelling unit, dwelling, building, premises, lot or parcel designated for City refuse collection and/or recycling services by the Director of Public Works.

B. "Apartment" means each dwelling unit in a multiple-family dwelling containing three (3) or more dwelling units. Three (3) or more dwelling units constructed as separate buildings but located on a common lot or parcel shall be considered as apartments for the purpose of this Chapter.

C. "Automated collection" means refuse collection service using a refuse receptacle (cart) which requires limited or no manual moving and no manual lifting by City personnel.

D. "Building construction refuse" means waste material resulting from the construction, remodeling, repair and demolition operations on houses, commercial buildings, other structures, and any surrounding grounds.

E. "Cart" means a refuse receptacle of one hundred one (101) gallons or less provided by the City for the automated or semi-automated collection of refuse.

F. "City" means the City of Long Beach.

G. "Commercial bin(s)" means refuse receptacles with a capacity greater than one hundred one (101) gallons that require minimal manual moving but no manual lifting, including the two (2) cubic yard bins currently specified for use by the Director of Public Works.

H. "Commercial service" means refuse collection services provided by City crews for nonresidential or mixed use accounts.

I. "Daily charge" means the daily cost to each classification of dwelling unit or commercial unit as prescribed by the rate schedule applicable to that service.

J. "Director of Public Works" means the Director or such other person designated by the City Manager to direct refuse and recycling operations or their designee.

K. "Duplex" means any dwelling containing only two (2) dwelling units. Two (2) dwelling units constructed as separate buildings located on a common lot or parcel shall be considered as duplex units for the purpose of this Chapter.

L. "Dwelling" means any building, including one-family, two-family, and multiple-family dwellings, designed or used for residential occupancy by one (1) or more persons.

M. "Dwelling unit" means one (1) or more rooms designed as a unit of occupancy as separate living quarters. No single dwelling unit may contain more than one (1) kitchen. Any self-contained area with more than one (1) room, an independent exterior exit, combined with a bathtub or shower and a sink shall also be considered a dwelling unit.

N. "Improved alley" means a public or private way that is twenty feet (20') or less in width which is paved and which the Director of Public Works has determined may be safely negotiated by refuse/recycling collection vehicles.

O. "Incidental refuse" means up to one (1) cubic foot of refuse which is deposited at a location other than the business, residence or premises where generated.

P. "Litter receptacle" means any receptacle serviced by the City that is placed on public property for incidental refuse or refuse generated as part of the routine use of public facilities.

Q. "Manual collection" means refuse collection service using a refuse receptacle which requires manual moving and manual lifting by City personnel.

R. "Mixed use" means a building, structure or premises occupied by or used by two (2) or more principal types of use, including but not limited to residential and commercial uses.

S. "Offal" means dead animals, parts of animals, animal byproducts and cooking grease.

T. "Receptacle" means any container approved by the Director of Public Works for removing and conveying refuse or recyclable materials.

U. "Recyclables" means materials designated by the Director of Public Works for source separation, collection and recycling pursuant to the California Integrated Waste Management Act of 1989 (AB 939).

V. "Recycling bins" means any receptacle(s) provided by the City or an authorized agent for the source separation and collection of recyclable materials which are designated by the Director of Public Works.

W. "Recycling service" means the collection, processing and marketing of materials designated by the City or its agent from accounts designated by the Director of Public Works.

X. "Refuse" means all noninfectious and nonhazardous material accumulating or resulting from the use, pre-occupancy or occupancy of buildings, premises, dwellings, lots or parcels.

Y. "Refuse not collected by the City" includes material not compatible with the City's Southeast Resource Recovery Facility (SERRF) operation and/or materials designated by the Director of Public Works. This includes but is not limited to: infectious waste, hazardous waste, noncombustible construction/demolition debris, large metal items, lead acid batteries, other noncombustible materials, materials from industrial and manufacturing processes, food processing wastes or large quantities of condemned food products, explosives, liquids, offal and any substances such that exposure to them may pose a threat to human health or the environment.

Z. "Roll-out service" means the movement by City personnel or its agent of any refuse or recycling receptacle which is not immediately adjacent to public streets or alleys.

AA. "Semi-automated collection" means refuse collection service using a cart which requires minimal manual moving but no manual lifting by City personnel.

BB. "Single-family dwelling" means any dwelling containing only one (1) dwelling unit located on a single lot or parcel.

CC.

"Source separation" means segregation and placement in separate recycling containers or marked bags, by the generator, of materials designated for separate or integrated collection for recycling.

DD. "Street sweeping debris" means material collected by City street sweeping vehicles.

EE. "Unimproved alley" means any public or private way which is twenty feet (20') or less in width and is not paved or which the Director of Public Works has determined cannot be safely negotiated by refuse or recycling collection vehicles.

FF. "Use" means the purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained. Use also means the activity conducted on the land or in the building.

GG. "Waste" means nonhazardous, noninfectious materials generated from the occupancy or pre-occupancy of a dwelling, commercial building lot or parcel including but not limited to organic and inert solid, semi-solid and liquid waste.

HH. "Sufficient capacity" means able to contain all the refuse and recyclables in a manner which prevents such material from dropping on the ground, being blown from the container, or otherwise causing a nuisance.

(Ord. C-7601 § 23, 1999; Ord. C-7330 § 1, 1995: Ord. C-7057 § 1, 1992: C-5595 § 1 (part), 1980: prior code § 5220)

8.60.020 - Adequate receptacles or bins required.

A. All property owners or occupants utilizing receptacles shall have the number of receptacles or bins with sufficient capacity necessary to contain their refuse and recyclables in compliance with City ordinances and the Health and Safety Code.

B. It shall be the duty of every account to provide, maintain and use receptacles for refuse and recycling collection service in accordance with the type, quantity and conditions set forth in Sections 8.60.020 through 8.60.070 in the manner provided by this Chapter. The terms of Sections 8.60.020 through 8.60.070 shall not apply to any tenant occupying any real estate in the City, the owner of which provides and maintains, as prescribed in this Chapter, receptacles for holding refuse, or who provides and maintains, in accordance with the terms of this Chapter, a refuse/recycling collection service with a solid waste enterprise licensed and permitted to remove or convey waste within the City.

C. Property owners or occupants utilizing plastic trash bags in accordance with Subsection 8.60.025.D shall store such bags, when in use and when filled, in a sanitary manner so as to minimize odor and vector problems.

D. City-serviced accounts will be advised in writing by the Director of Public Works to increase their levels of service by obtaining additional receptacles or arranging for more frequent collection. If the Director of Public Works determines that overflowing or otherwise non-contained refuse continues to create a nuisance or a threat to public health or safety after written notification to the account, or to the property owner and occupant, the Director shall either provide sufficient containers and collection and bill the account in accord with the schedule of fees adopted by the City Council, or refer the matter to the appropriate City department for further action.

E. City-serviced accounts designated by the Director of Public Works for automated or semi-automated collection and recycling services shall only use refuse carts and recycling bins obtained from the City. Carts and recycling bins shall be provided and repaired or replaced by the City. Carts, recycling bins and their components so furnished shall remain the property of the City.

F.

Account holders as shown in the City's utility billing records shall have the option of requesting additional carts or recycling bins or exchanging the carts for a different size based on available City inventory. Carts shall not be exchanged more than once every six (6) months. Exchange fees shall be established in accordance with Section 8.60.190

G. Each refuse transportation permit holder shall be responsible to comply with each requirement set forth in Subsections 8.60.020.A through 8.60.020.C of this Section for each account or property it services within the City. Failure to comply with these requirements shall be a violation of the terms and conditions of the refuse transportation permit as set forth in Section 8.60.088

(Ord. C-7601 § 2, 1999: Ord. C-7057 § 2, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.1(a))

8.60.025 - Receptacles—Specifications.

All refuse and recycling receptacles utilized within the City for removing and conveying waste shall be acceptable to the Director of Public Works and shall conform to the following specifications:

A. City-serviced accounts designated by the Director of Public Works for automated or semi-automated collection and/or recycling services shall:
   1. Only use carts and recycling bins provided by the City or its agent;
   2. Fill each cart so that its weight when loaded does not exceed two hundred fifty (250) pounds and so that the lid is fully closed when placed for collection.

B. City-serviced accounts designated by the Director of Public Works for commercial service shall:
   1. Utilize carts provided by the City or provide, utilize and maintain commercial bins that meet specifications set by the Director of Public Works. For the purposes of this Chapter, the volume of a standard two cubic yard commercial bin shall be equal to five (5) one hundred (100) gallon carts;
   2. Utilize structurally sound, watertight receptacles;
   3. Have four (4) operative wheels that allow for a one-person movement of the receptacle when loaded;
   4. Have sufficient drainage or a plug utilized for drainage;
   5. Utilize a plastic lid that prevents contents from escaping if placed in service after January 1, 1993;
   6. Plainly and visibly display the service location address on each commercial receptacle. Characters shall be at least four inches (4") high;
   7. Plainly and visibly display signage banning the illegal disposal of hazardous, infectious and liquid waste;
   8. Utilize containers that weigh not more than one thousand two hundred fifty (1,250) pounds when loaded;
   9. Stow refuse in a manner that will prevent refuse escaping therefrom;
   10. Stow refuse in a manner that rain will not increase a receptacle's weight beyond capacity;
   11. Clean the inside and outside of receptacles as necessary to maintain sanitary conditions and keep receptacles free of graffiti.

C. City-serviced accounts designated by the Director of Public Works for manual collection shall:
   1. Utilize receptacles made of waterproof material, the interior of which shall be smooth with no projections;
   2.

Have a diameter not less than eighteen inches (18") nor greater than twenty-four inches (24"), the top diameter of which shall in no case be less than any diameter below the top with nothing attached to the exterior other than acceptable handles;

3. Utilize a removable waterproof cover or lid to prevent rain from increasing a receptacle's loaded weight beyond capacity;
4. Stow refuse in a manner that prevents contents escaping therefrom;
5. Utilize receptacles that have a capacity not less than thirty (30) nor more than fifty (50) gallons, weighing not more than twenty (20) pounds when empty nor more than sixty (60) pounds when loaded.

D. Heavy-duty double-strength plastic bags are acceptable with the following restrictions:
   1. Bags shall be securely tied;
   2. Bags shall not contain sharp objects such as branches, sticks, glass, etc., which may cause the bag to puncture or cause injury to collection personnel;
   3. Bags shall not contain refuse weighing more than twenty-five (25) pounds;
   4. Property owners or occupants with manual collection are required to utilize a minimum of one (1) standard refuse receptacle per account specified under Subsection 8.60.025.C of this Section to hold refuse not acceptable in plastic bags;
   5. Property owners or occupants shall be responsible for the condition of all plastic bags used and the materials contained therein until the bag(s) and contents have been conveyed by the City or private refuse crews;
   6. Property owners or occupants with automated/semi-automated and commercial bin collection service shall place all plastic bags inside the cart(s) or commercial bin(s).

E. All waste receptacles must have watertight lids to prevent the breeding of vectors and to contain debris and litter. Such lid shall remain closed and fit tightly over the receptacle at all times and shall be easily and quickly opened but the same shall not be opened except when necessary to place refuse in such receptacle or to remove refuse therefrom.

F. Receptacles that do not comply with the specifications and requirements as stipulated in the above Subsections shall be noticed and will be considered as refuse and removed as refuse if they do not comply by the next regular collection day. Receptacles and their contents so removed shall be subject to special service fees pursuant to Section 8.60.190

G. Solid waste enterprises, recyclers and any contractor collecting, removing or conveying waste shall comply with the requirements of Subsections 8.60.025.A through 8.60.025.E according to the type of service they provide. In addition to these requirements and those set forth in Section 8.60.087, solid waste enterprises, recyclers and any contractor collecting, removing or conveying waste shall:
   1. Plainly and visibly display the name and operational phone number of the business providing service on all receptacles. Characters are to be at least four inches (4") high;
   2. Plainly and visibly display signage banning the stowing of hazardous, infectious and liquid waste on the receptacle(s);
   3. Keep waste receptacles graffiti-free at all times;
   4. Utilize receptacles approved by the Director of Public Works.

(Ord. C-7601 § 3, 1999: Ord. C-7330 § 2, 1995; Ord. C-7057 § 3, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.1(b))

8.60.030 - City receptacles—Additional requirements.

A. Property owners or occupants provided with refuse and/or recycling receptacles by the City shall:
   1. Not paint, mark or deface the receptacles in any way;
   2. Report damaged, lost or stolen receptacles to the Department of Public Works within seventy-two (72) hours of notice of occurrence;
   3. Be charged for the repair or replacement of receptacles if damaged, lost or stolen because of property owner or occupant negligence. A replacement fee will be charged to the account according to Section 8.60.190
   4. Clean the inside and outside of the receptacle(s) as necessary to maintain sanitary conditions and keep receptacle(s) free from graffiti;
   5. Mark the street address of the account serviced on all receptacles supplied by the City within the space provided.

(Ord. C-7601 § 4, 1999: Ord. C-7057 § 20, 1992)

8.60.040 - Green waste.

A. Property owners or occupants with automated or semi-automated and commercial collection service shall place all tree limbs, shrubs, trimmings, grass clippings and other items of a similar nature inside the receptacle in such a manner that items do not protrude from the receptacle.

B. Property owners or occupants in areas designated by the Director of Public Works for manual collection shall tie all tree limbs, shrubs, trimmings and other green waste of a similar nature in compact bundles for disposal. Such bundles shall not exceed four feet (4') in length nor forty (40) pounds in weight and need not be placed in a container.

(Ord. C-7601 § 5, 1999: Ord. C-7057 § 4, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.1(c))

8.60.050 - Waste requiring special handling.

A. Material likely to become airborne upon disposal shall be securely wrapped. This includes, but is not limited to: ashes or dust from vacuum cleaners, barbecues, fireplaces, litter boxes, sawdust and garbage.

B. Accounts requiring special pickup service for bulky items which require special handling such as tires, large appliances and furniture shall contact the Department of Public Works refuse collection service to arrange for pickup prior to placing such items out for collection. Charges for such service shall be implemented and collectable pursuant to Sections 8.60.190 and 8.60.200 of this Municipal Code.

C. No material other than Municipal solid waste shall be placed in any refuse receptacle within the City. The Director of Public Works is authorized to place additional limits on types and quantities of waste which may be placed in City-serviced refuse receptacles when the Director determines that such a restriction is necessary to protect the health and safety of City employees or the general public, or to comply with State or Federal laws or regulations.

D. Refuse not collected by the City shall be removed, conveyed and properly disposed of at a properly licensed disposal site by a solid waste enterprise licensed and permitted to remove or convey such materials in the City, pursuant to all applicable laws and regulations and the provisions of this Chapter.

(Ord. C-7601 § 6, 1999: Ord. C-7057 § 5, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.1(d))

8.60.060 - Placement of refuse and recycling receptacles for collection.

Property owners or occupants with automated or semi-automated and commercial collection shall place all refuse in the carts provided by the City or commercial bins approved by the Director of Public Works. Each refuse and recycling receptacle shall be placed for collection in the following manner unless directed otherwise by the Director of Public Works:

A. For automated collection, where there is no alley or unimproved alley, carts shall be placed in front of the premises where generated, in the gutter with wheels against the curb and the arrow on the receptacle lid facing into the street.

B. For semi-automated collection, where there is an improved alley designated for alley collection, carts shall be placed for collection on a hard, level surface, on the premises where generated, immediately adjacent to the alley.

C. For manual collection (with approved receptacles as provided in Sections 8.60.030 through 8.60.050):
    1. Where there is no alley or unimproved alley, receptacles and bundles shall be placed on the curb or parkway in front of the premises where generated;
    2. Where there is an improved alley that is designated for alley collection, receptacles and bundles shall be placed for collection on the premises where generated, immediately adjacent to the alley.

D. The following additional requirements shall apply to commercial refuse service:
    1. Commercial and business enterprises, offices, office buildings, government facilities, churches, schools, or dwellings with over four (4) dwelling units that have a storage area meeting Building Code requirements may use a commercial bin for refuse collection service;
    2. Accounts using a commercial bin for City refuse collection service shall place the bin immediately adjacent to the improved alley or at the curb in front of the premises accessible to City crews as approved by the Director of Public Works and in compliance with Section 8.60.070
    3. Commercial bins placed in an improved alley shall be placed on a hard level surface;
    4. Commercial bins placed at the curb or parkway shall be placed in the gutter with the spindles (lifting arms) against the curb;
    5. Carts shall be used in lieu of commercial bins where designated by the Director of Public Works;
    6. Persons utilizing City commercial refuse service shall place for collection only the total number of bins and/or carts previously established for the account;
    7. The City shall retain the right to place a sticker on all commercial bins and carts used for City collection to show authorized day(s) of service and container capacity.

E. Residential recycling program service:
    1. Recycling bins shall be placed for collection in the same location and on the same dates and times as for refuse receptacles, unless otherwise specified by the Director of Public Works.
    2. Recyclable materials shall be stored in recycling bins in such a manner as to minimize vector control problems.

F. Carts, commercial bins, and manual refuse receptacles shall not have any obstructions in front or within two feet (2') of sides and top of receptacles. Two feet (2') of space shall be maintained between carts. Recycling containers shall be placed together at least two feet (2') from all carts

and bins.

G. The Director of Public Works or designee may specify other locations for the placement of receptacles where such placement will expedite collection or enhance the safety of collection operation, or benefit the public health and safety.

(Ord. C-7601 § 7, 1999: Ord. C-7057 § 6, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.1(e))

8.60.070 - Time of placement for collection.

Each receptacle or bundle shall be placed for collection not earlier than the evening preceding, nor later than six a.m. on the day of regular collection. Receptacles placed at the curb shall be removed within twelve (12) hours after the refuse has been collected.

(Ord. C-5595 § 1 (part), 1980: prior code § 5220.1(f))

8.60.080 - Refuse transportation permit—Required.

A. Any person who intends to remove or convey any nonhazardous, noninfectious refuse for hire within the City shall first apply for and receive a permit in writing from the Director of Public Works in accordance with the applicable provisions of this Chapter 8.60

B. There shall be two (2) classes of refuse transportation permits:
   1. Recycling Permit: For the removing or conveying of nonhazardous, noninfectious source separated materials, with less than ten percent (10%) nonrecyclable waste, as a part of the recovery/recycling process; and
   2. General permit: For the removing or conveying of all other nonhazardous, noninfectious solid waste not subject to either of the first two (2) classes of permits.

C. The provisions of this Section shall not apply to:
   1. Any person employed by the City; and
   2. Persons performing work requiring a permit pursuant to this Chapter, under contract to provide service for a program funded from the general fund of the City, which persons shall be exempt from any fee otherwise required pursuant to Section 8.60.082 but shall otherwise comply with all requirements applicable to refuse transportation. A written exemption shall be requested and received in advance from the Director of Public Works.

(Ord. C-7330 § 3, 1995; Ord. C-7223 § 1, 1994: Ord. C-6975 §§ 1, 2, 1992; Ord. C-6922 § 1, 1991: Ord. C-5595 § 1 (part), 1980: prior code § 5220.2)

8.60.081 - Insurance.

The applicant for a refuse transportation permit shall provide, at the time of application for the permit, and shall maintain throughout the term of the permit insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040. The permit shall not be effective until the City has received proof of such insurance.

(Ord. C-7934 § 15, 2004: Ord. C-7601 § 8, 1999: Ord. C-6975 § 6, 1992)

8.60.082 - Refuse transportation permit—Application and renewal.

A. An application for a refuse transportation permit shall be submitted to the Director of Public Works or designee on a form to be furnished by the Department of Public Works and shall be accompanied by a nonrefundable application fee as determined by the City Council. The applicant shall furnish all information reasonably required by the Director to enable the Director to act on the application which information may include, but need not be limited to:

1. The name, address and telephone number of the applicant, including all names of the business entities involved;
2. The names, addresses and telephone numbers of all of applicant's subcontractors operating under the permit, if any;
3. The number of vehicles and corresponding vehicle registration and license plate numbers for all vehicles to be operated by the applicant within the City;
4. A copy of the applicant's business license and all other applicable licenses or permits;
5. Proof of insurance furnished or to be furnished pursuant to Section 8.60.081
6. Such other information as may be reasonably required by the City.

B. The application shall be reviewed and processed in accordance with procedures established from time to time by the Director of Public Works. A permit may be denied for failure to comply with any of the provisions of this Chapter.

C. The City Council may establish an annual refuse transportation fee by resolution in an amount sufficient to reimburse the City for the actual costs of administering the refuse transportation permit program.

(Ord. C-7601 § 9, 1999: Ord. C-7057 § 7, 1992: Ord. C-6975 § 3, 1992; Ord. C-6922 § 3, 1991)

8.60.084 - Permit issuance and term.

A. After determining that an applicant for a refuse transportation permit is fully compliant with the provisions of this Chapter and all other applicable provisions of law, the Director of Public Works shall issue the appropriate refuse transportation permit. Such permit may contain additional administrative provisions as deemed necessary by the Director of Public Works to carry out his duties under this Chapter.

B. The initial permit so issued shall expire at midnight (12:00 a.m.) of June 30 next following initial issuance.

C. Thereafter, the term of the permit shall be for one (1) year, provided that the Director shall grant annual renewal if the permittee demonstrates that it is in full compliance with all applicable laws and regulations, including, but not limited to the provisions of this Chapter.

(Ord. C-7601 § 10, 1999: Ord. C-6922 § 4, 1991)

8.60.085 - Display of permits—Identification of vehicles and receptacles.

A. The Director of Public Works shall issue a permit and a decal or decals to each permittee.

B. A legible copy of the refuse transportation permit, along with a legible copy of the business license, and all other applicable permits and licenses, shall be kept in each vehicle of the permittee and be made available for inspection immediately upon request by any authorized representative of the City.

C. Every person using a vehicle to remove or convey waste shall display a decal in a manner so as to be plainly visible and permanently affixed in the lower right-hand corner (passenger side) of the front windshield of each vehicle operated within the City by the permittee.

D. Each permittee shall place and maintain on each vehicle and receptacle used for collecting or transporting refuse or recyclables the permittee's name and operational phone number. Such information shall be plainly visible using lettering not less than four inches (4") in height.

(Ord. C-7601 § 24, 1999)

8.60.086 - Reporting requirements.

A. Monthly reporting. Every holder of any class of refuse transportation permit shall maintain a written record and make a monthly report to the Director of Public Works of refuse and recyclables purchased, received or collected. The report and applicable fees shall be delivered to the City no later than ninety (90) days after the first of the month for which collection service was provided, and shall contain all information reasonably required by the Director of Public Works to determine compliance with the Municipal Code and with the Integrated Waste Management Act of 1989 (commonly known as "A.B. 939"), as it may be amended from time to time and to verify the permittee's calculation of fees owed by permittee.

B. Annual recycling report. Every holder of any class of refuse transportation permit shall, not later than the first business day of April, submit an annual report for the previous calendar year. The City Council may establish a schedule of fees to be submitted with such reports, based on rates of waste diversion, by resolution.

C. The Director of Public Works or designee may audit, during normal business hours of the permittee being audited, any and all records of a permittee reasonably necessary to enable the Director to determine the accuracy of the reports furnished pursuant to Subsections 8.60.086.A or 8.60.086.B of this Section and compliance with this Chapter.

(Ord. C-7601 § 11, 1999: Ord. C-6922 § 5, 1991)

8.60.087 - Operating requirements for permittees.

A. Each permittee shall:

1. Provide waste receptacles or bins of sufficient capacity and quantity so as to contain all refuse generated by an account;
2. Be responsible for the collection and disposal of overflow refuse around receptacles. Following the collection of refuse or the emptying of waste receptacles, the area where the refuse was placed for collection shall be left free of refuse, litter, liquid waste and other debris;
3. Provide bulky item collection service for each account. The permittee is responsible for the removal and proper disposal of all bulky items placed for collection for each account it services. The permittees shall remove such items within forty-eight (48) hours of servicing an account or receiving a request for collection from the account or from the City. Each permittee shall maintain a log of such requests for bulky item collection and make such log available for inspection by the Director of Public Works;
4. Comply with monthly and annual reporting requirements as established by the Director of Public Works;
5. Provide a recycling program as set forth in Section 8.60.087.5
6. Execute and maintain in effect a commercial franchise agreement with the City, as a permit condition, for the use of streets, highways or roads in the City of Long Beach for the conduct of its business activity. The City hereby grants a solid waste hauling franchise to any solid waste enterprise upon the issuance to it of a permit issued pursuant to Section 8.60.80 of this Chapter. The term of the franchise shall run concurrently with the term of the permit and shall end upon termination of the permit. The valid possession of such a permit shall be deemed to make a solid waste enterprise a franchisee under this Section; and
7. Pay a franchise fee, known as the "refuse hauler business fee", in an amount established by the City Council by resolution.

B.

The failure of any permittee to comply with the requirements of Subsections 8.60.087A.1. through 8.60.087A.3., shall subject the permittee to a service charge equivalent to the City's costs of providing such services, including all administrative costs, as determined by the City Council by resolution. The failure of any permittee to comply with any requirement of Subsection 8.60.087.A. may also result in the suspension or revocation of the refuse transportation permit.

C. All permittees providing solid waste collection services shall comply with the Americans With Disabilities Act (42 U.S.C. 12101 et seq.), as it may be amended from time to time.

D. Nothing in this Section shall excuse compliance with any other Municipal Code section, nor any other applicable law or regulation.

(ORD-09-0033, § 1, 2009; Ord. C-7601 § 12, 1999: Ord. C-7057 § 8, 1992: Ord. C-6975 § 4, 1992; Ord. C-6922 § 6, 1991)

8.60.087.5 - Recycling program—Fee.

Each permittee shall implement a recycling program approved by the Director of Public Works.

(ORD-09-0033, § 2, 2009; Ord. C-7601 § 25, 1999)

8.60.088 - Suspension or revocation of permits—Cause.

No person shall remove or convey any refuse for hire within the City after a permit for such activity has been revoked or during the time such a permit has been suspended. Grounds for suspension or revocation of a permit shall include, but are not limited to the following:

A. Failure to comply with any of the provisions of this Chapter.

B. Failure to pay in a timely manner any fees imposed by the City.

C. Failure to accurately report under, or comply with any lawful order issued pursuant to California Public Resources Code § 41821.

D. Intentional misstatement of tonnage and origins of refuse collected or transported.

E. Conviction of any violation of any State or federal law in any way related to the collection, transportation or disposal of any waste.

(Ord. C-7601 § 13, 1999: Ord. C-7330 § 4, 1995: Ord. C-6922 § 7, 1991)

8.60.089 - Illegal haulers, default and impoundment.

A. Failure to acquire and maintain a valid permit shall constitute default and provide the City cause to initiate default proceedings as described in this Section.

B. The City shall notify any person failing to comply with all requirements of this Chapter, in writing, of any default or violation, and shall specify in the notice the date and time by which operations must cease. If the person or permittee fails or refuses to comply, the City shall have the right to remove the bin or box or other refuse receptacle or hauling vehicle without further notice. The person or permittee shall reimburse the City for any expense incurred by the City in removing the receptacle or hauling vehicle, including but not limited to costs of removal and storage. After thirty (30) days the City shall sell, recycle or otherwise dispose of property as stipulated in Section 14.06.140 of this Code. Should the permittee or person continue to operate after permit termination or notification and should the City file suit to restrain the operation, the permittee or person shall reimburse the City for its reasonable costs and expenses in connection therewith, including reasonable Attorney's fees.

C. Each subsequent incident of violation described in Subsection 8.60.089.A, shall be subject to an administrative fee as determined by the City Council by resolution in addition to any other costs set forth in Subsection 8.60.089.B when removing or conveying waste within the City or when reported

dumping waste from within the City to any disposal site.

(ORD-10-0014, § 14, 2010; Ord. C-7601 § 14, 1999: Ord. C-7330 § 5, 1995: Ord. C-6975 § 5, 1992; Ord. C-6922 § 8, 1991)

8.60.090 - Procedure for permit suspension or revocation.

The suspension or revocation of a permit shall be governed by the provisions of Section 5.06.020.

(Ord. C-7601 § 15, 1999: Ord. C-6922 § 2, 1991: Ord. C-5595 § 1 (part), 1980: prior code § 5220.3)

8.60.091 - Transferability of refuse transportation permits.

A. Upon sale and purchase of a permitted entity, including the obtaining of a majority ownership of corporate stock, a refuse transportation permit shall be transferable with the written consent of the Director of Public Works. The Director of Public Works shall not unreasonably withhold consent to the transfer of a refuse transportation permit where the applicant demonstrates that the transfer is in full compliance with the provisions of this Chapter and other laws, ordinances, rules or regulations generally applicable to private waste collectors authorized to operate within the City and the transferee complies with all provisions of this Chapter required of an applicant for a new permit. An application for the transfer of a refuse transportation permit shall be submitted in accordance with the requirements of Subsections 8.60.082.A and 8.60.082.B. A nonrefundable fee for applying for the transfer of a refuse transportation permit shall be imposed as determined by the City Council by resolution to reimburse the City for the actual costs of processing the application and transferring the refuse transportation permit. A transferred permit shall expire at midnight of the June 30th next following the date of transfer, and shall thereafter be subject to annual renewal pursuant to Subsection 8.60.084.C for a period of one (1) year at a time.

B. Any person or business entity requesting a transfer shall pay all so-called AB 939 fees, including fines and penalties and report tonnage of all waste removed or conveyed since the adoption of the ordinance and/or resolutions on August 1991 governing the AB 939 program for both the transferred and the acquired company(ies). Failure to comply with this Section shall constitute grounds for suspension or revocation of an existing permit and/or denial of transfer.

(ORD-10-0014, § 15, 2010; Ord. C-7330 § 6, 1995)

8.60.093 - Number of general transportation permits.

A. The Director of Public Works shall not issue, nor need applications be accepted for, more than forty (40) general refuse transportation permits as provided in Subsection 8.60.080.B.2. in any calendar year.

B. If the number of such current and valid permits falls to or below thirty-five (35), the Director shall accept applications for the issuance of additional permits, which in no event shall cause the total number of outstanding permits to exceed forty (40). Should the number of qualified applications cause the number to exceed forty (40), then the Director shall determine the number of permits to be issued to qualified applicants by lot as determined by him/her to be appropriate. Each application submitted pursuant to this Section 8.60.093, shall be accompanied by an application fee as determined by the City Council by resolution which is imposed to cover the costs to the City of so-called AB 939 planning, determination of legal compliance and application processing. Except for a retained amount as determined by the City Council by resolution, the fee shall be returned to any applicants found ineligible for issuance of a permit.

C. Any junk collectors, junk dealers or any persons or party removing or conveying less than nine hundred (900) tons of refuse annually and holding a valid permit to do so on June 30, 1995, may continue to do so, subject to annual renewal as required by law, regardless of the numerical limit

established by Subsection 8.60.093.A. Any new permits for such services applied for on or after July 1, 1995, shall be subject to the limits.

D. The Director of Public Works shall, on or after January 1, 1997, and biennially thereafter, review the adequacy of the maximum number of refuse transportation permits provided in this Section in meeting Long Beach refuse disposal needs and shall report his/her findings to the City Council together with his/her recommendation, if any, for a change in that number.

(ORD-10-0014, § 16, 2010; Ord. C-7330 § 7, 1995)

8.60.100 - Vehicles conveying refuse.

A. Any person removing or conveying any refuse on any public street or other public place in the City shall utilize tight vessels, tanks, receptacles or truck-mounted bodies, each of which shall be so covered as to prevent contents escaping therefrom. Such cover shall be of a type satisfactory to the Director of Public Works.

B. Vehicles used for the removal of refuse, manure and other potentially offensive substances shall be maintained in a clean and sanitary manner so as to minimize odor and vector problems. Such vehicles must be provided with metal lining or metal receptacles, must be strong and tight and must be kept covered except while such material is being deposited in or removed therefrom. No such vehicle shall be stored in a residential area.

(Ord. C-7601 § 16, 1999: Ord. C-7057 § 9, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.4)

8.60.110 - Refuse falling in street.

No receptacle shall be filled to exceed capacity. Receptacles exceeding capacity shall be noticed and not collected. If any refuse is dropped or spilled on the City right-of-way from trash picking, scavenging, overflowing containers, or animal scavenging, it shall be the responsibility of the property owner or occupant to clean up and properly dispose of the refuse.

(Ord. C-7601 § 17, 1999: Ord. C-7057 § 10, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.5)

8.60.111 - Throwing rubbish and refuse on public right-of-way or storm drain system prohibited.

No person shall put, place, sweep, throw, brush or in any other manner deposit any refuse, litter, vegetation, or any other waste in or on any public right-of-way or any portion of the storm drain system, including, but not limited to, streets, gutters, sidewalks, parkways and alleys. This Section shall not be construed to prohibit the placing of any required rubbish containers upon any sidewalk, street or alley in compliance with the provisions of the sections governing the collection of waste or rubbish.

(Ord. C-7601 § 18, 1999: Ord. C-7330 § 8, 1995)

8.60.113 - Illegal dumping in street sweeping roll-off containers prohibited.

No person shall dispose of refuse of any kind, including, but not limited to, infectious waste, hazardous waste, construction or demolition debris, large items, materials from industrial and manufacturing processes, food processing wastes, explosives, liquids, offal and any substances such that exposure to them may pose a threat to human health or the environment, into the roll-off containers for street sweeping debris.

(Ord. C-7601 § 19, 1999: Ord. C-7330 § 9, 1995)

8.60.120 - Illegal dumping prohibited—Permit revocation.

A. No person shall transfer the financial liability for refuse disposal by depositing waste of any kind upon any public street, other public place or private parcel, lot, premises, litter receptacle or refuse receptacle thereon.

B. No person shall deposit waste of any kind in the receptacle of, or on the premises of a business, residence or lot, which was not generated on those premises without first obtaining a written permit from the property owner or occupant who is liable for the refuse collection fees. For those accounts serviced by City refuse collection crews, a written permit shall also be obtained from the Director of Public Works prior to depositing any waste on a lot or in the City-serviced receptacle of any business, residence or premises where the waste was not generated.

C. Litter receptacles are placed on public property for incidental litter and refuse generated while using public facilities. No person shall dispose of refuse, other than individual litter, that was not generated from the uses of that public facility by depositing it in litter receptacles.

D. Violation of this Section by the holder of any permit granted pursuant to the provisions of this Chapter shall be grounds for the revocation of such permit by the City.

(Ord. C-7601 § 20, 1999: Ord. C-7057 § 11, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.6)

8.60.130 - Removal of waste from receptacles.

When any waste receptacle is placed upon any premises as provided in this Chapter, only the owner, or agent carrying a current license and permit with the City and all other applicable permits and licenses, or authorized employee or agent of the City shall move, remove or tamper with such receptacle, or remove any refuse or recyclable material from any such receptacle.

(Ord. C-7601 § 21, 1999: Ord. C-7057 § 12, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.7)

8.60.140 - Collection charges.

A. The City shall provide for the collection and removal of refuse materials from all property in the City at regular intervals to be prescribed by the Director of Public Works. A charge is imposed upon every property owner or occupant of property in the City not expressly exempted therefrom in this Chapter for such classes of service. Unless exempted, the charge shall always apply if the property is receiving either water or gas service and pursuant to Section 8.60.240 a written exemption has not been requested and received in advance from the Director of Public Works.

B. The City shall provide for the collection, marketing and processing of recyclable materials stipulated in Sections 8.60.010 through 8.60.070 from all accounts designated by the Director of Public Works. A residential recycling program charge shall be imposed upon every property owner or occupant of each dwelling unit of a lot or parcel if the property is receiving City refuse service and the property is not expressly exempted therefrom in this Chapter.

C. Rates for refuse collection, recycling services, late fees and penalties shall be as established by the City Council by resolution.

D. Current rate information is available upon request from the office of the City Clerk, the Director of Public Works, the Commercial Services Bureau, or by mail addressed to the Commercial Services Bureau, P.O. Box 630, Long Beach, CA 90842-0001.

(Ord. C-7057 § 13, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.8(a))

8.60.150 - Billing—Period.

A. Regular bills for service shall be rendered at intervals prescribed by the City. Insofar as it is practicable, accounts shall be scheduled at regular intervals for the preparation of regular bills, and accounts shall be scheduled as required for the preparation of opening, closing and special bills.

B. The customer's bill shall be calculated on the basis of the number of days in the billing period times the daily charge in accordance with the rate schedule applicable to that service.

(Ord. C-7057 § 14, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.8(b))

8.60.160 - Mixed permanent and transient occupancy.

Apartment hotels and other hostelries of a like nature which provide both apartments and transient room accommodations may be charged either on the basis of volume of refuse collected per week or on the basis of the number of apartment dwelling units, but in no event shall the charge be less than the daily unit charge set forth in the applicable refuse rate schedule. The charging method to be used in each specific instance shall be determined by the Director of Public Works.

(Ord. C-5595 § 1 (part), 1980: prior code § 5220.8(c))

8.60.180 - Determination of volume.

Refuse collection service charges established on volume shall be determined on the basis of average quantities collected. The Director of Public Works shall cause such quantities to be periodically reviewed, and upon the basis of his findings the daily charge shall be adjusted to maintain conformance with the volume of refuse being collected; excepting that the daily charge shall not be adjusted in relation to temporary variations of refuse due to seasonal factors where such variations from the average do not extend beyond a two (2) month period.

(Ord. C-5595 § 1 (part), 1980: prior code § 5220.8(e))

8.60.190 - Special service.

A. The Director of Public Works may provide for the removal and disposal of refuse and/or recyclable materials from any place or premises at times in addition to or beyond the regular collection service schedule or in a manner different from routine collection practice and procedures. Any special service shall be established by the Director of Public Works. Charges for such special services, including cart repair, exchange and replacement, special refuse, rollout service and, additional unscheduled collection shall be established from time to time by the Director of Public Works.

B. The charge for a special service shall be billed for collection separately from the routine service charge collections by the manager of the Commercial Services Bureau to the property owner or firm who shall be liable to the City for payment.

C. Upon failure to pay any such special service fee when due, an action may be brought to collect the same, pursuant to Section 8.60.200 of the Municipal Code.

(Ord. C-7057 § 15, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.8(f))

8.60.200 - Billing—Liability for payment.

All occupants of property, unless expressly excepted in this Chapter shall be liable for payment of refuse collection service, recycling service and special services as prescribed in Sections 8.60.140 and 8.60.190. Such charge shall be billed by inclusion with municipal utility bills where practicable. In instances of property containing more than one (1) dwelling unit or place of business, or both, which are served by single utility meters for both gas and water service, or in other instances where direct billing to occupants is not possible or practical, the service charges may be billed to the property owner, who may collect such charges from the occupants of the dwelling units or places of business located on the property of the

owner. In the event the property owner fails to collect the service charges from any such occupant or remit same to the City, the property owner shall be liable to the City for payment of the charges. Refuse collection and recycling service charges shall be a debt owing to the City from the occupant of the premises receiving the service, or from the property owner if billed thereto. Upon failure to pay any such charges when the utility bill with which the charges are included is due, an action may be brought in a court of proper jurisdiction to collect the same and may become a lien upon the property. The property owner and/or occupant shall reimburse the City for its costs and expenses in connection therewith, including reasonable Attorney's fees. Refuse or recycling collection service may be discontinued or refused to any premises at which the customer has not paid the utility bill in full within the prescribed time, unless said utility bill is formally disputed for refuse collection charges.

(Ord. C-7057 § 16, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.9(a))

8.60.210 - Billing—Rental property.

When billed to the property owner, the refuse collection service charges shall be based upon full occupancy of all rental units upon the property during the period covered by the bill.

(Ord. C-5595 § 1 (part), 1980: prior code § 5220.9(b))

8.60.220 - Billing—Establishment of procedures.

The Director of Public Works is authorized to determine and establish such rules, procedures and methods as may be necessary or desirable to the implementation of Sections 8.60.200 through 8.60.230, and so as to provide for circumstances or situations for which no specific provision is included in Sections 8.60.200 through 8.60.230, and shall determine the interval for billing of such refuse collection service charges; provided that such billings shall not be less frequent than every four (4) months.

(Ord. C-5595 § 1 (part), 1980: prior code § 5220.9(c))

8.60.230 - Administration.

Commercial activities for the Department of Public Works are performed by the Commercial Services Bureau of the Department of Financial Management, and regulations contained in this Chapter shall be implemented and applied by procedures established by the Manager of Commercial Service, subject to the approval of the Director of Public Works.

(Ord. C-7057 § 17, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.9(d))

8.60.240 - Municipal refuse services use required—Exceptions.

A. Property owners and occupants within the City shall utilize the municipal refuse collection and recycling service and shall be obligated to make payment to the City for such service in accordance with provisions of Sections 8.60.140 through 8.60.190 excepting that:
    1. Property owners or occupants may utilize the service of a licensed and permitted solid waste enterprise for collection, removal and disposal of "refuse not collected by the City", as defined in this Chapter.
    2. Property owners or occupants which generate in excess of ten (10), one hundred (100) gallon containers of refuse and recyclables per week, and any number of contiguous properties or rental units under common ownership by an individual business, firm, or private or public corporation which is designated as one (1) account and jointly generates in excess of thirty (30), one hundred (100) gallon containers of refuse and recyclables per week, may request an exemption from the Director of Public Works. Having received such an exemption in writing, the

property owner or occupant may utilize a solid waste enterprise licensed and permitted to remove or convey waste within the City for the collection, removal and disposal of refuse from such specific properties as authorized in this Chapter. In the event that such exceptions apply, then no routine refuse collection or recycling service charge shall be made against the occupants or owners of such properties. Special collection charges shall apply for services deemed necessary to maintain public health and safety by the Director of Public Works.

3. A property owner or occupant within an area newly annexed to the City may utilize the service of a private refuse collection service for a period not to exceed the maximum time prescribed in Health and Safety Code § 4272; provided that such private refuse collection service is authorized to continue furnishing the service pursuant to and is in compliance with all applicable laws and regulations, and has obtained the requisite business license refuse transportation permit from the City; and provided further, that such occupant or owner was an occupant or owner at the time the area was annexed to the City. In such event, and if the City collects no refuse or recyclables therefrom, then no refuse or recycling collection service charge shall be made against the occupants or owners of such properties.

B. Nothing in this Section shall be construed to prohibit any property owner or occupant from selling to, or otherwise disposing of to a private agency, any specific type or classification of refuse or recyclable material which may have economic value; provided, that the private agency shall be required to comply with all provisions of this Chapter relative to the collection and conveyance of refuse or recyclables within the City and all other applicable laws and regulations.

(Ord. C-7601 § 22, 1999: Ord. C-7057 § 18, 1992: Ord. C-5595 § 1 (part), 1980: prior code § 5220.10)

8.60.250 - Accumulation time limit.

Occupants or property owners shall not cause or permit rubbish to accumulate at any place or property under their care or control for a period in excess of one (1) calendar week; excepting that this provision shall not apply to those manufacturing wastes not constituting a health or fire hazard or a nuisance to adjacent properties.

(Ord. C-5595 § 1 (part), 1980: prior code § 5220.11)

8.60.260 - Maintenance of clean sidewalks and alleys.

The occupant or tenant, or in the absence of an occupant or tenant, the property owner, lessee, or proprietor of any real property in this City which is adjacent to a paved public sidewalk or a paved alley shall cause the sidewalk or alley to be swept or otherwise cleaned each day, Sundays and legal holidays excepted, if necessary to keep and maintain the public sidewalk or alley free of dirt, paper, litter or rubbish of any kind. The sweepings and debris from the sidewalk or alley shall be caused to be disposed of by the person responsible for the cleanliness of the sidewalk or alley, but such sweepings and debris shall not be swept or otherwise caused or allowed to be disposed of in the street or gutter. If the property owner or occupant fails to maintain the public sidewalk or alley free of waste of any kind, the Director of Public Works may, for public health and safety reasons, cause the sidewalk or alley adjacent to real property to be cleaned and assess a fee to the property owner pursuant to Sections 8.60.190 and 8.60.200 of the Municipal Code.

(Ord. C-7057 § 19, 1992: Ord. C-5800 § 1, 1992: prior code § 5220.12)

8.60.270 - Provision of waste receptacles for public use.

A. The owner or operator of any retail establishment which sells a product which is commonly used or consumed immediately after purchase shall provide a waste receptacle of sufficient capacity, as defined in this Chapter, on his or her property for use by that establishment's customers.

B. The owner or operator of each of the following establishments shall provide and empty a tobacco waste receptacle, such as a cigarette urn or ash tray, in each area of his or her establishment where smoking is lawfully permitted:

   1. Any retail establishment which sells tobacco products, or alcoholic beverages for consumption on the premises.
   2. Any place of employment, in any area of the establishment where smoking is permitted.

C. Each such receptacle provided under this Section shall be of sufficient capacity, as defined in this Chapter, and both the receptacle and the area surrounding it shall be maintained in a sanitary manner.

D. No waste receptacle provided under this Section shall be located on public property without the permission of the Director of Public Works.

(Ord. C-7601 § 26, 1999)

8.60.350 - Refund of refuse and/or recycling collection charges.

Refund provisions in Chapter 3.48 shall apply with the following conditions:

A. The refund shall be credited to the corresponding refuse or recycling service account. If the refuse account is closed, the refund amount shall be made to such person entitled to receive the money.

B. The refund shall be requested in writing by the person entitled to the refund. The refund request shall be made within one (1) year after payment of the money to the City. The refund amount shall not exceed a six (6) month period of the disputed amount.

(Ord. C-7057 § 21, 1992)

8.60.360 - Penalty for defacing or removing refuse carts and recycling bins.

No person shall deface or remove without authorization any "cart" or "recycling bin" as defined herein, and any person convicted of so doing shall be guilty of a misdemeanor which shall be punishable by a fine of not more than five hundred dollars ($500.00), or by imprisonment in the City or County jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punishable accordingly.

(Ord. C-7057 § 22, 1992)

CHAPTER 8.61 - SHOPPING CARTS

FOOTNOTE(S):

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Note— Prior ordinance history: ORD-06-0013.

8.61.010 - Definitions.

For purposes of this Chapter only, and unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

"Business premises" means the interior of a cart owner's commercial establishment, adjacent walkways, any loading area, and the parking area, as defined herein.

"Cart identification sign" means a sign or engraved surface which is permanently affixed to a shopping cart containing all of the information specified in Section 8.61.050 of this Chapter.

"Cart owner" means the owner or operator of a commercial establishment which provides carts for use by its customers for the purpose of transporting goods of any kind.

"Cart removal warning" means a placard, sign or painted text which meets the requirements of Section 8.61.030 of this Chapter.

"Enforcement officer" means any officer or employee of the City designated with the authority to enforce the applicable provisions of the Long Beach Municipal Code.

"Enforcement agency" means the City department in which the enforcement officer is employed.

"Individual cart identification number" means a number unique to each cart owned or provided by a cart owner.

"On-site cart containment program" means one (1) or more of the following measures:

1. Disabling devices on all shopping carts which prevent them from being removed from the business premises by locking the wheels or otherwise preventing the movement of the carts.
2. An on-site security guard to deter customers who attempt to remove carts from the business premises.
3. Bollards and chains around the business premises to prevent cart removal, if permitted by the Fire Marshal.
4. Obtaining a security deposit from customers for the on-site use of shopping carts.
5. The rental or sale of utility carts that can be temporarily or permanently used for the transport of goods.
6. Any other measure approved by the Director of Planning and Building as a means to contain carts on-premises.

"Parking area" means a parking lot or other property provided by a commercial establishment for use by a customer for parking an automobile or other vehicle. In a multi-store complex or shopping center, "parking area" includes the entire parking area used by or controlled by the complex or center.

"Physical containment system" means one (1) of the following, as approved by the Director of Planning and Building:

1. Disabling devices on all shopping carts which prevent them from being removed from the business premises by locking the wheels or otherwise preventing the movement of the carts.
2. Any other system of equipment approved by the Director of Planning and Building which physically contains shopping carts on premises.

"Qualified cart retrieval service" means a commercial service, operated by a third party and paid by a cart owner to retrieve and return shopping carts. The Director of Planning and Building shall develop minimal service standards by which a cart retrieval service may be designated as a qualified cart retrieval service and maintain a list of all such services.

"Shopping cart" means a basket which is mounted on wheels or a similar device provided by the operator of a commercial establishment for the use of customers for the purpose of transporting goods of any kind. A cart sold by a commercial establishment to a retail customer for that customer's personal use is not a shopping cart for the purposes of this Chapter.

(ORD-07-0046 § 1 (part), 2007)

8.61.020 - Cart containment system—Required; exception.

A. Every cart owner shall operate and maintain an on-site cart containment program. A cart owner may be exempted from this requirement if he or she provides proof of contracting with a qualified cart retrieval service and submits an operations plan which demonstrates to the satisfaction of the Director of Planning and Building that the qualified cart retrieval service will both actively locate shopping carts within a one (1) mile radius of the cart owner's business premises and respond to complaints from the public in a manner which results in the retrieval of shopping carts within twenty-four (24) hours after receiving complaint(s).

B. Each cart owner must contain all shopping carts on the business premises at all times.

C. Any instance in which a shopping cart owned or provided by a cart owner is found off of the business premises shall be considered a violation by the cart owner of Subsection B of this Section.
   1. Each twenty-four (24) hour period that the cart remains off the business premises shall be considered a separate violation of Subsection B of this Section.
   2. A civil fine shall be assessed by means of an administrative citation issued by an enforcement officer and shall be payable directly to the City of Long Beach.
   3. Fines shall be assessed at one hundred dollars ($100.00) for each violation.
   4. Following the issuance of more than ten (10) (Subsection B of this Section), administrative citations to the same cart owner within a thirty (30) day period, in addition to administrative penalty set forth in this Chapter, subsequent violations by that cart owner shall be referred by the enforcement agency for criminal prosecution pursuant to Subsection 1.32.010.E of the Municipal Code.

(ORD-07-0046 § 1 (part), 2007)

8.61.030 - Cart removal warnings.

A. Every cart owner shall post and maintain cart removal warnings which meet all of the following minimum specifications:
   1. Meet or exceed eighteen inches (18") in width and twenty-four inches (24") in height.
   2. Using block lettering not less than one-half inch (½") in width and two inches (2") in height, contain a statement in two (2) or more languages to the effect that unauthorized removal of a shopping cart from the business premises, or possession of a shopping cart in a location other than on the business premises, is a violation of State law and City ordinance.
   3. List a local or toll-free telephone number for cart retrieval.
   4. Be affixed to an interior wall of the building or otherwise permanently and prominently displayed within two feet (2') of all customer entrances and exits.

B. Cart removal warnings on the exterior of the building are not considered "signs" for the purpose of calculating maximum allowable signage under Title 21 of the Municipal Code.

(ORD-07-0046 § 1 (part), 2007)

8.61.040 - Employee training—Cart removal prevention.

Each cart owner shall conduct ongoing employee training to educate new and existing employees about procedures to prevent cart removal, including the operation of the cart containment system.

(ORD-07-0046 § 1 (part), 2007)

8.61.050 - Cart identification signs for shopping carts.

A. Each shopping cart owned or used within the City shall have, permanently affixed and easily visible, a cart identification sign or engraved surface which includes all of the following information: The name of the cart owner, the telephone number of the cart owner and/or commercial establishment to which the cart belongs, the individual cart identification number, a valid toll-free phone number for cart retrieval, the procedure (if any) to be followed to obtain permission to remove the cart from the business premises, and a notice to the public that unauthorized removal of the cart from the business premises is a violation of State law and City ordinance.

B. It shall be the responsibility of each cart owner to comply with Subsection A of this Section, and to continuously maintain, or cause to be maintained, the cart identification sign so that all of the required information is accurate and clearly legible.

(ORD-07-0046 § 1 (part), 2007)

8.61.060 - Cart removal from business premises—Written permission required.

No person shall be deemed to be authorized to remove a cart unless he or she possesses written authorization from the cart owner. This Section shall not apply the possession of a shopping cart removed from the business premises at the direction of the cart owner for the purposes of repair or maintenance.

(ORD-07-0046 § 1 (part), 2007)

8.61.070 - Physical containment system.

A. A cart owner shall be required to install a physical containment system to the satisfaction of the Director of Planning and Building when the cart owner establishes a facility consisting of more than five thousand (5,000) square feet of new construction.

B.

A cart owner may be required to install a physical containment system to the satisfaction of the Director of Planning and Building and the City prosecutor following the issuance of more than ten (10) (Subsection 8.61.020.B), administrative citations in a thirty (30) day period.

(ORD-07-0046 § 1 (part), 2007)

8.61.080 - Regulatory fee authorized.

A regulatory fee shall be established to enforce this regulation and to fairly apportion the cost of mitigating the negative effects of off-site shopping carts. A business which installs a physical containment system to the satisfaction of the Director of Planning and Building, or which does not provide any shopping carts to its customers, shall be exempted from this fee.

(ORD-07-0046 § 1 (part), 2007)

8.61.090 - Service procedures.

An administrative citation subject to this Chapter shall be issued on a form approved by the City Manager or his or her designee, and may be served upon any cart owner by an enforcement officer in the following manner:

A. Service of citation by mail.
    1. The administrative citation or duplicate thereof shall be mailed to the cart owner(s); and
    2. A proof of service of the notice shall be made by declaration of the enforcement officer effecting the service.

(ORD-07-0046 § 1 (part), 2007)

8.61.100 - Contents of notice.

Each administrative citation issued pursuant to this Chapter shall contain the following information:

A. The date of service of the citation and the date, time, address or description of the location where the violation(s) was observed;
B. The code section(s) and condition(s) violated and a description of the violation(s);
C. A photographic image depicting the cart at the location of the violation(s);
D. The amount of the fine for the violation(s);
E. An explanation of how the fine shall be paid and the fine payment due date;
F. Notice of the right to appeal the citation, the time within which the citation may be appealed and the place to obtain a request for hearing form to appeal the administrative citation; and
G. The name and signature of the enforcement officer.

(ORD-07-0046 § 1 (part), 2007)

8.61.110 - Satisfaction of administrative citation.

Upon service of an administrative citation issued pursuant to this Chapter, the cart owner shall do the following:

A. Pay the fine no later than thirty (30) days from the date of issuance of the citation as specified on the administrative citation. Payment of a fine shall not bar further enforcement action by the City. Late charges shall be imposed for fine payments made after the fine payment due date. The late charge shall be calculated at a rate of twenty-five percent (25%) of the fine, and will be imposed in addition to any outstanding fine.

B. Failure of the cart owner(s) to pay the civil fine and any accrued late penalties in a timely manner may result in the imposition of a special assessment and/or lien against the real property on the business premises, and/or filing of an action with the small claims court for recovery of the fine and any late penalty.The only issue to be adjudicated by the small claims court shall be whether or not the fines and possible late fees were paid. A cart owner may only obtain judicial review of the validity of the citation by first requesting and participating in an administrative appeal hearing before a Hearing Officer. In the small claims court action, the City may also recover its costs, according to proof.

C. The City may also refuse to issue, extend, or renew to any cart owner who has unpaid delinquent fines, interest, penalties, liens, or assessments, any City permit, license, entitlement, or other City approval pertaining to the business premises that is the subject of the fine and administrative citation.

D. Any permit, license, entitlement, or land use approval issued by the City may be subject to suspension or revocation of the permit, license, entitlement, or land use approval in accordance with the procedures set forth in the respective Long Beach Municipal Code if any unpaid fine, interest or penalties remain delinquent for a period of more than thirty (30) days.

(ORD-07-0046 § 1 (part), 2007)

8.61.120 - Appeal of administrative citation.

A. Any recipient of an administrative citation issued pursuant to this Chapter may appeal said citation by completing a written request for hearing form from the enforcement agency designated on the citation, and returning it to said City agency within thirty (30) calendar days from the date the administrative citation was served or deemed to have been served, together with a deposit in the total amount of the fine.

B. A failure to file a timely appeal of the administrative citation shall be deemed a waiver of the right to appeal and to seek judicial review.

C. The administrative appeal hearing shall be set for a date not sooner than fifteen (15) calendar days, and not more than sixty (60) calendar days from the date the request for hearing is completed and submitted in accordance with the provisions of this Chapter. The cart owner requesting the hearing shall be notified in writing of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.

D. The hearing provided for in this Chapter shall be conducted by a Hearing Officer or hearing body appointed by the City Manager or his or her authorized designee.

E. The Hearing Officer/body shall only consider evidence that is relevant to whether the appellant is the bona fide cart owner, and whether appellant created, committed, or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify, if the Hearing Officer/body determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer/body in accordance with the fundamentals of due process. The Hearing Officer/body may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present his or her case as is allowed to the City.

F. The appellant contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the citation. The City's case shall be presented by any person designated by the City Manager. The appellant and City may be represented by counsel.

G. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust administrative remedies.

H. The administrative citation and any additional documents prepared by the City in connection with the violation(s) may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.

I. If the enforcement officer or his or her designee submits any additional documents concerning the administrative citation to the Hearing Officer for consideration at the hearing, then, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.

J. The Hearing Officer/body may continue the hearing or request additional information from the enforcement officer, his or her designee or the appellant prior to issuing a written decision.

K. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer/body shall issue a written decision within fifteen (15) business days of the hearing. The decision of the Hearing Officer shall be final.

L. If the Hearing Officer/body denies the appeal, then the deposit shall be retained by the City.

M. If the Hearing Officer/body grants the appeal, then the City shall refund the deposit within thirty (30) business days from the date of the final written decision.

N. The Hearing Officer/body shall serve the appellant and City with a copy of the written decision.

(ORD-07-0046 § 1 (part), 2007)

8.61.130 - Dismissal of citation.

The enforcement officer, with the approval of the Director of the respective enforcement agency, may dismiss an administrative citation issued pursuant to this Chapter at any time if it is determined to have been issued in error, in which event any deposit will be refunded.

(ORD-07-0046 § 1 (part), 2007)

8.61.140 - Right to judicial review.

A. Either the City or the appellant aggrieved by a decision of a Hearing Officer/body on an administrative citation issued pursuant to this Chapter, may obtain review of the decision by filing a petition for review with the Los Angeles Superior Court in accordance with the time lines and provisions as set forth in California Government Code § 53069.4(b). Said procedure shall be available for all judicial review under this Chapter, notwithstanding that the term or condition being enforced pursuant to this Chapter may not be a matter covered by California Government Code § 53069.4(a). Judicial review of a citation shall not be available unless all administrative remedies have been exhausted as provided in this Chapter.

(ORD-07-0046 § 1 (part), 2007)

8.61.150 - Recovery of abatement costs.

The administrative citation process described in this Chapter does not preclude the City from recovering any other Code violation or nuisance abatement costs incurred by the City in performing its code enforcement efforts.

(ORD-07-0046 § 1 (part), 2007)

8.61.160 - City powers not limited by this Chapter.

Nothing in this Section is intended to limit the ability of the City to remove or dispose of any cart to which a cart identification sign is not attached, or to remove or dispose of any cart which impedes the provision of emergency services, or which is an immediate threat to public health and safety, to the full extent permitted by State law.

(ORD-07-0046 § 1 (part), 2007)

8.61.170 - Additional nonadministrative penalty.

The procedures established in this Chapter shall be in addition to any criminal, civil or other legal remedy established by law for violation of the sections defined in this Chapter of the Municipal Code.

(ORD-07-0046 § 1 (part), 2007)

CHAPTER 8.62 - PLASTIC CARRYOUT BAGS

8.62.010 - Definitions.

A. "Customer" means any person or persons, purchasing goods from a store.

B. "Farmer's Market" has the meaning provided in Subsection 3.80.180.G of the Long Beach Municipal Code.

C. "Operator" means the person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.

D. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.

E. "Plastic carryout bag" means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. Plastic carryout bag includes compostable and biodegradable bags but does not include reusable bags, produce bags or product bags.

F. "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

G. "Produce bag" or "product bag" means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

H. "Recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

I. "Recyclable paper carryout bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the City; (5) has printed on the bag the name of the manufacturer, the location where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.

J. "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this Section, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five feet (175'); (2) has a minimum volume of fifteen (15) liters; (3) is machine washable or is made from a material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable State and federal standards and regulations for packaging or reusable bags; (5) has printed on the bag, or on a tag that is permanently

affixed to the bag, the name of the manufacturer, the location where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least two and one-quarter (2.25) mils thick.

K. "Store" means any of the following retail establishments located within the City of Long Beach:

1. A full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000.00), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
2. A store of at least ten thousand (10,000) square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Business and Professions Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
3. A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

(ORD-11-0009, § 1, 2011)

8.62.020 - Plastic carryout bags prohibited.

A. No store shall provide to any customer a plastic carryout bag.

B. This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale and does not apply to produce bags or product bags.

C. No person shall distribute a plastic carryout bag or any paper bag at the Long Beach Farmers' Markets, except produce bags or product bags.

(ORD-11-0009, § 1, 2011)

8.62.030 - Permitted bags.

All stores shall provide or make available to a customer only recyclable paper carryout bags or reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

(ORD-11-0009, § 1, 2011)

8.62.040 - Regulation of recyclable paper carryout bags.

A. Any store that provides a recyclable paper carryout bag to a customer must charge the customer ten cents ($0.10) for each bag provided, except as otherwise provided in this Chapter.

B. No store shall rebate or otherwise reimburse a customer any portion of the ten cent ($0.10) charge required in Subsection A, except as otherwise provided in this Chapter.

C. All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.

D. All monies collected by a store under this Chapter will be retained by the store and may be used only for the following purposes:

1. Costs associated with complying with the requirements of this Chapter;
2. Actual costs of providing recyclable paper carryout bags; or

3. Costs associated with a store's educational materials or education campaign encouraging the use of reusable bags, if any.

E. All stores shall keep complete and accurate records or documents, for a minimum period of three (3) years from the date of sale, of the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, which record shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this Section. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the store's address. A responsible agent or officer of the store shall confirm that the information provided is accurate and complete.

F. The provision of false information, including incomplete records or documents, to the City shall be a violation of this Section, and such store shall be subject to the fines set forth in Section 8.62.080

(ORD-11-0009, § 1, 2011)

8.62.050 - Use of reusable bags.

A. All stores must provide reusable bags to customers, either for sale or at no charge.

B. Each store is strongly encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

C. Each store is strongly encouraged to provide to the City and to the public a summary of any efforts a store has undertaken to promote the use of reusable bags by customers.

(ORD-11-0009, § 1, 2011)

8.62.060 - Exempt customers.

All stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutions Code.

(ORD-11-0009, § 1, 2011)

8.62.070 - Operative date.

This Chapter shall become operative on August 1, 2011, for stores defined in Subsections K.1. and K.2. of Section 8.62.010. For stores defined in Subsection K.3. of Section 8.62.010, this Chapter shall become operative on January 1, 2012. For Farmers' Markets as defined in Subsection B of Section 8.62.010, this Chapter shall become operative on January 1, 2012.

(ORD-11-0009, § 1, 2011)

8.62.080 - Enforcement and violation-Penalty.

A. The City Manager has primary responsibility for enforcement of this Chapter. The City Manager or designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours. If the City Manager or designee determines that a violation of this Chapter has occurred, he/she will issue a written warning notice to the operator of a store that a violation has occurred and the potential penalties that will apply for future violations.

B. Any store that violates or fails to comply with any of the requirements of this Chapter after a written warning notice has been issued for that violation shall be guilty of an infraction.

C. If a store has subsequent violations of this Chapter that are similar in kind to the violation addressed in a written warning notice, the following penalties will be imposed and shall be payable by the operator of the store:

1. A fine not exceeding one hundred dollars ($100.00) for the first violation after the written warning notice is given;
2. A fine not exceeding two hundred dollars ($200.00) for the second violation after the written warning notice is given; or
3. A fine not exceeding five hundred dollars ($500.00) for the third and any subsequent violations after the written warning notice is given.

D. A fine shall be imposed for each day a violation occurs or is allowed to continue.

E. All fines collected pursuant to this Chapter shall be used to assist with the implementation and enforcement of the requirements of this Chapter.

F. Any store operator who receives a written warning notice or fine may request an administrative review of the accuracy of the determination or the propriety of any fine issued, by filing a written notice of appeal with the City Manager no later than thirty (30) days after receipt of a written warning notice or fine, as applicable. The notice of appeal must include all facts supporting the appeal and any statements and evidence, including copies of all written documentation and a list of any witnesses that the appellant wishes to be considered in connection with the appeal. The appeal will be heard by a Hearing Officer designated by the City Manager. The Hearing Officer will conduct a hearing concerning the appeal within forty-five (45) days from the date that the notice of appeal is filed, or on a later date if agreed upon by the appellant and the City, and will give the appellant ten (10) days prior written notice of the date of the hearing. The Hearing Officer may sustain, rescind, or modify the written warning notice or fine, as applicable, by written decision. The Hearing Officer will have the power to waive any portion of the fine in a manner consistent with the decision. The decision of the Hearing Officer is final and effective on the date of service of the written decision, is not subject to further administrative review, and constitutes the final administrative decision.

(ORD-11-0009, § 1, 2011)

8.62.090 - Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision will not affect the validity of the remaining portions of the ordinance.

(ORD-11-0009, § 1, 2011)

8.62.100 - No conflict with federal or State law.

Nothing in this ordinance is intended to create any requirement, power or duty that is in conflict with any federal or State law.

(ORD-11-0009, § 1, 2011)

CHAPTER 8.64 - AIR POLLUTION

FOOTNOTE(S):

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State Law reference— Provisions on the role of local authorities in the control of air pollution, Health and S. C. § 40000.

8.64.010 - Director defined.

"Director" means the officer or employee of the City, or of the County of Los Angeles, in the event the City contracts with the County for the enforcement of this Chapter, charged with responsibility for the enforcement of this Chapter.

(Prior code § 5400)

8.64.020 - Smoke discharge.

No person either by himself, employee or agent, or as an employee or agent of another shall cause, suffer, or permit to be discharged from any source whatsoever, any smoke, dust, soot or fumes for a period, or periods, aggregating more than three (3) minutes in any one (1) hour, which is:

A. Equal to or greater in density than that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or

B. So dense as to obscure the passage of light to a degree equal to or greater than does smoke described in Subsection 8.64.020.A.

(Prior code § 5400.1)

8.64.030 - Offensive matter discharge.

No person shall, either by himself, his employee or agent, or as an employee or agent of another, cause, suffer, or permit to be discharged from any source whatsoever such quantities of charred paper, smoke, dust, soot, grime, carbon, particulate matter, or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(Prior code § 5400.2)

8.64.040 - Fumes and odors.

No person shall, either by himself, his employee or agent, or as an employee or agent of another, cause, suffer, or permit to be discharged from any source whatsoever such quantities of fumes, gases, odors, smells, acids which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(Prior code § 5400.3)

8.64.050 - Exceptions.

A. The prohibitions of this Chapter do not apply to any action either positively permitted or prohibited by constitutional provision or by general law.

B. The provisions of Section 8.64.020 do not apply to the use of an orchard or citrus grove heater which:

1. Does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute; and
2. If petroleum, or any product thereof is used as fuel, does not produce products of combustion arising therefrom containing unconsumed solid carbonaceous matter in excess of twenty (20) grams per pound of fuel consumed.

C. The provisions of this Chapter do not apply to smoke from fires set by or permitted by the Director of Public Service for the purpose of weed abatement, or by the Fire Chief for the prevention of a fire hazard, or the instruction of members of his staff in the methods of fighting fire.

(Prior code § 5400.4)

8.64.060 - Right of entry for inspection.

The Director, during reasonable hours, for the purpose of enforcing or administering this Chapter, may enter every building, premises, or other place, except a private residence. No person shall in any way deny, obstruct, or hamper such entrance.

(Prior code § 5400.5)

8.64.070 - Variance—Authorized.

The provisions of this Chapter do not prohibit the discharge of matter to a greater extent or for a longer time, or for both, than permitted in this Chapter if not of a greater extent or longer than the Director finds necessary pursuant to the provisions of this Chapter.

(Prior code § 5400.6)

8.64.080 - Variance—Hearing.

The Director may on his own motion, or at the request of any person, hold a hearing to determine under what conditions and to what extent the discharge of matter to a greater extent or for a longer time, or both, than that permitted by this Chapter is necessary.

(Prior code § 5400.7)

8.64.090 - Variance—Setting standards.

If the Director finds that because of conditions beyond control necessary equipment is not obtainable with which to make changes necessary to reduce such discharge in extent or time, or both, to that permitted by this Chapter, he may prescribe other and different standards applicable to plants and equipment operated either by named classes of industries or person, or to the operations of separate persons.

(Prior code § 5400.8)

8.64.100 - Variance—Refuse or rubbish burning.

If the Director finds that the burning of rubbish or refuse is necessary to prevent a fire or health hazard and also finds that neither adequate equipment, nor facilities are available for the disposal of such rubbish in a manner conforming with the provisions of this Chapter, he may prescribe other and different standards not more onerous applicable either to named classes of rubbish disposal or persons, or to the operations of separate persons.

(Prior code § 5400.9)

8.64.110 - Variance—Effective time.

A. The Director in making any order permitting a variation may specify the time during which such order will be effective.

B. Unless an earlier date is specified in the order, every order permitting a variation shall expire six (6) months after it is made.

(Prior code § 5400.10)

8.64.120 - Variance—Modification or revocation—Authorized.

The Director may revoke or modify any order permitting variation after a public hearing held upon not less than ten (10) days' notice.

(Prior code § 5400.11)

8.64.130 - Variance—Modification or revocation—Hearing.

The Director shall serve notice of the time and place of a hearing to remove or modify any order permitting a variation not less than ten (10) days prior to such hearing upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons who have filed with the Director a written request for such notification, either in the manner required by law for the service of summons or by first class mail postage prepaid.

(Prior code § 5400.12)

CHAPTER 8.65 - MOBILE SOURCE AIR POLLUTION REDUCTION

8.65.010 - Findings and intent.

A. The City finds and declares that:
   1. The City is committed to improving the public health, safety and welfare, including air quality;
   2. Mobile sources are a major contributor to air pollution in the South Coast Air Basin;
   3. Air quality goals for the region established by State law cannot be met without reducing air pollution from mobile sources;
   4. The South Coast Air Quality Management Plan ("AQMP") calls upon cities and counties to reduce emissions from motor vehicles consistent with the requirements of the California Clean Air Act of 1988, by developing and implementing mobile source air pollution reduction programs;
   5. Such programs place demands upon the City's funds, those programs should be financed by shifting the responsibility for financing from the general fund to the motor vehicles creating the demand, to the greatest extent possible;
   6. Section 44223, added to the Health and Safety Code by action of the California Legislature on September 30, 1990 (Chapter 1705 of the 1990 Statutes), authorizes the South Coast Air Quality Management District ("SCAQMD") to impose an additional motor vehicle registration fee of two dollars ($2.00), commencing on April 1, 1991, increasing to four dollars ($4.00), commencing on April 1, 1992, to finance the implementation of transportation measures embodied in the AQMP and provisions of the California Clean Air Act;
   7. Forty cents ($0.40) of every dollar ($1.00) collected under Health and Safety Code § 44223, shall be distributed to cities and counties located in the South Coast Air Quality Management District that comply with Health and Safety Code § 44243 of the Code, based on the jurisdictions' prorated share of population as defined by the State Department of Finance;
   8. The City is located within the South Coast Air Quality Management District and is eligible to receive a portion of the revenues from the additional motor vehicle registration fees contingent upon enactment of this Chapter;
   9. The prorated share of the fee revenues for cities that fail to adopt provisions pursuant to Health and Safety Code § 44243(b)(3), shall be distributed instead to the jurisdictions within the district that have adopted such provisions; and
   10. The imposition of the additional motor vehicle registration fee by the SCAQMD to finance mobile source air pollution reduction programs is in the best interest of the City and promotes the general welfare of its residents.

B. This Chapter is intended to support the SCAQMD's imposition of the vehicle registration fee and to bring the City into compliance with the requirements set forth in Health and Safety Code § 44243, in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles.

(Ord. C-6920 § 1 (part), 1991)

8.65.020 - Definitions.

As used in this Chapter, the following words and phrases shall have meanings attributed to them as follows:

A. "City" means the City of Long Beach, California.

B. "Fee Administrator" means the Director of Financial Management of the City or the Director's designee.

C. "Mobile source air pollution reduction program" means any program or project implemented by the City to reduce air pollution from motor vehicles which it determines will be consistent with the California Clean Air Act of 1988, or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety Code.

D. "SCAQMD" means the South Coast Air Quality Management District.

(Ord. C-6920 § 1 (part), 1991)

8.65.030 - Administration of vehicle registration fee.

A. The additional vehicle registration fees disbursed by the SCAQMD and remitted to the City, pursuant to the ordinance codified in this Section, shall be accepted by the Fee Administrator.

B. The Fee Administrator shall establish a Special Revenue Fund, and upon receipt of vehicle registration fees, the Fee Administrator shall deposit such funds into the Special Revenue Fund. All interest earned by the Special Revenue Fund shall be credited only to that fund.

C. All revenues received from the SCAQMD and deposited in the Special Revenue Fund shall be exclusively expended on mobile source emission reduction programs as defined in Subsection 8.65.020.C. Such revenues and any interest earned on the revenues shall be expended within one (1) year of the completion of the programs.

(Ord. C-6920 § 1 (part), 1991)

8.65.040 - Audits.

City shall consent to an audit of all programs and projects funded by vehicle registration fee revenues received from the SCAQMD pursuant to Health and Safety Code § 44223. The audit shall be conducted during reasonable times and normal business hours by an independent Auditor selected by the SCAQMD as provided in Health and Safety Code §§ 44244 and 44244.1(a), and prior written notice of the audit shall be given to City.

(Ord. C-6920 § 1 (part), 1991)

8.65.050 - Legal construction.

The provisions of this Chapter shall be construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

(Ord. C-6920 § 1 (part), 1991)

CHAPTER 8.68 - SMOKING IN PUBLIC PLACES

FOOTNOTE(S):

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Editor's note— ORD-14-0003, § 2, adopted Mar. 4, 2014, amended Ch. 8.68 in its entirety to read as herein set out. Former Ch. 8.68, §§ 8.68.010—8.68.210, pertained to similar subject matter, and derived from: Ord. C-6916 § 1 (part), 1991; Ord. C-7132 §§ 1—6, 1993; Ord. C-7155 § 1, 1993; Ord. C-7786 § 1, 2002; Ord. C-7955, § 1, 2004; ORD-05-0015 §§ 1, 3, 2005; ORD-09-0002, §§ 1—5, 2009; ORD-09-0025, §§ 1, 2, 2009; ORD-09-0026, § 1, 2009; ORD-09-0038, §§ 1, 2, 2009; ORD-10-0034, § 1, 2010; ORD-11-0008, § 1, 2011; ORD-11-0030, § 4, 2011; and ORD-13-0017, § 1, 2013.

8.68.010 - Purpose and findings.

The City Council finds that the smoking of tobacco, or any other weed or plant, is a medically documented danger to health and a material annoyance, inconvenience, discomfort and health hazard to those who are present in confined spaces, and in order to reduce exposure to environmental tobacco smoke and to serve the public health, safety and welfare, the declared purpose of this Chapter is to prohibit the smoking of tobacco, or any other weed or plant, in public places and places of employment as stated and required in this Chapter.

(ORD-14-0003 , § 2, 2014)

8.68.020 - Definitions.

The following words and phrases, whenever used in this Chapter, shall be given the following definitions:

A. "Adjacent water areas" shall mean fifty feet (50') seaward of the mean high tide line of the City beaches.

B. "Bar" means an area which is devoted to serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. Bar shall also include a nightclub or cabaret where entertainment and/or dancing are provided in addition to the consumption of alcoholic beverages or food.

C. "Beach bike path" shall mean that portion of the bike path located on the sand areas of the beach from the eastern edge of the Long Beach Shoreline Marina parking lot at approximately Alamitos Avenue easterly to the southeastern corner of the intersection of Ocean Boulevard at approximately Bayshore Avenue.

D. "Beach launch ramps" shall mean the launch ramps located at the foot of Claremont Avenue and Granada Avenue.

E. "Childcare facility" means any location or portion thereof where children other than those of the owner, operator or proprietor are cared for or supervised in exchange for anything of value.

F. "Cigar" shall have the same definition as California Health and Safety Code § 104550, as currently defined or as may be amended.

G.

"Cigarette" shall have the same definition as California Health and Safety Code § 104556 as currently defined or as may be amended.

H. "City facility" means any enclosed structure wherever owned or used by the City of Long Beach for its operations or activities.

I. "City vehicle" means any vehicle owned and operated by the City for public purposes.

J. "Electronic cigarette" means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. "Electronic Cigarette" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

K. "Employee" means any person who is employed by any employer for direct or indirect monetary wages or profit.

L. "Employer" means any person who employs the services of any person other than himself or herself.

M. "Enclosed" means closed in by a roof and four (4) walls with appropriate openings for ingress and egress but does not include areas commonly described as public lobbies.

N. "Motion picture theater" means any theater engaged in the business of exhibiting motion pictures.

O. "Playground", for purposes of California Health and Safety Code § 104495, is more specifically defined to mean twenty-five feet (25') from the edge of a sand area within a City park or recreational area specifically designed to be used by children and that has play equipment installed in it.

P. "Public place" means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, retail stores, retail service establishments, retail food production and marketing establishments, restaurants, theaters, auditoriums, gymnasiums, waiting rooms, reception areas, educational facilities, health facilities, public transportation facilities, bowling alleys, bingo parlors, hair salons, laundromats, gaming clubs, bars, taverns, hotel and motel lobbies. A private residence is not a "public place", except that the enclosed common areas of apartment or condominium structures, if any, shall be considered "public places" for purposes of Section 8.68.060

Q. "Service line" means an indoor line or area in which persons await service of any kind, regardless of whether or not such service involves the exchange of money. Such service shall include, but is not limited to, sales, providing information, directions, or advice and transfers of money or goods.

R. "Smoke" or "Smoking" shall mean the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

S. "Smoking lounge" means any business establishment that is dedicated to the smoking of tobacco products, including, but not limited to, establishments known variously as cigar lounges, hookah lounges or tobacco clubs. For purposes of this Chapter, "smoking lounge" means private smokers' lounge as defined in Section 6404.5 of the California Labor Code.

T. "Workplace" means any enclosed area of a structure or portion thereof occupied by any entity and frequented by employees during the normal course of their employment where clerical, professional, manufacturing, business services or other normal and customary activities of the entity are performed or where other work is done at that location. Workplace also includes, but is

not limited to, spaces in office buildings, medical office waiting rooms, libraries, museums, gaming clubs, bars, taverns, employee lounges, employee breakrooms, conference rooms and employee cafeterias. Workplace does not include any of the following: a private home, except where such home is used as a "childcare facility" as defined in Subsection 8.68.020.E, and any "smoking lounge" as defined in Subsection 8.68.020.S that satisfies the conditions specified in Subsection 8.68.060.B.

(ORD-14-0003 , § 2, 2014)

8.68.030 - Smoking prohibited—Elevators.

Smoking is prohibited and is unlawful within elevators in buildings generally used by and open to the public, including elevators in office, hotel and multifamily buildings.

(ORD-14-0003 , § 2, 2014)

8.68.040 - Smoking prohibited—Hospitals, healthcare facilities and childcare facilities.

A. Smoking is prohibited in public areas of healthcare facilities and hospitals, as defined in California Health and Safety Code § 1250.

B. "Staff and visitor smoking prohibited" signs shall be conspicuously posted in public areas of healthcare facilities.

C. Smoking is prohibited in all childcare facilities as defined in Subsection 8.68.020.E.

(ORD-14-0003 , § 2, 2014)

8.68.050 - Smoking prohibited—Public meeting rooms.

Smoking is prohibited and is unlawful in public meeting rooms, hearing rooms, conference rooms, chambers and places of public assembly in which public business is conducted, when the public business requires or permits direct participation or observation by the general public.

(ORD-14-0003 , § 2, 2014)

8.68.060 - Smoking prohibited—Enclosed public places.

A. Smoking is prohibited and is unlawful in every enclosed "public place" as defined in Subsection 8.68.020.P. Every owner, manager or operator of such facility shall post signs conspicuously in the premises stating that smoking is prohibited within the "public place" as defined in Section 8.68.020 and in the case of motion picture theaters, such information shall be shown upon the screen for at least five (5) seconds before showing feature motion pictures.

B. This Section is not intended to prohibit smoking in any "smoking lounge" as defined in Subsection 8.68.020.S and in compliance with the provisions of Chapter 5.88

(ORD-14-0003 , § 2, 2014)

8.68.065 - Smoking prohibited—City beaches, beach bike path and beach launch ramps.

Smoking shall be prohibited on all sand areas and adjacent water areas of City beaches, the beach bike path and beach launch ramps, with the exception of designated outdoor dining areas or permitted beach concessions and permitted activities, including, but not limited to filming and/or special events.

(ORD-14-0003 , § 2, 2014)

8.68.066 - Smoking prohibited—City parks and other recreation areas.

A. Smoking shall be prohibited in any outdoor area that has been improved or developed by or on behalf of the City, and open to the general public for park or open space use, including, but not limited to, public parks, picnic areas, playgrounds, sports or playing fields, walking paths, gardens, hiking trails, bike paths, and any other areas designated a park by the Director of the Department of Parks and Recreation.

B. The provisions of this Section shall not apply to Municipal golf courses, or permitted activities, including, but not limited to filming and/or special events.

(ORD-14-0003 , § 2, 2014)

8.68.070 - Smoking prohibited—Public restrooms.

Smoking is prohibited and is unlawful in public restrooms.

(ORD-14-0003 , § 2, 2014)

8.68.075 - Smoking prohibited—Bus stops.

Smoking is prohibited and is unlawful at and within twenty feet (20') of any bus stop, with the exception of designated outdoor dining areas, private residential property, or while actively passing on the way to another destination.

(ORD-14-0003 , § 2, 2014)

8.68.080 - Smoking prohibited—Indoor service lines.

Smoking is prohibited and is unlawful in indoor service lines in which more than one (1) person is giving or receiving services of any kind.

(ORD-14-0003 , § 2, 2014)

8.68.085 - Smoking prohibited—Farmers' markets.

Smoking is prohibited and is unlawful at any farmers' market and within twenty feet (20') of all entrances and exits of farmers' markets, as defined in Subsection 3.80.180.G of the Long Beach Municipal Code.

(ORD-14-0003 , § 2, 2014)

8.68.090 - Smoking prohibited—Eating establishments and bars.

A. Smoking is prohibited and is unlawful in every publicly or privately owned enclosed coffee shop, cafeteria, short order cafe, luncheonette, sandwich shop, soda fountain, restaurant, gaming club, bar, tavern or other eating establishment serving food.

B. Establishments, as defined in Subsection A, which maintain an outdoor seating area shall maintain a contiguous no smoking area of not less than two-thirds (2/3) of both the outdoor seating capacity or the outdoor floor space in which customers are being served.

(ORD-14-0003 , § 2, 2014)

8.68.095 - Mobile food preparation vehicle.

Smoking is prohibited and is unlawful at and within forty feet (40') of any operating mobile food preparation vehicle, as defined in Section 5.37.110 of the Long Beach Municipal Code.

(ORD-14-0003 , § 2, 2014)

8.68.100 - Smoking prohibited—Retail food production and marketing establishments.

Smoking is prohibited and unlawful in any retail food marketing establishments including grocery stores and supermarkets.

(ORD-14-0003 , § 2, 2014)

8.68.110 - Regulation of smoking in the workplace.

A. Smoking is prohibited in all workplaces in the City of Long Beach as defined in Subsection 8.68.020.T.

B. Smoking is prohibited in conference and meeting rooms, classrooms, auditoriums, restrooms, medical facilities, hallways, elevators, cafeteria, lunchrooms, employee lounges, employee breakrooms, designated eating areas and common areas.

C. This Section is not intended to regulate smoking in the following places and under the following conditions:

1. A private home which may serve as a workplace except when used as a "childcare facility" as defined in Subsection 8.68.020.E; or
2. Any property owned, leased or used by governmental agencies other than the City of Long Beach.

D. The provisions of Sections 8.68.090 and 8.68.100 shall govern the public access areas of such facilities; however, such employers shall otherwise comply with provisions of this Section 8.68.110

(ORD-14-0003 , § 2, 2014)

8.68.120 - Prohibition of electronic cigarette use in smoke-free places and other regulations.

A. It shall be a violation of this Chapter to use an electronic cigarette in any place within the City where smoking is prohibited by law.

B. No person or entity shall knowingly permit the use of electronic cigarettes in an area under the legal or de facto control of that person or entity and in which smoking is prohibited by law.

C. All other regulations and prohibitions contained in this Chapter relating to tobacco products shall apply the same to electronic cigarettes.

(ORD-14-0003 , § 2, 2014)

8.68.130 - Posting of signs required.

A. Except where other signs are required, whenever in this Code smoking is prohibited, conspicuous signs shall be posted so stating, containing all capital lettering not less than one inch (1") in height on a contrasting background. It is the duty of the owner, operator, manager, or other persons having control of such room, building, workplace, or other place where smoking is prohibited, to post such signs or to cause such signs to be posted.

B. A warning sign must be posted at each sales counter and on each vending machine where tobacco products are sold. This warning sign must be posted in a place that can be clearly seen by the public, and the size and format of the warning sign shall comply with California Code of Regulations, Title 17.

C. Notwithstanding this Section, the presence or absence of signs shall not be a defense to the violation of any other provision of this Chapter.

(ORD-14-0003 , § 2, 2014)

8.68.140 - Structural modifications not required.

A. It shall be the responsibility of employers to provide smoke-free areas for nonsmokers within existing facilities to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.

B.

Nothing in this Chapter shall require the owner, operator, or manager of any theater, auditorium, healthcare facility, or any building, facility, structure, or business, to incur any expense to make structural or other physical modifications to any area or workplace.

C. Nothing in this Section shall relieve any person from the duty to post signs or adopt policies as required by this Chapter.

(ORD-14-0003 , § 2, 2014)

8.68.150 - Administration and enforcement.

A. The no smoking ordinance established by this Chapter shall be administered by the Department of Health and Human Services.

B. Any person may register a complaint for an alleged non-compliance with this Chapter with the Department of Health and Human Services.

(ORD-14-0003 , § 2, 2014)

8.68.160 - Exemptions.

Any owner or manager of a business or other establishment subject to this Chapter may apply to the City Health Officer for an exemption or modification to any provisions of this Chapter due to unusual circumstances or conditions.

A. Such exemption shall be granted only if the City Health Officer finds from the evidence presented by the applicant for exemption at a public hearing that the applicant cannot comply with the provisions of this Chapter for which an exemption is requested without incurring expenses for structural or other physical modifications, other than posting signs, to buildings and structures.

B. The applicant for an exemption shall pay concurrent with the application, the fee, as prescribed by resolution of the City Council, to cover cost of the hearing and noticing of the hearing.

(ORD-14-0003 , § 2, 2014)

8.68.170 - City facilities.

There shall be no smoking in any "City facility" as defined in Subsection 8.68.020.H or in any "City vehicle" as defined in Subsection 8.68.020.I or in any covered area of the Long Beach Airport, notwithstanding any exception or exemption contained in any other provision of this Chapter.

(ORD-14-0003 , § 2, 2014)

8.68.180 - Tobacco products distribution.

A. No person or entity shall sell or otherwise distribute any cigarette or other tobacco product unless such cigarette or tobacco product is in the manufacturer's original package with all required health warnings.

B. No person or entity shall distribute or furnish without charge or cause or authorize distribution or furnishing of any cigarette or other tobacco product in any public place or at any event to which the public is invited unless such activity is authorized in a permit for staging of a special event which is subject to revocation for violation of the requirement of Subsection A of this Section.

C. The provision of Subsection B of this Section shall not apply to private functions or nightclubs, where minors are not present and such distribution is authorized by the proprietor.

(ORD-14-0003 , § 2, 2014)

8.68.190 - Billboard advertising.

No person or entity shall place, establish, keep, maintain or locate any advertisement for any tobacco product on any billboard within five hundred feet (500') of or so oriented that the message portion of the sign is visible from any school, childcare center, nursery school, hospital, place of worship or recreational facility.

(ORD-14-0003 , § 2, 2014)

8.68.200 - Violations and penalties.

Any person or entity violating any provision of this Chapter is guilty of an infraction, and upon conviction thereof, shall be punished by a fine not to exceed one hundred dollars ($100.00) for a first violation, two hundred dollars ($200.00) for a second violation within one (1) year, and five hundred dollars ($500.00) for a third and for each subsequent violation within one (1) year.

(ORD-14-0003 , § 2, 2014)

8.68.210 - Retaliation.

No person shall discharge, refuse to hire, or in any other manner retaliate against any employee, applicant, or patron exercising any right or privilege created by this Chapter.

(ORD-14-0003 , § 2, 2014)

8.68.220 - Severability.

All provisions of this Chapter are severable. If any part or provision of this Chapter, or the application thereof to any person or circumstance, is held invalid for any reason, the remainder of this Chapter, including the application of such part or provision to persons or circumstances other than those to which it is held invalid, shall not be affected and shall remain in full force and effect.

(ORD-14-0003 , § 2, 2014)

CHAPTER 8.72 - SAWDUST STORAGE

8.72.010 - Storage in garage prohibited.

No person shall store or use sawdust, wood shavings or wood turnings in any public or private garage, automobile filling station, automobile repair shop, upon vacant property used for the sale of new or secondhand automobiles or upon vacant property used for automobile parking purposes.

(Prior code § 4615)

CHAPTER 8.76 - PROPERTY MAINTENANCE

FOOTNOTE(S):

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Cross reference— Provisions on the abatement of nuisances, see the City Charter.

State Law reference— Provisions on public nuisances, Pen. C. §§ 370—372.

8.76.010 - Prohibited uses.

It is a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that any of the following conditions are found to exist thereon and it is a public nuisance for any person causing the following conditions on any premises:

A. Buildings which are abandoned, boarded up, partially destroyed, or left for unreasonably long periods of time in a state of partial construction, provided that any unfinished building or structure which has been in the course of construction three (3) years or more, and where the appearance and other conditions of said unfinished building or structure are such that the unfinished structure substantially detracts from the appearance of the immediate neighborhood or reduces the value of property in the immediate neighborhood or is a nuisance, shall be deemed and presumed to have been left for an unreasonably long period of time in the sense of this Subsection;

B. Any building on which the condition of the paint or roof covering has become so deteriorated as to permit decay, discoloration, excessive checking, cracking or warping so as to render the building unsightly or in a state of disrepair;

C. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;

D. Overgrown vegetation, cultivated or uncultivated, which is likely to harbor rats, vermin or other nuisances or which causes detriment to neighboring properties or property values;

E. Dead, decayed, diseased or hazardous trees, weeds and debris constituting unsightly appearance, dangerous to public safety and welfare, or detrimental to neighboring properties or property values;

F. Any chattel stored in a residential yard or court in a manner that the item is not shielded totally or in part from view from a public right-of-way by a six foot (6') high solid fence, wall, gate or equivalent screen.

For the purposes of this Subsection:

"Chattel" means any tangible, movable, personal property whatsoever including, but not limited to, building materials, household furniture, appliances, or motor vehicle parts, but not including duly licensed operable vehicles or recreational vehicles, nor boats, camper shells or off-the-road vehicles mounted thereon.

"Court" means any open, unoccupied area, other than a yard on the same lot with a building or buildings, bounded on two (2) or more sides by such building or buildings.

"Recreational vehicle" means a vehicle for the conveyance and/or shelter of persons or goods for purposes of leisure-time activities; a motor home, travel trailer, van, truck camper, camping trailer, boat, or off-the-road vehicle. Recreational vehicles shall not include vehicles designed and intended for commercial use which are converted to a recreational use, such as airplanes, buses, moving vans or semitrailers, nor recreational vehicles used for economic gain, nor chattel.

"Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway or upon water, excepting a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.

"Yard" means any open space, other than a court, adjacent to any lot line, unobstructed from the ground to the sky;

G. Any vehicle, recreational vehicle or boat parked or stored in a manner not permitted by the zoning regulations set forth in Title 21
H. Any attractive nuisance dangerous to children in the form of abandoned or broken equipment, hazardous pools, ponds, excavations or neglected machinery;
I. Broken or discarded furniture and household equipment remaining in front yard areas and side yard areas of corner lots for unreasonable periods and causing damage or detriment to neighboring property;
J. Clothesline in front yard areas and in side yard areas of corner lots;
K. Trash and garbage cans permanently stored in front or side yards and visible from public streets;
L. Packing boxes and other debris stored in yards and visible from public streets for unreasonable periods and causing detriment to neighboring property;
M. Property maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes substantial depreciation of the property values of surrounding properties or is materially detrimental to properties and improvements;
N. Any wall, fence or hedge maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property or to cause depreciation in the value of any adjacent or nearby property;
O. Any wrecked vehicles (including vehicles with noticeably dented or rusted body parts) or fully or partially disassembled vehicles (including vehicles without hoods, fenders, body panels, headlights, trunk lids, wheels, windows or windshields) when parked overnight on a residential, commercial or industrial use site (except licensed vehicle impound yards or junkyards) and visible from the public right-of-way or residential district;
P. Any commercial or industrial use sites with uncleaned grease spots on paved surfaces, oil or grease stains on buildings, walls or fences, an accumulation of dirt, grime or litter, any paved areas maintained in a condition of deterioration or disrepair or any excessive accumulation of weeds;
Q. Any boat, vehicle, trailer, camper or parts thereof which is stored or parked on a lot containing an unoccupied or vacant building;
R.

Any boat, vehicle, trailer, camper or parts thereof which is stored or parked on a vacant lot, when the lot is not improved to meet the zoning regulations for a residential, commercial or industrial storage or parking lot;

S. Any vacant building secured in a manner not fully complying with the provisions of Sections 8.76.015 or 8.76.017

T. No commercial vehicle over seven feet (7'), six inches (6") high, including any load thereon, or exceeding a maximum weight of three (3) tons, shall be stored or parked on any residentially zoned lot within the City. During daylight hours, such commercial vehicles conducting business on residentially zoned lots may park for a reasonable time while any construction, reconstruction or repair work is in progress.

(Ord. C-7665 §§ 1, 2, 1999; Ord. C-7660 § 1, 1999; Ord. C-6345 § 1, 1987; Ord. C-6288 § 1, 1986; Ord. C-6192 § 1, 1985; Ord. C-6161 § 1, 1985; Ord. C-6099 §§ 2, 3, 1984; Ord. C-5995 § 9, 1983; Ord. C-5834 § 1, 1982; Ord. C-5354 § 1 (part), 1977; Ord. C-5225 § 1 (part), 1975; prior code § 4611.10)

8.76.015 - Security screens—Appearance standards.

A. Purpose. In residential areas, an unoccupied dwelling unit or residential building secured with unpainted plywood visually stands out, tends to encourage vandalism, reduces the desirability of the neighborhood and impacts resales. The purpose of this Section is to reduce the negative visual impacts of unoccupied dwelling units by establishing minimum appearance standards for measures taken to secure the building from unlawful entry. It is intended that such measures, to the extent possible, disguise the vacant occupancy status of the building.

B. Scope. The provisions of this Section apply to any vacant dwelling or group of vacant dwelling units.

C. Prohibited materials. No wood, plastic or similar materials shall be used to cover window openings, whether glazed or unglazed after January 1, 1986.

D. Permitted materials. Steel screens, bars or grilles complying with this Section may be installed over window openings.

1. The screens, bars or grilles shall be either painted, galvanized, plastic-coated, anodized, or cadmium-plated to protect against oxidation and discoloration.
2. The color of the materials used shall be either gray, black or silver.
3. All screens, bars or grilles installed over operable bedroom windows shall be equipped with a quick-release mechanism approved by the Building Official.

E. Doors. Door and sliding-door openings may be secured with not less than one-half inch (½") plywood (if made operable with the use of hinges and locking hasp). Plywood coverings shall be painted on a manner similar to the permanent doors of the dwelling unit.

F. Exception. Nothing specified herein shall be construed to prevent emergency hazard abatement authorized pursuant to Section 18.20.380 by materials otherwise prohibited by these provisions.

G. Alternates. The Building Official may approve alternate methods of complying with this Section when such methods are found to be equivalent to prescriptive requirements or comply with the spirit and purpose of the regulations.

(Ord. C-6161 § 2, 1985)

8.76.017 - Security screens—Appearance standards (commercial properties).

A. Purpose. In commercial areas, an unoccupied commercial unit or building secured with unpainted plywood visually stands out, tends to encourage vandalism, reduces the desirability of the commercial neighborhood and impacts resales. The purpose of this Section is to reduce the negative visual

impacts of unoccupied commercial units by establishing minimum appearance standards for measures taken to secure the building from unlawful entry. It is intended that such measures, to the extent possible, soften the vacant occupancy status of the building to avoid an appearance of abandonment.

B. Scope. The provisions of this Section apply to any vacant commercial unit or group of vacant units.

C. Prohibited Materials. No woods, plastic or similar materials shall be used to cover window openings, whether glazed or unglazed, provided that plywood may be used if painted in a color conforming to and consistent with the existing color of the vacant unit or units and is so approved by the Director of Planning and Building or his/her designee.

D. Permitted Materials. Steel screens, bars or grilles complying with this Section may be installed over window openings.

1. The screens, bars or grilles shall be either painted, galvanized, plastic-coated, anodized, or cadmium-plated to protect against oxidation and discoloration.
2. The color of the materials used shall be either gray, black or silver.
3. All screens, bars or grilles installed over operable bedroom windows shall be equipped with a quick-release mechanism approved by the Building Official.

E. Doors. Door and sliding-door openings may be secured with not less than one-half-inch plywood (if made operable with the use of hinges and locking hasp). Plywood coverings shall be painted on a manner similar to the permanent doors of the commercial unit.

F. In all cases where plywood is placed pursuant to this Section, it shall be secured by screws or bolts.

G. Exception. Nothing specified herein shall be constructed to prevent emergency hazard abatement authorized pursuant to Section 18.20.380 by materials otherwise prohibited by these provisions.

H. Alternates. The Building Official may approve alternate methods of complying with this Section when such methods are found to be equivalent to prescriptive requirements or comply with the spirit and purpose of the regulations.

(Ord. C-7050 § 1, 1992)

8.76.020 - Abatement—Notice.

Whenever the Building Official, Health Officer, or such other City official as may be designated by the City Manager, determines that any building or premises within the City is being maintained in violation of the provisions of this Chapter, he shall give written notice thereof to the owner of record as shown on the last equalized assessment roll. Such notice may be served by mail, addressed to the owner at the last known address of the owner as shown on the last equalized assessment roll. The notice shall specify the condition or conditions to be corrected or remedied and shall specify a reasonable period within which this must be accomplished. The service of this notice is complete at the time such notice is deposited in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.11)

8.76.030 - Abatement—Hearing—Notice—Form.

If the owner fails to comply with the notice of the appropriate City official to abate the subject nuisance within the time specified in the notice to abate, the City official shall apply to the Board of Examiners, Appeals and Condemnation for a hearing and a finding of a nuisance. Notice of such hearing shall be substantially in the following form:

NOTICE OF HEARING TO
DETERMINE EXISTENCE OF
PUBLIC NUISANCE AND TO
ABATE IN WHOLE OR IN PART

NOTICE IS HEREBY GIVEN that on the _____ day of _____, 19 _____, at the hour of _____m., the Board of Examiners, Appeals and Condemnation of the City of Long Beach will hold a public hearing in the Council Chambers of the Long Beach City Hall, located at 333 West Ocean Boulevard, Long Beach, California, to ascertain whether certain premises situated in the City of Long Beach, State of California, known and designated as _____

_____,

constitute a public nuisance subject to abatement by the rehabilitation of such premises or by the repair or demolition of buildings or structures situated thereon. If said premises, in whole or part, are found to constitute a public nuisance as defined by Section 8.76.010 of the Long Beach Municipal Code, and if the same are not promptly abated by the owner, such nuisances may be abated by municipal authorities, and the costs of rehabilitation, repair or demolition plus incidental enforcement costs will be assessed upon such premises and such costs will constitute a lien upon such land until paid.

Said alleged violations consist of the following:

_____

_____.

Said methods of abatement available are: _____

_____

_____.

All persons having any objection to or interest in said matters are hereby notified to attend a meeting of the Board of Examiners, Appeal and Condemnation of the City of Long Beach to be held on the _____ day of _____, 19 _____, at the hour of _____ m., when their testimony and evidence will be heard and given due consideration.

Dated this _____ day of _____, 19 _____.

_____

(City Official)

(Ord. C-7098 § 7, 1993: Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.12)

8.76.040 - Abatement—Hearing—Notice—Service.

A. The City official, or such representative as may be designated by him, shall cause to be served upon the owner of each of the affected premises a copy of the notice of hearing, by certified mail, at his last known address as it appears on the last equalized assessment roll.

B. The notice of hearing shall be served, as aforesaid, at least ten (10) days before the time fixed for the hearing. Proof of service of the notice shall be made by declaration filed with the Board of Examiners, Appeals and Condemnation.

C. Service shall be completed at the time of the deposit of the notice in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.

D. "Owner," as used in this Section, means any person so designated on the last equalized assessment roll and also any person having or claiming to have any legal or equitable interest in the premises, as disclosed by a preliminary title search.

E. The failure of any person to receive such notice shall not affect the validity of any proceedings hereunder.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.13)

8.76.050 - Abatement—Hearing—Procedure.

At the time stated in the notice, the Board shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, City personnel and interested persons relative to the alleged public nuisance and to propose correction, repair or demolition of the premises. The hearing may be contained without further notice from time to time.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.14)

8.76.060 - Abatement—Hearing—Determination.

A. Upon conclusion of the hearing, the board shall determine whether the premises, or any part thereof, as maintained, constitutes a public nuisance as defined in this Chapter. If the Board finds that such public nuisance does exist, they shall determine how the nuisance is to be abated and shall establish a time within which correction, repair, demolition or removal shall take place; and in the event of the owner's failure to correct the nuisance within the time prescribed, the City shall cause the nuisance to be abated and the cost incurred in behalf of the City to become a lien on the property, in accordance with Title 18 of this Code. A copy of the determination shall be served by mail upon the owner of each of the affected premises.

B. Service shall be complete at the time of the deposit of the report in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.15)

8.76.070 - Abatement—Appeal—Contents.

Any owner may appeal to the City Council from the determination of the Board of Examiners, Appeals and Condemnation by filing with the City Clerk within ten (10) days from the date of service of such decision or report, a written appeal containing the following, along with a fee as prescribed by Councilmanic resolution:

A. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved;

B. A statement in ordinary and concise language of the finding or action protested, together with any material facts supporting the contentions of the appellant;

C. The signatures of all parties named as appellants, and their official mailing addresses;

D. The verification, under penalty of perjury, of at least one (1) appellant as to the truth of the matters stated in the appeal.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 part), 1975: prior code 4611.16)

8.76.080 - Abatement—Appeal—Hearing.

As soon as practicable after receiving the written appeal, the City Clerk shall set a date for hearing of the appeal by the City Council, which date shall be not less than ten (10) days, nor more than forty-five (45) days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given

by the City Clerk to each appellant at least ten (10) days prior to the date of the hearing by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Continuances of the hearing, without further notice, may be granted for good cause by the City Council.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.17)

8.76.090 - Abatement—Appeal—Decision.

A. Upon the conclusion of the hearing on the appeal, the City Council shall either terminate the proceedings and overrule the findings of the Board, confirm the determination of the Board, or modify the determination, based upon evidence received at the hearing. If the Council takes any action other than to terminate the proceedings, it shall declare the premises to be a public nuisance shall order the abatement of the same within a specified time by having such premises, buildings or structures corrected, repaired, demolished or removed. The decision of the City Council shall be served on the appellant by the City Clerk and shall be final and conclusive.

B. No legal proceeding or action shall lie against the City nor against the Council, nor the Board of Examiners, Appeals and Condemnation, nor any member of either thereof, nor against any officer, agent or employee of the City, to review or enjoin the enforcement of its determination or orders made pursuant to this Chapter or to recover damages for carrying out such orders in a lawful and reasonable manner, unless such legal action is commenced within thirty (30) days after the decision of the Council.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.18)

8.76.100 - Abatement by City—Authorized.

If the nuisance is not completely abated by the owner as directed within the designated abatement period, then the City Manager, or such other City official as may be designated by him, is authorized and directed to cause the same to be abated by City forces or private contract, and the City Manager, or his designated agent, is expressly authorized to enter upon the premises for such purpose. All expenses so incurred by the City in connection therewith, plus a ten percent (10%) charge for the City's administrative costs, shall be charged to and become an indebtedness of the owner of such structure or premises, as well as a lien upon the affected property, as elsewhere provided in this Chapter.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.19)

8.76.101 - Owner's responsibility for enforcement costs.

If the nuisance is not completely abated by the owner as directed within the time frame established by the City Manager, or his designated agent, or as said time frame may be modified on appeal to the Board of Examiners, Appeals and Condemnation or City Council, all incidental enforcement costs incurred by the City in connection therewith shall be charged to and become an indebtedness of the owner of such structure or premises, except as provided below, as well as a lien upon the affected property whether or not the work is performed later by the City, by the owner, or by others. "Incidental enforcement costs" include, but are not limited to, the actual expenses and costs of the City in investigating the nuisance, obtaining title information, preparing notices, and performing inspections. Incidental enforcement costs shall not be charged to, nor become an indebtedness of, a property owner who is head of a low-income household (defined to be a household earning less than eighty percent (80%) of the County median income).

(Ord. C-7098 § 17, 1993)

8.76.110 - Abatement by City—Notice.

If the nuisance is not completely abated by the owner within the designated abatement period, the City Manager or such other City official as may be designated by him shall serve notice on the owner of the affected premises by certified mail at his last known address as it appears on the last equalized assessment roll a notice of intent to abate nuisance which shall be substantially in the following form:

NOTICE OF INTENT TO
ABATE NUISANCE

NOTICE IS HEREBY GIVEN that an inspection made of the premises or property known and designated as

_____

_____

was made on the _____ day of _____, 19 _____, and a determination made that the order to abate the nuisance at said premises or property by the Long Beach City Council on _____ had not been complied with. Abatement of said nuisance will be accomplished by either City forces or private contractor in accordance with the specifications attached hereto and costs of such abatement will constitute a lien upon said property until paid. Notice is hereby given that said abatement will be undertaken ten (10) days after the date of this notice, and you are herewith notified to remove from the area of your affected premises those articles you deem of value within said ten-day period of time. Articles removed from the premises in the accomplishment of said abatement will be held in storage for a period of thirty (30) days at (location) and claim for articles removed may be made within said thirty-day period. Articles not claimed and removed from storage location within said thirty-day period will be discarded or will be sold if determined to have value.

A statement of costs incurred in the abatement with charges to be assessed will be mailed to you after completion.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.20)

8.76.120 - Abatement by City—Charges—Statement.

When any nuisance is abated by the City pursuant to this Chapter, or when an owner is responsible for incidental enforcement costs as provided by Section 8.76.101, the City Manager or such other City official as may be designated by him shall prepare a sworn statement showing the cost, including incidental expenses and incidental enforcement costs thereof. The City Manager or such other City official as may be designated by him shall thereupon give notice of the amount of the charges in the same manner as provided in Section 8.76.040. "Incidental expenses" include, but are not limited to, the actual expenses and costs of the City in the preparation of notices, specification and contracts, and inspecting the work, and costs of printing and mailing required under this Chapter.

(Ord. C-7098 § 8, 1993: C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.21)

8.76.130 - Abatement by City—Charges—Hearing.

A. Within thirty (30) days from the date of service of the notice of charges for abatement, the property owner, or any interested person, may demand a hearing before the Board of Examiners, Appeals and Condemnation as to the reasonableness of the charges. Such demand shall be in writing and filed with the Building Official. Such demand shall be presented by the Building Official to the Board of Examiners, Appeals and Condemnation at its next regular meeting. The Board of Examiners, Appeals and Condemnation shall thereupon set a date for hearing the protest which shall be not less than ten (10) nor more than forty-five (45) days thereafter. The Building Official shall give written notice of the hearing to the address furnished in the demand for hearing. At the time set for the hearing, the Board

of Examiners, Appeals and Condemnation shall hear all evidence pertinent to the reasonableness of the charges and shall then either confirm or modify the charges. The decision of the Board of Examiners, Appeals and Condemnation thereon shall be final.

B. If the amount of the charges as determined by the Board of Examiners, Appeals and Condemnation has not been paid within sixty (60) days after the date of the hearing, the payment thereof shall thereupon become delinquent and such amount so determined shall thereafter bear interest at the rate of twelve percent (12%) until paid or until filed with the Tax Collector as provided in this Chapter. If no hearing is demanded as to the reasonableness of the charges, the payment thereafter shall become delinquent at the expiration of the time for filing of a demand for a hearing thereon.

(Ord. C-7098 § 9, 1993: Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.22)

8.76.140 - Abatement by City—Charges—Certification to Tax Collector.

Within thirty (30) days thereafter and on July 1st of each year, the City Manager shall certify a list of all delinquent charges for nuisance abatement to the Tax Collector. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the Tax Collector, and the amount of such charges, including such interest as shall have accrued after the delinquent date to July 1st of such year, shall be set forth opposite such description.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5255 § 1 (part), 1975: prior code § 4611.23 (a))

8.76.150 - Abatement by City—Charges—Collection.

Upon receipt of such list the Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as municipal ad valorem taxes and penalties and interest for nonpayment thereafter shall attach as though such amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for nuisance abatement, and penalties thereon, entered upon that tax roll against the lot are first paid in full.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.23 (b))

8.76.160 - Abatement by City—Sale for delinquent taxes—Charges added to record.

Upon the sale of any lot to the City for nonpayment of taxes, all charges for nuisance abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.23 (c))

8.76.170 - Abatement by City—Sale for delinquent taxes—Certificate of redemption.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for nuisance abatement, and penalties entered on the delinquent tax records against the property involved, first have been paid in full

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.23 (d))

8.76.180 - Abatement by City—Error correction.

A. The City Manager may, prior to certifying any such unpaid charges to the Tax Collector, correct any errors with respect to such taxes appearing upon his records.

B.

After such taxes have been certified to the Tax Collector, the Council, by order entered on its minutes, may cancel any charges for nuisance abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any City, or any school district or other political subdivision, and because of this public ownership not subject to sale for delinquent assessments.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.23 (e))

8.76.190 - Abatement by City—Charges—Refund.

Any charge for nuisance abatement or penalty, or portion of either thereof, which is paid as the result of an erroneous assessment upon the wrong property, or which is paid more than once, or which is based upon a clerical error appearing in the tax records, may be refunded by the Council to the person entitled thereto; provided, however, that such refunds shall only be made upon the written application of the person entitled thereto, which must be filed with the City Clerk not later than one (1) year after the date the erroneous payment was made.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.23 (f))

8.76.200 - Alternative remedies.

It is the intent of the City Council that the provisions and procedures set forth in this Chapter shall not expressly or by implication repeal or supersede any other provisions or procedures of the Long Beach Municipal Code or any other applicable law on the same or related subject matters. This Chapter shall supplement existing procedures and will provide an alternative, nonexclusive procedure for the abatement of a nuisance. Nothing in this Chapter shall preclude or prohibit the City from resorting to any appropriate legal remedy, whether civil or criminal, in the abatement of any nuisance, including any nuisance designated in this Chapter; and when such legal remedy is utilized, the administrative hearing and appeal procedures provided in this Chapter to determine the existence of a nuisance shall not be applicable.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.24)

8.76.205 - Criminal prosecution.

Pursuant to Section 1.32.010 of this Code, any violation of the provisions of this Chapter 8.76 is a misdemeanor, and the notice, hearing, appeal and other administrative procedures contained in this Chapter 8.76 shall not be a condition precedent to any criminal prosecutions.

(Ord. C-6789 § 1, 1990)

8.76.210 - Penalty for violation.

A. The owner of any building, premises or vehicle who maintains any public nuisance thereon, as defined in this Chapter, or who violates any order of abatement issued by the Board of Examiners, Appeals and Condemnation or the City Council is guilty of a misdemeanor; provided that any violation of Subsections 8.76.010.G, Q, R, and T shall be deemed an infraction.

B. Any occupant or lessee in possession of any such building or premises who fails to vacate the building or premises in accordance with an order of abatement provided in this Chapter is guilty of a misdemeanor.

C. Any person who removes any notice or order posted as required in this Chapter is guilty of a misdemeanor.

D. No person shall obstruct, impede or interfere with any representative of a City department or the Board of Examiners, Appeals and Condemnation, or with any person who owns or holds any estate or interest in a building or premises which has been ordered to be vacated, repaired, rehabilitated, or demolished, whenever any such representative of the City or the Board of Examiners, Appeals and Condemnation, or any person having any interest or estate in such building or premises, is engaged, pursuant to the provisions of this Chapter, in enforcing any such order of abatement.

E. Those employees of the department of planning and building designated by the Director of Planning and Building are authorized and may issue notices of violation of Section 8.76.010 G, Q, R or T pursuant to the applicable provisions of Section 41103 and other sections of the Vehicle Code relating to the standing or parking of a vehicle. If the notice of violation cannot be attached to the vehicle or other personal property, it may be posted on the front door of the involved premises.

Nothing in this Section is intended to operate to make these employees peace officers. Further, nothing in this Section is intended to or shall operate to change or shall have the effect of changing the status of the employees authorized to act pursuant to this Section from public or miscellaneous employees to individual peace officers or safety members or classes of peace officers or safety members.

(Ord. C-6288 § 2, 1986; Ord. C-6099 §§ 1 and 4, 1984; Ord. C-5489 § 1, 1979; Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.25)

8.76.215 - Civil penalty—City abatement more than once.

If the Building Official finds that the City had previously abated a building or premises on the same property after notice to the same owner, he shall access a civil penalty based on the following schedule abatement again occurred by the City:

Civil penalty: for previous abatement by the City once within the preceding five (5) years: fifty percent (50%) of the City's administrative cost for abatement including processing fees; for previous abatement by the City two (2) or more times within the preceding five (5) years: one hundred percent (100%) of the City's administrative costs for abatement including processing fees.

The City will give notice of this civil penalty to all property owners when abatement procedures are instituted against their properties pursuant to this Chapter.

The imposition of this civil penalty may be appealed to the Board of Examiners, Appeals and Condemnation in the same manner as provided in Section 8.56.120.

The civil penalty constitutes a debt of the person charged to the City and is collectable by the City as an obligation or liability created by statute.

(Ord. C-7050 § 3, 1992)

CHAPTER 8.80 - NOISE

8.80.010 - Policy.

A. In order to control unnecessary, excessive and annoying noise and vibration in the City, it is declared to be the policy of the City to prohibit such noise and vibration generated from or by all sources as specified in this Chapter. It shall be the policy of the City to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the City where noise levels are above acceptable values.

B. It is determined that certain noise levels and vibrations are detrimental to the public health, welfare and safety, and are contrary to the public interest. Therefore, the City Council does ordain and declare that creating, maintaining, causing or allowing to be created, caused or maintained, any noise or vibration in a manner prohibited by or not in conformity with the provisions of this Chapter is a public nuisance and shall be punishable as such.

C. The City Council in adopting this Chapter is aware of the areas of noise control which are preempted by other jurisdictions. Enforcement of these regulations is understood by the City Council to be restricted, in addition to other limitations, by the following:

1. It is not the intent of this Chapter to control aircraft noise at the Long Beach Airport. Federal law controls noise levels of aircraft in flight; and where federal preemption does not apply to aircraft on the ground, the appropriate provisions of the California Noise Law (Title 4, California Administrative Code, Subchapter 6) would be applicable to deal with this subject matter.
2. Local noise control of motor vehicles or motorboats operating on public rights-of-way is preempted by State or federal laws and regulations.
3. Noise in occupational environments is controlled by the California Department of Industrial Relations, whose Division of Industrial Safety enforces the 1973 California Occupational Safety and Health Act (CALOSHA).

(Ord. C-5371 § 1 (part), 1977: prior code § 4430)

8.80.020 - Definitions.

All terminology used in this Chapter, if not defined in this Section, shall have the same meaning as defined by applicable publications of the American National Standards Institute (ANSI), or its successor body.

1. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
2. "Agricultural property" means a parcel of real property which is not developed for any use other than agricultural purposes. Its size shall be construed to be a minimum of ten (10) contiguous acres.
3. "Ambient noise level" means the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
4.

"Commercial area" means any area occupied by businesses which sell, rent, trade, or store goods, or which provide a service.

5. "Commercial purpose" means the use, operation or maintenance of any sound amplifying equipment for the purpose of advertising any business, goods, or services, or for the purpose of attracting the attention of the public, or soliciting patronage of customers to any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.
6. "Construction" means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition.
7. "Cumulative period" means an additive period of time composed of individual time segments which may be continuous or interrupted.
8. "Decibel (dB)" means a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).
9. "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
10. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
11. "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
12. "Fixed noise source" means a stationary device which creates sound while fixed or motionless, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air conditioners, and refrigeration equipment.
13. "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating, which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle shall be used.
14. "Impulsive sound" means sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.
15. "Industrial area" means any area occupied by land uses whose primary operation involves manufacturing, assembling, processing, or otherwise treating raw materials, semifinished products, or finished products, for packaging and distribution to either wholesale or retail markets.
16. "Intrusive noise" means that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content as well as the prevailing ambient noise level.
17. "Licensed" means the issuance of a formal license or a permit by a City authority; or, where no permits or licenses are issued, the sanctioning of the activity by the City as noted in the public record.
18. "Mobile noise source" means any noise source other than a fixed noise source.

19. "Motor carrier vehicle engaged in interstate commerce" means any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (P. L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.
20. "Motor vehicle" includes any and all self-propelled vehicles as defined in the California Motor Vehicle Code, including all on-highway type motor vehicles subject to registration under said code, and all off-highway type motor vehicles subject to identification under said code.
21. "Motorboat" means any vessel which operates on water and which is propelled by a motor, including, but not limited to, boats, barges, amphibious craft, waterski-towing devices and hovercrafts.
22. "Muffler or sound dissipative device" means a device for abating the sound of escaping gases of an internal combustion engine.
23. "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
24. "Noise control office" means the City agency designated by the City Manager having the lead responsibility and authority to enforce this Chapter and to grant variances.
25. "Noise control officer" means the City official appointed by the City Manager to direct the noise control office.
26. "Noise disturbance" means any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
27. "Noise sensitive zone" means any area designated pursuant to Section 8.80.030 for the purpose of insuring exceptional quiet.
28. "Noise source" means a disturbance-causing operation which originates from a single unit or noise generating mechanism which operates simultaneously. Example of a single noise source is the combination of motor, pump, and compressor; oil drilling rig; or a power plant with several boilers.
29. "Noise zone" means defined areas or regions of a generally consistent land use community wherein the ambient noise levels are generally similar (within a range of five (5) decibels). Typically, most sites within any given noise zone will be of comparable proximity to major noise sources.
30. "Noncommercial purpose" means the use, operation or maintenance of any sound equipment for other than a commercial purpose, including, but not limited to, philanthropic, political, patriotic and charitable purposes.
31. "Person" means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State.
32. "Powered model vehicle" means any self-propelled airborne, waterborne, or land-borne plane, vessel or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.
33. "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.
34. "Public space" means any real property or structures thereon which are owned or controlled by a governmental entity.

35. "Pure tone" means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this Chapter, a pure tone shall exist if the one-third (1/3) octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) decibels for center frequencies of five hundred (500) hertz and above and by eight (8) decibels for center frequencies between one hundred sixty (160) and four hundred (400) hertz and by fifteen (15) decibels for center frequencies less than or equal to one hundred twenty-five (125) hertz.
36. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another person, but not including intra-building real property divisions.
37. "Residential area" means any area wherein the dominant land use is devoted to maintenance, preservation, or propagation of residential dwelling units.
38. "RMS sound pressure" means the square root of the time averaged square of the sound pressure, denoted $P_{rms.}$
39. "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
40. "Sound amplifying equipment" means any machine or device for the amplification of the human voice, or music, or any other sound, excluding standard automobiles when used and heard only by the occupants of the vehicle in which the device is installed and, as used in this Chapter, warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.
41. "Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-l971 or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
42. "Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which satisfies the requirements pertinent for type S2A meters in American National Standards Institute specifications for sound level meters, S1.4-1971, or the most recent revision thereof.
43. "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.
44. "Sound pressure level" means twenty (20) times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals (20×10^6 N/M^2). The sound pressure level is denoted L_p or SPL and is expressed in decibels.
45. "Sound truck" means any motor vehicle or any other vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.
46. "Vibration" means mechanical motion of the earth or ground, building, or other type of structure, induced by the operation of any mechanical device or equipment located upon or affixed thereto. For purposes of this Chapter, the magnitude of the vibration shall be stated as the acceleration in "g" units (1 g is equal to 32.2 ft/sec^2, 9.3 1 $meters/sec^2$).

47. "Weekday" means any day, Monday through Friday, which is not a federal holiday.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.1)

8.80.030 - Administration and enforcement.

The noise control program established by this Chapter shall be administered by the noise control office as designated by the City Manager. An official within the noise control office shall be appointed as the Noise Control Officer and shall be a person with sufficient knowledge of environmental acoustics to enforce noise regulations.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.2 (a))

8.80.040 - Noise control office—Powers.

In order to implement and enforce this Chapter and for the general purpose of noise abatement and control, the noise control office shall have, in addition to any other authority vested in it, the power to:

A. Studies. Conduct, or cause to be conducted, studies, research, and monitoring related to noise, including joint cooperative investigation with public or private agencies, and make application for and accept grants;

B. Education.
   1. Conduct programs of public education regarding:
      a. The cause and effect of noise and general methods of abatement and control of noise, and
      b. The actions prohibited by this Chapter and the procedures for reporting violations, and
   2. Encourage the participation of public interest groups in related public information efforts,
   3. Provide for training of field inspectors and other technical personnel concerned with noise abatement (in conformance with standards for technical qualifications as established by the State Office of Noise Control).

C. Coordination and Cooperation.
   1. Coordinate the noise control activities of all municipal departments,
   2. Cooperate where practicable with all appropriate State and federal agencies,
   3. Cooperate or combine where practicable with appropriate County and municipal agencies,
   4. Advise on the availability of low noise emission products for replacement or retrofit of existing or planned City owned or operated equipment,
   5. Enter into contract with the approval of the City Manager for the provision of technical and enforcement services;

D. Actions of Other Departments. Request any other department or agency responsible for a proposed or final standard, regulation or similar action to consult on the advisability of revising the action, if there is reason to believe that the action is not consistent with this Chapter;

E. Public and Private Projects. On all public and private projects which are likely to cause sound in violation of this Chapter and which are subject to mandatory review or approval by other departments or agencies, or which under the environmental review process are judged to be likely to violate these regulations:
   1. Review to determine compliance with the intent and provisions of this Chapter,
   2.

Recommend sound analysis which identify existing and projected noise sources and associated sound levels,

3. Recommend usage of adequate measures to avoid violation of any provision of this Chapter;

F. Inspections. Upon presentation of proper credentials, enter and/or inspect any private property, place, report, or records at any time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search or inspection warrant may be obtained from a court of competent jurisdiction upon showing of probable cause to believe that a violation of this Chapter may exist. Such inspection may include administration of any necessary tests;

G. Product Performance Standard Recommendations. Develop and recommend (to the City Council or other City agency) provision regulating the use and operation of any product, including the description of maximum sound emission levels of such product, but not in such a manner as to conflict with federal or State new product regulations;

H. Noise Sensitive Zone Recommendation and Enforcement. Prepare recommendations to be approved by the City Council, for the designation of noise sensitive zones which contain noise sensitive activities and to enforce the provisions of Sections 8.80.150 through 8.80.180 on City Council designated noise sensitive zones;

I. Noise Zone Definition. Prepare recommendations, based upon noise survey data and analytical studies, to be approved by the City Council, for the designation of zones of similar ambient environmental noise within regions of generally consistent land use. These zones shall be identified in terms of their day and nighttime ambient noise levels by the classifications given in Section 8.80.160, Table A;

J. Zoning Changes. Prior to the approval of any zoning change:

1. Review the noise impact of the zoning change by identifying existing and projected noise sources and the associated sound levels,
2. Require usage of adequate measures on noise sources identified in subdivision 1 of this subsection which will be in violation of any provision of this Chapter.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.2 (b))

8.80.050 - Noise Control Officer—Duties.

In order to effectively implement and enforce this Chapter, the Noise Control Officer shall, within a reasonable time:

A. Investigate and Pursue Violations. Investigate and pursue possible violations of this Chapter;

B. Delegation of Authority. Delegate functions, where appropriate under this Chapter, to personnel within the noise control office and to other departments, subject to the approval of the City Manager;

C. Community Noise Element.

1. Assist in the preparation or revision thereof of the City noise element of the general plan as required by Government Code Section 65302 (g), following guidelines set forth by the State Office of Noise Control,
2. Assist in or review the total transportation planning of the City, including planning for new roads and highways, bus routes, airports, and other systems for public transportation, to insure that proper consideration is taken with regard to the impact of sound levels and that

the policies set forth in the noise element are adhered to,

3. Provide ongoing assistance to local agencies in determining possible mitigating measures for current or future noise problems;

D. Airport Noise Exposure. Assist the department of aeronautics in developing a plan for noise compatible land use in the vicinity of the Long Beach Airport and maintain consistency with the provisions and policies of the noise element of the general plan;

E. State and Federal Laws and Regulations.

1. Prepare and publish with the approval of the City Council a list of those products manufactured to meet specified noise emission limits under federal, State or community law for which tampering enforcement will be conducted, and

2. Make recommendations for modification or amendments to this Chapter to insure consistency with all State and federal laws and regulations;

F. Administer Grants, Funds and Gifts. Administer noise program grants, funds and gifts from public and private sources, including the State and federal governments;

G. Monitoring Responsibilities. Notwithstanding the preemption by federal and State agencies of the enforcement powers over certain activities, such as those at the Long Beach Airport and at the Long Beach Marine Stadium, the Noise Control Officer shall monitor noise generated by such preempted activities and report any violations of State or federal regulations to the appropriate enforcement agencies and to the City Council.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.2 (c))

8.80.060 - City departments—Policy conformance.

All departments shall, to the fullest extent consistent with their authorities under other ordinances administered by them, carry out their programs in such a manner as to further the policies stated in Section 8.80.010.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (a))

8.80.070 - City departments—Cooperation.

All departments shall cooperate with the noise control office to the fullest extent in enforcing the noise regulations of this Chapter.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (b))

8.80.080 - City departments—Legal compliance.

All departments engaged in any activities which result or may result in the emission of noise, shall comply with federal and State laws and regulations, as well as the provisions of this Chapter, respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (c))

8.80.090 - City departments—Project approval.

Each department whose duty it is to review and approve new projects or changes to existing projects that result, or may result, in the emission of noise shall consult with the noise control office prior to any such approval.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (d))

8.80.100 - City departments—Review of actions.

If at any time the Noise Control Officer has reason to believe that a standard, regulation, or action or proposed standard, regulation or action of any department respecting noise does not conform to the intent of Section 8.80.010, he may request such department to review and report to him on the advisability of revising such standard or regulation to conform.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (e))

8.80.110 - City departments—Contract compliance.

Any written agreement, purchase order, or instrument whereby the City is committed to the expenditure of funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, shall not be entered into unless such agreement, purchase order, or instrument contains provisions requiring that any equipment or activities which are subject to the provisions of this Chapter will be operated, constructed, conducted, or manufactured without causing violation of this Chapter.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (f))

8.80.120 - City departments—Low noise emission product use.

Any product which has been certified by the Administrator of the United States Environmental Protection Agency pursuant to Section 15 of the Noise Control Act of 1972 as a low noise emission product and which is determined to be suitable for use as a substitute shall be used in preference to any other product where economically feasible.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (g))

8.80.130 - Disturbing noises prohibited.

A. Notwithstanding any other provision of this Chapter, and in addition thereto, it is unlawful for any person to willfully make or continue, or cause to be made or continued, a loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

B. The standards which shall be considered in determining whether a violation of the provisions of this Section exist shall include, but not be limited to the following:

1. The sound level of the objectionable noise;
2. The sound level of the ambient noise;
3. The proximity of the noise to residential sleeping facilities;
4. The nature and zoning of the area within which the noise emanates;
5. The density of the inhabitation of the area within which the noise emanates;
6. The time of day or night the noise occurs;
7. The duration of the noise and its tonal, informational or musical content;
8. Whether the noise is continuous, recurrent, or intermittent;
9. Whether the noise is produced by a commercial or noncommercial activity.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.4)

8.80.140 - Noise measurement procedure.

The measurement procedure presented in this Section assumes that personnel performing the noise measurements have been trained in the use of the instruments and in interpretation of measured data. Upon receipt of a complaint from a citizen, the Noise Control Officer, or his agent, equipped with sound level measurement equipment satisfying the requirements specified in Section 8.80.020, shall investigate the complaint. The investigation shall consist of a measurement and the gathering of data to adequately define the noise problem as specified in the California Office of Noise Control Model Enforcement Manual, and shall include the following:

A. Nonacoustic Data.
    1. Type of noise source;
    2. Location of noise source relative to complainant's property;
    3. Time period during which noise source is considered by complainant to be intrusive;
    4. Total duration of noise produced by noise source;
    5. Date and time of noise measurement survey.

B. Procedure. Utilizing the A weighting scale of the sound level meter and the slow meter response, the noise level shall be measured at a position or positions along the complainant's property line closest to the noise source or at the location along the boundary line where the noise level is at a maximum. In general, the microphone shall be located five feet (5') above the ground; ten feet (10') or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made at a point at least four feet (4') from the wall, ceiling or floor nearest the noise source with windows in the normal seasonal configuration. Calibration of the instrument being used shall be performed immediately prior to and following the recording of any noise data utilizing the acoustic calibrator.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.5)

8.80.150 - Exterior noise limits—Sound levels by receiving land use district.

A. The noise standards for the various land use districts identified by the noise control office as presented in Table A in Section 8.80.160 shall, unless otherwise specifically indicated, apply to all such property within a designated district.

B. No person shall operate or cause to be operated any source of sound at any location within the incorporated limits of the City or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level when measured from any other property, either incorporated or unincorporated, to exceed:
    1. The noise standard for that land use district as specified in Table A in Section 8.80.160 for a cumulative period of more than thirty (30) minutes in any hour; or
    2. The noise standard plus five (5) decibels for a cumulative period of more than fifteen (15) minutes in any hour; or
    3. The noise standard plus ten (10) decibels for a cumulative period of more than five (5) minutes in any hour; or
    4. The noise standard plus fifteen (15) decibels for a cumulative period of more than one (1) minute in any hour; or
    5. The noise standard plus twenty (20) decibels or the maximum measured ambient, for any period of time.

C. If the measured ambient level exceeds that permissible within any of the first four (4) noise limit categories in Subsection B of this Section, the allowable noise exposure standard shall be increased in five (5) decibels increments in each category as appropriate to encompass or reflect the ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category in Subsection B of this Section, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.

D. If the measurement location is on a boundary between two (2) different districts, the noise level limit applicable shall be the arithmetic mean of the two (2) districts.

E. If possible, the ambient noise shall be measured at the same location along the property line utilized in Subsection B of this Section, with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, then the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the offending noise from the source is inaudible. If the difference between the noise levels with noise source operating and not operating is six (6) decibels or greater, then the noise measurement of the alleged source can be considered valid with a small correction applied to account for the contribution of the ambient noise. The correction is to be applied in accordance with data shown in Table B in Section 8.80.160

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.6 (a))

8.80.160 - Exterior noise limits—Correction for character of sound.

In the event that alleged offensive noise contains a steady audible tone such as a whine, screech, or hum, or is a repetitive noise such as hammering or riveting or contains music or speech conveying informational content, the standard limits set forth in Table A shall be reduced by five (5) decibels.

Table A
EXTERIOR NOISE LIMITS

Receiving Land Use District*	Time Period	Noise Level** (dBA)
District One	Night:	
	10:00 p.m.—7:00 a.m.	45
	Day:	
	7:00 a.m.—10:00 p.m.	50
District Two	Night:	
	10:00 p.m.—7:00 a.m.	55
	Day:	
	7:00 a.m.—10:00 p.m.	60

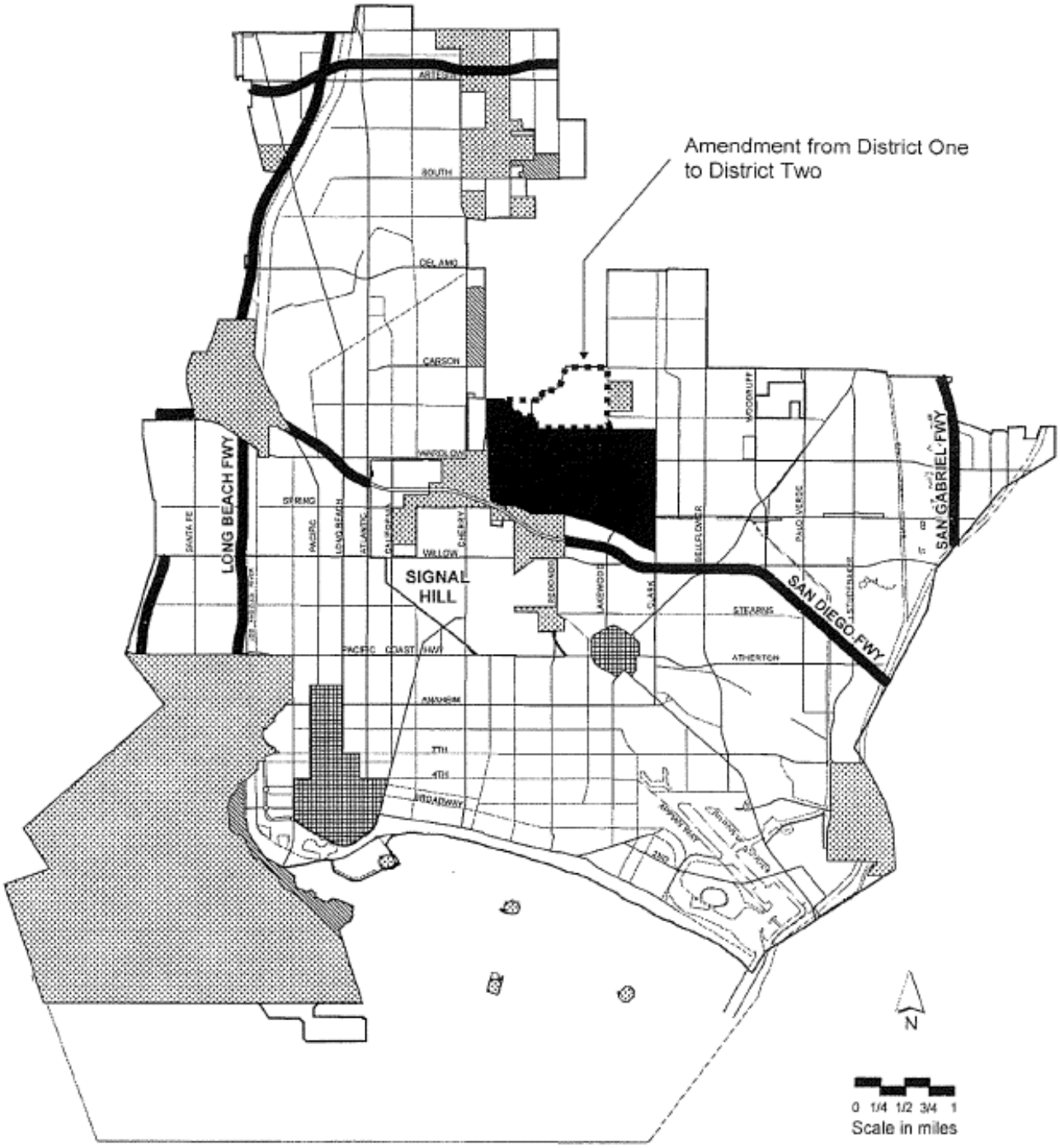
District Three	Any time	65
District Four	Any time	70
District Five	Regulated by other agencies and laws	
*District One:	Predominantly residential with other land use types also present	
District Two:	Predominantly commercial with other land use types also present	
Districts Three and Four:	Predominantly industrial with other land types use also present	
District Five:	Airport, freeways and waterways regulated by other agencies	

** Districts Three and Four limits are intended primarily for use at their boundaries rather than for noise control within those districts.

Table B
BACKGROUND NOISE CORRECTION

Difference between total noise and background noise alone (decibels)	Amount to be subtracted from
6—8	1
9—10	.5

NOISE DISTRICT MAP



* Noise at Long Beach Airport is regulated by State & Federal Laws. It is the responsibility of the Noise Control Officer to address complaints filed against aircraft noise, report all violations to proper enforcing agencies and the Long Beach City Council.

District 1 - Remainder of the City
District 2
District 3
District 4
District 5 - Preempted by other Agencies*

(ORD-09-0030, § 1(exh. A), 2009; Ord. C-7959 § 1 (exh. A), 2004; Ord. C-5371 § 1 (part), 1977: prior code § 4430.6(b))

8.80.170 - Interior noise limits—Maximum sound levels.

A. The interior noise standards for various land use districts as presented in Table C shall apply, unless otherwise specifically indicated, within structures located in designated zones with windows in their normal seasonal configuration.

TABLE C

Receiving Land Use District	Type of Land Use	Time Interval	Allowable Interior Noise Level (dBA)
All	Residential	10:00 p.m.—7:00 a.m. 7:00 a.m.—10:00 p.m.	35 45
All	School	7:00 a.m.—10:00 p.m. (While school is in session)	45
Hospital, designated quiet zones and noise sensitive zones		Any time	40

B. No person shall operate, or cause to be operated, any source of sound indoors at any location within the incorporated limits of the City or allow the creation of any indoor noise which causes the noise level when measured inside the receiving dwelling unit to exceed:
   1. The noise standard for that land use district as specified in Table C for a cumulative period of more than five (5) minutes in any hour; or
   2. The noise standard plus five decibels (5 dB) for a cumulative period of more than one (1) minute in any hour; or
   3. The noise standard plus ten decibels (10 dB) or the maximum measured ambient, for any period of time.

C. If the measured indoor ambient level exceeds that permissible within any of the first two (2) noise limit categories in this Section, the allowable noise exposure standard shall be increased in five decibel (5 dB) increments in each category as appropriate to reflect the indoor ambient noise level. In the event the indoor ambient noise level exceeds the third noise limit category, the maximum allowable indoor noise level under said category shall be increased to reflect the maximum indoor ambient noise level.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.7(a))

8.80.180 - Interior noise limits—Correction for character of sound.

In the event the alleged offensive noise contains a steady audible tone such as a whine, screech or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech conveying information content, the standard limits set forth in Table C in Section 8.80.170 shall be reduced by five decibels (5 dB).

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.7(b))

8.80.190 - Noise disturbances—Prohibited.

No person shall unnecessarily make, continue or cause to be made or continued, any noise disturbance.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.8(a))

8.80.200 - Noise disturbances—Acts specified.

The following acts, and the causing or permitting thereof, are declared to be in violation of this Chapter:

A. Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound:
   1. Between the hours of ten p.m. and seven a.m. the following day in such a manner as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Sections 8.80.150 or 8.80.170 except for activities for which a variance has been issued by the noise control office,
   2. In such a manner as to exceed the levels set forth in Table A in Section 8.80.160, measured at a distance of at least fifty feet (50') (fifteen (15) meters) from such device operating on a public right-of-way or public space;

B. Loudspeakers (amplified sound). Using or operating for any purpose any loudspeaker, loudspeaker system, or similar device between the hours of ten p.m. and seven a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property line, or at any time violates the provisions of Sections 8.80.150 or 8.80.170, except for any noncommercial public speaking, public assembly or other activity for which a variance has been issued by the noise control office;

C. Street sales. Offering for sale, selling anything or advertising by shouting or outcry within any residential or commercial area or noise sensitive zone of the City except by variance issued by the noise control office. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses or other similar licensed public entertainment events;

D. Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential or commercial real property line or within a noise sensitive zone. This provision shall not apply to public zoos;

E. Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of ten p.m. and seven a.m. the following day in such a manner as to cause a noise disturbance across a

residential real property line or at any time to violate the provisions of Sections 8.80.150 and 8.80.170

F. Repealed;

G. Vibration. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at one hundred fifty feet (150') (forty-six (46) meters) from the source if on a public space or public right-of-way. For the purposes of this subsection, "vibration perception threshold" means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such directed means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be .001 g's in the frequency range 0—30 hertz and .003 g's in the frequency range between thirty and one hundred hertz;

H. Explosives, firearms and similar devices. Using or firing explosives, firearms, firecrackers or similar devices such that the sound therefrom creates a noise disturbance across a real property line, or within a noise sensitive zone, public space or public right-of-way, without first obtaining a variance issued by the noise control office or other appropriate regulatory agency;

I. Powered model vehicles. Operating or permitting the operation of powered model vehicles:

1. Between the hours of seven p.m. and seven a.m. the following day so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Sections 8.80.150 or 8.80.170

2. In such a manner as to exceed the levels set forth in Table A in Section 8.80.160 measured at a distance not less than one hundred feet (100') (thirty (30) meters) from any point on the path of a vehicle operating on public space or public right-of-way;

J. Stationary nonemergency signaling devices.

1. Sounding or permitting the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place, for more than ten (10) seconds in any hourly period,

2. Houses of religious worship and chimes in the civic center shall be exempt from the operation of this provision,

3. Sound sources covered by this provision and not exempted under Subsection 8.80.200.J.2 of this Section may be exempted by a variance issued by the noise control office;

K. Emergency signaling devices.

1. The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in Subsection 8.80.200.K.2 of this Section,

2. a. Testing of a stationary emergency signaling device shall not occur before seven a.m. or after seven p.m. Any such testing shall only use the minimum cycle test time. In no case shall such test time exceed ten (10) seconds,

b. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device shall not occur more than once in each calendar month. Such testing shall not occur before seven a.m. or after ten p.m. The time limit specified in Subsection 8.80.200.K.2.a of this Section shall not apply to such complete system testing,

3. Sounding or permitting the sounding of any exterior burglar or fire alarm unless such alarm is automatically terminated within fifteen (15) minutes of activation;

L. Noise sensitive zones.

1. Creating or causing the creation of any sound within any noise sensitive zone, so as to exceed the specified land use noise standards set forth in Sections 8.80.150 and 8.80.170, or
2. Creating or causing the creation of any sound within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, court or other designated use so as to interfere with the functions of such activity or annoy the patients or participants of such activity;

M. Domestic power tools.

1. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between ten p.m. and seven a.m. the following day so as to create a noise disturbance across a residential or commercial real property line,
2. Any motor, machinery, pump, etc., shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance,
3. Operating leaf blowers, consisting of portable power equipment used in any landscape maintenance, construction, property repair or property maintenance for the purpose of blowing, dispersing or redistributing dust, dirt, leaves, grass clippings, cuttings, or trimmings from plants, trees or other debris is unlawful if operated within any residential area or in any nonresidential area within four hundred feet (400') of any residential area in the City between the hours after eight p.m. and before eight a.m. Monday through Friday, after five p.m. and before nine a.m. on Saturdays, and after five p.m. and before eleven a.m. on Sundays and legal holidays. Notwithstanding the provisions of Section 8.80.380, violations of this Subsection 8.80.200.M.3 shall be infractions except as specifically provided in this Section. The first violation in any one (1) year period shall be subject to a fine of fifty dollars ($50.00); a second violation in any one (1) year period shall be subject to a fine of seventy-five dollars ($75.00); a third violation in any one (1) year period shall be subject to a fine of one hundred dollars ($100.00). A fourth or subsequent violation of this Subsection in any one (1) year period may be filed as a misdemeanor. Notwithstanding the provisions of any other Section in this Chapter, the provisions of this subsection may be enforced by a Police Officer;

N. Air-conditioning or air refrigerating equipment. Operating or permitting the operation of any air-conditioning or air refrigerating equipment in such a manner as to exceed any of the following sound levels measured as specified in the American Society of Heating, Refrigeration and Air Conditioning Engineers Code of Recommended Practices:

Measurement Location	Units Installed Before 1-1-80 dB (A)	Units Installed On Or After 1-1-80 dB (A)
Any point on neighboring property line, five feet above grade level, no closer than three feet from any wall	60	55
Center of neighboring patio five feet above grade level, no closer than three feet from any wall	55	50

Outside the neighboring living area window nearest the equipment location, not more than three feet from the window opening, but at least three feet from any other surface	55	50

In case of conflict, the interior noise standards as specified in Section 8.80.170 shall nonetheless apply;

O. Places of public entertainment. Operating or permitting to be operated any loudspeaker or other source of sound in any place of public entertainment that exceeds the levels shown in Table D at any point normally occupied by a customer, without a conspicuous and legible sign stating

"WARNING, SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT."

Table D
MAXIMUM LEVELS ALLOWED IN PLACES
OF PUBLIC ENTERTAINMENT

Duration Per Day Continuous Hours	Noise Level dB (A)
8	85
6	86
4	88
3	89
2	91
1 ½	92
1	94
½	97
¼ or less	100

P. Tampering. The following acts or the causing thereof are prohibited:

1. The removal or rendering inoperative by any person other than for purposes of maintenance, repair, or replacement, of any noise control device or element of design or noise label of any product identified under Subsection 8.80.040.G and Subsection 8.80.050.C.

The Noise Control Officer may, by regulation, list those acts which constitute violation of this provision,

2. The use of a product, identified under Subsection 8.80.040.G and Subsection 8.80.050.C, which has had a noise control device or element of design or noise label removed or rendered inoperative with knowledge that such action has occurred.

(Ord. C-7745 § 1, 2001; Ord. C-7175 § 1, 1994; Ord. C-6474 § 2, 1988; Ord. C-6036 § 1, 1984; Ord. C-5371 § 1 (part), 1977: prior code § 4430.8(b))

8.80.202 - Construction activity—Noise regulations.

The following regulations shall apply only to construction activities where a building or other related permit is required or was issued by the Building Official and shall not apply to any construction activities within the Long Beach harbor district as established pursuant to Section 201 of the City Charter.

A. Weekdays and federal holidays. No person shall operate or permit the operation of any tools or equipment used for construction, alteration, repair, remodeling, drilling, demolition or any other related building activity which produce loud or unusual noise which annoys or disturbs a reasonable person of normal sensitivity between the hours of seven p.m. and seven am. the following day on weekdays, except for emergency work authorized by the Building Official. For purposes of this Section, a federal holiday shall be considered a weekday.

B. Saturdays. No person shall operate or permit the operation of any tools or equipment used for construction, alteration, repair, remodeling, drilling, demolition or any other related building activity which produce loud or unusual noise which annoys or disturbs a reasonable person of normal sensitivity between the hours of seven p.m. on Friday and nine a.m. on Saturday and after six p.m. on Saturday, except for emergency work authorized by the Building Official.

C. Sundays. No person shall operate or permit the operation of any tools or equipment used for construction, alteration, repair, remodeling, drilling, demolition or any other related building activity at any time on Sunday, except for emergency work authorized by the Building Official or except for work authorized by permit issued by the Noise Control Officer.

D. Owner's/employer's responsibility. It is unlawful for the landowner, construction company owner, contractor, subcontractor or employer of persons working, laboring, building, or assisting in construction to permit construction activities in violation of provisions in this Section.

E. Sunday work permits. Any person who wants to do construction work on a Sunday must apply for a work permit from the Noise Control Officer. The Noise Control Officer may issue a Sunday work permit if there is good cause shown; and in issuing such a permit, consideration will be given to the nature of the work and its proximity to residential areas. The permit may allow work on Sundays, only between nine a.m. and six p.m., and it shall designate the specific dates when it is allowed.

F. Enforcement. Notwithstanding the provisions of Sections 8.80.370 and 8.80.380, this Section may be enforced by a Police Officer.

Any person who violates any provision of this Section is guilty of a misdemeanor and shall be fined in an amount not to exceed five hundred dollars ($500.00), or be imprisoned for a period not to exceed one hundred eighty (180) days, or by both such fine and imprisonment. Each day that a violation occurs shall constitute a separate offense and shall be punishable as such.

Whenever an employee is prosecuted for a violation of this noise control ordinance, the court shall, at the request of the employee, take appropriate action to make the landowner, construction company owner, contractor, subcontractor or employer a codefendant.

(Ord. C-6488 § 1, 1988; Ord. C-6474 § 1, 1988)

8.80.210 - Refuse collection vehicles.

No person shall collect refuse with a refuse collection vehicle between the hours of seven p.m. and seven a.m. the following day in a residential area or noise sensitive zone.

(Ord. C-5371 § 1 (part), 1981: prior code § 4430.9(a))

8.80.220 - Motor vehicle horns.

It is unlawful for any person within the City to sound a vehicular horn within any residential zone except as a warning signal, as provided in the Vehicle Code of the State.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.9(b))

8.80.230 - Recreational motorized vehicles operating off the public right-of-way.

No person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom violates the provisions of Sections 8.80.150 and 8.80.170. This Section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, amphibious craft, campers, and dune buggies, but not including motorboats.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.9(c))

8.80.240 - Vehicle, motorboat or aircraft repair and testing.

A. Repairing, rebuilding, modifying or testing any motor vehicle, motorboat or aircraft in such a manner as to create a noise disturbance across a residential real property line, or at any time to violate the provisions of Sections 8.80.150 or 8.80.170 shall not be permitted except where said activities are directly related to officially sanctioned events.

B. This provision shall not apply to aircraft within the airport property or within any other aviation-related property abutting it.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.9(d))

8.80.250 - Exemption—Emergencies.

The provisions of this Chapter shall not apply to:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency; or

B. The emission of sound in the performance of emergency work.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10(a))

8.80.260 - Exemption—Oil and gas wells.

The provisions of this Chapter shall not apply to:

A. Normal well servicing, remedial or maintenance work performed within an existing well which does not involve drilling or redrilling and which is restricted to the hours between seven a.m. and seven p.m., exclusive of weekends and holidays, in residential areas;

B.

Any drilling or redrilling work which is done in full compliance with Subsection 8.80.040.E and Sections 8.80.060 through 8.80.120, and with the soundproofing and all other requirements of Section 12.32.030

(Ord. C-5576 § 1, 1980; Ord. C-5371 § 1 (part), 1977: prior code § 4430.10(b))

8.80.270 - Exemption—Warning devices.

Warning devices necessary for the protection of public safety as, for example, police, fire and ambulance sirens and train horns shall be exempted from the provisions of this Chapter.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10(c))

8.80.280 - Exemption—Entertainment events.

The provisions of this Chapter shall not apply to occasional outdoor or indoor gatherings, public dances, shows and sporting and entertainment events, provided said events are conducted pursuant to a permit or license or other entitlement issued by the City relative to the staging of said events.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10 (d))

8.80.290 - Exemption—From exterior noise standards.

The provisions of Section 8.80.150 shall not apply to activities covered by the following Sections:

A. Section 8.80.200 C, street sales;
B. Section 8.80.200 D, animals and birds;
C. Section 8.80.200 J, stationary nonemergency signaling devices;
D. Section 8.80.200 K, emergency signaling devices;
E. Section 8.80.200 M, domestic power tools;
F. Section 8.80.200 N, air conditioning or air refrigerating equipment; and
G. Section 8.80.210, refuse collection vehicles.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10 (e))

8.80.300 - Abatement of nonconforming industrial noise sources.

A. Intent. It is the intent of this Section to recognize that the eventual abatement, as expeditiously and as fairly as possible, of existing noise sources that are not in conformity with the provisions of this Chapter is as important as the prohibition of new noise sources that would violate the provisions of this Chapter. It is the intent of this Section that any abatement of nonconforming industrial noise sources shall be effected so as to avoid any undue hardship.
B. Abatement. All existing nonconforming industrial noise sources shall be granted an amortization period of ten (10) years from the effective date of this Chapter to bring their existing facilities into compliance with this Chapter; provided, that:
    1. They are located in industrial districts delineated in the City zoning ordinance or are located in accordance with a valid special use permit at the time of adoption of this Chapter;
    2. They are not changed to another industrial use during the amortization period;
    3. They are not altered so as to increase or intensify their noise generation;
    4. If they are structurally expanded during the amortization period, the new portion must immediately meet the standards of this Chapter;
    5.

If they should be rebuilt after damage or destruction of more than fifty percent (50%) of the preexisting value, they must be rebuilt in such a manner as to immediately meet the standards of this Chapter.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10 (f))

8.80.310 - Exemption—Federal or State preempted activities.

The provisions of this Chapter shall not apply to any other activity to the extent regulation thereof has been preempted by State or federal law.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10(g))

8.80.320 - Conflicting regulations.

A. These regulations are not intended to abrogate or impair the provisions of any other section of this Code which is not in conflict with the provisions of this Chapter. However, where these regulations are more restrictive than those of other laws, regulations or covenants, these regulations shall control.

B. Upon written request, the noise control office is authorized to issue official interpretations of this Chapter without public hearing.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10 (h))

8.80.330 - Exemption—Public health, welfare and safety activities.

The provisions of this Chapter shall not apply to construction maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including, but not limited to, street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catchbasins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10 (i))

8.80.340 - Variance—Exemption from regulations.

A. The Noise Control Officer is authorized to grant variances for exemption from any provision of this Chapter, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the Noise Control Officer determines are appropriate to protect public health, safety and welfare from the noise emanating therefrom. This Section shall in no way affect the obligation to obtain any permit or license required by law for such activities.

B. Any person seeking a variance shall file an application with the noise control office. The application shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this Chapter would create an unreasonable hardship on the applicant, on the community, or on other persons. The application shall be accompanied by a fee in the amount set by resolution of the City Council. A separate application shall be filed for each noise source; provided, however, that several fixed sources on a single property may be combined into one (1) application. Notice of an application for a variance shall be published according to rules established by the noise control office; all residents whom the Noise Control Officer determines may be adversely affected by the noise shall be notified. Any individual who claims to be adversely affected by the issuance of the variance may file a statement with the noise control office containing any information to support his claim. If at any time the Noise Control Officer finds that a sufficient controversy exists regarding an application, a public hearing will be held.

C. In determining whether to grant or deny the application, the Noise Control Officer shall balance the hardship on the applicant, the community, or other persons by not granting the variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact by granting the variance. Applicants for variances and persons contesting variances may be required to submit such information as the noise control office may reasonably require. In granting or denying an application, the Noise Control Officer shall keep a public record of the decision and the reasons for denying or granting the variance.

D. A variance shall be granted by written notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance.

E. The term of a variance may not exceed three hundred sixty-five (365) days from the date of issuance. An application for extension of time limits specified in a variance or for modification of other substantial conditions shall be treated as an application for a new variance.

F. The Noise Control Officer will issue guidelines defining the procedures to be followed in applying for a variance and the criteria to be considered in deciding whether to grant a variance.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.11(a))

8.80.350 - Variance—Time to comply.

Within ninety (90) days following the effective date of this Chapter, the owner of any commercial or industrial source of sound may apply to the noise control office for a time variance to comply with the provisions of this Chapter. The Noise Control Officer shall have the authority, consistent with these Sections 8.80.340 through 8.80.360, to grant a time variance (not to exceed one hundred eighty (180) days from the effective date of this Chapter). The same procedures and considerations by the Noise Control Officer as provided in Section 8.80.340 shall likewise apply.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.11(b))

8.80.360 - Variance—Appeal to decision.

Within ten (10) days after notice by the Noise Control Officer or denial or conditional approval of a variance, or within ten (10) days after the effective date of the revocation of a variance by the Noise Control Officer, the affected person may appeal to the City Council, in writing. The City Council, after notice and a public hearing, may sustain, reverse or modify the decision of the Noise Control Officer; such order may be made subject to specified conditions.

A. Filing Fee. The appeal shall be filed in triplicate with the City Clerk at the City Hall, 333 West Ocean Boulevard, Long Beach, California, along with the payment of a fee in the amount set by resolution of the City Council. A copy of the appeal shall also be served on the Noise Control Officer.

B. Contents of Appeal. An appeal to review a denial or conditional approval of a variance shall contain the application, a copy of the Noise Control Officer's action setting forth the reasons for the denial or the conditions of the approval, and the reasons for appeal. An appeal to review a variance revocation shall include a copy of the variance, the Noise Control Officer's revocation notice, and his reasons for revocation, and the reasons for appeal.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.11(c))

8.80.370 - Violation—Presumed.

Any noise exceeding the level limit which can be attributed to a specific facility in a designated noise district as specified in Sections 8.80.150 through 8.80.180, or the prohibited actions specified in Sections 8.80.190 and 8.80.200 shall be presumed to be a violation of the provisions of these regulations. Enforcement of noise control regulations shall be undertaken only upon receipt of a written sworn complaint made by a person who resides or owns property within the noise district into which the alleged noise intrudes.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.12(a))

8.80.380 - Violation—Penalty.

Any person found in violation of any of the provisions of this Chapter upon a documented determination and the failure to comply with an abatement order or other notice issued by the Noise Control Officer and subsequently convicted in a court of competent jurisdiction for such violation will be deemed guilty of a misdemeanor and shall be fined in an amount not to exceed five hundred dollars ($500.00), or be imprisoned for a period not to exceed one hundred eighty (180) days, or by both such fine and imprisonment. Each day (after the Noise Control Officer has made a documented determination and has issued an abatement order) that a violation is permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.12(b))

8.80.390 - Violation—Abatement order.

A. Except as provided in Subsection 8.80.390.B, in lieu of issuing a notice of violation as provided in Section 8.80.400, the Noise Control Officer may issue an order requiring the abatement of a sound source alleged to be in violation within a reasonable time period and according to guidelines adopted by the noise control office.

B. An abatement order shall not be issued for any violation when the Noise Control Officer or other enforcement agency has reason to believe that there will not be compliance with an abatement order.

C. No further action shall be taken in the event that the cause of the violation has been removed and the condition abated or fully corrected within the time period specified in the written notice.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.12(c))

8.80.400 - Violation—Notice.

Except where a person is acting in good faith to comply with an abatement order issued pursuant to Subsection 8.80.390.A, violation of any provision of this Chapter shall be cause for a notice of violation to be issued by the Noise Control Officer or other responsible enforcement official according to procedures which the noise control office may prescribe. Thereafter, the City may resort to any other appropriate legal action as provided by law.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.12(d))

8.80.410 - Violation—Additional remedies.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this Chapter, which operation or maintenance causes or creates sound levels or vibration exceeding the allowable limits as specified in this Chapter, shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or

injunction issued by a court of competent jurisdiction. Additionally, no provision of this Chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this Chapter or from other law.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.12(e))

CHAPTER 8.85 - UNDERGROUND AND ABOVE GROUND STORAGE TANKS

8.85.010 - Creation of Long Beach/Signal Hill CUPA.

The purpose of this Chapter is to designate the Long Beach/Signal Hill CUPA as the Unified Program Agency for purposes of enforcing and assuming responsibility for the regulation of the underground storage of hazardous substances within Long Beach, and as the local agency enforcing the spill prevention control and countermeasure plan requirements mandated for above ground storage tanks under State law.

(Ord. C-7483 § 1, 1997)

8.85.020 - Definitions.

For purposes of this Chapter, the following definitions shall apply:

A. "JPA" or "Joint Powers Agreement" means that agreement executed by the Cities of Long Beach and Signal Hill on December 21, 1995 entitled "Joint Powers Agreement Creating a Long Beach/Signal Hill Unified Program Agency", as such Agreement may be amended from time to time.

B. "Long Beach/Signal Hill CUPA" means the Long Beach/Signal Hill Unified Program Agency created by the JPA and certified by the Secretary of the California Environmental Protection Agency.

(Ord. C-7483 § 1, 1997)

8.85.030 - Designation of Long Beach/Signal Hill CUPA as local agency for underground storage tanks.

The City designates the Long Beach/Signal Hill CUPA as its "local agency" pursuant to Section 25283 and Chapter 6.11 of Division 20 of the California Health and Safety Code, to be the responsible governmental agency for purposes of implementing and enforcing Chapters 6.7 and 6.75 of Division 20 of the California Health and Safety Code, and Chapters 16 and 18 of Division 3 of Title 23 of the California Code of Regulations, and other related statutes and regulations, all as may be amended from time to time. The Long Beach/Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those set forth under State law, in accordance with California Health and Safety Code Section 25283.5. The City Clerk shall cause to be filed three (3) copies of such equal or more stringent requirements with the Clerk's office, and these copies shall be maintained at all times by the City Clerk for use and examination by the public. The Long Beach/Signal Hill CUPA shall administer its responsibilities under this Section pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this Section.

(Ord. C-7483 § 1, 1997)

8.85.040 - Designation of Long Beach/Signal Hill CUPA as Unified Program Agency for above ground storage tanks.

The City designates the Long Beach/Signal Hill CUPA as the Unified Program Agency to enforce the spill prevention control and countermeasure plan requirements of Chapter 6.67 of Division 20 of the California Health and Safety Code, Section 25270.5(c), and as the Uniform Program Agency under other related statutes and regulations, all as may be amended from time to time. As permitted by State law, the

Long Beach/Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those referenced to herein. The City Clerk shall cause to be filed three (3) copies of such equal or more stringent requirements with the Clerk's office, and these copies shall be maintained at all times by the City Clerk for use and examination by the public. The Long Beach/Signal Hill CUPA shall administer its responsibilities under this Section pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this Section.

(Ord. C-7483 § 1, 1997)

8.85.050 - Fees.

All persons and businesses governed by Chapters 6.67, 6.7 and 6.75 of Division 20 of the California Health and Safety Code shall pay those fees established by the Long Beach/Signal Hill CUPA by Ordinance or Resolution, for purposes of implementing Chapters 6.67, 6.7 and 6.75 of Division 20 of the California Health and Safety Code, and all other provisions related thereto, along with all applicable regulations thereunder, including Chapters 16 and 18 of Division 3 of Title 23 of the California Code of Regulations.

(Ord. C-7483 § 1, 1997)

8.85.060 - Violations.

All persons and businesses governed by Chapters 6.67, 6.7 and 6.75 of Division 20 of the California Health and Safety Code shall comply with such provisions and the regulations thereunder, including, but not limited to, Chapters 16 and 18 of Division 3 of Title 23 of the California Code of Regulations. Any violation of this Chapter and the provisions of State law referenced in this Chapter is a violation of this Code and is subject to civil and criminal fines, penalties and other remedies as provided for under State law and this Code, including restitution and injunctive relief.

(Ord. C-7483 § 1, 1997)

CHAPTER 8.86 - HAZARDOUS MATERIALS RELEASE RESPONSE PLANS AND INVENTORY

8.86.010 - Definitions.

The words and phrases listed below shall be defined as provided in this Section. All other words and phrases not defined in this Section shall have the same meaning as defined in Section 25501 of the California Health and Safety Code, and if not defined therein shall be interpreted in accordance with their plain and ordinary meaning.

A. "JPA" or "Joint Powers Agreement" means that agreement executed by the Cities of Long Beach and Signal Hill on December 21, 1995 entitled "Joint Powers Agreement Creating a Long Beach/Signal Hill Unified Program Agency", as such Agreement may be amended from time to time.

B. "Long Beach/Signal Hill CUPA" means the Long Beach/Signal Hill Unified Program Agency created by the JPA and certified by the Secretary of the California Environmental Protection Agency.

(Ord. C-7483 § 2, 1997)

8.86.020 - Delegation of administrative responsibility.

The City designates the Long Beach/Signal Hill CUPA as the administering agency for Long Beach for the enforcement and regulation of Chapter 6.95 of Division 20 of the California Health and Safety Code and Article 80 of the Uniform Fire Code and all applicable regulations thereunder, as such may be amended from time to time. As permitted by State law, the Long Beach/Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those referenced to herein. The City Clerk shall cause to be filed three (3) copies of such equal or more stringent requirements with the Clerk's office, and these copies shall be maintained at all times by the City Clerk for use and examination by the public. Long Beach/Signal Hill CUPA shall administer its responsibilities under this Chapter pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this Section.

(Ord. C-7483 § 2, 1997)

8.86.030 - Fees.

All persons and businesses governed by Chapter 6.95 of Division 20 of the California Health and Safety Code shall pay those fees established by the Long Beach/Signal Hill CUPA by Ordinance or Resolution, for purposes of implementing Chapter 6.95 of Division 20 of the California Health and Safety Code, and all other provisions related thereto, along with all applicable regulations thereunder.

(Ord. C-7483 § 2, 1997)

8.86.040 - Violations.

All persons and businesses governed by Chapter 6.95 of Division 20 of the California Health and Safety Code shall comply with such provisions and the regulations thereunder. Any violation of this Chapter and the provisions of State law referenced in this Chapter is a violation of this Code and is subject to civil and criminal fines, penalties and other remedies as provided for under State law and under this Code, including restitution and injunctive relief.

(Ord. C-7483 § 2, 1997)

CHAPTER 8.87 - HAZARDOUS WASTE CONTROL

8.87.010 - Purpose and intent.

The purpose of this Chapter is to designate the Long Beach/Signal Hill CUPA as the administering agency for the enforcement and regulation of Chapter 6.5 of Division 20 of the California Health and Safety Code, and the applicable requirements thereunder, within the jurisdiction of the City.

(Ord. C-7483 § 3, 1997)

8.87.020 - Definitions.

A. "JPA" or "Joint Powers Agreement" means that agreement executed by the Cities of Long Beach and Signal Hill on December 21, 1995 entitled "Joint Powers Agreement Creating a Long Beach/Signal Hill Unified Program Agency", as such Agreement may be amended from time to time.

B. "Long Beach/Signal Hill CUPA" means the Long Beach/Signal Hill Unified Program Agency created by the JPA and certified by the Secretary of the California Environmental Protection Agency.

(Ord. C-7483 § 3, 1997)

8.87.030 - Designation of Long Beach/Signal Hill CUPA.

The City designates the Long Beach/Signal Hill CUPA as the Certified Unified Program Agency for Long Beach for the purpose of enforcing the requirements of Chapter 6.5 of Division 20 of the California Health and Safety Code and the regulations related thereto, as provided for under Section 25404(c)(1) of the California Health and Safety Code. As permitted by State law, the Long Beach/Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those referenced to herein. The City Clerk shall cause to be filed three (3) copies of such equal or more stringent requirements with the Clerk's office, and these copies shall be maintained at all times by the City Clerk for use and examination by the public. The Long Beach/Signal Hill CUPA under this Chapter shall administer its responsibilities pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this Section.

(Ord. C-7483 § 3, 1997)

8.87.040 - Fees.

All persons and businesses shall pay those fees established by the Long Beach/Signal Hill CUPA, by Ordinance or Resolution, for purposes of implementing and carrying out the responsibilities of the Certified Unified Program Agency under Chapter 6.5 of Division 20 of the California Health and Safety Code and all applicable regulations thereunder.

(Ord. C-7483 § 3, 1997)

8.87.050 - Violations.

All persons and businesses governed by Chapter 6.5 of Division 20 of the California Health and Safety Code shall comply with such provisions and the regulations thereunder. Any violation of this Chapter and the provisions of State law referenced in this Chapter is a violation of this Code and is subject to civil and criminal fines, penalties and other remedies as provided for under State law and under this Code, including restitution and injunctive relief.

(Ord. C-7483 § 3, 1997)

CHAPTER 8.88 - HAZARDOUS MATERIALS—CLEANUP

8.88.010 - Purpose.

The purpose of this Chapter is to require compliance with the hazardous waste control laws and to require proper cleanup methods and procedures for spills of hazardous material.

(Ord. C-6266 § 1 (part), 1986)

8.88.020 - Scope.

This Chapter shall apply to all sites where a hazardous material spill has occurred. The extent of the site characterization shall be defined by the Health Officer.

After the site characterization is completed, the property owner, applicant or other responsible party shall clean up the spill by complying with the remediation requirements of this Chapter. The extent of the site remediation shall be defined by the Health Officer.

(Ord. C-6266 § 1 (part), 1986)

8.88.030 - Definitions.

The words and terms used in this Chapter shall have the meanings indicated in this Section as follows:

A. "Site" means the location of the spill or escape of hazardous materials under investigation.

B. "Hazardous waste" means any material(s) as defined to be hazardous in Title 22 of the California Administrative Code.

C. "Characterization" means the process of determining the qualitative and quantitative nature of a hazardous waste spill or escape into the environment.

D. "Remediation" means the process of abating the spill or escape of a hazardous material.

E. "Hazardous waste control laws" mean those laws and regulations which are adopted by the State of California and the City of Long Beach which are enforced by the Health Officer or other departments of the City.

F. "Health Officer" means the Health Officer of the City of Long Beach and any deputy Health Officer or designee.

G. "Initial report" means documentation proposing what remedial actions will be taken for abatement and the justification of these actions.

H. "Final report" means documentation showing the conclusions or findings reached on proposed actions and the justification for these conclusions or findings.

(Ord. C-6266 § 1 (part), 1986)

8.88.040 - Site characterization.

A. A site characterization is required whenever there is a suspected escape or spill of hazardous material into the environment or for the purpose of determining applicability of the hazardous waste control laws. No person, firm or corporation shall engage in the process of site characterization until a permit has been issued pursuant to this Chapter.

B. Application for a site characterization permit and the permit fee designated by resolution of the City Council shall be filed with the Health Officer. In addition, documentation showing the qualifications of the person(s) performing the site characterization must be submitted. No person, firm or corporation shall engage in site characterization without the appropriate education, experience, equipment and professional certification, as determined by the Health Officer.

(Ord. C-6266 § 1 (part), 1986)

8.88.050 - Site remediation.

A. Site remediation is required whenever it is determined that there was an escape or spill of hazardous material into the environment. No person, firm or corporation shall engage in the process of site remediation until a permit has been issued pursuant to this Chapter.

B. Application for a site remediation permit and the permit fee designated by resolution of the City Council shall be filed with the Health Officer. In addition, documentation showing the qualifications of the person(s) performing the site remediation must be submitted. No person, firm or corporation shall engage in site remediation without the appropriate education, experience, equipment and professional certification, as determined by the Health Officer.

(Ord. C-6266 § 1 (part), 1986)

8.88.060 - Initial and final reports.

Initial and final reports shall be submitted for both site characterization and site remediation, and the Health Officer shall determine their compliance with the hazardous waste control laws.

(Ord. C-6266 § 1 (part), 1986)

CHAPTER 8.90 - ALCOHOLIC BEVERAGES—WARNING SIGNS

8.90.010 - Signs—Dangers of consuming alcoholic beverages during pregnancy.

A. Duty to Post. Any person or entity who owns, operates, manages, leases or rents a premises offering for sale or dispensing for consideration to the public, alcoholic beverages including beer and wine shall post or display a sign or notice on the premises as provided in this Section.

B. Requirements. The sign or notice shall comply with the readability requirements specified in this Section and shall read substantially as follows: "WARNING: DRINKING ANY ALCOHOLIC BEVERAGE—INCLUDING BEER, WINE AND LIQUOR—DURING PREGNANCY CAN CAUSE BIRTH DEFECTS."

The telephone number of the Long Beach Health Department shall be printed near the bottom of the sign. The word "WARNING" shall be highlighted and lettered in red against a white background, and black letters shall be used for the rest of the sign. The words "ANY" and "BIRTH DEFECTS" shall be underscored. In no event shall a sign as required in this Section be smaller than eight inches (8") wide and eight inches (8") long, and the lettering shall not be less than one inch (1") in height, except for the telephone number of the Long Beach Health Department.

C. Placement. The sign or notice required by this Section shall be placed as follows:

1. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily intended for consumption off the premises, at least one (1) sign shall be placed to assure that it is readable from all locations at which the sale or dispensing occur.
2. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily provided through over-the-counter service, at least one (1) sign shall be placed to assure that it is readable from all counter locations available to the public.
3. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily provided for consumption on the premises by the public at tables served by food or beverage service persons, at least one (1) sign shall be placed to assure that it is readable by the public entering the premises; provided however, that notices may be placed or displayed at each of the tables in a manner which will assure that the notices are as readily visible and readable as materials provided to the public which list food and beverage prices.

(Ord. C-6373 § 1, 1987)

CHAPTER 8.94 - AIDS DISCRIMINATION

8.94.010 - Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

A. "AIDS" shall mean the disease or syndrome known as Acquired Immune Deficiency Syndrome as defined by the United States Centers for Disease Control.

B. "AIDS related condition" means a clinical finding of AIDS Related Complex (ARC) or the testing of positive to the antibody to the virus believed to result in AIDS, sometimes known as HIV, HTLV-III, or LAV, regardless of whether any clinical manifestations of AIDS or ARC are present. A person with an AIDS related condition shall also include a person perceived to have AIDS, ARC or to have tested positive to the antibody to the virus that is believed to result in AIDS, regardless of the accuracy of this perception.

C. "Business establishment" means any entity, other than the state or local governmental entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements: (1) consist only of payment of fees; or (2) consist of requirements under which a substantial portion of residents of the City qualify.

D. "Person" means any natural person, firm, corporation, partnership, or other organization, association, or group of persons however organized, but shall not include the State or the County of Los Angeles.

E. "Individual" means any natural person.

(Ord. C-6635 § 1 (part), 1989)

8.94.020 - Employment practices.

A. It shall be unlawful for any employer to fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because in whole or in part, the individual has AIDS or an AIDS related condition.

B. It shall be unlawful for an employer to limit, segregate, or classify employees or applicants for employment in any manner which would deprive or tend to deprive any individual of employment opportunities, or adversely affect his or her employment status because, in whole or in part, the individual has AIDS or an AIDS related condition.

C. It shall be unlawful for an employment agency to fail or refuse to refer for employment any individual or to otherwise discriminate against any individual because, in whole or in part, the individual has AIDS or an AIDS related condition.

D. It shall be unlawful for a labor organization to fail or refuse to include in its membership or to otherwise discriminate against any individual, to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment, any individual in any way which would deprive or

tend to deprive such individual of employment opportunities, or to otherwise adversely affect an individual's status as an employee or as an applicant for employment because, in whole or in part, the individual has AIDS or an AIDS related condition.

E. It shall be unlawful for an employer, an employment agency or labor organization to discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship, or other training or retraining, including any on-the-job training program, because, in whole or in part, the individual has AIDS or an AIDS related condition.

F. Nothing contained in this Section shall be deemed to prohibit selection, rejection, or termination based upon a bona fide occupational qualification. In any action brought under this Chapter, if a party asserts that any otherwise unlawful practice is justified as a bona fide occupational qualification, that party shall have the burden of proving: (1) that the discrimination is in fact a necessary result of a bona fide occupational qualification; and (2) that there exists no less discriminatory means of satisfying the occupational qualifications.

G. Nothing contained in this Chapter shall make it unlawful for an employer to observe the conditions of a bona fide employee benefit system, provided such system or plan is not a subterfuge to evade the purposes of this Chapter. No such system shall provide an excuse for failure to hire any individual.

H. No part of this Section shall apply to the employment of individuals to perform services in the place of residence of the employer.

(Ord. C-6635 § 1 (part), 1989)

8.94.030 - Housing and other real estate transactions.

A. It shall be unlawful for any person to interrupt, terminate, or fail or refuse to initiate or conduct any transaction in real property, including but not limited to the rental thereof, to require different terms for such transaction, to include in the terms or conditions of a transaction in real property any clause, condition or restriction, or to falsely represent that an interest in real property is not available for transaction because, in whole or in part, the individual has AIDS or an AIDS related condition.

B. Nothing in this Chapter shall be construed to apply to the rental or leasing of any housing unit in which the owner or lessor or any member of his or her family occupies all or a portion of the same living unit in common with the prospective tenant.

(Ord. C-6635 § 1 (part), 1989)

8.94.040 - Business establishments.

It shall be unlawful for any person to deny any individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any business establishment because, in whole or in part, the individual has AIDS or an AIDS related condition.

(Ord. C-6635 § 1 (part), 1989)

8.94.050 - City facilities and services.

Notwithstanding any other provision of this Chapter, it shall be an unlawful practice for any person to deny any person the full and equal enjoyment of, or to impose different terms and conditions on the availability of: (1) use of any City facility or City service because, in whole or in part, the individual has AIDS or an AIDS related condition; or (2) any service, program or facility wholly or partially funded or otherwise supported by the City because, in whole or in part, the individual has AIDS or an AIDS related condition. This Section shall not apply to any facility, service or program which does not receive any assistance from the City which is not provided to the public generally.

(Ord. C-6635 § 1 (part), 1989)

8.94.060 - Contracts to include nondiscrimination provisions.

Notwithstanding any other provision of this Chapter, all contracting agencies of the City, or any department thereof, acting for or on the behalf of the City, shall include in all contracts, franchises, leases, concessions or other agreements involving real or personal property, hereafter negotiated, let, awarded, granted, renegotiated, extended or renewed, in any manner or as to any portion thereof, a provision obligating the contractor, franchisee, lessee, concessionaire, or other party of said agreement not to discriminate against persons having AIDS or an AIDS related condition.

(Ord. C-6635 § 1 (part), 1989)

8.94.070 - Advertising.

It shall be unlawful for any person to make, print, publish, advertise, or disseminate in any way any notice, statement or advertisement with respect to any of the acts mentioned in this Chapter, which indicates an intent to engage in any unlawful practice as set forth in this Chapter.

(Ord. C-6635 § 1 (part), 1989)

8.94.080 - Retaliation.

It shall be unlawful for any person to do any of the acts prohibited in this Chapter or to retaliate against a person because a person: (1) has opposed any act or practice made unlawful by this Chapter; or (2) has supported this Chapter and its enforcement; or (3) has testified, assisted or participated in any way in any investigation, proceeding, or litigation under this Chapter.

(Ord. C-6635 § 1 (part), 1989)

8.94.090 - Liability.

Any person who violates any of the provisions of this Chapter or who aids in the violation of any provisions of this Chapter, shall be liable for, and the court shall award to any individual whose rights are violated, actual damages, Attorney's fees and costs. In addition, the court may award punitive damages in the sum of five hundred dollars ($500.00) or such greater sum as may be provided.

(Ord. C-6635 § 1 (part), 1989)

8.94.100 - Enforcement.

A. Civil Action. Any aggrieved person may enforce the provisions of this Chapter by means of a civil action.

B. Injunction. Any person who commits, or proposes to commit, an act in violation of this Chapter may be enjoined therefrom by any court of competent jurisdiction. An action for injunction under this Subsection may be brought by any aggrieved person, by the City Attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

C. Survival of Cause of Action. Any cause of action authorized hereunder shall survive the death of the person alleging discrimination and may be pursued in the name of the estate of the deceased person.

(Ord. C-6635 § 1 (part), 1989)

8.94.110 - Limitation on action.

Actions under this Chapter must be filed within one (1) year of the alleged discriminatory acts.

(Ord. C-6635 § 1 (part), 1989)

8.94.120 - Preemption.

This Chapter shall not apply to any act of discrimination to the extent that regulation of such act is preempted by State or Federal law.

(Ord. C-6635 § 1 (part), 1989)

8.94.130 - Exceptions.

A. No part of this Chapter shall apply to any bona fide religious organization.

B. No part of this Chapter shall apply where a course of conduct is pursued which is necessary to protect the health or safety of the general public.

1. Burden of Proof. In any action brought under this Chapter, if a party asserts that an otherwise unlawful discriminatory practice is justified as necessary to protect the health or safety of the general public, that party shall have the burden of proving: (a) that the discrimination is in fact a necessary result of a necessary course of conduct pursued to protect the health or safety of the general public; and (b) that there exists no less discriminatory means of satisfying the necessary protection of the health or safety of the general public.
2. Compliance with Department of Health and Human Services Guidelines. Within the meaning of this Section a practice is deemed necessary to protect the health or safety of the general public if that practice is consistent with the United States Department of Health and Human Services Guidelines entitled "Recommendations for Preventing Transmission of Infection with Human T-Lymphotropic Virus Type 111, Lymphadenopathy—Associated Virus in the Workplace", published in November, 1985, and any supplemental guidelines as they may be issued.

(Ord. C-6635 § 1 (part), 1989)

8.94.140 - Severability.

If any part or provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of the Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

(Ord. C-6635 § 1 (part), 1989)

CHAPTER 8.95 - DOMESTIC PARTNERSHIP REGISTRATION

8.95.010 - Definition.

"Domestic partners" means two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring.

(Ord. C-7460 § 1, 1997)

8.95.020 - Domestic partnership.

A domestic partnership shall exist between two (2) persons if all of the following are true:

A. They reside together. (Reside together means that two (2) people share the same place to live. It is not necessary that the legal right to possession be in both of their names. Two (2) people may reside together even if one (1) or both have additional places to live. Domestic partners do not cease to reside together if one (1) leaves the shared place but intends to return.)
B. Neither is legally married or a member of another domestic partnership.
C. They are not related by blood such that would bar marriage in the State of California.
D. They share the common necessities of life and consider themselves responsible for each other's welfare.
E. They are eighteen (18) years of age or older.
F. They have filed a Statement of Domestic Partnership as described in this Chapter.

(Ord. C-7460 § 1, 1997)

8.95.030 - Statement of Domestic Partnership.

Domestic partners shall make an official record of their domestic partnership by completing and filing with the City Clerk a Statement of Domestic Partnership as provided by the City Clerk in substantially the following form:

"STATEMENT OF DOMESTIC PARTNERSHIP

WE, THE UNDERSIGNED, DO DECLARE THAT:

1. We live together.
2. Neither of us is legally married or a member of another domestic partnership.
3. We are not related by blood.
4. We share the common necessities of life and we are responsible for each other's welfare.
5. We are both 18 years of age or older.
6. We agree to notify the City of the termination of our domestic partnership agreement.
7. (Optional) We are each other's domestic partner and declare under penalty of perjury under the laws of the State of California that the statements above are true and correct.

Executed on _____, 19 _____, at _____, California.

Signed; _____

Print Name _____

Address _____"

Such form shall be signed under penalty of perjury by both domestic partners and either or both partner(s) shall file it with the City Clerk.

(Ord. C-7460 § 1, 1997)

8.95.040 - Termination of domestic partnership.

A domestic partnership shall be deemed terminated by either:

A. The death of either domestic partner; or
B. The filing with the City Clerk of a Notice of Termination of Domestic Partnership in the following form:

"NOTICE OF TERMINATION OF A
DOMESTIC PARTNERSHIP

THE UNDERSIGNED, DO/DOES DECLARE THAT:

1. _____ (Name of the individual as shown on Statement of Domestic Partnership) and I are no longer domestic partners, and;

2. I mailed my former domestic partner a copy of this notice at _____ on _____, 19 _____.

I declare under penalty of perjury under the laws of the State of California that the statements above are true and correct.

Executed on _____, 19 _____, at _____, California.

Signed _____

Print Name _____

Address _____

Phone _____"

(Ord. C-7460 § 1, 1997)

8.95.050 - Maintenance of records.

The City Clerk shall maintain adequate records of statements of domestic partnerships or notices of termination which have been created or terminated by the domestic partners.

(Ord. C-7460 § 1, 1997)

8.95.060 - Fees.

The City Clerk shall charge a fee for the filing of the statement of domestic partnership, which fee shall be determined by resolution of the City Council. Payment of this fee entitles the person(s) filing a declaration on behalf of the domestic partnership to have two (2) copies of the declaration certified by the City Clerk. Certification of additional copies of the statement of domestic partnership or any copies of the notice of termination of domestic partnership shall cost an amount per copy to be determined by resolution of the City Council.

(Ord. C-7460 § 1, 1997)

8.95.070 - Civil actions.

Any person defrauded by a false statement contained in a statement of domestic partnership or notice of termination may bring a civil action for fraud to recover his or her losses.

(Ord. C-7460 § 1, 1997)

8.95.080 - Retaliation.

It shall be unlawful for any person or entity to discriminate against any person who seeks the benefits of this Chapter or who assists someone in obtaining the benefits of this Chapter.

(Ord. C-7460 § 1, 1997)

8.95.090 - Healthcare facilities visitation rights.

All hospitals, convalescent care facilities, residential care facilities, hospices and other long-term and short-term care facilities shall allow a domestic partner to visit, at the discretion of the patient, unless all visitors are prohibited.

Proof of such domestic partnership shall be in substantially the form provided by the City Clerk. Any facility which requires a declaration of proof of domestic partnership shall accept, but may not require anyone to submit, a copy of a statement of domestic partnership which has been filed with the City Clerk.

(Ord. C-7460 § 1, 1997)

8.95.100 - Jail visitation rights.

City jails shall allow a domestic partner to visit an inmate unless: (a) the applicable rules prohibit all visitors, or (b) the Police Department decides that a particular visitor is a threat to the security of the jail.

(Ord. C-7460 § 1, 1997)

8.95.110 - Durable power of Attorney.

At the time of filing of a statement of domestic partnership, the individuals might consider a durable power of Attorney for:

A. Healthcare, provided that any such document complies with applicable California law;
B. Any authorized purposes, including, but not limited to, the disposition of personal effects at the time of death, provided that any such document complies with applicable California law.

(Ord. C-7460 § 1, 1997)

8.95.120 - Limited effect.

This Chapter is not intended to make the California Uniform Partnership Act (Corporations Code section 15001 et seq.) applicable to domestic partnerships.

(Ord. C-7460 § 1, 1997)

PART I. - GENERAL PROVISIONS

CHAPTER 9.02 - DEFINITIONS

9.02.010 - Construction.

Unless the context otherwise requires, the definitions set forth in this Chapter govern the construction of this Title.

(Prior code § 4110 (part))

9.02.020 - Alcoholic beverage.

"Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer, whiskey, and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half of one percent (0.5%) or more of alcohol by volume and which is fit for beverage purposes, either alone or when diluted, mixed, or combined with other substances.

(Prior code § 4110 (h))

9.02.030 - Apartment.

"Apartment" means a room or suite of rooms in an apartment house or dwelling occupied, or intended or designed for occupation, by one (1) family for living or sleeping purposes.

(Prior code § 4110(c))

9.02.040 - Apartment house.

"Apartment house" means any building occupied, or designed, built, or rented for occupation, by three (3) or more families, each living in a room or suite of rooms designed or intended for occupation by one (1) family for living or sleeping purpose and cooking within such building or structure.

(Prior code § 4110(b))

9.02.050 - Auto and trailer park.

"Auto and trailer park" means any area or tract of land where space is rented or held out for rent to two (2) or more owners or users of trailer coaches or tent campers furnishing their own camping equipment, or where free camping is permitted owners or users of trailer coaches or tent camping equipment for the purpose of securing their trade.

(Prior code § 4110(e))

9.02.060 - Auto court and resort.

"Auto court and resort" means any area, place, or tract of land where two (2) or more single-family dwellings, or a building containing two or more apartments designed, used, or intended wholly or in part for the accommodation of transients, are located and offered for hire, rent or lease by any person.

(Prior code § 4110(d))

9.02.070 - Drive-in or take-out restaurant.

A "drive-in or take-out restaurant" means any cafe, food establishment or public eating place where food or frozen dessert or beverage or drink is delivered to or served directly or sold to anyone for consumption on the premises at tables or stands in open or enclosed areas, or in any vehicle stopped, standing or parked upon the premises, or in or upon any street, alley, parking area, or grounds immediately adjacent to the premises or for consumption off of the premises.

(Prior code § 4110(i))

9.02.080 - Hotel.

"Hotel" means any structure, or any portion of a structure, including any lodginghouse, roominghouse, dormitory, turkish bath, bachelor hotel, studio hotel, public club or private club which is occupied or is intended or designed for occupation by guests, whether rent is paid in money, goods, labor or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other building in which human beings are housed and detained under legal restraint.

(Prior code § 4110(a))

9.02.090 - Public place.

"Public place" means and includes, but is not limited to, any street, park, pier, beach, restaurant, cafe, theater, store, building playground, school ground recreational area or other place to which the public is invited or has access or any place open to the public view.

(Prior code § 4110(g))

PART II. - OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

CHAPTER 9.08 - IMPERSONATING AN OFFICER

FOOTNOTE(S):

--- (**1**) ---

State Law reference— Provisions on impersonating an officer, Pen. C. § 538d; making false reports to the police, Pen. C. §§ 148.1-148.6.

9.08.010 - Unauthorized police uniform.

No person shall wear in the City any uniform helmet, cap, cap front, badge or button identical with or so similar in color or design to those adopted and worn by regular members of the Police Department as to be calculated or liable to deceive.

(Prior code § 3510.5)

9.08.020 - False reports.

No person shall knowingly make any false, misleading or unfounded report to the Police Department.

(Prior code § 3510.6)

PART III. - OFFENSES AGAINST THE PERSON

CHAPTER 9.14 - TORT CLAIMS

9.14.010 - Solicitation prohibited.

No person shall solicit employment for himself or for any other person, either directly or through some other person acting on his behalf, to prosecute collect, settle, compromise or negotiate for the settlement, compromise or collection of any tort claim, on behalf of any tort claimant, in which he himself has no pecuniary interest arising from such tort.

(Prior code § 4260)

9.14.020 - Exception—Joint tort claimants.

The provisions of Section 9.14.010 shall not be construed to prevent joint tort claimants from negotiating with each other for the purpose of combining respective claims or actions against the tort feasor.

(Prior code § 4260.1)

PART IV. - OFFENSES AGAINST PUBLIC DECENCY

CHAPTER 9.16 - NARCOTICS RELATED NUISANCE ABATEMENT

FOOTNOTE(S):

--- (**2**) ---

Editor's note— ORD-14-0009, § 1, adopted Aug. 5, 2014, amended Ch. 9.16 in its entirety to read as herein set out. Former Ch. 9.16, §§ 9.16.010—9.16.040, was entitled "Nuisance—Drug Activity in a Building or Place", and derived from: Ord. C-6623 § 1 (part), 1989; and Ord. C-6654 § 1 (part), 1989.

9.16.010 - Purpose.

The purpose of this Chapter is to promote public health, safety, and welfare by allowing the City Attorney to abate the nuisance caused by illegal conduct involving a controlled substance purpose on real property.

(ORD-14-0009 , § 1, 2014)

9.16.015 - Additional enforcement remedies.

The procedures provided for in this Chapter shall be cumulative and in addition to any other procedure or legal remedy provided for in this Code or by State law for the abatement of nuisance related activities or conditions. Nothing in this Chapter shall be deemed to prevent the City from commencing a civil or criminal proceeding to abate a nuisance under applicable Civil, Penal, or Municipal Code provisions as an alternative to the proceedings set forth in this Chapter.

(ORD-14-0009 , § 1, 2014)

9.16.020 - Definitions.

A. "Controlled substance" means a drug, substance, or immediate precursor which is listed in any schedule in Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058.

B. "Controlled substance purpose" means the manufacture, cultivation, importation into the State, transportation, possession, possession for sale, sale, furnishing, administering, or giving away, or providing a place to use or fortification of a place involving, cocaine, phencyclidine, heroin, methamphetamine, or any other controlled substance including synthetic narcotics, in a violation of Subdivision (a) of Section 11350, Sections 11351, 11351.5, 11352, or 11359, Subdivision (a) of Section 11360, or Sections 11366, 11366.6, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, or 11383 of the Health and Safety Code.

(ORD-14-0009 , § 1, 2014)

9.16.030 - Narcotics nuisance abatement.

A. The City Attorney may file an action for unlawful detainer against any person who is in violation of the nuisance or illegal purpose provisions of Subdivision 4 of Section 1161 of the California Code of Civil Procedure, with respect to the controlled substance purpose.

B. The unlawful detainer action shall be based upon an arrest report or other report by a law enforcement agency, documenting a narcotics offense committed on the property observed by a police officer.

C.

The City Attorney shall utilize the procedures set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the California Code of Civil Procedure for filing an unlawful detainer action, except that in cases filed under this Section, the following also shall apply:

1. Prior to filing an action pursuant to this Section, the City Attorney shall give thirty (30) calendar days written notice to the property owner, requiring the property owner to file an unlawful detainer action for the removal of the person who is in violation of the nuisance or illegal purpose provisions of Subdivision 4 of Section 1161 of the Code of Civil Procedure with respect to the controlled substance purpose.
2. The notice to the property owner shall inform the property owner of a violation of the nuisance or illegal purpose provisions of Subdivision 4 of Section 1161 of the Code of Civil Procedure and an advisement to the property owner of the optional assignment provision contained in Subparagraphs (D) through (F) below.
3. The notice to the tenant shall, in at least 13-point bold type, meet the following requirements:

The notice shall contain the following language:

(Date)

(Name of tenant)

(Address of tenant)

Re: Long Beach Municipal Code Chapter 9.16

Dear (name of tenant):

This letter is to inform you that an eviction action may soon be filed in court against you for suspected drug activity. Long Beach Municipal Code Chapter 9.16, in accordance with State law, provides for the eviction of persons engaging in such conduct, as described below.

Long Beach Police Department records indicate that you, (name of arrestee), were arrested on (date) for violations of (list violations) at (address of property). A letter has been sent to the property owner(s) advising of your arrest and the requirements of the City's law, as well as the landlord's option to assign the unlawful detainer action to the City Attorney's Office.

A list of legal assistance providers is provided below. Please note, this list is not exclusive and is provided for your information only; the City Attorney's Office does not endorse or recommend any of the listed agencies.

Sincerely,

(Name of Deputy City Attorney)

Deputy City Attorney

Notice to Tenant: This notice is not a notice of eviction. You should call the City Attorney at (562) 570-2200 or a legal assistance provider to stop the eviction action if any of the following is applicable:

(1) You are not the person named in this notice;
(2) The person named in the notice does not live with you;

(3) The person named in the notice has permanently moved;

(4) You do not know the person named in the notice;

(5) You want to request that only the person involved in the nuisance be evicted, allowing the other residents to stay; or

(6) You have any other legal defense or legal reason to stop the eviction action. A list of legal assistance providers is attached to this notice. Some provide free legal assistance if you are eligible.

4. The respective notices shall be given in writing and served upon the owner and the tenant either by personal delivery or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the owner at the address known to the City, or as shown on the last equalized assessment roll, if not known. Separate notice of not less than thirty (30) calendar days and documentation shall be provided to the tenant in accordance with this Subdivision. Service by mail shall be deemed to be completed at the time of deposit in the United States mail. Proof of giving the notice may be made by a declaration signed under penalty of perjury by any City employee that shows service in conformity with this Section.

D. The property owner shall, within thirty (30) calendar days of the mailing of the written notice, either provide the City Attorney with all relevant information pertaining to the unlawful detainer case, or provide a written explanation setting forth any safety-related reasons for noncompliance, and an assignment to the City Attorney of the right to bring an unlawful detainer action against the tenant.

E. The assignment shall be on a form provided by the City Attorney and may contain a provision for costs of investigation, discovery, and reasonable attorney's fees, in an amount not to exceed six hundred dollars ($600). An additional fee payable to the Los Angeles County Sheriff for lock-out services may be required.

F. If the City Attorney accepts the assignment of the right of the owner to bring the unlawful detainer action, the owner shall retain all other rights and duties, including the handling of the tenant's personal property, following issuance of the writ of possession and its delivery to and execution by the appropriate agency.

G. Upon the failure of the owner to file an action pursuant to this Section, or to respond to the City Attorney as provided in Paragraph (D), or having filed an action, if the owner fails to prosecute it diligently and in good faith, the City Attorney may file and prosecute the action, and join the owner as a defendant in the action. This action shall have precedence over any similar proceeding thereafter brought by the owner, or to one previously brought by the owner and not prosecuted diligently and in good faith. Service of the summons and complaint upon the defendant owner shall be in accordance with Sections 415.10 - 415.50 of the Code of Civil Procedure.

H. If a jury or court finds the defendant tenant guilty of unlawful detainer in a case filed pursuant to Paragraph (G), the City Attorney may be awarded costs, including the costs of investigation and discovery and reasonable attorney's fees. These costs shall be assessed against the defendant owner, to whom notice was directed pursuant to Paragraph (C)(1), and once an abstract of judgment is recorded, it shall constitute a lien on the subject real property.

I. This Section shall not prevent a tenant from receiving relief against a forfeiture of a lease pursuant to Section 1179 of the Code of Civil Procedure.

J.

In any proceeding brought under this Section, the Court may, upon a showing of good cause, issue a partial eviction ordering the removal of any person, including, but not limited to, members of the tenant's household if the Court finds that the person has engaged in the activities described in Subdivision (A). Persons removed pursuant to this Section may be permanently barred from returning to or reentering any portion of the entire premises. The Court may further order as an express condition of the tenancy that the remaining tenants shall not give permission to or invite any person who has been removed pursuant to this Subdivision to return to or reenter any portion of the entire premises.

K. Notwithstanding Subdivision (b) of Section 68097.2 of the Government Code, the City may waive all or part of the costs incurred in furnishing the testimony of a peace officer in an unlawful detainer action brought pursuant to this Section.

(ORD-14-0009 , § 1, 2014)

9.16.050 - Severability.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this Chapter that can be given effect without the invalid provision or application; and to this end, the provisions or applications of this Chapter are severable.

(ORD-14-0009 , § 1, 2014)

CHAPTER 9.20 - NUDITY

FOOTNOTE(S):

--- (**3**) ---

State Law reference— Provisions authorizing cities to regulate indecent exposure by waiters, waitresses and performers, free of legislative preemption, Pen. C. §§ 318.5 and 318.6.

9.20.010 - Waiters, waitresses and entertainers.

No person shall, while acting as a waiter, waitress or entertainer in an establishment which serves food, beverages, or food and beverages, including, but not limited to, alcoholic beverages for consumption on the premises of such establishment, expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region, or shall any such person expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region.

(Prior code § 4195)

9.20.020 - Exposure of female breasts.

No female person shall, while acting as a waitress or entertainer in an establishment which serves food, beverages, or food and beverages, including, but not limited to, alcoholic beverages for consumption on the premises of such establishment, expose the areola of either or both breasts or any portion of either or both breasts below the areola thereof, or shall any such female person employ any device which is intended to simulate such portions of either or both breasts, or shall any such female person wear any type of clothing so that any portion of either or both breasts may be observed.

(Prior code § 4195.1)

9.20.030 - Permitting violation.

No person shall permit, procure, counsel or assist another person to violate any provision of Sections 9.20.010 or 9.20.020.

(Prior code § 4195.2)

9.20.040 - Exception—Theatrical performances.

The provisions of Sections 9.20.010, 9.20.020 or 9.20.030 do not apply to a theatrical performance in a theater, concert hall or similar establishment which is primarily devoted to theatrical performances.

(Prior code § 4195.3)

9.20.050 - Misdemeanor to be nude in a public place or in a place open to the public view.

A. It shall be unlawful for any person to appear, bathe, sunbathe, walk, or be in any public place or place open to public view in such manner so as to expose the human male or female genitals, vulva, pubis, pubic hair, cleft of the buttocks, perineum, or anus with less than a fully opaque covering, and/or to

expose the nipples and/or the areola of the female breasts with less than a fully opaque covering. This provision may not be complied with by applying an opaque covering simulating the appearance of the specific anatomical part required to be covered. Violation hereof is a misdemeanor.

B. This Section shall not apply to children under the age of ten (10) years, or females engaged in breast-feeding of an infant under the age of two (2) years old.

(Ord. C-7713 § 3, 2000: Ord. C-7591 § 3, 1999: Ord. C-7274 § 1, 1994: Ord. C-5908 § 1, 1982: Ord. C-5624 § 1 (part), 1980: prior code § 7300.4)

CHAPTER 9.22 - ALCOHOLIC BEVERAGES

9.22.010 - Public consumption—Prohibited.

No person shall transport into or drink or consume any alcoholic beverage in any public place except upon the premises licensed under an on-sale or on-sale general license under the State Alcoholic Beverage Control Act.

(Prior code § 4150.1)

9.22.020 - Public consumption—Mixture prohibited.

No person shall mix, blend, or combine any alcoholic beverage with any liquid in any public place for the purpose of consuming said mixture, combination or blend in any public place except upon premises licensed under an on-sale or on-sale general license under the State Alcoholic Beverage Control Act.

(Prior code § 4150.2)

9.22.030 - Public consumption—Sale prohibited.

No person as owner, manager, employee or otherwise of any restaurant, cafe, theater, store, or other such public place shall give, sell, or furnish to any other person any liquid in any public place to be mixed, blended, or combined with any alcoholic beverage for consumption in such public place, except upon premises licensed under an on-sale or on-sale general license under the State Alcoholic Beverage Control Act.

(Prior code § 4150.3)

9.22.040 - Public consumption—Permitting prohibited.

No person as owner, manager, employee, or otherwise of any restaurant, cafe, theater, store, or other such public place shall allow or permit any person to consume any alcoholic beverage in such public place except upon premises licensed under an on sale or on sale general license under the State Alcoholic Beverage Control Act.

(Prior code § 4150.4)

9.22.050 - Licensing public area.

Except for duly authorized and permitted professional, collegiate and other adult athletic events conducted at Blair Field in Recreation Park, or such other event or activity at a specified site as may be expressly authorized by City Council resolution, no application may be made for a license under the State Alcoholic Beverage Control Act in or upon any public area under the authority of the Recreation Commission pursuant to Section 2.54.005 of this Municipal Code.

(Ord. C-7324 § 1, 1995: prior code § 4150.5)

9.22.060 - Beer, wine and champagne in certain public facilities.

Notwithstanding any other provision of this Chapter, beer, wine and champagne may be served, dispensed, furnished and consumed upon the premises of the following public facilities under circumstances which do not require a permit or license from the Department of Alcoholic Beverage

Control, and provided that the requirements of all other applicable laws, rules or regulations are met:

A. Long Beach Museum of Art;
B. Rancho Los Cerritos;
C. Rancho Los Alamitos;
D. Wightman Theater in the recreation headquarters building;
E. Long Beach Art Association Gallery in the recreation headquarters building lobby;
F. Main library;
G. Rainbow Lagoon Park;
H. Promenade South;
I. Shoreline Aquatic Park.

(Ord. C-6208 § 5, 1985: Ord. C-5710 § 1, 1981: prior code § 4150.6)

9.22.070 - Unlawful alcohol consumption.

It is unlawful for any bather to consume any alcoholic beverage within one (1) marine league of any beach. However, this Section shall not be construed to regulate the consumption of alcoholic beverages on any motorboat.

(ORD-11-0004, § 1, 2011)

9.22.075 - Bather.

"Bather" has the same meaning as that set forth in California Harbor and Navigation Code Section 651.1.

(ORD-11-0004, § 2, 2011)

9.22.080 - Marine league.

"Marine League" means three (3) nautical miles.

(ORD-11-0004, § 3, 2011)

CHAPTER 9.24 - GAMBLING

FOOTNOTE(S):

--- (**4**) ---

State Law reference— Provisions on gambling, Pen. C. § 330 et seq.

9.24.010 - Prohibited games designated.

No person shall play or bet at, or as owner or employee open, deal, play, carry on or conduct any game of chance played with cards, dice, balls, pins, checkers, counters, quoits, beans, spindles, tables, wheels, machines, or any other device, contrivance or apparatus, or with any combination of any thereof, for money, checks, or other representative of value; provided, however, that the game known as bingo may be played in accordance with the provisions of Chapter 5.20.

(Ord. C-5266 § 1, 1976: prior code § 4140.7)

9.24.020 - Violation—Nuisance.

Any machine, contrivance, appliance, device, game, ticket, chance, share, interest, instrument or article operated, used, kept, possessed, placed or maintained in violation of the provisions of:

A. Section 330a of the State Penal Code;
B. Any section enumerated in Part I, Title 9, Chapter 9 of the State Penal Code; or
C. Section 9.24.030 of this Code is declared to be a nuisance and shall be subject to abatement as provided in Section 9.24.040

(Prior code § 4140.8)

9.24.030 - Possession of machines prohibited.

No person shall keep, maintain, possess or have under control in any place of business, or in any other place of public resort, either as owner, lessee, agent, employee, mortgagee, or otherwise, any table game or device commonly known as a pin game, pinball game, marble game, one shot marble game, horserace machine, claw, scoop and grab machine, any automatic payoff machine or any game of chance commonly known as a slot machine or slotless slot machine, the result of the operation of which machine is determined by the juxtaposition or alignment of pictures, symbols or other emblems borne on revolving or turning reels, wheels or discs, the operation, use of any coin, plate, disk, plug, key or other device, or by the payment of any fee.

(Prior code § 4140.9)

9.24.040 - Destruction of equipment.

A. Any article declared by Section 9.24.020 to be a nuisance, as a result of the operation, use, keeping, possession, placing or maintaining of which any person has been convicted of or has pleaded guilty to any violation of any law of this State or of any ordinance of this City, shall be destroyed by the Chief of Police after such plea, or after judgment of conviction becomes final. The contents of such machine shall be destroyed, or if money, shall be deposited in the General Purpose Fund of the City.

B.

If any articles subject to destruction as provided in this Section are in the custody of any court within the City, the Chief of Police shall cause to be made an application to the judge of the court for an order releasing the articles to him for the purpose of complying with this Section.

(Prior code § 4140.10)

9.24.050 - Exception—Amusement zone.

Section 9.24.030 shall not apply to the keeping, maintenance, possession or control, in any duly licensed penny arcades located in the amusement zone defined as the amusement district (A) zone of this City, of any of the games or devices as set forth in Section 9.24.030, excepting automatic payoff machines, if said games and devices are equipped with a coin chute and can be operated only by the use of said coin chute, and then only by the insertion in said chute of a coin of no larger denomination than five cents ($0.05). All such games and devices in such duly licensed places of amusement, and the owners, operators or possessors thereof shall, however, be subject to all other laws and ordinances of this State and City pertaining to gambling.

(Prior code § 4140.11)

9.24.060 - False identification—Possession prohibited.

No person shall use, display, present, carry or possess any identification card, paper or tag which contains any false statements or data, or which bears the name of a person other than of such person, for the purpose of being admitted to any place of entertainment or obtaining any goods.

(Prior code § 4140.14)

9.24.070 - False identification—Making prohibited.

No person, either for himself or as the agent or employee of another, shall make, prepare, sell or furnish any identification card, paper or tag, without first obtaining proof of the correctness of the statements or data thereon contained. Proof that such identification card, paper or tag contains false statements or data shall be prima facie evidence of the violation of this Section.

(Prior code § 4140.15)

9.24.080 - Identification card—Preparer designation.

Every person making or preparing any identification card, paper or tag shall print thereon the name and address of such person making or preparing such identification card, paper or tag, shall type or print across the face of such identification card, paper, or tag, the word "unofficial" in red letters as large as the largest letters on the face of such card, paper or tag.

(Prior code § 4140.16)

CHAPTER 9.25 - PUBLIC EXCRETION

9.25.010 - Misdemeanor to urinate or defecate in public.

No person shall urinate or defecate in or at any "public place" as defined in Section 9.02.090 except at regularly provided toilet facilities. Violation hereof shall be a misdemeanor.

(Ord. C-5878 § 1, 1982)

PART V. - OFFENSES AGAINST PUBLIC PEACE

CHAPTER 9.30 - DISORDERLY CONDUCT

FOOTNOTE(S):

--- (**5**) ---

State Law reference— Provisions on disorderly conduct, Pen. C. § 647.

9.30.010 - Annoying people or acting as capper.

No person shall:

A. Make insulting remarks to any person; or annoy or accost any person unknown to him;
B. Act as a capper for any place of amusement or for any place or person devoted to or engaged in any unlawful business, calling or vocation.

(Prior code § 4130)

9.30.020 - Public disrobing.

No person shall dress or undress, or change clothing, in any public toilet or comfort station, or in any public recreational area, public beach, public street or any other property under the supervision and control of the recreational commission, or within or on any motor vehicle while the same is standing upon any public street or other public place.

(Prior code § 4130.1)

9.30.025 - Misdemeanor to enter a public restroom designated for use by the opposite sex.

No person above the age of five (5) years shall enter any public restroom or restroom in any public place designated for use by either men or women unless he or she is the appropriate sex. Violation thereof is a misdemeanor.

(Ord. C-5907 § 1, 1982)

9.30.030 - Public expectoration.

No person shall discharge mucus from the nose or mouth, or spit upon any sidewalk or other paved area of any park or recreation center, or upon any roque court, shuffleboard court, or other hard surfaced place set apart for the playing of any game in any park or recreation center, or upon any pier or promenade, or other public place whatsoever, or in any place where food intended for human consumption is stored, prepared, processed or served.

(Prior code § 4130.3)

9.30.040 - Unlawful assembly.

It is declared to be unlawful and a nuisance for any persons to congregate or assemble upon, over or across, or for any person to aid or instigate the congregation or assembling of persons, upon, over or across any street, lawn area or way or portion thereof in any public park, beach, pier, wharf or building or any entrance, steps or hallway leading in, to or through said places, in such a manner as to obstruct, hinder or annoy any person or persons in the free use thereof.

(Prior code § 4130.4)

9.30.050 - Obstructing public passage.

No person shall block, impede or obstruct any public place or any entrance, exit or approach to any place of business in a manner calculated or with intent to prevent, delay, hinder or interfere with any person in the free passage along or the entering or leaving of such public place or place of business.

(Ord. C-5494 § 1, 1978: prior code § 4130.12)

9.30.060 - Lookouts for illegal acts.

A. No person shall act as a guard or lookout for any building, premises or establishment used for gambling, prostitution, or any other form of vice or illegal act, or where intoxicating liquors are illegally kept, sold or purchased, or for any person soliciting, offering or engaging in prostitution, gambling or any other form of vice or illegal act, on street or sidewalk.

B. No person shall give any signal, intended to, or calculated to warn, or give warning of the approach of any peace officer to any person in or about such building or premises or places mentioned in Subsection 9.30.060.A.

(Ord. C 5882 § 1, 1982)

CHAPTER 9.31 - LOUD PARTIES ON PRIVATE PROPERTY

9.31.010 - Loud noises prohibited.

No person shall cause or permit loud music or other noises caused by a party, gathering or assemblage of persons on private property to disrupt the public peace. Noise that is audible from a distance of fifty feet (50') or more from the property shall be deemed to disrupt the public peace. Any person who causes or permits any such loud music or other noises is guilty of a public offense punishable under the provisions of Title 1, Chapter 1.32 of this Code.

(ORD-05-0036 § 1, 2005)

9.31.020 - Enforcement.

When law enforcement personnel at the scene determine that the provisions of this Chapter have been violated, such law enforcement personnel are authorized to take all necessary enforcement actions, including the following:

A. Arrest and/or issue a citation to the responsible person. For purposes hereof, the "responsible person" shall be a person or persons owning or occupying the offending property or otherwise authorizing or permitting the loud music or other noises to emanate from the property;
B. Direct the responsible person to immediately terminate the activity that is causing the loud noise; and
C. Issue a written notice to the responsible person that if within a thirty (30) day period after the initial response law enforcement personnel are again required to respond to the property to address a violation of this Chapter, then the responsible person shall be liable for payment of all costs and expenses incurred by law enforcement personnel during second or subsequent responses in accordance with Section 9.31.030

(ORD-05-0036 § 1, 2005)

9.31.030 - Second and subsequent responses.

If after issuance of the written notice required under this Chapter law enforcement personnel are required to respond to the property to address another violation of this Chapter within a thirty (30) day period after issuance of said notice, then the responsible person or the legal guardian(s) thereof shall be liable for all actual costs and expenses incurred by the City during second or subsequent responses.

(ORD-05-0036 § 1, 2005)

9.31.040 - Collection of costs.

The expense of a reimbursable response hereunder shall be charged against the person liable for the expense under this Chapter. The charge constitutes a debt of that person to the City, and is collectible by the City in the same manner as in the case of an obligation under a contract, expressed or implied.

(ORD-05-0036 § 1, 2005)

CHAPTER 9.32 - DRIVE-IN RESTAURANTS

9.32.010 - Motor vehicle operation.

No person on the premises of a "drive-in or takeout restaurant", as defined in Chapter 9.02, shall race or accelerate the motor of any vehicle, or bring to a sudden start or stop any motor vehicle, or blow or honk the horn of any motor vehicle except where reasonably necessary in the operation thereof.

(Prior code § 4190)

9.32.020 - Blocking ingress or egress.

No person shall leave a motor vehicle on the premises of any "drive-in or takeout restaurant", as defined in Chapter 9.02, so as to block or obstruct any driveway of ingress or egress of said premises.

(Prior code § 4190.1)

9.32.030 - Alcoholic beverages.

No person on the premises of any "drive-in or takeout restaurant", as defined in Chapter 9.02, shall have in his possession any bottle, can, or other receptacle containing any alcoholic beverage which has been opened or a seal broken, or the contents of which have been partially removed. This Section does not apply within premises licensed under the Alcoholic Beverage Control Act, or to any person under twenty-one (21) years of age, or to any person keeping alcoholic beverages in a vehicle in the manner authorized by the Vehicle Code of the State.

(Prior code § 4190.2)

9.32.040 - Uninvited use of premises.

No person shall enter or remain on the premises of a "drive-in or takeout restaurant", as defined in Chapter 9.02, where the owner or operator of the drive-in or takeout restaurant has withdrawn from such person, for cause and not contrary to the provisions of the Unruh Civil Rights Act (Civil Code Section 51), the actual or implied invitation extended generally to members of the public to enter such premises.

(Prior code § 4190.3)

9.32.050 - Exception—Peace officer.

Section 9.32.040 shall have no application to a trespass committed by any officially authorized peace officer or law enforcement agent when such trespass is committed in the execution of such officer's or agent's official duty.

(Prior code § 4190.4)

CHAPTER 9.34 - CIRCULATING PETITIONS

9.34.010 - Prohibited in certain public buildings.

No person shall circulate any petition, or solicit any person to sign any petition of whatsoever nature, in the City Hall, public utilities building, public safety building, any public library or other building open to and used by the public for the purpose of transacting public business, nor upon the grounds, sidewalks, or other areas surrounding and adjacent to said buildings.

(Prior code § 4614)

CHAPTER 9.35 - AGGRESSIVE SOLICITATION

9.35.010 - Aggressive solicitation prohibited.

A. It shall be unlawful for any person to solicit by threatening, harassing, intimidating or aggressively coercing another person on a public street or sidewalk or any place open to the general public. This Chapter does not regulate solicitation on private property.

B. "Solicitation" means any verbal request, or any non-verbal request made with a sign, by a person seeking an immediate donation of money, food, cigarettes or items of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for purposes of this Chapter.

C. "Solicit" means to be engaged in the act of solicitation.

D. For purposes of this Section, a person aggressively coerces, threatens, harasses or intimidates another person when:

1. The solicitor's conduct would cause a reasonable person in the position of the solicitee to fear for his or her safety; or
2. The solicitor intentionally blocks the path of the solicitee; or
3. The solicitor persists in following the solicitee closely, and continues to demand money or other things of value after the solicitee has rejected the solicitation by words or conduct.

E. For purposes of this Section, the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for his or her safety:

1. The solicitor makes physical contact with the solicitee or the solicitor uses verbally abusive language;
2. The proximity of the solicitor to the solicitee; or
3. The duration of the solicitation; or the solicitor makes threatening gestures or other threatening conduct, including closely following the solicitee.

(ORD-11-0026, § 1, 2011)

9.35.020 - Prohibited locations.

A. It shall be unlawful for any person to solicit another person who is in or at any of the following locations:

1. In a public transportation bus or public transportation bus stop;
2. Within twenty feet (20') of an automated teller machine that is adjacent to a public sidewalk or street;
    a. "Automated teller machine" shall mean any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit or convenience account;
3. In a City-owned parking structure or surface lot;
4. In the outdoor dining area of a restaurant, cafe, or similar establishment which serves food or drinks for immediate consumption.

(ORD-11-0026, § 1, 2011)

9.35.030 - Exception.

The prohibitions listed in Section 9.35.020 shall not apply to solicitations related to business which is being conducted on the subject premises or location by the owner or responsible party.

(ORD-11-0026, § 1, 2011)

9.35.040 - Penalty.

Violation of, or failure to comply with, any provision of this Chapter 9.35 constitutes a criminal offense punishable as an infraction for the first offense, and a misdemeanor for any subsequent offense committed within a twelve (12) month period, with criminal penalties set forth in Chapter 1.32 of this Code.

(ORD-11-0026, § 1, 2011)

9.35.050 - Severability.

In the event any portion of Chapter 9.35 is deemed to be unenforceable, or is in conflict with applicable law, the remainder of Chapter 9.35 will be enforced and will remain in full force and effect.

(ORD-11-0026, § 1, 2011)

CHAPTER 9.36 - LOITERING FOR DRUG ACTIVITIES OR GRAFFITI

9.36.010 - Loitering for drug activity.

It is unlawful for any person to loiter in, on or near any street or alley or place open to the public or near any public or private place for the purpose of engaging in drug related activity defined as criminal offenses in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code. As used in this Chapter, "loiter" means to delay or linger without lawful business.

(Ord. C-6771 § 1 (part), 1990)

9.36.020 - Loitering for graffiti.

It is unlawful for any person to loiter in, on or near any street or alley or place open to the public or near any public or private place for the purpose of engaging in graffiti activity defined as a criminal offense in Section 594 of the Penal Code.

(Ord. C-6771 § 1 (part), 1990)

CHAPTER 9.37 - LONG BEACH NUISANCE CODE

9.37.010 - Purpose and intent.

The purpose of this Chapter is to provide for the administrative abatement of nuisance related activities or conditions which affect the social and economic stability of neighborhoods, impair property values and which are injurious or detrimental to the health, safety and general welfare of the citizens of Long Beach.

(Ord. C-7479 § 1, 1997)

9.37.020 - Additional enforcement remedies.

The procedures provided for in this Chapter shall be cumulative and in addition to any other procedure or legal remedy provided for in this Code or by State law for the abatement of nuisance related activities or conditions. Nothing in this Chapter shall be deemed to prevent the City from commencing a civil or criminal proceeding to abate a nuisance under applicable Civil, Penal or Municipal Code provisions as an alternative or alternatives to the proceedings set forth in this Chapter.

(Ord. C-7479 § 1, 1997)

9.37.030 - City Manager/Administrative Abatement Officer.

As used in this Chapter, "Administrative Abatement Officer" shall mean the City Manager and any other person or persons designated by the City Manager as being an Administrative Abatement Officer.

(Ord. C-7479 § 1, 1997)

9.37.040 - Person/responsible person/party.

A. As used in this Chapter, "person"/"responsible person"/"party" shall mean any individual, business or entity who is responsible for causing, maintaining or permitting a nuisance activity or condition. The terms "person", "responsible person" or "responsible party" include, but are not limited to, a property owner, tenant, person with a legal interest in real property or person in possession or occupying real property, the president or other officer of a corporation, a business owner or manager of a business.

B. Any act of negligent or willful conduct of a minor which results in the creation or maintenance of a condition or activity which constitutes a nuisance within the meaning of this Chapter shall be imputed to the parent or guardian having custody and control of the minor for all purposes, including the duty to abate the nuisance(s) and the imposition of administrative penalties and costs as provided for herein. The parent or guardian having custody and control of the minor shall be jointly and severally liable with the minor for any and all penalties or costs imposed pursuant to this Chapter.

(Ord. C-7479 § 1, 1997)

9.37.050 - Abate/abatement.

As used in this Chapter, the terms "abate" and "abatement" shall mean action to terminate, remove, stop, cease, repair, replace or otherwise remedy a nuisance related activity or condition by such means and in such manner as is necessary to the interests of the health, safety or general welfare of the public.

(Ord. C-7479 § 1, 1997)

9.37.060 - Premises.

As used in this Chapter, the term "premises" shall mean any location, building, structure, residence, garage, room, shed, shop, store, dwelling, lot, parcel, land or portion thereof whether improved or unimproved.

(Ord. C-7479 § 1, 1997)

9.37.070 - Service of notice.

A. Whenever any notice, amended notice, supplemental notice, order, statement or other document is required to be served upon any person, by the provisions of this Chapter, such service shall be either by personal service or by delivery into the United States Mail, postage prepaid, certified or registered mail, to the person's last known address. If service is by mail, the service is complete at the time of the deposit, but any period of notice and any right or duty to do any act or make any response within any period or on a date certain shall be extended five (5) days if the place of address is within the State of California or ten (10) days if the place of address is outside the State of California.

B. In lieu of personally serving the person or service by certified or registered mail, service of any notice, amended notice, supplemental notice, order, statement or other document may be made as follows:

1. In the event that the responsible person refuses to accept certified or registered mail or cannot be personally served, service may be made by substituted service. In lieu of personal delivery of a copy of the document, notice may be served by leaving a copy during usual office hours at the person's usual place of business with the individual who is apparently in charge, and by thereafter mailing by first-class mail a copy of the notice to the person at the address where the copy of the notice was left. Or, a document may be served by leaving a copy at the person's dwelling or usual place of abode in the presence of a competent member of the household, at least eighteen (18) years of age, and thereafter mailing by first-class mail a copy of the notice to the person at the address where the copy was left.
2. In the event a person refuses to accept certified or registered mail or cannot be personally served or served by substituted service and has a property manager or rental agency overseeing the premises, substituted service may be made as set forth in Subsection 9.37.070.B.1 upon the property manager or rental agency.
3. If a person lives out of State and will not accept certified or registered mail, then service may be made by first-class mail.

(Ord. C-7479 § 1, 1997)

9.37.080 - Abatement of nuisance related activities or condition.

Any activity, condition or premise(s) maintained as described herein is declared to be a public nuisance and shall be abated by cessation of the activity, rehabilitation, demolition, removal, repair or other appropriate remedy pursuant to the procedures set forth in this Chapter.

(Ord. C-7479 § 1, 1997)

9.37.090 - Nuisance defined.

It is hereby declared a public nuisance, or an act in the nature of a public nuisance, for any person or party to cause, permit, abet or otherwise allow any premises in this City to be used in such a manner that any one (1) or more of the activities or conditions described in the following Subsections are found to occur thereon:

A. Any condition or activity which is a "nuisance" or a "public nuisance" as defined in Sections 3479 and 3480 of the Civil Code of the State of California or which is specifically declared to constitute a nuisance or public nuisance by any statute of the State of California or by any ordinance of the City.

B. The violation of any provisions of the latest edition of the California Building Standards Code ("Title 24 of the California Codes of Regulations") that have been adopted, as amended, by the City:

1. California Building Code;
2. California Residential Code;
3. California Electrical Code;
4. California Mechanical Code;
5. California Plumbing Code;
6. California Energy Code;
7. California Historical Building Code;
8. California Fire Code;
9. California Existing Building;
10. California Green Building Standards Code;
11. Uniform Housing Code.

C. The violation of any provision of Title 18 (Buildings and Construction) or Title 21 (Zoning) of this Code.

D. The operation or maintenance of any business, trade or profession in violation of Title 5 of this Code.

E. The frequent gathering, or coming and going, of people who have an intent to purchase or use controlled substances on or at any premises in this City.

F. Participation in a criminal street gang as proscribed by California Penal Code Section 186.22.

G. The making or continuing, or causing to be made or continued, of any loud, unnecessary or unusual noise which disturbs the peace and quiet of the neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

H. The occurrence of criminal activity at any premises which threatens the life, health, safety or welfare of the residents of the premises, neighbors or the public.

I. Buildings which are abandoned, boarded up, partially destroyed or left unreasonably in a state of partial construction.

J. Overgrown vegetation causing detriment to neighboring properties or property values or which is likely to attract rodents, vermin or other pests, or which causes a hazardous condition to pedestrian and/or vehicular traffic.

K. Premises including, but not limited to, building exteriors which are maintained in such condition as to become so defective, unsightly or in such condition of deterioration or disrepair that the same causes diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements. This includes, but is not limited to, the keeping and disposing of or the scattering over the property or premises of any of the following: (1) lumber, junk, trash or debris; (2) abandoned or discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers; (3) stagnant

water or excavation(s); (4) any device, decoration, design, fence, structure, clothesline or vegetation which is unsightly by reason of its condition or inappropriate location; or (5) permitting or allowing any graffiti to remain on any building, wall fence or structure.

L. The use of any premises for the purpose of illegal gambling, lewdness, assignation, or prostitution as proscribed by State law or this Code.

M. The maintenance, use, rental or lease of any premises, or sub-unit thereof, including single-family dwellings, where persons are allowed to congregate, gather or loiter in such a manner as to disturb the peace of other persons lawfully on the property itself or lawfully in the vicinity of the property.

N. The use of any premises for the purpose of unlawfully selling, serving, storing, keeping, manufacturing or giving away any controlled substance, precursor, or analog as those terms are defined by State law.

O. Noise disturbances in violation of Chapter 8.80 of this Code.

P. The sale, purchase or possession of marking pens or etching tools in violation of Chapter 9.57 of this Code.

Q. The sale, purchase or possession of pressurized paint containers in violation of Chapter 9.56 of this Code.

R. Loitering or loitering for drug activities or graffiti in violation of Chapter 9.36 or Chapter 9.58 of this Code.

S. The discharge of any gun, compressed air gun, rifle, pistol or other firearm in violation of Chapter 9.62 of this Code.

T. The violation of any provision of Title 12 (Oil Production Regulations) of this Code.

U. Maintenance of properties or premises in such a manner as to cause substantial diminution of the enjoyment, use, or property values of adjacent properties.

(ORD-11-0012, § 2, 2011; Ord. C-7479 § 1, 1997)

9.37.100 - Notification of nuisance and abatement thereof.

A. Whenever the City Manager or his authorized designee declares or finds that any nuisance activity or condition is being maintained or carried on at any premises in the City contrary to the provisions of this Chapter, the City Manager or his authorized designee shall give written "Notice of Abatement" to any and all responsible persons or parties setting forth a brief description of the activity or condition constituting the nuisance and the sections of this Chapter that are being violated.

B. The notice shall set forth a reasonable time limit not to exceed thirty (30) days for correcting or abating the nuisance and may also set forth:

1. Suggested methods of correction or abatement and the fact that the City will take steps to abate the nuisance if the person fails to do so; and
2. That administrative penalties and/or administrative costs will be assessed against the responsible person in the event the nuisance activity or condition is not corrected or abated within the time frame established by the notice for correcting or abating the nuisance.

C. Except in the case of an emergency situation wherein the nuisance condition or activity poses an immediate threat to the health, safety, or general welfare of the public, the time permitted for correction or abatement shall be at least fifteen (15) calendar days.

D.

The City Manager or his authorized designee may grant an extension of time to abate a nuisance if, in his/her opinion, good cause for an extension exists.

E. The person or party who has been served with notice pursuant to this Section may, within seven (7) calendar days, make a written application to the City Manager or his authorized designee for a hearing on the question of whether a nuisance activity or condition in fact exists; whether the person to whom the notice was directed is responsible for the creation or maintenance of such nuisance; and whether the City Manager or his authorized designee has provided sufficient time to correct or abate the nuisance condition or activity.

F. Upon receipt of a timely written application for hearing, the City Manager or his authorized designee shall establish the date and time of the hearing and shall so notify the applicant in writing. Failure to make timely application for a hearing as provided for in this Section shall be deemed a conclusive admission that: (1) the nuisance activity or condition described in the notification of nuisance does or did exist, (2) that the person(s) to whom the notice was directed is in fact the person(s) responsible for creating or maintaining the nuisance condition or activity, and (3) that the time specified in the notice for the correction or abatement of the nuisance is, in fact, reasonable under the circumstances.

G. The hearing provided for in this Section shall be conducted by a Hearing Officer appointed by the City Manager or his authorized designee. At the time stated in the notice of hearing, the Hearing Officer shall hear and consider all relevant evidence, including, but not limited to, testimony from the applicant, owners, City personnel, neighbors, witnesses or other interested parties, and may consider staff reports or other written materials relative to the matter. The hearing may be continued from time to time as appropriate and the strict rules of evidence shall not apply. Proof of the existence of a nuisance condition or activity must be by a preponderance of the evidence and the burden of proof on this issue is upon the City.

H. At the conclusion of the hearing, the Hearing Officer may confirm, amend or modify the "Notice of Abatement" or order, or extend the time for compliance. The decision of the Hearing Officer shall be final and conclusive. Written notice of the Hearing Officer's decision and findings shall be given and said notice shall state clearly and concisely the basis for the Hearing Officer's findings with respect to the existence of the nuisance activity or condition. The notice shall further state that unless the person or party shall cause the abatement of the nuisance activity or condition, pursuant to the orders contained in the notice, the nuisance shall be abated, if appropriate, by the City at the expense of the owner, and that administrative penalties and/or costs will be assessed against the person for noncompliance with the order.

(Ord. C-7479 § 1, 1997)

9.37.110 - Notice of administrative penalty.

A. After the time for abatement or correction has expired, the City Manager or his authorized designee shall determine whether the person or party has taken the necessary abatement or corrective action and whether the nuisance activity or condition has in fact been abated.

B. If the City Manager or his authorized designee determines that the person has complied with the "Notice of Abatement" or order and that the nuisance has been abated, the person shall be notified in writing of such determination and the administrative action shall be suspended. If the City Manager or his authorized designee suspends the administrative action, he/she may continue to monitor the premises or activity associated with it for a period not to exceed eighteen (18) months.

C.

If the City Manager or his authorized designee determines that the person has failed to comply with the initial abatement order or any extension thereof or that the nuisance activity or condition has recurred within eighteen (18) months of the suspension of the case, the City Manager or his authorized designee may impose, after a hearing, an administrative penalty and/or administrative costs as provided in this Chapter. In the event administrative penalties or costs are imposed by the City Manager or his authorized designee, the responsible person shall be notified in writing of the amount of the administrative penalty imposed in accordance with the provisions set forth in this Chapter. The hearing provided for in this Subsection shall be in substantial conformity with the hearing procedures established in Subsection 9.37.100.G, and the decision of the Hearing Officer shall be final and conclusive.

D. In addition to imposing administrative penalties or costs, the City Manager or his authorized designee may issue another order to correct or abate the nuisance condition or activity for the existence of any nuisance which has not been abated, or which has recurred within the eighteen-month period the action was held in suspension.

(Ord. C-7479 § 1, 1997)

9.37.120 - Administrative penalties.

A. Administrative penalties imposed by the City Manager or his authorized designee are not to exceed a maximum of two hundred fifty dollars ($250.00) per day for each on-going violation, except that the total administrative penalty shall not exceed five thousand dollars ($5,000.00), exclusive of any administrative costs, for any violation or related series of violations.

B. In determining the amount of administrative penalty, the City Manager or his authorized designee shall take any or all of the following factors into consideration:
   1. The duration of the violation;
   2. The frequency, recurrence and number of violations, related or unrelated, by the same violator;
   3. The seriousness of the violation;
   4. The good faith efforts of the violator to abate the nuisance or otherwise come into compliance;
   5. The economic impact of the penalty on the violator;
   6. The impact of the violation on the community;
   7. Such other factors as justice may require.

C. Administrative penalties imposed shall accrue from the date specified in the compliance order and shall cease to accrue on the date the violation is corrected as determined by the City Manager or his authorized designee.

D. The City Manager or his authorized designee, in his/her discretion, may suspend the imposition of applicable administrative penalties for any period of time during which:
   1. The violator has filed for necessary permits; and
   2. Such permits are required to achieve compliance; and
   3. Such permit applications are actively pending before the City, State or other appropriate governmental agency.

(Ord. C-7479 § 1, 1997)

9.37.130 - Administrative costs.

A. In addition to the imposition of administrative penalties, the City Manager or his authorized designee may assess administrative costs against the person when it is determined that a violation has occurred and that compliance has not been achieved within the time specified in the initial compliance order or that a violation has recurred within eighteen (18) months of the suspension of the case.

B. The administrative costs may include any and all actual costs incurred by the City in connection with the matter before the City Manager or his authorized designee including, but not limited to, costs of investigation, staffing costs or staffing overhead incurred in preparation for the hearing and for the hearing itself, and costs incurred for all inspections or reinspections necessary to enforce the compliance order.

(Ord. C-7479 § 1, 1997)

9.37.140 - Abatement by City Manager.

If the nuisance related condition or activity is not completely abated in the manner and within the time set forth in the "Notice of Abatement" or order of the City Manager or his authorized designee, then the City Manager or his authorized designee, in addition to the imposition of administrative costs or penalties, may cause the nuisance to be abated by City forces or private contractor. The cost of the abatement shall be assessed to the responsible party and shall reflect the actual cost incurred by the City in effecting the abatement.

(Ord. C-7479 § 1, 1997)

9.37.150 - Record of administrative penalties and costs; cost of abatement; hearing.

A. The City Manager or his authorized designee shall keep an itemized account of any administrative penalty or administrative cost assessed as well as the cost incurred by the City in abating a nuisance and shall also give written notice to the responsible party or parties of any such penalty or costs assessed, together with a notice of the time and place when a hearing will be held by a Hearing Officer appointed by the City Manager or his authorized designee to determine the appropriateness of the penalties and/or costs assessed.

B. At the time fixed for the hearing concerning the appropriateness of the penalties and/or costs assessed, the Hearing Officer shall hear and consider all relevant evidence, including, but not limited to, testimony from the person assessed, City personnel or other interested parties, and may consider staff reports or other written materials relative to the matter. Proof of the appropriateness of the costs or penalties assessed must be by a preponderance of the evidence and the City shall have the burden of proof on this issue. At the conclusion of the hearing, the Hearing Officer shall confirm, revise, correct or modify the amount of the penalties or costs assessed. The decision of the Hearing Officer shall be final and conclusive, and the responsible party or parties shall be notified in writing of the Hearing Officer's determination.

(Ord. C-7479 § 1, 1997)

9.37.160 - Expenses and administrative penalties and costs a lien against the property.

If a property owner does not pay the administrative penalties, administrative costs or the expense of abating the nuisance within ten (10) days after the Hearing Officer confirms the administrative penalty, administrative costs or costs of abatement, the costs and penalties shall become a lien against the real property upon which the nuisance was abated. The lien shall continue until it is paid, together with interest at the legal rate per year computed from the date of confirmation of the costs or penalties until payment. The lien may be collected at the same time and in the same manner as ordinary Municipal taxes

are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary Municipal taxes. All acts applicable to levy, collection and enforcement of Municipal taxes apply to this lien.

(Ord. C-7479 § 1, 1997)

9.37.170 - Notice of lien.

The City shall file in the office of the County Recorder a certificate substantially in the following form:

NOTICE OF LIEN

Under the authority of Government Code Sections 38773.5 and 53069.4, as well as Chapter 9 of the Long Beach Municipal Code, the City did on _____, 19 _____, abate a nuisance upon the real property hereafter described and also on _____, 19 _____, did impose the cost of the abatement and administrative costs and penalties upon the real property. The City of Long Beach claims a lien for costs/charges on the real property for the expense of doing the work in the amount of $_____ and for the amount of $_____ for administrative costs and $_____ for administrative penalties, for a total amount of $_____. This amount is a lien against the real property until it is paid, with interest at the legal rate per year from _____, 19 _____ (insert date of confirmation of statement), and discharged of record. The real property referred to above, and upon which the lien is claimed is that certain parcel of land situated within the City of Long Beach, County of Los Angeles, State of California, more particularly as follows:

_____

_____

Dated _____, 19 _____.

City of Long Beach

By_____

(Ord. C-7479 § 1, 1997)

9.37.180 - Alternative method of collection.

Administrative penalties, administrative costs and the cost of abatement incurred by the City are a personal debt and obligation owed to the City and, in addition to any other means of enforcement, the City Attorney is authorized to bring an action on behalf of the City against the responsible party or parties for collection of administrative penalties, administrative costs or for the collection of the expense of abatement in any court of competent jurisdiction.

(Ord. C-7479 § 1, 1997)

9.37.190 - Right of judicial review.

A person contesting a final administrative order or decision of the City Manager or his authorized designee regarding the imposition, enforcement or collection of the administrative fines or penalties provided for in this Chapter may, within twenty (20) days after service of the final administrative order or decision, seek review by filing an appeal to be heard by the Municipal court in accordance with the provisions and procedures established by California Government Code Section 53069.4.

(Ord. C-7479 § 1, 1997)

PART VI. - OFFENSES AGAINST PROPERTY

CHAPTER 9.38 - PUBLIC WORKS OFFICES, BUILDINGS AND YARDS

9.38.010 - Purpose.

It is declared that the purpose of this Chapter is to authorize and provide for the prohibition, limitation and regulation of the entry, access, occupancy or use by members of the public of the offices, buildings, facilities or service yards of the Long Beach Department of Public Works or any areas or parts thereof, and to make it a trespass for any person to enter, occupy or use any such restricted premises without permission or in any manner other than as prescribed by applicable regulations.

(Ord. C-5765 § 1 (part), 1981: prior code § 7496)

9.38.020 - Defined.

As used in this Chapter the term offices, buildings, facilities or service yards of the Department of Public Works means and includes the offices of the Department of Public Works and the Bureau of Engineering located in the Long Beach City Hall, the offices and service yard of the Bureau of Public Service located at 1601 San Francisco Avenue, the Refuse Collection Office and service yard located at 2901 East Willow Street, the Animal Control Office and service yard located at 3001 East Willow Street, the offices and service yard of the Park Bureau located at 2760 Studebaker Road, and the offices and service yard of the Bureau of Aeronautics located at the Long Beach Airport, and includes any and all areas or parts of such offices, buildings, facilities and yards as they now exist or as the same may hereafter be altered, modified or relocated.

(Ord. C-5765 § 1 (part), 1981: prior code § 7496.1)

9.38.030 - Limitation of access and regulation of use.

The City Manager shall have the authority to designate all or any part or area of any of the offices, buildings, facilities or service yards of the Department of Public Works to which the entry, access, occupancy or use by members of the public is withdrawn or limited as deemed necessary. The City Manager shall establish regulations relating to the entry, access, occupancy or use by members of the public of any such restricted areas of such offices, buildings, facilities or service yards. Such regulations shall be based upon the maintenance and preservation of the public health, safety, peace and welfare and to insure the efficient and effective use of such offices, buildings, facilities or service yards for their intended purposes. A copy of such regulations shall be filed in the office of the City Clerk, and a copy shall be available for inspection by members of the public at the administrative office of the Department of Public Works.

(Ord. C 5765 § 1 (part), 1981: prior code § 7496.2)

9.38.040 - Signs to be posted.

The City Manager shall cause appropriate signs to be posted in a conspicuous place at or near each entrance to any office, building, facility or service yard of the Department of Public Works where public access has been prohibited or restricted by the City Manager in accordance with Section 9.38.030 of this Code. Such signs shall give notice of the limitations regarding the entry, access, occupancy or use of such premises and shall give notice of the location where a copy of the applicable regulations are available for review by members of the public.

(Ord. C 5765 § 1 (part), 1981: prior code § 7496.3)

9.38.050 - Certain acts unlawful.

No person shall enter, occupy or use any part or area of any office, building, facility or service yard of the Department of Public Works to which the entry, access, occupancy or use has been withdrawn or limited by the City Manager pursuant to Section 9.38.030 unless a valid pass has been first obtained and is in the immediate possession of such person. The entry into or occupancy or use of any restricted area of the offices, buildings, facilities or service yards of the Department of Public Works without appropriate permission or in violation of any regulation issued pursuant to this Chapter is a misdemeanor.

(Ord. C 5765 § 1 (part), 1981: prior code § 7496.4)

9.38.060 - Ejectment.

Any policeman or authorized employee of the City may use reasonable force to remove or expel a person from any restricted area of the offices, buildings, facilities or service yards of the Department of Public Works, who is in violation of the provisions of this Chapter or any regulations issued hereunder, and who upon being directed to leave refuses to do so. This provision relating to ejectment is in addition to any other remedies provided by law.

(Ord. C 5765 § 1 (part), 1981: prior code § 7496.5)

CHAPTER 9.40 - SEIZURE, IMPOUNDMENT AND FORFEITURE OF VEHICLES

FOOTNOTE(S):

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Note— Prior history: Prior code §§ 4170, 4170.1, 4170.2.

9.40.010 - Definitions.

A. "Abate" and "abatement" mean an action to seize, impound, forfeit or otherwise remedy a nuisance related activity or condition by such means and in such manner as is necessary to protect the health, safety or general welfare of the public.

B. "City Prosecutor" shall include any authorized deputy City prosecutors.

C. "Community property" means an interest in property as defined in California Family Code section 760.

D. "Vehicle" means any transportation device as defined in California Vehicle Code section 670.

E. "Prostitution" means engaging in lewd or sexual conduct for money or other consideration and includes all definitions contained in the California Penal Code.

F. "Business day" means a day that Long Beach City Hall is open to conduct public business.

G. As used in this Chapter, "drug activity" means the purchase or possession of any illegal controlled substance as defined in the California Health and Safety Code or the California Penal Code.

(Ord. C 7853 § 1, 2003)

9.40.020 - Nuisance vehicles.

A. It shall be unlawful to use any vehicle to solicit an act of prostitution or in an attempt to solicit an act of prostitution, or used to engage in an act of prostitution, or to loiter for the purpose of soliciting an act of prostitution, and such vehicle is declared to be a public nuisance and shall be enjoined and abated as provided in this Section.

B. It shall be unlawful to use any vehicle to acquire or in an attempt to acquire a controlled substance, any such vehicle is declared to be a public nuisance and shall be enjoined and abated as provided in this Section.

(Ord. C 7853 § 1, 2003)

9.40.030 - Seizure of vehicles.

A peace officer may seize a vehicle under the following circumstances:

A. Upon the issuance of a forfeiture order by a court having jurisdiction over the vehicle;

B. Incident to an arrest for any offense related to the illegal activities described in Subsection 9.40.020.A or Subsection 9.40.020.B;

C. Incident to a valid search warrant for any offense related to the illegal activities described in Subsection 9.40.020.A or Subsection 9.40.020.B; or

D. When there is probable cause to believe the vehicle was used in violation of this Chapter.

(Ord. C 7835 § 1, 2003)

9.40.040 - Title to vest in the City of Long Beach.

Subject to the provisions of this Chapter, all right, title and interest in any vehicle shall vest in the City of Long Beach immediately upon commission of the act giving rise to the public nuisance as described in this Chapter. A vehicle seized shall be impounded for thirty (30) days regardless of ownership and subject to disposition as provided in this Chapter.

(Ord. C 7853 § 1, 2003)

9.40.050 - Seizure, impoundment and notice.

Except as provided in this Chapter, all vehicles seized shall be impounded for not less than thirty (30) days. If the City prosecutor does not order a vehicle forfeited it shall be released to the registered owner(s), legal owner(s) or to an authorized agent subject to the payment of fees and costs arising from impoundment.

A. Within two (2) business days following the day of seizure of the vehicle, the City of Long Beach shall send notice of seizure and impoundment by certified mail, return receipt requested, to each registered and legal owner of the vehicle at the address obtained from the Department of Motor Vehicles of this State or any other State or appropriate federal agency, informing the registered and legal owner(s) that the vehicle has been seized, impounded and may be subject to forfeiture.
B. If a vehicle is impounded for thirty (30) days and thereafter is not claimed by the registered owner(s), the legal owner(s) or an authorized agent, the City will sell the vehicle at lien sale to recover the towing and storage charges related to impoundment, any parking fines, penalties, and administrative fees.
C. Notwithstanding any other provisions of this Chapter, the registered owner(s) and/or the legal owner(s) shall be responsible for all towing and storage charges related to impoundment, any parking fines, penalties, and administrative fees incurred by the registered owner.
D. The City shall not be liable to the registered owner for the release of the vehicle to the legal owner, or the legal owner's agent, provided the legal owner(s) produces documents demonstrating legal ownership of the vehicle at the time of the release.

(Ord. C 7853 § 1, 2003)

9.40.060 - Vehicles held as evidence.

A vehicle seized pursuant to this Chapter, where appropriate, may be held as evidence in any proceeding brought by the City Prosecutor or District Attorney.

(Ord. C 7853 § 1, 2003)

9.40.070 - Forfeiture.

Subject to the provisions of this Chapter, the City Prosecutor may order the forfeiture of a vehicle seized and impounded as follows:

A. An order of forfeiture shall include:
    1. A statement by the City Prosecutor declaring the vehicle forfeited to the City;
    2. A description of the vehicle;
    3. The date and place of seizure;
    4. The unlawful act(s) alleged as the basis for forfeiture of the vehicle;
    5. Instructions and a form for filing a claim opposing forfeiture;
    6. The time limits for filing a claim opposing forfeiture;

7. An estimate of the value of the vehicle.

B. An order of forfeiture shall be served as follows:

1. The order of forfeiture shall be served by personal delivery or certified mail, return receipt requested, upon all registered and legal owners of the vehicle.
2. In the event that a registered or legal owner(s) refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. Substituted service may be accomplished by any one (1) of the following methods:
    a. By leaving a copy of the order of forfeiture during usual business hours at the registered or legal owner's business address with the person who is apparently in charge, and by thereafter mailing by first class mail a copy to the registered or legal owner(s) where the copy was left;
    b. By leaving a copy of the order of forfeiture at the registered or legal owner's dwelling or usual place of abode, in the presence of a competent member of the household and thereafter mailing by first class mail a copy to the registered or legal owner(s) at the address where the copy was left.
3. If the registered or legal owner(s) lives or is located out of State and will not accept certified return receipt mail, then service may be made by first class mail.
4. If the registered or legal owner(s) cannot be located, or service cannot be effected as set forth in this Subsection B, service may be made by publication in a Long Beach newspaper of general circulation. Service shall be deemed sufficient when it is accomplished pursuant to Government Code section 6063.

C. An order of forfeiture shall be served as soon as practicable, but no later than thirty (30) days following the date the vehicle was seized. If the City prosecutor fails to order the forfeiture of the vehicle within the thirty (30) days, the vehicle shall be released to the registered owner(s), legal owner(s) or an authorized agent at the end of the thirty (30) day impoundment subject to the payment of fees and costs arising from impoundment.

D. If no claim opposing forfeiture is timely filed pursuant to Section 9.40.080, the City Prosecutor shall prepare a written declaration of forfeiture of the vehicle to the City and dispose of the vehicle as provided by this Chapter. A written declaration of forfeiture signed by the City Prosecutor under this Chapter shall be deemed to provide good and sufficient title to the purchaser of the forfeited vehicle. A copy of the declaration of forfeiture shall be mailed to the person listed in the receipt given at the time of seizure and to all registered and legal owners of the vehicle.

E. If a claim opposing forfeiture is timely filed pursuant to Section 9.40.080, then the City Prosecutor may file a petition of forfeiture with the superior court within thirty (30) days of the receipt of the claim(s). The petition of forfeiture shall seek a court order adjudging that the vehicle was used for one (1) or more of the nuisance purposes set forth in this Chapter, that the vehicle is a public nuisance and ordering the vehicle be forfeited, sold, and the proceeds distributed as set forth in this Chapter. A copy of the petition of forfeiture shall be mailed to each person filing a claim opposing forfeiture.

(Ord. C 7853 § 1, 2003)

9.40.080 - Claim opposing forfeiture.

A. A person opposing an order of forfeiture for a vehicle seized pursuant to this Chapter must file a claim opposing forfeiture.

B. If the order of forfeiture was served by personal or substitute service, the time for filing a claim opposing forfeiture is ten (10) calendar days.

C. If the order of forfeiture was served by publication, the time for filing a claim opposing forfeiture is thirty (30) calendar days from the date of first publication of the order of forfeiture.

D. If the last day to file a claim opposing forfeiture falls on a day that City Hall is closed, then the claim opposing forfeiture must be filed no later than the close of business on the next business day for the City.

E. The provisions of California Code of Civil Procedure section 1013 shall apply to this service of the order of forfeiture pursuant to this Section.

F. Each person filing a claim opposing forfeiture must state what ownership interest they have in the vehicle.

G. All claims opposing forfeiture must be filed with the office of the City Prosecutor, Long Beach City Hall, second floor.

(Ord. C 7853 § 1, 2003)

9.40.090 - Vehicles not subject to forfeiture.

A. A vehicle is not subject to impoundment or forfeiture and the City shall release a vehicle to the registered owner or legal owner(s) or to an authorized agent under any of the following circumstances:

1. When the vehicle was a stolen vehicle.
2. When the vehicle is subject to bailment and was driven by an employee of the bailee; such as a parking lot attendant or a garage mechanic.

B. A vehicle is not subject to forfeiture if a community property interest existed in such vehicle prior to the act giving rise to the nuisance under this Chapter and the community property interest owner meets all of the following requirements:

1. The community property interest owner requests release of the vehicle from the City Prosecutor prior to disposal of the vehicle by forfeiture.
2. The community property interest owner submits proof that a community property interest existed prior to the date of the act giving rise to the nuisance to the City Prosecutor.
3. The community property interest owner submits proof to the City Prosecutor that the vehicle is the only vehicle available to them and that the vehicle is one that may be operated with a class C driver's license.
4. The community property interest holder submits proof to the City Prosecutor that he or she, or an authorized driver other than a defendant in any criminal trial arising out of the act giving rise to the nuisance in this Chapter, is properly licensed and that the seized vehicle is properly registered and insured pursuant to the California Vehicle Code.
5. The community property interest holder is not a criminal suspect in a Police investigation of the act giving rise to the nuisance under this Chapter.
6. All towing and storage charges related to the seizure and impoundment and any administrative charges authorized by law are paid.
7.

The community property interest owner signs a stipulated vehicle release agreement, in consideration for which the vehicle will not be forfeited. This requirement applies only if the community property interest owner requests release of the vehicle under this Section.

C. A vehicle is not subject to forfeiture if the registered owner(s) or legal owner(s) of the vehicle is a rental car company and at the time of the seizure of the vehicle it was rented for a period of thirty (30) days or less. The rental car company shall pay all towing and storage charges related to the seizure and impoundment and any administrative charges authorized by law.

D. A vehicle is not subject to forfeiture if a domestic partnership existed prior to the act giving rise to the nuisance under this Chapter and the domestic partnership meets all of the following requirements:

1. The domestic partner requests release of the vehicle from the City Prosecutor prior to disposal of the vehicle by forfeiture.
2. The domestic partner submits proof to the City Prosecutor that the domestic partnership was registered with the State of California or the City of Long Beach prior to the date of the act giving rise to the nuisance.
3. The domestic partner submits proof to the City Prosecutor that the vehicle is the only vehicle available to the domestic partnership and that the vehicle is one that may be operated with a class C driver's license.
4. The domestic partner submits proof to the City Prosecutor that he or she is an authorized driver and is not a defendant in any criminal trial arising out of the act giving rise to the nuisance in this Chapter, is properly licensed and that the seized vehicle is properly registered and insured pursuant to the California Vehicle Code.
5. The domestic partner is not a criminal suspect in a Police investigation of the act giving rise to the nuisance under this Chapter.
6. All towing and storage charges related to the seizure and impoundment and any administrative charges authorized by law are paid.
7. The domestic partner signs a stipulated vehicle release agreement, in consideration for which the vehicle will not be forfeited. This requirements applies only if the domestic partner requests release of the vehicle under this Section.

(Ord. C 7862 § 1, 2003; Ord. C 7853 § 1, 2003)

9.40.100 - Disposal of vehicle and distribution of proceeds.

A. In all cases where vehicles seized pursuant to this Chapter are forfeited to the City, the vehicles shall be sold or otherwise disposed of and the proceeds shall be distributed and appropriated as follows:

1. To any lender, finance company or lien holder with an interest in the vehicle, if any, up to the amount of security interest in the vehicle.
2. Each department of the City that incurred costs related to the seizure, impoundment, forfeiture and disposal of the vehicle shall be reimbursed.
3. All remaining proceeds shall be distributed to a special account established and maintained by the City of Long Beach for local crime prevention programs, neighborhood nuisance abatement efforts, and community development activities that improve the quality of life for the citizens of Long Beach in accordance with criteria to be developed by the City Manager.
4. The funds distributed to a City department pursuant to this Section shall not supplant any funds that would, in the absence of this Section, be made available to support those departments.

(Ord. C 7853 § 1, 2003)

CHAPTER 9.42 - TRESPASSING

FOOTNOTE(S):

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State Law reference— Provisions on trespassing, Pen. C. § 602.

9.42.010 - Prohibited.

No person shall trespass in, upon, on, or across the property of another without the permission and consent of the person in charge or control thereof. The provisions of this Section shall have no application to a trespass committed by any officially authorized peace officer or law enforcement agent when such trespass is committed in the execution of such officer or agent's official duty, nor to any person visiting or calling at the residence or place of business of another person for the purpose of transacting any legitimate business.

(Prior code § 4620)

9.42.020 - Purpose.

Public safety is declared to require that the uninterrupted operation of certain industries essential to national defense, such as the aircraft manufacturing industry, and of companies or agencies supplying water, gas, electric and other essential services, be protected by preventing the intrusion upon the properties thereof of idle, curious or malicious persons, and of persons whose presence thereon is not necessary, and by prohibiting the loitering about such places by persons capable of inflicting harm or of impeding the operation conducted thereon. This Section is in no way intended to change, alter or amend, nor is it to be construed as changing, altering or amending Section 9.42.010, which Section covers trespassing upon unposted private property.

(Prior code § 4620.1(a))

9.42.030 - Definitions.

The following terms used in this Chapter, unless the context clearly indicates otherwise, shall have the respective meanings set forth in this Section:

A. "Posted boundary" means a line running from sign to sign, and such line need not conform to the legal boundary or legal description of any lot, parcel or acreage of land, but only the area within the "posted boundary" shall constitute "posted property", except as otherwise provided in Subsection 9.42.040.B.

B. "Posted property" means any property specified in Section 9.42.040 which is posted in a manner provided in Section 9.42.050

C. "Sign" means a sign affixed not less than three feet (3’), nor more than six feet (6’) above the ground at the place of posting as specified in Section 9.42.050, which sign shall consist of wood, metal, or other substantial material, with a face of not less than one (1) square foot in area and upon which, in letters not less than two inches (2”) in height, either black against a white background, or white against a black background, or contrasting colors, appear, in addition to such other information as may be placed thereon, the following:

Trespassing-Loitering Forbidden by Law.

(Prior code § 4620.1(b))

9.42.040 - Property which may be posted.

Any property may be posted against trespassing and loitering in the manner provided in Section 9.42.050 and thereby become "posted property", subject to the provisions of this Chapter applicable to posted property, if such property consists of, or is used, or is designed to be used, for any one (1) or more of the following:

A. An oil well, oil field, tank farm, refinery, compressor plant, absorption plant, bulk plant, marine terminal, pipeline, pipeline pumping station, or reservoir, or any other plant, structure, or works used for the production, extraction, treatment, handling, storage, or transportation of oil, gas, gasoline, petroleum or any product or products thereof;

B. A gas plant, gas producing well, gas storage station, gas tank, gas meter, gas main, gas holder, gas valve, or regulator station, gas orodant station, gas pipeline, compressor plant or appurtenances, or any other property used in the transmission, storage or distribution of gas;

C. A reservoir, dam, generating plant, receiving station, distributing station, transformer, transmission line, or any appurtenances, used for the storage of water for the generation of hydroelectric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception, or distribution of electric energy;

D. Plant, structures or facilities used for, or in connection with, the rendering of telephone or telegraph service or for radio broadcasting;

E. A water well, dam, reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit, or any other structure, facility or conductor for producing, storing, diverting, conserving, treating or conveying, water;

F. The production, storage, or manufacture of munitions, dynamite, black blasting powder, gunpowder, or other explosives;

G. A railroad right-of-way, railroad bridge, railroad tunnel, railroad shop, railroad yard, or other railroad facility;

H. An airport, airplane landing field, a hangar, or any other property used for the manufacture or assembly or repair or testing of aircraft of any type or kind;

I. Any shipyard, drydock or graving dock used for the construction, storage or repair of ships, boats or vessels.

(Prior code § 4620.1(c))

9.42.050 - Posting method.

Any property described in Section 9.42.040 may be posted against trespassing and loitering in the following manner:

A. By posting signs along or near the exterior boundaries of the area of such property at intervals of not more than three hundred feet (300'), and also at each corner thereof, and, if such property has a definite entrance or entrances thereto, at each such entrance;

B.

Any such property, if it consists of poles or towers or appurtenant structures for the suspension of wires or other conductors for conveying electricity or telegraphic or telephonic messages, by affixing a sign upon one (1) or more sides of such poles or towers, but such posting shall render only the pole or tower or appurtenant structure "posted property."

(Prior code § 4620.1(d))

9.42.060 - Entering on posted property prohibited.

No person shall enter or remain upon any posted property without the written permission of the owner, tenant or occupant in legal possession or control thereof. Every person who so enters or remains upon such posted property without such written permission is guilty of a separate offense for each day during any portion of which he enters or remains upon such posted property.

(Prior code § 4620.1(e))

9.42.070 - Sign destruction prohibited.

No person shall, without authority, tear down, deface or destroy any sign posted under the provisions of this Chapter.

(Prior code § 4620.1(f))

9.42.080 - Loitering near posted property prohibited.

No person shall loiter in the immediate vicinity of any posted property; provided, this Section does not prohibit peaceful picketing or any other lawful activity by which the public is informed of the alleged existence of any labor dispute.

(Prior code § 4620.1(g))

9.42.090 - Exceptions.

This Chapter does not apply to any entry, in the course of duty, of any peace or police officer or other duly authorized public officer, nor does it apply to the lawful use of an established and existing right-of-way for public road purposes, nor does it apply to any public waiting room, dining room, office or other portion of any such structure or premises to which general public access is required in the normal use and operation thereof or where materials are delivered to or received by the public; nor does it prohibit any lawful activity for the purpose of engaging in any organizational effort on behalf of any labor union, agent or member thereof, or of any employee group, or any member thereof, employed, or formerly employed, in any place of business or manufacturing establishment described in this Chapter, or for the purpose of carrying on the lawful activities of labor unions or members thereof; nor does it prohibit any lawful activity for the purpose of investigation of the safety of working conditions on posted property by a representative of a labor union or other employee group who has upon his person written evidence of due authorization of his labor union or employee group to make such investigation.

(Prior code § 4620.1(h))

9.42.100 - Operating vehicles on private property prohibited.

A. No person shall operate or drive a motor vehicle, motorcycle, mini-bike, trail bike, dune buggy, motor scooter, jeep or other form or motor vehicular transportation upon the private property of another or upon any public property which is not held open to the public for any vehicular use and which is not subject to the provisions of the Vehicle Code of the State.

B.

The provisions of this Section shall not apply to emergency vehicles, governmental agencies or to persons driving upon such property with the written consent of the owner or person in lawful possession of such property or to the owner himself, his family, employees, agents or lessees.

(Prior code § 4620.2)

9.42.110 - Camping prohibited in certain areas—Exceptions.

A. Unless otherwise provided, it shall be unlawful for any person to camp on public property (including rights-of-way), whether improved or unimproved, whether inside or outside a vehicle, between the hours of ten p.m. of one (1) day and five a.m. of the next day, except public property designated for overnight camping.

B. This Section is in no way intended to change, alter or amend, nor is it to be construed as changing, altering or amending Section 9.42.010

C. For the purposes of this Section, the term "camp" shall mean the use of tents or other temporary shelters, or non-city designated cooking facilities.

D. A violation of this Section shall constitute a misdemeanor; except that any such violation may, in the discretion of the City Prosecutor, be charged and prosecuted as an infraction.

(Ord. C-7103 § 1, 1993: Ord. C-6984 § 1, 1992)

CHAPTER 9.46 - FLOOD CONTROL FACILITIES

9.46.010 - Use permit required.

No person, municipality, or district shall interfere with, destroy, or use in any manner whatsoever any levee, embankment, channel, dam, reservoir, rain, or stream gauges, telephone line, piling, fence or other stream protection work constructed by or on behalf of any public agency without a written permit therefor from the Council, which permit shall be revocable whenever in the opinion of the Council the public interest and welfare require the revocation thereof. No permit to use any flood control protection work or rights-of-way owned or constructed by the Los Angeles County Flood Control District shall be effective unless written permit so to do has also been obtained from the Board of Supervisors of the district.

(Prior code § 4612)

9.46.020 - Obstruction prohibited.

No person, municipality, or district shall place or cause to be placed in the channel or bed of any river, stream, wash, or arroyo, or upon any property over which the Los Angeles County Flood Control District has an easement for flood control purposes duly recorded in the office of the County Recorder, any wires, fence, building or other structure, or any refuse, rubbish, tin cans or other matter that may impede, retard, or change the direction of the flow of water in such river, stream, wash, or arroyo, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the storm and floodwaters would carry the same downstream to the damage and detriment of either private or public property adjacent to said river, stream, wash, arroyo, or channel.

(Prior code § 4612.1)

PART VII. - OFFENSES BY OR AGAINST MINORS

CHAPTER 9.52 - FIREARMS

FOOTNOTE(S):

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State Law reference— Provisions on weapons and minors, Pen. C. §§ 12550—12552.

9.52.010 - Sale of ammunition prohibited.

No person as principal, agent or otherwise, shall sell, exchange, give or loan any BB shot, pellet, or other missile designed or intended for use in any spring gun, air gun, air pistol or other pistol or gun, or any cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol, or firearm of any description to any person under the age of eighteen (18) years.

(Prior code § 4180.5)

9.52.020 - Possession prohibited.

No person, as principal, agent or otherwise, under the age of eighteen (18) years, shall have in his or her possession, care, custody or control, any gun, revolver, pistol, spring gun, air gun or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever.

(Prior code § 4180.7)

CHAPTER 9.54 - DRUG PARAPHERNALIA

9.54.010 - Allowing minors in sales room.

No owner, manager, proprietor or other person in charge of any place of business selling, or displaying for the purpose of sale, any device, contrivance, instrument or paraphernalia for smoking or injecting, or consuming marijuana, hashish, PCP, or any controlled substance, as defined in the Health and Safety Code of the State, other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips and cigarette papers and rollers designed for the smoking of the foregoing, shall allow or permit any person under the age of eighteen (18) years to be, remain in, enter or visit such room unless such minor person is accompanied by one (1) of his or her parents, or by his or her legal guardian.

(Ord. C-5671 § 1, 1981: prior code § 4180.9)

9.54.020 - Minor presence in sales room.

A person under the age of eighteen (18) years shall not be, remain in, enter or visit any room in any place used for the sale, or displaying for sale, devices, contrivance, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips and cigarette papers and rollers designed and used for smoking the foregoing, unless such person is accompanied by one (1) of his or her parents, or his or her legal guardian.

(Ord. C-5671 § 2, 1981: prior code § 4180.9.1)

9.54.030 - Segregation and signposting of sales rooms.

A person shall not maintain in any place of business to which the public is invited, the display for sale, or the offering to sell, of devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips and cigarette papers and rollers designed and used for smoking the foregoing, unless within a separate room or enclosure to which minors not accompanied by a parent or legal guardian are excluded. Each entrance to such a room shall be signposted in reasonably visible and legible words to the effect that narcotic paraphernalia are being offered for sale in such a room and minors, unless accompanied by a parent or legal guardian, are excluded.

(Ord. C-5671 § 3, 1981: prior code § 4180.9.2)

9.54.040 - Violation—Nuisance.

The distribution or possession for the purpose of sale, exhibition, or display in any place of business from which minors are not excluded as set forth in this Section, and where devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs or devices to ingest or inject prescription drugs, including roach clips and cigarette papers and rollers designed and used for smoking the foregoing, is declared to be a public nuisance, and may be abated pursuant to the provisions of Section 731 of the Code of Civil Procedure of the State. This remedy is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this Code.

(Ord. C-5671 § 4, 1981: prior code § 4180.9.3)

CHAPTER 9.56 - PRESSURIZED PAINT CONTAINERS

9.56.010 - Sale or purchase prohibited.

It is unlawful for any person to sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any pressurized can containing any substance commonly known as paint or dye to anyone under the age of eighteen (18) years, unless such person is the parent or legal guardian of said minor. It is unlawful for anyone under the age of eighteen (18) years to purchase any pressurized can containing paint or dye.

(Ord. C-5458 § 1 (part), 1978: prior code § 4630)

9.56.020 - Possession restricted.

Between the hours of six p.m. and six a.m. it is unlawful for any person under the age of eighteen (18) to have in his possession any pressurized can containing any substance commonly known as paint or dye while on any public highway, street, alley or way, park, playground, swimming pool, or other public place, whether such person is or is not in any automobile, vehicle or other conveyance.

(Ord. C-5458 § 1 (part), 1978: prior code § 4630.1)

9.56.030 - Possession prohibited in public parks and buildings.

It is unlawful for any person to have in his possession any pressurized can containing any substance commonly known as paint or dye while in any public park, playground, swimming pool, recreational facility (other than a highway, street, alley or way), except authorized employees of the City or an individual or authorized employee of an individual or company under contract with the City.

(Ord. C-5458 § 1 (part), 1978: prior code § 4630.2)

9.56.040 - Storage requirements.

Any business or establishment offering for sale to the public pressurized or aerosol paint containers shall keep, store and maintain such pressurized or aerosol paint containers in a place that is locked and secured or otherwise not directly accessible to the public.

(Ord. C-6770 § 1, 1990)

CHAPTER 9.57 - MARKING PENS AND ETCHING TOOLS

9.57.010 - Sale or purchase prohibited.

A. No person shall sell or cause to be sold to any person under the age of eighteen (18) years any marking pen with a tip exceeding four (4) millimeters (four twenty-fifths of an inch) in size and containing anything other than a solution which can be removed with water after the solution dries.

B. No person shall sell or cause to be sold to any person under the age of eighteen (18) years any etching tool capable of defacing property.

C. Evidence of majority may be established by a document issued by the federal government or a State, County or municipal government including but not limited to a motor vehicle operator's license, a registration certificate issued under the Selective Service Act, a passport or an identification card issued to a member of the Armed Forces which identifies an individual and provides proof of the age of such individual.

(Ord. C-6770 § 2 (part), 1990)

9.57.020 - Storage requirements.

Any business or establishment offering for sale to the public marking pens or etching tools regulated by this Chapter shall keep, store and maintain such marking pens and etching tools in a place that is locked and secured, or otherwise not directly accessible to the public.

(Ord. C-6770 § 2 (part), 1990)

9.57.030 - Possession prohibited in streets and other public places.

No person under the age of eighteen (18) years shall have in his or her possession any marking pen or etching tool regulated by this Chapter while on any public street or alley or in any other public place unless such person is accompanied by a parent or guardian.

(Ord. C-6770 § 2 (part), 1990)

CHAPTER 9.58 - LOITERING

9.58.010 - Prohibition against juvenile being in public place between the hours of ten p.m. until six a.m. the following day.

A. Curfew. It is unlawful for any minor under the age of eighteen (18) years to remain in or upon any "public place," as defined in Section 9.02.090, between the hours of ten p.m. until six a.m. the following day.

B. Exceptions. The provisions of Subsection A of this Section shall not apply when:

1. The minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor;
2. The minor is on an errand at the direction of the minor's parent or guardian, without any detour or stop;
3. The minor is in a motor vehicle involved in interstate travel;
4. The minor is engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
5. The minor is involved in an emergency requiring immediate action to prevent serious bodily injury or loss of life;
6. The minor is on the sidewalk abutting the minor's residence;
7. The minor is attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or the minor is going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor;
8. The minor is exercising First Amendment rights protected by the United States Constitution;
9. The minor is emancipated pursuant to law.

C. Enforcement. Before taking any enforcement action under this Section, a Police Officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception under Subsection B of this Section is present.

(Ord. C-7488 § 1, 1997: Ord. C-6503 § 1, 1988: Ord. C-5938 § 1, 1983)

9.58.020 - Prohibition against juvenile being in public place between the hours of eight-thirty a.m. until one-thirty p.m.

A. Curfew. It is unlawful for any minor under the age of eighteen (18) years, who is subject to compulsory education or to compulsory continuing education, to remain in or upon any "public place," as defined in Section 9.02.090 of this Code, between the hours of eight-thirty a.m. until one-thirty p.m. on days when such minor's school is in session.

B. Exceptions. The provisions of Subsection A of this Section shall not apply when:

1.

The minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor;

2. The minor is on an emergency errand at the direction of the minor's parent or guardian, without any detour or stop;
3. The minor is in a motor vehicle involved in interstate travel;
4. The minor is engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
5. The minor is involved in an emergency requiring immediate action to prevent serious bodily injury or loss of life;
6. The minor is going or coming to or from a medical appointment;
7. The minor has permission to leave campus for lunch or other school-related activity and has in his or her possession a valid, school-issued, off-campus permit;
8. The minor is attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or the minor is going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor;
9. The minor is exercising First Amendment rights protected by the United States Constitution;
10. The minor is emancipated pursuant to law;
11. The minor is not required by his or her school vacation, track or curriculum schedule to be in school.

C. Enforcement. Before taking any enforcement action under this Section, a Police Officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception under Subsection B of this Section is present.

(ORD-06-0025 § 1, 2006: Ord. C-7386 § 1, 1996)

CHAPTER 9.60 - REGULATION OF SEXUALLY EXPLICIT MATERIALS

9.60.010 - Definitions.

For purposes of this Chapter, the following definitions shall apply:

"Amusement machine" means the following apparatus operated by or for a patron or patrons for amusement, diversion or sport in exchange for financial or other valuable consideration: pinball machines; electronic or video games; shuffleboard games; mini-motion picture projectors; screens and structures; public video projectors, screens, stalls and structures; and the like.

"Explicit sexual act" means any depiction of sexual intercourse, anal intercourse, oral copulation, sodomy, bestiality or masturbation, whether actual or simulated.

"Knowingly" means knowing that any publication, by virtue of its apparent character, outward appearance or contemporary County-wide reputation, would cause the average adult to reasonably know or suspect that the publication depicts on the cover, or contains therein, sexually explicit material.

"Minor" means any natural person under eighteen (18) years of age.

"Person" means any individual, partnership, firm, association, corporation or other legal entity.

"Publication" means a book, magazine, newspaper or other publication or any matter containing photographs or pictorial representations.

"Sexual organ" means any of the anatomical parts of a person's genitals or anus.

"Sexually explicit material" means any photograph or pictorial representation which depicts sexual organs or explicit sexual acts when to the average adult such photograph or pictorial representation has as its primary purpose or effect sexual arousal, gratification or affront.

(Ord. C-6101 § 1 (part), 1984)

9.60.020 - Display to minors.

No person shall, for commercial purposes, knowingly display, cause to be displayed or permit to be displayed in any business where an amusement machine is open to use by minors any publication which depicts sexually explicit material unless such publication is stored in a display case, having a sliding glass door, or other substantially similar case, cabinet or device in which the publication would be entirely enclosed. Such publication shall also be displayed in such a manner as to prevent any of its sexually explicit material from being readily viewed by any minor.

A minor shall not be given access to any display case, cabinet or device which contains sexually explicit publications and shall not be permitted to purchase such sexually explicit publications at a location subject to this Chapter.

(Ord. C-6101 § 1 (part), 1984)

9.60.030 - Display in separate room.

The provisions of Section 9.60.020 requiring a display case, cabinet or device shall not apply if sexually explicit publications are displayed in a separate room or segregated area where minors are prohibited and where sexually explicit material cannot readily be viewed by a minor from outside such room or area.

(Ord. C-6101 § 1 (part), 1984)

9.60.040 - Exception.

Where minors are accompanied by a parent or guardian, they may be given access to a display case containing sexually explicit publications or be permitted into a separate room or segregated area where sexually explicit publications are displayed and from where minors would otherwise be prohibited.

(Ord. C-6101 § 1 (part), 1984)

9.60.050 - Penalty.

Any person who violates any provision of this Chapter is guilty of a misdemeanor.

(Ord. C-6101 § 1 (part), 1984)

9.60.060 - Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof. The City Council declares that it would have passed this ordinance codified in this Chapter, and each section, subsection, sentence, clause and phrase thereof even though any one (1) or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional.

(Ord. C-6101 § 1 (part), 1984)

CHAPTER 9.61 - SOCIAL HOST REGULATIONS

9.61.010 - Purpose and intent.

A. The purpose and intent of this Chapter are:

1. To facilitate the enforcement of laws prohibiting the service to and consumption of alcoholic beverages by minors as well as to deter the service to and consumption of alcoholic beverages by minors, and to promote the reduction of underage drinking;
2. To protect public health, safety, general welfare and quiet enjoyment of property and properties neighboring the location of gatherings at which minors are served and consume alcoholic beverages;
3. To establish a duty of persons twenty-one (21) years of age or older having control over any premises, who knowingly hosts, permits or allows a gathering at the premises, to take reasonable steps to prevent the service and consumption of alcoholic beverages by minors;
4. To provide opportunities for education and behavior modification to first-time offenders violating this Chapter;
5. To provide recovery of law enforcement and/or fire response costs.

(ORD-14-0001 , § 1, 2014)

9.61.020 - Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

A. "Adult" shall mean a person who is twenty-one (21) years of age or older.

B. "Alcohol" shall mean ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

C. "Alcoholic Beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half (½) of one percent (1%) or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

D. "Control" shall mean any form of dominion including ownership, tenancy or other possessory right.

E. "Gathering" shall mean a party, gathering, or event where a group of two (2) or more persons have assembled or are assembling for a social occasion or social activity.

F. "Legal Guardian" shall mean:

1. A person who, by court order, is the guardian of the person of a minor, or
2. A public or private agency with whom a minor has been placed by a court of competent jurisdiction.

G. "Minor" shall mean any person less than twenty-one (21) years of age.

H. "Parent" means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

I.

"Enforcement Services" shall mean the salaries and benefits of police officers or other code enforcement officers for the amount of time actually spent in responding to or in remaining at the residence or premises and the administrative costs attributable to the incident, the actual cost of any medical treatment to injured police officers or other code enforcement officers as a result of injuries suffered in responding to or in remaining at the residence or premises, the cost arising from the use of any City equipment in responding to or remaining at the residence or premises, and the cost of repairing any damaged City equipment or property used in responding to or in remaining at the residence or premises.

J. "Residence" or "Premises" shall mean a house, yard, apartment, condominium, or other dwelling unit, a hotel or motel room, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for living space or for a party, meeting, or other social function or gathering, and whether owned, leased rented, or used with or without compensation.

(ORD-14-0001 , § 1, 2014)

9.61.030 - Prohibition on hosting, permitting or allowing a gathering at which minors consume alcoholic beverages.

It is unlawful for any adult to host, permit or allow a gathering to take place at the premises where one (1) or more minors consumes an alcoholic beverage, whenever such adult either:

A. Intentionally serves or causes to be served an alcoholic beverage to a minor for consumption; or

B. Knows or reasonably should have known that a minor possesses or has consumed an alcoholic beverage and thereafter fails to immediately take appropriate action to prevent further possession or consumption of alcoholic beverages by any minor.

C. This Section shall not apply to any location or place regulated by the California Department of Alcohol and Beverage Control.

D. The provisions of this Chapter shall not apply to legally protected religious ceremonies.

E. Law enforcement officers shall have the discretion of writing violators a warning prior to an official citation.

(ORD-14-0001 , § 1, 2014)

9.61.040 - Recovery of response costs.

When a law enforcement, fire, or other emergency response provider responds to a gathering at a premises at which there is service to, or consumption of alcohol or alcoholic beverages by a minor(s), all responsible persons shall be jointly and severally liable for the City's costs of responding to the gathering.

(ORD-14-0001 , § 1, 2014)

9.61.050 - Penalty for violations.

A. Any violation of this Chapter shall be subject to enforcement in accordance with the administrative citation and penalties of Chapter 9.65

B. Any violation of this Chapter shall be subject to prosecution as a misdemeanor or infraction by the City Prosecutor's Office in accordance with the provisions of Section 1.32.010

(ORD-14-0001 , § 1, 2014)

9.61.060 - Severability.

In the event any portion of Chapter 9.61 is deemed to be unenforceable, or is in conflict with applicable law, the remainder of Chapter 9.61 will be enforced and will remain in full force and effect.

(ORD-14-0001 , § 1, 2014)

PART VIII. - WEAPONS

CHAPTER 9.62 - FIREARMS DISCHARGE

FOOTNOTE(S):

--- (**9**) ---

State Law reference— Provisions on the discharge of firearms, Pen. C. § 246.

9.62.010 - Permit required.

No person shall shoot or discharge any gun, compressed air gun, rifle, pistol, or other firearm without first having obtained a written permit from the Chief of Police so to do; provided, however, that nothing contained in this Section shall apply to the shooting or discharging of any gun, pistol or other firearm by any Police Officers or other law enforcement agent in the discharge of his or her official duties, nor to the discharge or shooting of firearms in any licensed shooting gallery, target or other gun or rifle range or any theatrical performance or exhibition.

(Prior code § 4130.5)

CHAPTER 9.64 - PROHIBITED WEAPONS

FOOTNOTE(S):

--- (**10**) ---

State Law reference— Provisions on the control of deadly weapons, Pen. C. § 12000 et seq.

9.64.010 - Use of whips, ticklers or throwing confetti.

It is declared to be a nuisance, unlawful and a misdemeanor to use whips and ticklers, or any such devices, or to throw confetti in any public places as defined in this Title.

(Prior code § 4130.8)

9.64.020 - Slingshots or catapults.

No person shall use or have in his possession any catapult, slingshot or other device capable of throwing stones, shot or metal slugs. This Section shall not apply to amusement games or exhibitions carried on under permit from the City. Any such devices taken from any person unlawfully possessing the same are declared to be nuisances and shall be subject to confiscation and summary destruction under direction of the Police Department.

(Prior code § 4130.10)

PART IX. - ENFORCEMENT

CHAPTER 9.65 - ADMINISTRATIVE CITATIONS AND PENALTIES

FOOTNOTE(S):

--- (**11**) ---

Editor's note— ORD-09-0022, § 6 adopted Aug. 4, 2009, amended Ch. 9.65 in its entirety to read as herein set out. Former Ch. 9.658, §§ 9.65.010—9.65-200 pertained to similar subject matter and derived from ORD-05-0001, § 2, 2005; ORD-06-0012, § 6, 2006; and ORD-07-0047, §§ 1, 2, 2007.

9.65.010 - Legislative findings and statement of purpose.

A. Enforcement of the Long Beach Municipal Code throughout the City is an important public service. Code enforcement is vital to the protection of the public's health, safety, welfare and quality of life. The City Council recognizes that a comprehensive code enforcement system that uses a combination of administrative and judicial remedies helps to gain compliance with Code regulations.

B. The overburdening of the criminal court system has necessitated the alternative use of an administrative citation program to more effectively adjudicate the majority of nuisance related Code violations. An administrative citation program and the establishment of appropriate fines are intended to act as a reasonable deterrent in preventing violations of the Long Beach Municipal Code.

C. The City Council hereby finds that there is a need for an alternative method of enforcement of the Municipal Code in accordance with the City's constitutional police power. The City Council further finds that an appropriate method of enforcement is the imposition of administrative penalties as independently authorized by both California Constitution Article XI, Section 7, and Government Code, Section 53069.4.

D. The procedures established in this Chapter shall be in addition to any criminal, civil or other legal remedy established by law for violation of the Municipal Code.

E. The City Council hereby finds and determines that enforcement of the Long Beach Municipal Code pursuant to the City's police power is a matter of public health, safety and welfare and serves important public purposes. The City of Long Beach adopts this administrative citation and penalty program in order to achieve the following goals and objectives:

   1. To protect the public health, safety and welfare of the citizens of the City.
   2. To gain compliance with the Municipal Code in a timely and efficient manner.
   3. To provide for an administrative process to appeal the imposition of administrative citations and fines.
   4. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the Municipal Code.
   5. To avoid and/or minimize the expense and delay of enforcement in the civil or criminal justice system.

F. Use of this Chapter shall be at the sole discretion of the City, subject to Subsection D of this Section.

(ORD-09-0022, § 6, 2009)

9.65.020 - Definitions.

A. "Canopy structure" means and includes freestanding exterior shade structures that consist of a cover made from canvas, fabric, plastic, rubber, nylon, acetate or other pliable material that is fitted over a freestanding metal frame.

B. "Cited party" means a legally responsible person who has been issued an administrative citation.

C. "City" means the City of Long Beach.

D. "Continuing violation" means any condition or activity in violation of the Municipal Code that continues beyond the date given in the administrative citation to correct the violation.

E. "Correction period" means that period of time in which responsible persons are required to correct or otherwise remedy the violation(s)

F. "Enforcement officer" shall mean any officer or employee of the City designated with the authority to enforce the applicable provisions of the Long Beach Municipal Code.

G. "Hearing Officer" means an individual who has been designated by the City Manager to adjudicate administrative citation appeals.

H. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

I. "Inoperative vehicle" shall include:

1. Any vehicle, by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power, which is not currently and validly registered for operation or use on the streets and highways in the State as required under the provisions of the California Vehicle Code; or
2. Any motor vehicle which currently is incapable of being driven under its own motor power; or
3. Any nonmotor vehicle which currently is incapable of being moved or drawn.

J. "Lot" means an area of land, parcel or tract, whether improved or unimproved, the boundaries of which have been established in conformance with the State Subdivision Map Act, and which has either been recorded via a final tract map or certificate of compliance on record with the Los Angeles County Recorder.

K. "Lot cleaning levy" means all computed expenses incurred by the City in removal of weeds and/or debris, from any lot, and shall consist of processing fees, incidental enforcement costs, including, but not limited to, actual expenses for weeds and/or debris removal charged to the cited party.

L. "Responsible person" means any individual who is the owner, partial owner, or occupant of real property, last registered owner and/or legal owner of a vehicle, the holder or the agent of the holder of any permit or entitlement, or the party or agent of a party to any agreement covered by this Chapter; or the owner or authorized agent of any business, company or entity subject to this Chapter, who creates, commits or maintains a violation subject to the enforcement provisions of this Chapter.

M. "Vehicle removal levy" means all computed expenses incurred by the City in the removal of inoperative vehicle(s) from public or private property within the City, and shall consist of processing fees, incidental enforcement costs, including, but not limited to, land and vehicle title search information, and actual expenses incurred for inoperative vehicle removal, impoundment or disposal.

N. "Weeds" and/or "debris" means and includes all bushes, vines, trees, grass or other vegetation, whether cultivated or uncultivated, and whether dead or growing, and all refuse, trash and rubbish of any kind or description, or wood, asphalt, concrete or similar materials, tin cans, parts of machinery, implements and automobiles, any of which cause unpleasant or noxious odors, or which are, or may become, a refuge or breeding place for insect and vermin, or which conceal or are capable of

concealing filth and other unsanitary conditions, or which are, or are capable of becoming, a fire or other hazard to the use and occupancy of property, or which obstruct or hinder the use of any public street, sidewalk, alley or way.

(ORD-09-0022, § 6, 2009)

9.65.030 - Weed abatement activity.

It shall be the duty of all responsible persons to at all times keep lots clean and free from weeds and/or debris.

(ORD-09-0022, § 6, 2009)

9.65.040 - Inoperative vehicle activity.

It shall be the duty of responsible persons to prevent accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof, except for those vehicles or parts thereof exempted pursuant to Long Beach Municipal Code, Section 10.46.030.

(ORD-09-0022, § 6, 2009)

9.65.050 - Prohibited canopy structure.

Canopy structure as defined in Subsection 9.65.020.A may not:

A. Be located in residential front or side yard setback areas, or driveway areas used for automobile parking;
B. Have a setback of less than four feet (4') from the side and rear property lines;
C. Be maintained in a manner that is defective, unsightly or in a condition of deterioration; or
D. Be greater than ten feet (10') in height.

(ORD-09-0022, § 6, 2009)

9.65.060 - Issuance of administrative citation.

A. Any responsible person who violates any provision of this Title and Titles 3, 5, 8, 10, 14, 18 and 21 of the Long Beach Municipal Code may be issued an administrative citation, pursuant to this Chapter, by an enforcement officer designated to issue such citations.
B. Each and every day a violation exists constitutes a separate and distinct offense.
C. A civil fine shall be assessed by means of an administrative citation issued by the enforcement officer and shall be payable directly to the City of Long Beach.
D. Fines shall be assessed for Code violations committed by the same responsible person as follows:
    1. A fine for each initial violation, in an amount established by the City Council by resolution;
    2. A fine for each instance of a second violation of the same Code section within one (1) year from the date of the first violation, in an amount established by the City Council by resolution;
    3. A fine for each additional violation of the same Code section within one (1) year from the date of the first violation, in an amount established by the City Council by resolution;
    4. A fine for each violation of Municipal Code, Section 21.41.170 illegal garage conversions, 18.02.050 for dangerous buildings, 18.08.010 for certificates of occupancy, 18.09.010 for failure to comply with Title 18, and/or Subsection 21.31.245.C unlawful dwelling units, in an amount established by the City Council by resolution; and
    5.

A fine for each violation of Municipal Code, Section 21.51.227 relating to illegal automotive work, in an amount established by the City Council by resolution.

(ORD-11-0012, § 3, 2011; ORD-09-0022, § 6, 2009)

9.65.070 - Service procedures.

An administrative citation on a form approved by the City Manager may be served upon any responsible person by an enforcement officer in the following manner:

A. Personal service. In any case where an administrative citation is issued:
   1. The enforcement officer shall attempt to locate and personally serve the responsible person(s) and obtain the signature of the responsible person(s) on the administrative citation;
   2. If the responsible person(s) refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or any subsequent proceedings.

B. Service of citation by posting notice. If the enforcement officer does not succeed in personally serving a responsible person(s):
   1. The enforcement officer shall post the administrative citation or duplicate thereof in a conspicuous place on the lot where the violation(s) exists or has occurred, and such posting shall be deemed effective service;
   2. Any posted notice shall be photographed on the date of posting by the enforcement officer, and a proof of service of the notice shall be made by declaration of the enforcement officer effecting the service.

C. Service of citation by mail. If the enforcement officer does not succeed in personally serving a responsible person(s), in addition to posting notice:
   1. The administrative citation or duplicate thereof shall be mailed to the responsible person(s) at his or her residence or place of business by depositing the same in the United States Mail, postage prepaid as first class mail;
   2. A proof of service of the notice shall be made by declaration of the enforcement officer effecting the service.

(ORD-09-0022, § 6, 2009)

9.65.080 - Contents of notice.

Each administrative citation shall contain the following information:

A. The date of service of the citation and the date, time, address or description of the location where the violation(s) was observed.
B. The Code section(s) and condition(s) violated and a description of the violation(s)
C. An order to the responsible person(s) to correct the violation(s) no later than the specified correction date.
D. An explanation of the consequences of failure to correct the violation(s) in a timely manner.
E. The amount of the fine for the violation(s).
F. An explanation of how the fine shall be paid and the fine payment due date.
G. Notice of the right to appeal the citation, the time within which the citation may be appealed and the place to obtain a request for hearing form to appeal the administrative citation.

H. The name and signature of the enforcement officer and, if obtained, the signature(s) of the responsible person(s).

(ORD-09-0022, § 6, 2009)

9.65.090 - Satisfaction of administrative citation.

Upon service of an administrative citation, the cited party shall do the following:

A. Remedy the violation(s) no later than thirty (30) days from the date of issuance of the citation as specified on the administrative citation. Correcting the violation(s) shall not excuse or discharge payment of the fine.

B. Pay the fine no later than thirty (30) days from the date of issuance of the citation as specified on the administrative citation. Payment of a fine shall not excuse or discharge the failure to correct the violation(s), nor shall it bar further enforcement action by the City. Late charges shall be imposed for fine payments made after the fine payment due date. The late charge shall be calculated at a rate of twenty-five percent (25%) of the fine, and will be imposed in addition to any outstanding fine.

(ORD-09-0022, § 6, 2009)

9.65.100 - Appeal of administrative citation.

A. Any recipient of an administrative citation may appeal said citation by completing a written request for hearing form, obtained as directed on the citation, and returning it to the department, indicated on the citation, within thirty (30) calendar days from the date the administrative citation is served or deemed to have been served, together with a deposit in the total amount of the fine and any late charges.

B. A failure to file a timely appeal of the administrative citation shall be deemed a waiver of the right to appeal and to seek judicial review.

(ORD-09-0022, § 6, 2009)

9.65.110 - Appeal hardship waiver.

A. Any person who intends to appeal the administrative citation and who is financially unable to make the advance deposit as required in Section 9.65.100 may request an advance deposit hardship waiver by completing a written deposit waiver form obtained as directed on the citation.

B. The deposit waiver request form shall be filed together with the appeal in the department indicated on the citation within thirty (30) calendar days from the date the administrative citation is served or deemed to have been served.

C. The deposit requirement as described in Subsection 9.65.100.A shall be stayed unless or until the Director of the department indicated on the citation, or his/her designee, makes a determination regarding the waiver request.

D. The Director of the department indicated on the citation, or his/her designee, may waive the requirement of an advance deposit only if the cited party submits to the Director, or his/her designee, a statement under penalty of perjury, together with any supporting documents or materials, demonstrating to the satisfaction of the Director, or his/her designee, the cited party's actual financial inability to deposit with the City the full amount of the fine and late charge(s) in advance of the hearing.

E.

If the Director of the department indicated on the citation, or his/her designee, declines to issue a waiver, the cited party shall remit the full deposit to the City within ten (10) calendar days of the date of that decision or thirty (30) calendar days from the date the administrative citation is served or deemed to have been served, whichever is later.

F. The Director of the department indicated on the citation, or his/her designee, shall issue a written determination listing the reasons for his/her determination to issue or not issue the hardship waiver. The written determination shall be final.

G. The written determination of the Director, or his/her designee, shall be served personally or by first class mail, postage prepaid, upon the cited party who applied for the hardship waiver.

(ORD-09-0022, § 6, 2009)

9.65.120 - Hearing procedure.

A. No hearing to appeal an administrative citation shall be held unless and until a request for hearing form has been completed and submitted, as indicated on the citation, and the deposit has been paid, or a hardship waiver has been issued.

B. A hearing before the Hearing Officer shall be set for a date not sooner than fifteen (15) calendar days and not more than sixty (60) calendar days from the date the request for hearing is completed and submitted in accordance with the provisions of this Chapter. The cited party requesting the hearing shall be notified in writing of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.

C. The Hearing Officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the cited party has created, committed, or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify, if the Hearing Officer determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer in accordance with the fundamentals of due process. The Hearing Officer may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present his/her case as is allowed to the City.

D. The cited party contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation. The City's case shall be presented by any person designated by the City Manager. The appellant and City may be represented by counsel.

E. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust administrative remedies.

F. The administrative citation and any additional documents prepared by the City in connection with the violation(s) may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.

G. If the enforcement officer or his/her designee submits any additional documents concerning the administrative citation to the Hearing Officer for consideration at the hearing, then, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.

H. The Hearing Officer may continue the hearing or request additional information from the enforcement officer, his/her designee or the appellant prior to issuing a written decision.

(ORD-09-0022, § 6, 2009)

9.65.130 - Hearing Officer's decision.

A. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within fifteen (15) business days of the hearing. The decision of the Hearing Officer shall be final.

B. If the Hearing Officer denies the appeal, then the deposit shall be retained by the City.

C. If the Hearing Officer grants the appeal, then the City shall refund the deposit within thirty (30) business days from the date of the final written decision.

D. The appellant and City shall each be served with a copy of the Hearing Officer's written decision.

(ORD-09-0022, § 6, 2009)

9.65.140 - Failure to pay fines.

A. The failure of the cited party to pay a civil fine or late penalty in a timely manner may result in the imposition of a special assessment and/or lien against the real property on which the violation occurred, after which the amount so determined shall bear interest at the rate of twelve percent (12%) per annum until paid, and/or filing of an action with the Small Claims Court for recovery of the fine and late penalty. The only issue to be adjudicated by the Small Claims Court shall be whether or not the fines and possible late fees were paid. A cited party may only obtain judicial review of the validity of the citation by first requesting and participating in an administrative hearing before a Hearing Officer. In the Small Claims Court action, the City may also recover its costs, according to proof.

B. The City may also refuse to issue, extend or renew to any cited party who has unpaid delinquent fines, interest, penalties, liens or assessments, any City permit, license, entitlement or other City approval pertaining to the lot that is the subject of the fine and administrative citation.

C. Any permit, license, entitlement or land use approval issued by the City may be subject to suspension or revocation of the permit, license, entitlement, or land use approval in accordance with the procedures set forth in this Title 9 and Titles 3, 5, 6, 8, 10, 14, 18 and 21 of the Long Beach Municipal Code if any unpaid fine, interest or penalties remain delinquent for a period of more than thirty (30) days.

(ORD-11-0012, § 4, 2011; ORD-09-0022, § 6, 2009)

9.65.150 - Failure to remedy weed abatement activity.

In the event a responsible person(s) is cited for violation of weed abatement, pursuant to Section 9.65.030 of this Chapter, and fails to correct the violation within the specified correction period, and also fails to file a timely appeal of the administrative citation as set forth in Section 9.65.100 of this Chapter, in addition to fine(s), late charges, and consequences resulting from failure to pay fines as defined in this Chapter, a lot cleaning levy shall also be imposed. A lot cleaning levy payment notice shall be served upon the cited party in the same manner as provided for service of the administrative citation set forth in Section 9.65.070 of this Chapter.

(ORD-09-0022, § 6, 2009)

9.65.160 - Failure to remedy inoperative vehicle activity.

In the event a responsible person(s) is cited for violation of inoperative vehicles pursuant to Section 9.65.040 of this Chapter, and fails to correct the violation within the specified period and also fails to file a timely appeal of the administrative citation as set forth in Section 9.65.100 of this Chapter, in addition to fine(s), late charges, and consequences resulting from failure to pay fines as defined in this Chapter, a

vehicle removal levy shall also be imposed. A vehicle removal levy payment notice shall be served upon the cited party in the same manner as provided for service of the administrative citation set forth in Section 9.65.070 of this Chapter.

(ORD-09-0022, § 6, 2009)

9.65.170 - Appeal of lot cleaning and inoperative vehicle levy.

A. Any recipient of lot cleaning or inoperative vehicle levy payment notice may appeal the reasonableness of the computed charges by completing a levy hearing request form and returning it to the department indicated on the administrative levy notice within fifteen (15) calendar days from the date the levy notice was served, together with a deposit in the total amount of the administrative citation fine, late charges and levy.

B. A hearing on the appeal shall be set for a date that is not sooner than fifteen (15) calendar days and not more than sixty (60) calendar days from the date that the request for hearing is completed and submitted in accordance with the provisions of this Chapter. The person requesting the hearing shall be notified in writing of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.

C. The Hearing Officer shall only consider evidence that is relevant to whether the costs used to compute the levy are reasonably related to abatement costs incurred by the City. Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the Hearing Officer determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer in accordance with the fundamentals of due process. The Hearing Officer may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present its case as is allowed the City.

D. The cited party contesting the reasonableness of the levy shall be given the opportunity to testify and present witnesses and evidence concerning the computed cost. The appellant and City may be represented by counsel.

E. The administrative citation and any additional documents prepared by the City in connection with the levy may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.

F. In the event additional documents concerning the levy are provided to the Hearing Officer for consideration, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.

G. The Hearing Officer may continue the hearing or request additional information from the City or the appellant prior to issuing a written decision.

H. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within fifteen (15) business days of the hearing.

I. The appellant and the City shall each be served by mail with a copy of the Hearing Officer's written decision.

J. If the Hearing Officer determines that the levy was properly computed, and should be upheld as reasonable, then the entire deposit with the City shall be retained by the City.

K. In the event the Hearing Officer determines the levy, or any portion thereof, to be unreasonable, then that amount shall be refunded within fifteen (15) business days of the date of the written determination.

L. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the entire deposit and a failure to exhaust administrative remedies.

M. A failure to file a timely appeal shall be deemed a waiver of the right to appeal the levy.

(ORD-09-0022, § 6, 2009)

9.65.180 - Dismissal of citation.

The enforcement officer, with the approval of the Director from the department indicated on the citation, or his/her designee, may dismiss an administrative citation at any time if it is determined to have been issued in error, in which event any deposit will be refunded.

(ORD-09-0022, § 6, 2009)

9.65.190 - Right to judicial review.

A. Either the City or the appellant aggrieved by a decision of a Hearing Officer on an administrative citation or levy, may obtain review of the decision by filing a petition for review with the Los Angeles Superior Court in accordance with the time lines and provisions as set forth in California Government Code, Section 53069.4(b). Said procedure shall be available for all judicial review under this Chapter, notwithstanding that the term or condition being enforced pursuant to this Chapter may not be a matter covered by Section 53069.4(a). Judicial review of a citation shall not be available unless all administrative remedies have been exhausted as provided in this Chapter.

B. Failure to receive any notice specified in this Chapter does not affect the validity of proceedings conducted hereunder.

(ORD-09-0022, § 6, 2009)

9.65.200 - Recovery of Code enforcement abatement costs.

The administrative citation process described in this Chapter does not preclude the City from recovering any other Code violation or nuisance abatement costs incurred by the City in performing its Code enforcement efforts.

(ORD-09-0022, § 6, 2009)

CHAPTER 9.66 - SEX OFFENDER RESIDENCY RESTRICTIONS

FOOTNOTE(S):

--- (**12**) ---

Editor's note— ORD-08-0036, § 1, adopted Dec. 2, 2008, amended Ch. 9.66 in its entirety to read as herein set out. Former Ch. 9.66, §§ 9.66.010—9.66.210, pertained to similar subject mattter and derived from ORD-08-0004 § 1 (part), 2008.

9.66.010 - Definitions.

For purposes of this Chapter only, and unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

A. "Child" or "Children" shall mean any person(s) under the age of eighteen (18) years of age.

B. "Child Day Care Facility" shall mean any State of California, Department of Social Services ("CDSS") licensed facility, as that term is defined under Health and Safety Code Section 1596.750, that provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis, including, but not limited to, day care center, employer-sponsored child care center, family day care home, infant center, preschool, extended-day care facility, or school-age child care center.

C. "Duplex" shall mean a residential land use for a building containing two (2) dwelling units.

D. "Hotel/Motel" shall mean a commercial land use for the rental of six (6) or more guest rooms or suites for primarily temporary residency for a period of not more than thirty (30) consecutive days.

E. "Inn" shall mean a commercial land use for the rental of five (5) or fewer guest rooms or suites primarily for temporary residency for a period of not more than thirty (30) consecutive days.

F. "Knowingly" shall mean with knowledge of the existence of the facts in question. Knowledge of the unlawfulness of any act or omission is not required.

G. "Multifamily Dwelling" shall mean a building designed for permanent residency for three (3) or more families living independently of each other. This does not include hotels, motels or inns.

H. "Owner's Authorized Agent" shall mean any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or the manager, lessee, agent, servant, officer or employee authorized to act for the owner of real property.

I. "Park" shall include any areas publicly-owned, leased, controlled, maintained or managed by the City or County which are open to public use for recreational, cultural and/or community service activities, and include, but are not limited to, beaches, playgrounds, playfields, athletic courts, and dog park recreation areas, as well as those areas specifically dedicated or designated as "parks" in Chapter 21.35 of this Code.

J.

"Permanent Resident" shall mean any person who, as of a given date, obtained a legal right to occupy or reside in a duplex, multifamily dwelling, single-family dwelling, hotel, motel or inn for a period of more than thirty (30) consecutive days.

K. "Property Owner" shall mean the owner of record of any parcel of real property as designated on the county assessor's tax roll, or a holder of a subsequently recorded deed to the property and shall include any part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or a part of such real property.

L. "Residential Exclusion Zone" shall include those areas located within two thousand feet (2,000') of the nearest property line of the subject property to the nearest property line of a child day care facility, public or private school (grades K through 12), or park in which a sex offender is prohibited from temporarily or permanently residing.

M. "Responsible Party" shall mean the property owner and/or the owner's authorized agent.

N. "Sex Offender" means any person convicted of a crime on or after the effective date of the ordinance from which this Chapter derives, for which registration is required pursuant to Section 290 of the California Penal Code.

O. "Single-Family Dwelling" means one (1) permanent residential dwelling located on a single lot. For purposes of this Chapter, single-family dwelling shall not include any State-licensed residential facility which serves six (6) or fewer persons.

P. "Temporary Resident" means any person who, as of a given date, obtained a legal right to occupy or reside in a duplex, multifamily dwelling, single-family dwelling, hotel, motel or inn for a period of thirty (30) consecutive days or less.

(ORD-08-0036, § 1, 2008)

9.66.020 - Sex offender prohibition residential exclusion zone.

A sex offender shall be prohibited from becoming a permanent or temporary resident in any residential exclusion zone.

(ORD-08-0036, § 1, 2008)

9.66.030 - Sex offender prohibition—Single-family dwellings.

A sex offender shall be prohibited from becoming a permanent or temporary resident in a single-family dwelling if said dwelling is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.040 - Sex offender prohibition—Duplex and multifamily dwellings.

A sex offender shall be prohibited from becoming a permanent or temporary resident in a duplex and/or multifamily dwelling unit if said dwelling unit is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.050 - Sex offender prohibition—Hotel/motel/inn rooms.

A sex offender shall be prohibited from becoming a permanent or temporary resident in a hotel, motel, or inn room if said room is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.060 - Responsible party prohibition—Single-family dwellings.

A responsible party shall be prohibited from knowingly renting or leasing a single-family dwelling to more than one (1) sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.070 - Responsible party prohibition—Duplex and multifamily dwellings.

A responsible party shall be prohibited from knowingly renting or leasing any unit within a duplex and/or multifamily dwelling to more than one (1) sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.080 - Responsible party prohibition—Hotel/motel/inn.

A responsible party shall be prohibited from knowingly renting or leasing a guest room in a hotel, motel, or inn to more than one (1) sex offender, unless those persons are legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.090 - Criminal penalties.

Any person who violates any provision of this Chapter is guilty of a misdemeanor subject to the penalties set forth in Section 1.32.010 of this Code.

(ORD-08-0036, § 1, 2008)

9.66.110 - Criminal penalties do not satisfy administrative or civil actions.

Neither the arrest, prosecution, conviction, imprisonment, or payment of a fine for a criminal violation of Chapter 9.66 shall satisfy or diminish the authority of the City to commence civil or criminal proceedings under applicable civil, penal or Municipal Code provisions as an alternative or in addition to the proceedings set forth in this Chapter.

(ORD-08-0036, § 1, 2008)

9.66.120 - Civil actions.

A. Civil actions include, but are not limited to, injunctive relief and civil and/or administrative actions or proceedings as defined in State law and local ordinances.

B. Any person required to comply with the provisions of this Chapter shall be liable in a civil action filed by the City in any court of competent jurisdiction in order to enforce such provision and to pay reasonable abatement costs incurred by the City and costs of the suit as a court may deem appropriate, including any and all Attorney fees incurred by the City in the prosecution of said enforcement action.

(ORD-08-0036, § 1, 2008)

CHAPTER 10.02 - DEFINITIONS

FOOTNOTE(S):

--- (**1**) ---

State Law reference— Provisions on definitions, Veh. C. § 100 et seq.

10.02.010 - Generally.

Whenever any words or phrases used in this Title are not defined in this Chapter, but are defined in the Vehicle Code of the State such definitions are incorporated in this Chapter and shall be deemed to apply to such words and phrases as though set forth in this Chapter in full. The words and phrases in this Chapter, when used in this Title, shall, for the purpose of this Title, have the meanings respectively ascribed to them in this Chapter.

(Prior code § 3410.1 (part))

10.02.020 - Central traffic district.

"Central traffic district" means all that area bounded and described as follows:

Beginning at the point of the intersection of the prolongation of the westerly line of Pacific Avenue with the southerly line of Ocean Boulevard; thence northerly along the westerly line of Pacific Avenue and Pacific Avenue West to the northerly line of Seventh Street; thence easterly along the northerly line of Seventh Street to the easterly line of Elm Avenue; thence southerly along the easterly line of Elm Avenue to the southerly line of Ocean Boulevard, and thence westerly along the southerly line of Ocean Boulevard to the point of beginning.

(Prior code § 3410.1 (part))

10.02.030 - Curb mailbox mailing zone.

"Curb mailbox mailing zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the period necessary for any occupant to deposit mail in a curb mailbox placed and signed for this purpose.

(Prior code § 3410.1 (part))

10.02.040 - Holidays.

Within the meaning of this Chapter, holidays are as defined in California Government Code, Section 6700, as it may be amended from time to time.

(ORD-09-0021, § 1, 2009; Prior code § 3410.1 (part))

10.02.050 - Loading zone.

"Loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(Prior code § 3410.1 (part))

10.02.060 - Official time standard.

Whenever certain hours are named in this Title, they shall mean standard time or daylight saving time, as may be in current use in this City.

(Prior code § 3410.1 (part))

10.02.070 - Parking meter.

"Parking meter" means any mechanical device which, when the mechanism thereof is set in motion, indicates unexpired parking time for the vehicle parked adjacent thereto.

(Prior code § 3410.1 (part))

10.02.080 - Parking meter space.

"Parking meter space" means a parking space of sufficient size to permit the parking of one (1) vehicle only adjacent to a parking meter within a parking meter zone.

(Prior code § 3410.1 (part))

10.02.090 - Parking meter zones.

"Parking meter zones" means portions of streets, or City-owned or leased land, upon which the parking of vehicles is regulated with the aid of parking meters.

(Prior code § 3410.1 (part))

10.02.100 - Parkway.

"Parkway" means the area adjacent to a roadway between the private property line and the roadway, or the area between the roadways of a highway as are set apart for pedestrian travel.

(Ord. C-5398 § 1, 1978; prior code § 3410.1 (part))

10.02.110 - Passenger loading zone.

"Passenger loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(Prior code § 3410.1 (part))

10.02.120 - Police Officer.

"Police Officer" means every officer of the Police Department of this City, and any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(Prior code § 3410.1 (part))

10.02.125 - Preferential parking district.

"Preferential parking district" means a district formed pursuant to the provisions of Chapter 10.32 of this Title 10 for the purposes set forth in Section 10.32.010. As used in Chapter 10.32, "district" means a preferential parking district as defined in this Section.

(Ord. C-6588 § 3, 1989)

10.02.130 - Road tractor.

"Road tractor" means a motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently of any part of the weight of a vehicle or load so drawn.

(Prior code § 3410.1 (part))

10.02.140 - Scramble system automatic signal.

"Scramble system automatic signal" means that type of intersection signal control that provides a pedestrian signal interval during which time pedestrians are permitted to walk across all intersecting streets in the crosswalks, and diagonally across the intersection, and during which interval all vehicular traffic is stopped at the approaches to the intersection.

(Prior code § 3410.1 (part))

10.02.145 - Sidewalk.

"Sidewalk" is that portion of any highway or street, other than the roadway, set apart by curbs, barriers, concrete, markings or other delineation for pedestrian travel.

(Ord. C-6158 § 3, 1985)

10.02.150 - Stop.

"Stop" means complete cessation of movement.

(Prior code § 3410.1 (part))

10.02.160 - Vehicle Code.

"Vehicle Code" means the Vehicle Code of the State of California.

(Prior code § 3410.1 (part))

CHAPTER 10.04 - ADMINISTRATION

FOOTNOTE(S):

--- (**2**) ---

State Law reference— Provisions authorizing local authorities to regulate traffic through traffic-control devices, Veh. C. § 21100.

10.04.010 - City Traffic Engineer—Division established.

There is established in the Engineering Department of this City a Traffic Engineering Division. This Division shall be administered by the City Traffic Engineer, who shall be directly responsible to the City Engineer. The City Traffic Engineer shall exercise all the powers and duties imposed upon him by the ordinances of the City.

(ORD-09-0021, § 2, 2009; Prior code § 3410.2)

10.04.020 - City Traffic Engineer—Duties.

It shall be the general duty of the City Traffic Engineer to plan and coordinate all Traffic Engineering functions of the City; to arrange for the installation, operation and maintenance of traffic control devices, such as traffic signs, traffic signals, markings and street name signs; to review design of traffic facilities and to participate in studies involving the economics of street design and operation; to conduct engineering analyses of traffic accidents and to devise remedial measure; to conduct engineering and traffic investigations of traffic conditions; to engage in traffic research, including collection and compilation of traffic data; to cooperate with the Police Department in the establishment of traffic regulatory measures; to cooperate with the City Planning Director in planning master plan of freeways and highways; to cooperate in the promotion of traffic safety educational programs; and to carry out the additional powers and duties imposed by ordinances of the City.

(ORD-09-0021, § 3, 2009; Prior code § 3410.3)

10.04.030 - Police and Fire Department authority.

A. It shall be the duty of the officers of the Police Department, and such officers as are assigned by the Chief of Police, to enforce all street traffic laws of this City, and all of the State vehicle laws applicable to street traffic in this City.

B. Officers of the Police Department or such officers as are assigned to direct all traffic by voice, hand or other signal, in conformance with traffic laws, provided that in the event of a fire or other emergency, or to expedite traffic, or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

C. Officers of the Fire Department, in the course of their duties at the scene of a fire, may direct or assist the Police in directing traffic.

(Prior code § 3410.4)

10.04.040 - Public Service Department authority.

It shall be the duty of the employees of the Public Service Department and such employees as are assigned by the Director of Public Service. in cooperation with the Police Department. to issue notices in accordance with the requirements of the State Vehicle Code for violations of Subsection 10.22.140.A.

(Prior code § 3410.4.1)

10.04.050 - Parking control checker authority.

A. Employees of the City employed in the classification of parking control checker, or such other classifications as approved by the appointing authority, are authorized and shall, in accordance with the applicable provisions of the Vehicle Code, have the duty to issue notices of violation of any statute of the State or any ordinance of the City or appropriate regulations issued thereunder relating to the standing or parking of a vehicle.

B. Parking control checkers are designated and authorized to remove or cause the removal of a vehicle from a highway or other public property in accordance with the provisions of Sections 22651 and 22669 of the Vehicle Code, when said employees have been duly designated, authorized and assigned to perform such duties by the Chief of Police.

C. Parking control checkers are authorized to regulate and direct traffic in accordance with the provisions of Section 21100 of the Vehicle Code, when said employees have been duly assigned or appointed to perform such duties.

D. Nothing in this Section is intended to operate either in addition to or in contravention of Title 3, Chapter 4.5, of the Penal Code which expressly designates those persons who are classified as peace officers. Further, nothing in this Section is intended to or shall operate to change or shall have the effect of changing the status of the officers and employees authorized to act pursuant to this Section from public or miscellaneous officers and employees to individual peace officers or safety members or classes of peace officers or safety members for purposes of retirement, workers' compensation or similar injury or death benefits to which said officer or employee would not have been entitled as a public or miscellaneous officer or employee prior to the adoption of this Section.

(Ord. C-7930 § 1, 2004; Ord. C-6125 § 1, 1985; Ord. C-5302 § 1, 1977; prior code § 3410.4.2.)

10.04.060 - Planning and Building Department authority.

It shall be the duty of those employees of the Department of Planning and Building designated by the Director of the Department of Planning and Building, in cooperation with the Police Department, to issue notices in accordance with the requirements of the State Vehicle Code for violations of Sections 10.22.020, 10.22.080, 10.22.130, 10.22.150, 10.22.160, 10.26.030 and 10.40.010.

Those employees designated by the Director of the Department of Planning and Building are authorized and may issue notices of violations pursuant to the applicable provisions of Section 41103 and other sections of the Vehicle Code relating to the standing or parking of a vehicle. If the notice of violation cannot be attached to the vehicle or other personal property, it may be posted on the front door of the involved premises.

Nothing in this Section is intended to operate to make these employees peace officers. Further, nothing in this Section is intended to or shall operate to change or shall have the effect of changing the status of the employees authorized to act pursuant to this Section from public or miscellaneous employees to individual peace officers or safety members or classes of peace officers or safety members.

(Ord. C-6288 § 3, 1986; Ord. C-6158 § 1, 1985; Ord. C-6099 § 5, 1984)

CHAPTER 10.06 - VIOLATION NOTICES

FOOTNOTE(S):

--- (**3**) ---

State Law reference— Provisions on arrest for traffic violations, Veh. C. § 40500 et seq.

10.06.010 - Authorized—Contents.

A. Whenever a person is arrested for any violation of this Title and the person is not retained in custody, the arresting officer may prepare, in duplicate or triplicate, a written notice to appear in court containing the name and address of the person, the license number of his vehicle, if any, the offense charged, and the time and place when and where the person shall appear in court.

B. The time specified in the notice to appear must be at least five (5) days after the arrest.

C. The place specified in the notice to appear shall be either:

1. Before a Municipal Court of the Long Beach Judicial District; or
2. Before an officer authorized by the City to receive a deposit of bail.

(Prior code § 3450)

10.06.020 - Signing notice required.

The arrested person, in order to secure his release from custody, must give his written promise to appear in court by signing the notice, and the officer shall deliver one (1) copy of the notice to appear to the arrested person. The signed original and triplicate copy of the notice shall be retained by the officer, who shall thereupon release the person arrested from custody.

(Prior code § 3450.1)

10.06.030 - Compliance by counsel.

A written promise to appear in court may be complied with by appearance by counsel.

(Prior code § 3450.2)

10.06.040 - Failure to appear deemed separate offense.

Any person wilfully violating his written promise to appear in court shall be guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested.

(Prior code § 3450.3)

CHAPTER 10.08 - TRAFFIC-CONTROL DEVICES

FOOTNOTE(S):

--- (**4**) ---

State Law reference— Provisions authorizing local authorities to regulate traffic through traffic-control devices, Veh. C. § 21100.

10.08.010 - Installation authority.

A. The City Traffic Engineer shall place and maintain official traffic-control devices as required by ordinance of the Council, and in accordance with Section 10.08.040

B. Whenever the Vehicle Code requires, for the effectiveness of any provision thereof, the traffic-control devices be installed to give notice to the public of the application of such law, the City Traffic Engineer is authorized to install, or cause to be installed, the necessary devices, subject to any limitations or restrictions set forth in the law applicable thereto.

C. The City Traffic Engineer may also place and maintain, or cause to be placed and maintained, such additional traffic-control devices as he may deem necessary to regulate traffic or to guide or warn traffic, but he shall make such determination of necessity only upon the basis of Traffic Engineering principles and traffic investigations, and in accordance with such standards, limitations and rules as may be set forth in the traffic provisions of this Chapter or applicable laws of the State.

(ORD-09-0021, § 4, 2009; Prior code § 3410.12)

10.08.020 - Required for enforcement.

No provision of the Vehicle Code, or of this Title, for which signs are required, shall be enforced against an alleged violator unless appropriate signs are in place and sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws.

(Prior code § 3410.13)

10.08.030 - Obedience required.

Pedestrians and drivers of any vehicles shall obey the instructions of any official traffic-control device applicable thereto, placed in accordance with the traffic ordinances of this City, unless otherwise directed by a Police Officer.

(Prior code § 3410.14)

10.08.040 - Installation.

A. The City Traffic Engineer is authorized to install, operate and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion, or to protect life or property from exceptional hazard.

B. The City Traffic Engineer shall ascertain and determine the locations where such traffic signals are required, by resort to field observations, traffic counts and other pertinent traffic information.

C.

Whenever the City Traffic Engineer installs and maintains an official traffic signal at any intersection, he shall likewise erect and maintain at such intersection-street name signs visible to the principal flow of traffic, unless such street name signs have previously been placed and are maintained at any intersection.

(ORD-09-0021, § 5, 2009; Ord. C-7750 § 1, 2001; prior code § 3410.15)

10.08.050 - Lane markings.

The City Traffic Engineer is authorized to place and maintain centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles, and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway.

(ORD-09-0021, § 6, 2009; Prior code § 3410.16)

10.08.060 - Roadway markings.

The City Traffic Engineer is authorized to place and maintain distinctive roadway markings, as described in the Vehicle Code, on those streets, or parts of streets, where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking, or signs and markings. Such marking, or signs and markings, shall have the same effect as similar markings placed by the California Department of Transportation, pursuant to provisions of the Vehicle Code.

(ORD-09-0021, § 7, 2009; Prior code § 3410.17)

10.08.070 - Removal or discontinuation permitted.

The City Traffic Engineer is authorized to remove, relocate or discontinue the operation of any traffic-control device not specifically required by State law, or this Code, whenever he determines in any particular case that the conditions which warranted or required the installation no longer exist or pertain.

(ORD-09-0021, § 8, 2009; Prior code § 3410.18)

10.08.080 - Hours and days of operation.

The City Traffic Engineer shall determine the hours and days during which any traffic-control device shall be in operation or effect, except in those cases where such hours or days are specified in this Title.

(ORD-09-0021, § 9, 2009; Prior code § 3410.19)

10.08.090 - Temporary signs and barriers.

A. The Chief of Police and the City Traffic Engineer are authorized to erect and maintain, or cause to be erected and maintained, temporary traffic-control devices or barriers on any City street or alley and on City-owned property for the purpose of guiding, warning or controlling vehicular and pedestrian traffic during such times that they find it necessary for the safe and efficient movement of pedestrians and vehicles. The authority to install temporary control devices under such circumstances shall be limited to the following conditions:
    1. Construction, repair and maintenance work by the City, contractors and utility organizations;
    2. Movement of equipment, articles or structures of unusual size;
    3. Street and alley obstructions;
    4. Parades, processions and public gatherings;
    5. Emergencies;

6. Temporary detours;
7. Local special events, filming activities and other such purposes for which the appropriate permits and licenses have been issued.

B. Said temporary traffic-control devices and barriers shall remain in place only as long as the need exists. In the case of temporary curb parking prohibitions, any vehicle parked in violation of such prohibitions may be removed, as provided in the Vehicle Code, by the Police Department, if temporary parking prohibition signs have been erected or placed at least twenty-four (24) hours prior to the removal.

C. No closure of any street, alley or City-owned property under this Section shall be effective until appropriate signs giving adequate notice of said closure are posted at all entrances to the street, alley or City-owned property. Such signs shall be maintained at all such entrances during the entire period that the closure is in effect.

(ORD-09-0021, § 10, 2009; Ord. C-5689 § 3, 1981; prior code § 3410.20)

10.08.100 - Department signs and barriers.

No public utility or department in this City shall erect or place any barrier or sign on any street unless of a type first approved by the Manager. No person, whether driver or pedestrian, shall disobey the instructions of any barrier or sign approved, as above provided, erected or placed by a public utility or by any department in this City.

(Prior code § 3410.21)

10.08.110 - Traffic control on City-owned property.

A. The City Traffic Engineer is authorized to erect and maintain traffic-control devices or barriers on City-owned property for the purpose of guiding, warning or controlling vehicular and pedestrian traffic. The City Traffic Engineer shall maintain a current map and file giving the location, type of traffic control, date of installation, date of removal and other pertinent data which shall be available as a source of information.

B. No person shall drive or park a vehicle or walk on such City-owned property except in conformity with such traffic-control devices and barriers.

C. No person shall stop or park any vehicle within any portion of the public thoroughfare between Lakewood Boulevard, La Plaza and lots 18 and 27 of tract no. 12887, as per map recorded in book 246, pages 18 and 19 of maps, in the Office of the County Recorder of the County of Los Angeles, except those portions thereof designated by official markings or lines as parking places.

D. No driver of any vehicle, or rider of any animal, shall drive or ride said vehicle or animal upon any beach or other area devoted to recreational use, except on the driveways or paths provided therefor, nor hitch or fasten any animal, nor park any vehicle, upon any such place other than in a place provided and established therefor.

E. No person shall drive any dray, truck, wagon, cart or other traffic vehicle carrying or regularly used or employed in carrying goods, wares, merchandise, lumber, machinery, oil, manure, dirt, sand, soil, or any article of trade or commerce, or any offensive article or material whatsoever over the parks or roads or driveways therein, except when delivering any material to, or within, or removing such material from, any public park within the City, by authority or under the direction of the Director of Public Service, Director of Parks, or Director of Recreation.

(ORD-09-0021, § 11, 2009; Prior code § 3410.73)

10.08.120 - Automatic traffic-control intersections.

The City Traffic Engineer shall maintain a record of all intersections at which stop controls are installed pursuant to this Chapter. Such record shall be available for public inspection at City hall during regular business hours.

(ORD-09-0021, § 12, 2009; Ord. C-7750 § 2, 2001; Ord. C-7669 § 1, 2000; Ord. C-7640 § 1, 1999; Ord. C-7569 § 2, 1998; Ord. C-7529 § 2, 1998; Ord. C-7451 § 1, 1997; Ord. C-7447 § 1, 1997; Ord. C-7414 § 1, 1996; Ord. C-7362 § 1, 1995; Ord. C-7197 § 3, 1994; Ord. C-7088 § 1, 1993: Ord. C-7068 § 5, 1993; Ord. C-6899 § 1, 1991; Ord. C-6888 § 3, 1991; Ord. C-6756 § 1, 1990; Ord. C-6695 § 1, 1990; Ord. C-6677 § 1, 1989; Ord. C-6644 § 2, 1989; Ord. C-6564 § 1, 1989; Ord. C-6318 § 1, 1986; Ord. C-6304 § 2, 1986: Ord. C-6213 § 1, 1985; Ord. C-6198 § 1, 1985; Ord. C-6067 § 1, 1984; Ord. C-5933 § 1, 1983; Ord. C-5874 § 7, 1982; Ord. C-5844 §§ 1, 2, 1982; Ord. C-5790 § 5, 1981; Ord. C-5739 § 3, 1981; Ord. C-5711 § 3, 1981; Ord. C-5570 § 7, 1980; Ord. C-5540 §§ 2, 3, 1979; Ord. C-5517 § 4, 1979; Ord. C-5442 § 5, 1978: Ord. C-5248 § 1 (part), 1976; Ord. C-5241 § 1 (part), 1976; Ord. C-5235 § 1 (part), 1976; Ord. C-5233 § 1 (part), 1976; prior code § 3410.138)

10.08.130 - Continuation of existing traffic regulations.

Except as otherwise provided in this Chapter, and except as amended or altered from time to time under the authority of this Chapter, all traffic signs, signals, markings and controls heretofore placed in the City shall remain in full force and effect. The elimination from this Code of previously enumerated locations for signs, signals, marking or controls does not constitute the repeal of such regulations. No person shall drive or park any vehicle or device, nor walk in violation of such signs, signals, markings and controls.

(Ord. C-7750 § 3, 2001; prior code § 3410.139)

CHAPTER 10.10 - TURNING MOVEMENTS

FOOTNOTE(S):

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State Law reference— Provisions on turning movements, Veh. C. § 22100 et seq.

10.10.010 - Placement of markers.

A. The City Traffic Engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the City Traffic Engineer is authorized to allocate and indicate more than one (1) lane of traffic from which drivers of vehicles may make right or left turns.

B. When authorized markers, buttons or other indicators are placed within an intersection indicating the course to be traveled by vehicles turning there, no driver of a vehicle shall disobey the directions of such indicators.

(ORD-09-0021, § 13, 2009; Prior code § 3410.25)

10.10.020 - Restricted turn signs—Authorized.

The City Traffic Engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted.

(ORD-09-0021, § 14, 2009; Prior code § 3410.26)

10.10.030 - Restricted turn signs—Obedience.

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Prior code § 3410.27)

10.10.040 - Right turn against stop signal prohibition authorized.

No driver of any vehicle shall make a right turn against a red or stop signal at any intersection where a sign prohibiting such turn has been erected by the City Traffic Engineer, whether or not such vehicle has first stopped at the entrance to the crosswalk on the near side of such intersection or, if there is no crosswalk, at the entrance to any such intersection. The City Traffic Engineer is authorized and directed to erect an appropriate sign at any intersection controlled by an automatic signaling device where an engineering study indicates such right turn against a red or stop signal to be undesirable from a traffic congestion or hazard standpoint.

(ORD-09-0021, § 15, 2009; Prior code § 3410.28)

10.10.050 - Left turn against stop signal prohibition authorized.

No driver of any vehicle operating on a one-way street shall make a left turn against a stop signal onto a one-way street on which traffic moves to the driver's left, where a sign prohibiting such turn has been erected by the City Traffic Engineer. The City Traffic Engineer is authorized and directed to erect an appropriate sign at any intersection controlled by an automatic signaling device where an engineering study indicates a left turn to be undesirable from a traffic congestion or hazard standpoint.

(ORD-09-0021, § 16, 2009; Prior code § 3410.30)

CHAPTER 10.12 - SPEED LIMITS

10.12.010 - Speed limits increased.

A. Upon the basis of an engineering and traffic survey of the streets concerned, the Council determines and declares that for the following streets and portions of streets, located within "residence" and/or "business districts" as defined by the Vehicle Code, the prima facie speed limit of twenty-five (25) miles per hour is lower than is reasonable; and that in order to facilitate the orderly movement of traffic in a manner which is reasonable and safe, the prima facie limit of speed on said streets shall be as follows:

1. Alamitos Avenue:
    a. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour,
    b. Ocean Boulevard to Seventh Street, thirty (30) miles per hour;
2. Anaheim Road:
    a. El Parque Street to Bellflower Boulevard, thirty (30) miles per hour;
3. Anaheim Street:
    a. The west City limits to Oregon Avenue, thirty-five (35) miles per hour,
    b. Oregon Avenue to Atlantic Avenue, thirty (30) miles per hour,
    c. Atlantic Avenue to Cherry Avenue, thirty (30) miles per hour,
    d. Cherry Avenue to Ximeno Avenue, thirty (30) miles per hour,
    e. Ximeno Avenue to Pacific Coast Highway, thirty-five (35) miles per hour;
4. Appian Way:
    a. Monrovia Avenue to Bay Shore Avenue, thirty (30) miles per hour,
    b. Bay Shore Avenue to off ramp from westbound Second Street, thirty (30) miles per hour;
5. Artesia Boulevard:
    a. The west City limits to Butler Avenue, forty (40) miles per hour,
    b. Atlantic Avenue to Cherry Avenue, thirty-five (35) miles per hour,
    c. Cherry Avenue to the east City limits, thirty-five (35) miles per hour;
6. Atherton Street:
    a. Ximeno Avenue to Elmfield Avenue, forty (40) miles per hour;
7. Atlantic Avenue:
    a. The north City limits to Artesia Boulevard, thirty-five (35) miles per hour,
    b. Artesia Boulevard to Coolidge Street, thirty (30) miles per hour,
    c. Harding Street to South Street, thirty (30) miles per hour,
    d. South Street to Fifty-Second Street, thirty (30) miles per hour,
    e. San Antonio Drive to Carson Street, thirty (30) miles per hour,
    f. Carson Street to Wardlow Road, thirty (30) miles per hour,
    g. Wardlow Road to Willow Street, thirty-five (35) miles per hour,
    h. Willow Street to Pacific Coast Highway, thirty (30) miles per hour,

i. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour;

8. Atlantic Drive/Coachella Avenue:
    a. Greenleaf Road to Marker Lane, twenty-five (25) miles per hour;
9. Atlantic Place:
    a. The north City limits to Atlantic Avenue, thirty (30) miles per hour;
10. Bellflower Boulevard:
    a. Arbor Road to Carson Street, forty (40) miles per hour,
    b. Pageantry Street (south intersection) to Spring Street, forty (40) miles per hour,
    c. Spring Street to Willow Street, thirty-five (35) miles per hour,
    d. Willow Street to Stearns Street, thirty-five (35) miles per hour,
    e. Stearns Street to Abbeyfield Street, thirty-five (35) miles per hour;
11. Bixby Road:
    a. Long Beach Boulevard to Cherry Avenue, twenty-five (25) miles per hour;
12. Broadway:
    a. Alamitos Avenue to Junipero Avenue, thirty (30) miles per hour,
    b. Junipero Avenue to Redondo Avenue, thirty (30) miles per hour,
    c. Golden Avenue to Alamitos Avenue, thirty (30) miles per hour,
    d. Redondo Avenue to Nieto Avenue/Livingston Drive, twenty-five (25) miles per hour;
13. California Avenue:
    a. San Antonio Drive to the City limits near Wardlow Road, twenty-five (25) miles per hour,
    b. The City limits north of Twenty-Third Street to Pacific Coast Highway, thirty (30) miles per hour,
    c. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour;
14. Carson Street:
    a. Long Beach Boulevard to Atlantic Avenue, thirty (30) miles per hour,
    b. Atlantic Avenue to Orange Avenue, thirty-five (35) miles per hour,
    c. Orange Avenue to the east City limit east of Cherry Avenue, forty (40) miles per hour;
15. Cedar Avenue:
    a. Pacific Coast Highway to Seventh Street, twenty-five (25) miles per hour;
16. Clark Avenue:
    a. The north City limits to Carson Street, thirty-five (35) miles per hour,
    b. Carson Street to Conant Street, forty (40) miles per hour,
    c. Los Coyotes Diagonal to Pacific Coast Highway, thirty-five (35) miles per hour;
17. Coachella Avenue:
    a. Atlantic Drive to Marker Street, thirty (30) miles per hour;
18. Conant Street:
    a. Clark Avenue to Bellflower Boulevard, thirty (30) miles per hour,
    b. Bellflower Boulevard to Woodruff Avenue, thirty (30) miles per hour;
19. Country Club Drive:
    a. San Antonio Drive to Pacific Avenue, thirty (30) miles per hour;

20. Dairy Avenue:
    a. South Street to Market Street, twenty-five (25) miles per hour;
21. First Street:
    a. Alamitos Avenue to Cherry Avenue, twenty-five (25) miles per hour,
    b. Cherry Avenue to Redondo Avenue, twenty-five (25) miles per hour;
22. Fourth Street:
    a. Temple Avenue to Park Avenue, twenty-five (25) miles per hour;
23. Harbor Avenue:
    a. Twentieth Street to Anaheim Street, thirty-five (35) miles per hour,
    b. Greenleaf Boulevard to Artesia Boulevard, thirty (30) miles per hour;
24. Harding Street:
    a. Atlantic Avenue to Cherry Avenue, thirty (30) miles per hour;
25. Livingston Drive:
    a. Ocean Boulevard to Second Street, thirty-five (35) miles per hour;
26. Long Beach Boulevard:
    a. The north City limits to Fifty-Sixth Street, thirty-five (35) miles per hour,
    b. Fifty-Sixth Street to Arbor Road (south intersection), thirty-five (35) miles per hour,
    c. Arbor Road (south intersection) to San Antonio Drive, thirty-five (35) miles per hour,
    d. San Antonio Drive to Bixby Road, thirty-five (35) miles per hour,
    e. Bixby Road to Wardlow Road, thirty-five (35) miles per hour,
    f. Wardlow Road to Willow Street, thirty-five (35) miles per hour,
    g. Willow Street to Pacific Coast Highway, thirty (30) miles per hour,
    h. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour;
27. Magnolia Avenue:
    a. Wardlow Road to Willow Street, thirty-five (35) miles per hour,
    b. Willow Street to Pacific Coast Highway, thirty (30) miles per hour,
    c. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour;
28. Market Street:
    a. Long Beach Boulevard to Orange Avenue, thirty (30) miles per hour,
    b. Orange Avenue to the east City limits, thirty-five (35) miles per hour;
29. Monlaco Road:
    a. Clark Avenue to Palo Verde Avenue, thirty (30) miles per hour;
30. Myrtle Avenue:
    a. Artesia Boulevard to Harding Street, twenty-five (25) miles per hour;
31. Nieto Avenue:
    a. Colorado Street to Broadway, twenty-five (25) miles per hour;
32. Ninth Street:
    a. Santa Fe Avenue to the Long Beach Freeway ramps east of Caspian Avenue, thirty-five (35) miles per hour;
33. Obispo Avenue:

a. Seventieth Street to Harding Street, thirty (30) miles per hour;

34. Ocean Boulevard:
    a. Alamitos Avenue to Lindero Avenue, thirty (30) miles per hour,
    b. Lindero Avenue to Livingston Drive, thirty (30) miles per hour,
    c. Repealed,
    d. Livingston Drive to Bennett Avenue, thirty (30) miles per hour,
    e. Bennett Avenue to Bay Shore Avenue, thirty (30) miles per hour,
    f. Bay Shore Avenue to Fifty-Fifth Place, thirty (30) miles per hour,
    g. Fifty-Fifth Place to Seventy-Second Place, twenty-five (25) miles per hour,
    h. Golden Avenue to Alamitos Avenue, thirty (30) miles per hour;
35. Orange Avenue:
    a. The City limits near Seventy-Second Street to Artesia Boulevard, thirty-five (35) miles per hour,
    b. Artesia Boulevard to South Street, thirty-five (35) miles per hour,
    c. South Street to Fifty-Second Street, thirty-five (35) miles per hour,
    d. Forty-Fifth Way to Claiborne Drive, thirty-five (35) miles per hour,
    e. Cartagena Street to Marron Place, thirty-five (35) miles per hour,
    f. Bixby Road to the City limits near Wardlow Road, thirty-five (35) miles per hour,
    g. The City limits near Hill Street to Pacific Coast Highway, thirty (30) miles per hour,
    h. Pacific Coast Highway to Seventh Street, twenty-five (25) miles per hour;
36. Pacific Avenue:
    a. San Antonio Drive to Wardlow Road, thirty (30) miles per hour,
    b. Thirty-Second Street to Spring Street, forty (40) miles per hour,
    c. Spring Street to Willow Street, thirty-five (35) miles per hour,
    d. Willow Street to Pacific Coast Highway, thirty (30) miles per hour,
    e. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour;
37. Pacific Coast Highway:
    a. A point five hundred feet (500') west of Judson Avenue to the east line of the Los Angeles River, forty (40) miles per hour,
    b. The east line of the Los Angeles River to Alamitos Avenue, thirty-five (35) miles per hour,
    c. All portions of the street within the City between Alamitos Avenue and Ximeno Avenue, thirty-five (35) miles per hour,
    d. Ximeno Avenue to a point eight hundred feet (800') south of Anaheim Street, forty-five (45) miles per hour,
    e. Eighth Street to Bellflower Boulevard, forty-five (45) miles per hour;
38. Palo Verde Avenue:
    a. The north City limits to Barbanell Street, thirty-five (35) miles per hour,
    b. Woodruff Avenue (south intersection) to Atherton Street, thirty-five (35) miles per hour;
39. Park Avenue:
    a. Anaheim Street to Seventh Street, twenty-five (25) miles per hour,

b. Seventh Street to Fourth Street, twenty-five (25) miles per hour,
c. Fourth Street to Livingston Drive, twenty-five (25) miles per hour;

40. Pine Avenue:
    a. Willow Street to Pacific Coast Highway, thirty (30) miles per hour,
    b. Pacific Coast Highway to Tenth Street, thirty (30) miles per hour,
    c. Tenth Street to Seventh Street, twenty-five (25) miles per hour,
    d. Wardlow Road to Thirty-First Street, thirty (30) miles per hour;
41. Pioneer Boulevard:
    a. All portions of the street within the City and north of Two Hundred Twenty-Third Street, thirty (30) miles per hour;
42. Redondo Avenue:
    a. The City limits near Pacific Coast Highway to Anaheim Street, thirty-five (35) miles per hour,
    b. Anaheim Street to Broadway, thirty (30) miles per hour,
    c. Broadway to Ocean Boulevard, thirty (30) miles per hour,
    d. Redondo Avenue to Livingston Drive, thirty (30) miles per hour;
43. Reservoir Drive West:
    a. Redondo Avenue to Pacific Coast Highway, thirty (30) miles per hour;
44. San Anseline Avenue:
    a. Wardlow Road to Spring Street, twenty-five (25) miles per hour;
45. San Antonio Drive:
    a. Pacific Avenue to Long Beach Boulevard, twenty-five (25) miles per hour,
    b. Long Beach Boulevard to Orange Avenue, thirty-five (35) miles per hour,
    c. Orange Avenue to Cherry Avenue, thirty-five (35) miles per hour;
46. Santa Fe Avenue:
    a. The north City limits to Willow Street, thirty-five (35) miles per hour,
    b. Willow Street to Pacific Coast Highway, thirty-five (35) miles per hour,
    c. Pacific Coast Highway to Ninth Street thirty-five (35) miles per hour;
47. Santiago Avenue:
    a. Pacific Coast Highway to Colorado Street, twenty-five (25) miles per hour;
48. Second Street:
    a. Alamitos Avenue to Cherry Avenue, twenty-five (25) miles per hour,
    b. Cherry Avenue to Redondo Avenue, twenty-five (25) miles per hour,
    c. Sorrento Drive to Naples Plaza, thirty-five (35) miles per hour;
49. Seventh Street:
    a. Alamitos Avenue to Junipero Avenue, thirty-five (35) miles per hour,
    b. Junipero Avenue to Park Avenue, thirty-five (35) miles per hour,
    c. Maine Avenue to Alamitos Avenue, thirty (30) miles per hour;
50. Seventieth Street:
    a. Paramount Boulevard to the City limits near Downey Avenue, thirty-five (35) miles per hour,
    b. Atlantic Place to Orange Avenue, twenty-five (25) miles per hour;

51. Sixth Street:
    a. Maine Avenue to Magnolia Avenue, thirty (30) miles per hour,
    b. Magnolia Avenue to California Avenue, thirty (30) miles per hour;
52. South Street:
    a. Dairy Avenue to Orange Avenue, thirty-five (35) miles per hour,
    b. Orange Avenue to Cherry Avenue, thirty-five (35) miles per hour,
    c. All portions of the street within the City between Cherry Avenue and Hayter Avenue, thirty-five (35) miles per hour;
53. Spring Street:
    a. Magnolia Avenue to Long Beach Boulevard, thirty (30) miles per hour,
    b. Long Beach Boulevard to the City limits near Atlantic Avenue, thirty-five (35) miles per hour,
    c. The westerly end of the street to Santa Fe Avenue, thirty (30) miles per hour;
54. Stearns Street:
    a. Redondo Avenue to Clark Avenue, thirty (30) miles per hour,
    b. Clark Avenue to Marwick Avenue, thirty (30) miles per hour,
    c. Palo Verde Avenue to Studebaker Road, thirty-five (35) miles per hour,
    d. Studebaker Road to Stevely Avenue, thirty (30) miles per hour;
55. Tehachapi Drive:
    a. Orange Avenue to Cherry Avenue, thirty (30) miles per hour;
56. Tenth Street:
    a. Alamitos Avenue to Temple Avenue, thirty (30) miles per hour,
    b. Temple Avenue to Park Avenue, thirty (30) miles per hour,
    c. Maine Avenue to Alamitos Avenue, thirty (30) miles per hour;
57. Third Street:
    a. Alamitos Avenue to Junipero Avenue, thirty (30) miles per hour,
    b. Junipero Avenue to Nieto Avenue, twenty-five (25) miles per hour,
    c. Golden Avenue to Alamitos Avenue, thirty (30) miles per hour;
58. Walnut Avenue:
    a. Sixty-Eighth Street to Harding Street, twenty-five (25) miles per hour,
    b. Harding Street to Market Street, twenty-five (25) miles per hour,
    c. Carson Street to the City limits near Wardlow Road, twenty-five (25) miles per hour;
59. Wardlow Road:
    a. The west City limits to Delta Avenue, thirty-five (35) miles per hour,
    b. Long Beach Boulevard to Orange Avenue, thirty-five (35) miles per hour,
    c. Orange Avenue to Cherry Avenue, thirty-five (35) miles per hour,
    d. Clark Avenue to Palo Verde Avenue, thirty-five (35) miles per hour,
    e. Palo Verde Avenue to the west line of the San Gabriel River, thirty-five (35) miles per hour;
60. Willow Street:
    a. Webster Avenue to Santa Fe Avenue, thirty-five (35) miles per hour,
    b. Santa Fe Avenue to the City limits near Atlantic Avenue, thirty-five (35) miles per hour;

61. Ximeno Avenue:
    a. Los Coyotes Diagonal to Anaheim Street, thirty (30) miles per hour;
62. Claremore Avenue:
    a. Ritchie Street to Wardlow Road, twenty-five (25) miles per hour;
63. Colorado Street:
    a. Termino Avenue to Orlena Avenue, thirty (30) miles per hour;
64. Conant Street:
    a. Woodruff Avenue to Los Coyotes Diagonal, thirty (30) miles per hour;
65. Livingston Drive:
    a. Second Street to Broadway/Nieto Avenue, twenty-five (25) miles per hour;
66. Junipero Avenue:
    a. Ocean Boulevard to Seventh Street, thirty (30) miles per hour;
67. Eliot Street:
    a. Bellflower Boulevard to Marina Way, thirty (30) miles per hour;
68. Harvey Way:
    a. Lakewood Boulevard to Bellflower Boulevard, twenty-five (25) miles per hour;
69. Termino Avenue:
    a. Seventh Street to Anaheim Street, twenty-five (25) miles per hour,
    b. Anaheim Street to Hathaway Avenue, twenty-five (25) miles per hour;
70. Donald Douglas Drive:
    a. Lakewood Boulevard to seven hundred fifty feet (750') west of Lakewood Boulevard, twenty-five (25) miles per hour;
71. Roswell Avenue:
    a. Ocean Boulevard to The Toledo, twenty-five (25) miles per hour,
    b. Seventh Street to Third Street, twenty-five (25) miles per hour,
    c. Third Street to Livingstone Drive, twenty-five (25) miles per hour.

(ORD-14-0017 , § 1, 2014; ORD-13-0019 , §§ 1, 2, 2013; ORD-08-0002 §§ 1—7, 2008; ORD-05-0028 § 3, 2005; Ord. C-7953 §§ 1, 2, 3, 4, 5, 6, 11, 2004; Ord. C-7856 §§ 1—3, 2003; Ord. C-7766 § 1, 2001; Ord. C-7654 § 1, 1999; Ord. C-7595 §§ 1, 4, 1999; Ord. C-7526 §§ 1—9, 1998; Ord. C-7465 § 1, 1997; Ord. C-7334 §§ 1—3, 1995; Ord. C-7230 §§ 1—8, 1994; Ord. C-6982 § 1, 1992; Ord. C-6821 §§ 1—6, 1990; Ord. C-6660 §§ 1, 2, 4, 1989; Ord. C-6523 § 2, 1988; Ord. C-6168 §§ 1—5, 1985; Ord. C-6090 §§ 1—4, 1984; Ord. C-5985 § 2, 1983; Ord. C-5874 §§ 1—3, 1982; Ord. C-5759 §§ 1—3, 6, 1981; Ord. C-5593 § 4, 1980; Ord. C-5448 § 1, 1978; Ord. C-5425 § 6, 1978; Ord. C-5394 § 3, 1978; Ord. C-5390 § 1, 1978; Ord. C-5365 § 2 (part), 1977; Ord. C-5352 § 2 (part), 1977; Ord. C-5303 § 2, 1977; Ord. C-5278 § 2 (part), 1977; Ord. C-5268 § 1 (part), 1976; prior code § 3410.120)

10.12.020 - Speed limits decreased.

A. Upon the basis of an engineering and traffic survey of the streets concerned, the Council determines and declares that for the following streets and portions of streets, the maximum speed limit of sixty-five (65) miles per hour is more than is reasonable and safe; and that in order to facilitate the orderly movement of traffic in a manner which is reasonable and safe the prima facie limit of speed on said portions of said streets shall be as follows:
    1. All roadways and portions of roadways within the City, except freeways and those other roadways for which prima facie speed limits are designated under the Vehicle Code, or the traffic regulations of this Code, twenty-five (25) miles per hour;

2. Roadways on City property:
    a. All roadways in City-owned parks, recreational areas, parking lots, and all other City facilities, unless specified otherwise, twenty (20) miles per hour,
    b. All roadways less than twenty-five feet (25') in width within the boundaries of El Dorado Park, fifteen (15) miles per hour;
3. Alamitos Avenue:
    a. The City limits near Walnut Avenue to Pacific Coast Highway, thirty (30) miles per hour;
4. Appian Way:
    a. Park Avenue to Monrovia Avenue, thirty (30) miles per hour,
    b. The off ramp from westbound Second Street to The Toledo, thirty (30) miles per hour,
    c. The Toledo to the southerly end of the street, twenty-five (25) miles per hour;
5. Artesia Boulevard:
    a. Butler Avenue to Atlantic Avenue, forty (40) miles per hour;
6. Atherton Street:
    a. Ximeno Avenue to Bellflower Boulevard, thirty-five (35) miles per hour,
    b. Bellflower Boulevard to Palo Verde Avenue, forty (40) miles per hour,
    c. Palo Verde Avenue to Studebaker Road, forty (40) miles per hour,
    d. Studebaker Road to the easterly end of the street, forty (40) miles per hour;
7. Atlantic Avenue:
    a. Coolidge Street to Harding Street, thirty (30) miles per hour,
    b. Fifty-Second Street to Forty-Fifth Street, thirty-five (35) miles per hour,
    c. Forty-Fifth Street to San Antonio Drive, thirty (30) miles per hour;
8. Bellflower Boulevard:
    a. The north City limits to Arbor Road, forty (40) miles per hour,
    b. Carson Street to Pageantry Street (south intersection), forty (40) miles per hour,
    c. Abbeyfield Street to State College Drive, forty (40) miles per hour,
    d. State University Drive to Pacific Coast Highway, forty (40) miles per hour,
    e. Pacific Coast Highway to Loynes Drive, thirty-five (35) miles per hour;
9. Bloomfield Avenue:
    a. All portions of the street within the City, forty (40) miles per hour;
10. Carson Street:
    a. The City limits west of Lakewood Drive to Clark Avenue, forty (40) miles per hour,
    b. Clark Avenue to Woodruff Avenue, forty (40) miles per hour,
    c. Woodruff Avenue to the City limits near the San Gabriel River, forty (40) miles per hour;
11. Cherry Avenue:
    a. Those portions of the street within the City, between the City limits near Seventieth Street and the Union Pacific Railroad overcrossing near Fifty-Third Street, forty (40) miles per hour,
    b. Those portions of the street within the City, between Union Pacific Railroad overcrossing near Fifty-Third Street and San Antonio Drive, forty (40) miles per hour,
    c. San Antonio Drive to Carson Street, forty (40) miles per hour,

d. Carson Street to Wardlow Road, forty (40) miles per hour,
e. Wardlow Road to the City limits near Spring Street, thirty-five (35) miles per hour;

12. Clark Avenue:
    a. Conant Street to Spring Street, forty (40) miles per hour,
    b. Spring Street to Los Coyotes Diagonal, forty (40) miles per hour;
13. Colorado Street:
    a. Orlena Avenue to Calle Marseille, thirty (30) miles per hour;
14. Conant Street:
    a. Lakewood Boulevard to Clark Avenue, thirty (30) miles per hour,
    b. Heinemann Avenue to Lakewood Boulevard, thirty-five (35) miles per hour;
15. Del Amo Boulevard:
    a. The west City limits to Atlantic Avenue, forty (40) miles per hour,
    b. Atlantic Avenue to the east City limits, forty (40) miles per hour;
16. Downey Avenue:
    a. All portions of the street within the City, thirty-five (35) miles per hour;
17. El Embarcadero:
    a. A point three hundred feet (300') west of Pier D Avenue to Pico Avenue, thirty (30) miles per hour;
18. Golden Avenue:
    a. Baker Street to Wardlow Road, twenty-five (25) miles per hour;
19. Harbor Plaza:
    a. The south end of the Queen's Way Bridge ramps to Panorama Drive, thirty-five (35) miles per hour;
20. Harbor Scenic Drive:
    a. Its junction with the Long Beach Freeway to the Ocean Boulevard overcrossing, fifty (50) miles per hour,
    b. The Ocean Boulevard overcrossing to the Panorama Drive intersection (northbound roadway) or undercrossing (southbound roadway), fifty (50) miles per hour,
    c. Panorama Drive to Harbor Scenic Way, thirty-five (35) miles per hour;
21. Henry Ford Avenue:
    a. The north City limits to Ocean Boulevard, excluding the Bascule Bridge, thirty-five (35) miles per hour,
    b. The Bascule Bridge itself, twenty-five (25) miles per hour;
22. Lakewood Boulevard:
    a. The north City limits to Carson Street, forty (40) miles per hour,
    b. Carson Street to a point seven hundred ten feet (710') south of Conant Street, forty-five (45) miles per hour,
    c. A point seven hundred ten feet (710') south of Conant Street to a point five hundred sixty feet (560') north of Willow Street, forty-five (45) miles per hour,
    d. A point five hundred sixty feet (560') north of Willow Street to the Los Alamitos Traffic Circle, forty (40) miles per hour;

23. Long Beach Freeway:
    a. Downtown Long Beach/Port of Long Beach Junction to the Ocean Boulevard overcrossing, fifty (50) miles per hour;
24. Los Coyotes Diagonal:
    a. The north City limits to Wardlow Road, forty (40) miles per hour,
    b. Wardlow Road to Willow Street, forty (40) miles per hour,
    c. Willow Street to the Los Alamitos Traffic Circle, forty (40) miles per hour;
25. Loynes Drive:
    a. Pacific Coast Highway to Studebaker Road, thirty-five (35) miles per hour,
    b. Bellflower Boulevard to Pacific Coast Highway, thirty-five (35) miles per hour;
26. Marina Drive:
    a. Second Street to a point four hundred feet (400') south of Studebaker Road, thirty-five (35) miles per hour,
    b. A point four hundred feet (400') south of Studebaker Road to the entrance-exit to Seaport Village, thirty-five (35) miles per hour;
27. Ninth Street:
    a. The westerly end of the street to Santa Fe Avenue, thirty (30) miles per hour;
28. Norwalk Boulevard:
    a. All portions of the street within the City, forty (40) miles per hour;
29. Obispo Avenue:
    a. Harding Street to South Street, thirty-five (35) miles per hour,
    b. The City limits near Hill Street to the City limits near Twentieth Street, thirty-five (35) miles per hour;
30. Ocean Boulevard:
    a. The west City limits to the Terminal Island Freeway, forty-five (45) miles per hour,
    b. The Terminal Island Freeway to the center of the Gerald Desmond Bridge, forty-five (45) miles per hour,
    c. The center of the Gerald Desmond Bridge to Golden Avenue, forty-five (45) miles per hour;
31. Orange Avenue:
    a. Fifty-Second Street to Del Amo Boulevard, thirty-five (35) miles per hour,
    b. Del Amo Boulevard to Forty-Fifth Way, thirty-five (35) miles per hour,
    c. Claiborne Drive to Cartagena Street, thirty-five (35) miles per hour,
    d. Marron Place to Bixby Road, thirty-five (35) miles per hour,
    e. The City limits near the prolongation of Thirty-First Street to the City limits near Spring Street, thirty-five (35) miles per hour;
32. Pacific Place:
    a. The on ramp to northbound San Diego Freeway to Thirty-Second Street, forty (40) miles per hour;
33. Pacific Coast Highway:
    a. The west City limits to a point five hundred feet (500’) west of Judson Avenue, forty-five (45) miles per hour,

b. A point eight hundred feet (800') south of Anaheim Street to Eighth Street, forty-five (45) miles per hour,
c. Bellflower Boulevard to Second Street, fifty (50) miles per hour,
d. Second Street to the east City limits, fifty (50) miles per hour;

34. Palo Verde Avenue:
    a. Barbanell Street to Woodruff Avenue, (south intersection), thirty-five (35) miles per hour,
    b. Atherton Street to Anaheim Road, thirty-five (35) miles per hour;
35. Panorama Drive:
    a. A point two thousand six hundred feet (2,600') west of Pier A Avenue to Windham Avenue, thirty-five (35) miles per hour,
    b. Windham Avenue to Harbor Scenic Drive, thirty-five (35) miles per hour;
36. Paramount Boulevard:
    a. The north City limits to Artesia Boulevard, thirty-five (35) miles per hour,
    b. Artesia Boulevard to the City limits near Fifty-Fourth Street, forty (40) miles per hour;
37. Pico Avenue:
    a. Ninth Street to El Embarcadero, thirty-five (35) miles per hour;
38. Pier A Avenue:
    a. Windham Avenue to Panorama Drive, thirty-five (35) miles per hour;
39. Pier J Avenue:
    a. Panorama Drive to its intersection with the east-west roadway located one thousand seven hundred feet (1,700') north of Harbor Scenic Way, thirty-five (35) miles per hour;
40. Queen's Highway:
    a. All portions of the roadway east of Panorama Drive or the undercrossing thereof, thirty (30) miles per hour;
41. Queen's Way Bridge:
    a. Ocean Boulevard to the southerly end of the bridge, forty-five (45) miles per hour;
42. Redondo Avenue:
    a. Spring Street to the City limits near Reservoir Drive West, forty (40) miles per hour;
43. San Antonio Drive:
    a. Goldfield Avenue to Cherry Avenue, forty (40) miles per hour;
44. Second Street:
    a. Naples Plaza to Pacific Coast Highway, forty (40) miles per hour;
45. Seventh Street:
    a. Park Avenue to Santiago Avenue, forty (40) miles per hour,
    b. Pacific Coast Highway to Margo Avenue, forty (40) miles per hour,
    c. Margo Avenue to the east City limits, forty-five (45) miles per hour,
    d. Santiago Avenue to Pacific Coast Highway, thirty-five (35) miles per hour;
46. Shoreline Drive:
    a. The Ocean Boulevard overcrossing to Chestnut Place, forty-five (45) miles per hour,
    b. Chestnut Place to Alamitos Avenue, forty (40) miles per hour;

47. Sixth Street:
    a. Park Avenue to Manila Avenue, twenty-five (25) miles per hour;
48. Spring Street:
    a. Those portions of the street within the City between California Avenue and Junipero Avenue, thirty-five (35) miles per hour,
    b. Junipero Avenue to Temple Avenue, forty (40) miles per hour,
    c. Temple Avenue to Lakewood Boulevard, forty (40) miles per hour,
    d. Lakewood Boulevard to Los Coyotes Diagonal, forty (40) miles per hour,
    e. Los Coyotes Diagonal to Studebaker Road, forty (40) miles per hour,
    f. Studebaker Road to the east City limits, forty-five (45) miles per hour;
49. Stearns Street:
    a. Marwick Avenue to Palo Verde Avenue, thirty-five (35) miles per hour;
50. Studebaker Road:
    a. Los Coyotes Diagonal to Spring Street, forty (40) miles per hour,
    b. Spring Street to Atherton Street, forty (40) miles per hour,
    c. Atherton Street to a point five hundred feet (500') south of Ninth Street, forty (40) miles per hour,
    d. A point five hundred feet (500') south of Ninth Street to Westminster Avenue, forty-five (45) miles per hour;
51. Temple Avenue:
    a. Those portions of the street within the City between Spring Street and Hathaway Avenue, forty (40) miles per hour;
52. Terminal Island Freeway:
    a. The City limits north of the Cerritos Channel to Ocean Boulevard, forty=five (45) miles per hour;
53. Walnut Avenue:
    a. The City limits near Thirty-Second Street to the City limits near Spring Street, thirty-five (35) miles per hour,
    b. The City limits near Twentieth Street to Pacific Coast Highway, thirty (30) miles per hour;
54. Wardlow Road:
    a. Delta Avenue to Golden Avenue, forty (40) miles per hour,
    b. Golden Avenue to Long Beach Boulevard, forty (40) miles per hour,
    c. Lakewood Boulevard to Clark Avenue, thirty-five (35) miles per hour,
    d. The west line of the San Gabriel River to the east line of the San Gabriel River Freeway, forty-five (45) miles per hour,
    e. The east line of the San Gabriel River Freeway to the east City limits, forty (40) miles per hour,
    f. Cherry Avenue to the termination of the street east of Cherry Avenue, thirty (30) miles per hour;
55. Westminster Avenue:
    a. Those portions of the street within the City between Pacific Coast Highway and the Orange County line, fifty (50) miles per hour;

56. Willow Street:
    a. The west City limits to Webster Avenue, thirty-five (35) miles per hour,
    b. The City limits near Temple Avenue to Lakewood Boulevard, forty (40) miles per hour,
    c. Lakewood Boulevard to the prolongation of Albury Avenue, forty (40) miles per hour,
    d. The prolongation of Albury Avenue to Monogram Avenue, forty (40) miles per hour,
    e. Monogram Avenue to Studebaker Road, forty (40) miles per hour,
    f. Studebaker Road to the east City limits, forty (40) miles per hour;
57. Windham Avenue:
    a. Pico Avenue to a point one thousand two hundred feet (1,200') north of Van Camp Street, thirty-five (35) miles per hour,
    b. A point one thousand two hundred feet (1,200') north of Van Camp Street to Panorama Drive, thirty-five (35) miles per hour;
58. Woodruff Avenue:
    a. The north City limits to Los Coyotes Diagonal, forty (40) miles per hour,
    b. Los Coyotes Diagonal to Willow Street, forty (40) miles per hour,
    c. Willow Street to Palo Verde Avenue, both one-way roadways, thirty-five (35) miles per hour;
59. Faculty Avenue:
    a. Conant Street to Lew Davis Street, thirty (30) miles per hour;
60. Lew Davis Street:
    a. Faculty Avenue to Clark Avenue, thirty (30) miles per hour;
61. Victoria Street:
    a. Long Beach Boulevard to Susanna Road, thirty-five (35) miles per hour;
62. Eliot Street:
    a. Colorado Street to Marina Way, thirty (30) miles per hour;
63. Bixby Village Drive:
    a. Channel Drive to Loynes Drive, thirty (30) miles per hour;
64. Hathaway Avenue:
    a. Redondo Avenue to Termino Avenue, thirty (30) miles per hour;
65. Kilroy Airport Way:
    a. Redondo Avenue to one thousand eight hundred feet (1,800') east of Redondo Avenue, thirty-five (35) miles per hour,
    b. One thousand eight hundred feet (1,800') east of Redondo Avenue to Spring Street, thirty (30) miles per hour;
66. Arbor Road:
    a. Lakewood Boulevard to Bellflower Boulevard, twenty-five (25) miles per hour;
67. Pine Avenue to Linden Avenue, twenty-five (25) miles per hour.
68. Cover Street:
    a. The west City limit to Lakewood Boulevard, thirty (30) miles per hour;
69. Worsham Avenue:
    a. Carson Street to Conant Street, thirty (30) miles per hour.

(ORD-13-0019 , §§ 3—6, 2013; ORD-05-0028 §§ 1, 2, 4, 2005; Ord. C-7953 §§ 7, 8, 9, 10, 2004; Ord. C-7856 §§ 4, 5, 2003; Ord. C-7654 § 2, 1999; Ord. C-7595 § 2, 1999; Ord. C-7554 § 1, 1998; Ord. C-7526 § 10, 1998; Ord. C-7334 §§ 4, 9, 1995; Ord. C-7230 §§ 9, 10, 1994; Ord. C-7068 §§ 1—3, 6, 1993; Ord. C-6821 §§ 7—11, 1990; Ord. C-6660 §§ 3, 5, 1989; Ord. C-6523 § 1, 1988; Ord. C-6435 §§ 2, 3, 1987; Ord. C-6168 § 6, 1985; Ord. C-5985 §§ 1, 3, 1983; Ord. C-5874 §§ 5, 6, 1982; Ord. C-5719 §§ 4, 5, 1981; Ord. C-5593 §§ 1, 2, 1980; Ord. C-5418 § 3, 1978; Ord. C-5384 § 1, 1978; Ord. C-5352 § 1, 1977; Ord. C-5303 § 1, 1977; Ord. C-5278 §§ 1, 2 (part), 1977; prior code § 3410.121)

10.12.030 - Speed limits decreased on narrow streets.

Upon the basis of an engineering and traffic survey of the streets concerned, the Council determines and declares that for the following streets and portions of streets the prima facie speed limit of twenty-five (25) miles per hour in a business or residential district or in a public park on a street having a roadway not exceeding twenty-five feet (25') in width is higher than is reasonable or safe and that, in order to facilitate the orderly movement of traffic in a manner which is reasonable and safe, the prima facie speed limit on such streets shall be as follows:

1. Florida Street:
    a. Orange Avenue to Hermosa Avenue, twenty (20) miles per hour;
2. Paoli Way:
    a. East of La Verne Avenue to Bay Shore Avenue, fifteen (15) miles per hour;
3. Zona Court:
    a. Fifth Street to Fourth Street, twenty (20) miles per hour.

(Ord. C-7334 § 5, 1995; Ord. C-6981 § 1, 1992)

CHAPTER 10.14 - ONE-WAY STREETS AND ALLEYS

FOOTNOTE(S):

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State Law reference— Provisions on the authority of local authorities to regulate highways, Veh. C. § 21101.

10.14.010 - Establishment.

Whenever any provision of this Chapter designates a one-way street or alley, the City Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. The streets, portions of streets and alleys designated in Section 10.14.020 are designated for one-way traffic in the directions respectively set forth therein.

(ORD-09-0021, § 17, 2009; Prior code § 3410.37)

10.14.020 - Designated.

For the purpose of Section 10.14.010, no person shall drive or operate any vehicle on the following streets, or portions of streets, and alleys, in a direction other than designated for one-way traffic:

A. Streets and portions of streets:
   1. (East) First Street, between Mitchell Avenue and Pico Avenue,
   2. (West) North service road of Second Street, between the east line of Padua Drive and Sorrento Drive,
   3. (West) Third Street, between Topaz Court and Alamitos Avenue,
   4. (East) Fifth Street, between Nebraska Avenue and Walnut Avenue,
   5. (East) Sixth Street, between San Francisco Avenue and California Avenue,
   6. (East) Seventh Street south, between Pico Avenue and west City limits,
   7. (West) Seventh Street, between southbound De Forest Avenue and California Avenue,
   8. (West) South service road of Seventh Street, between Golden Avenue and San Francisco Avenue,
   9. (West) Seventh Street north, between Pico Avenue and west City limits,
   10. (East) the south roadway of Ninth Street, between a point two hundred feet (200') west of Caspian Avenue and Pico Avenue,
   11. (West) Tenth Street, between Ninth Street and Pico Avenue,
   12. (East) Fourteenth Street north, between Long Beach Boulevard and Magnolia Avenue,
   13. (West) Fourteenth Street south, between Long Beach Boulevard and Magnolia Avenue,
   14. (West) Sixteenth Street, between Gundry Avenue and Walnut Avenue,
   15. (Westbound) West Fifty-First Street, between a point three hundred feet (300') west of Long Beach Boulevard and Pacific Avenue,
   16. (South) Alamitos Avenue, between Ocean Boulevard and Seaside Boulevard,

17. (Southwest) Argonne Avenue, between Ocean Boulevard and Livingston Drive,
18. (Southwest) Bay Shore Avenue, between Ocean Boulevard and Fifty-Fourth Place,
19. (South) Belmont Avenue, between Ocean Boulevard and First Street,
20. (North) Bennett Avenue, between Ocean Boulevard and Livingston Drive,
21. (East) Broadway, between Magnolia Avenue and Alamitos Avenue,
22. (East) Campo Walk, from Ravenna Drive to Second Street,
23. (South) Cedar Avenue, south of Ocean Boulevard to the east-west alley north of Windsor Place,
24. (South) Cherry Avenue west service road, between a point four hundred feet (400') north of Wardlow Road and Carson Street,
25. (Northeast) Claremont Avenue, between Ocean Boulevard and Second Street,
26. (South) Claremont Avenue, between The Toledo and Second Street,
27. (North) Clark Avenue east service road, between the east-west alley located three hundred forty-six feet (346') north of Los Coyotes Diagonal and Eagle Street,
28. (Northeast) Corona Avenue, between Ocean Boulevard and The Toledo,
29. (Southwest) Covina Avenue, between Ocean Boulevard and The Toledo,
30. (South) Fashion Avenue, between the north line of Ninth Street and a point three hundred feet (300') north of the north line of Ninth Street,
31. (East) Florida Street, between Orange Avenue and Hermosa Avenue,
32. (Southwest) Glendora Avenue, between Ocean Boulevard and The Toledo,
33. (South) Golden Avenue, between Sixth Street and Seventh Street,
34. (Northeast) La Verne Avenue, between Ocean Boulevard and The Toledo,
35. (South) Lewis Avenue, between Anaheim Street and Eleventh Street,
36. Lido Lane, (southeast) between The Toledo and Appian Way,
37. (Southwest) Loreta Walk, between Naples Plaza and Garibaldi Lane,
38. (Counterclockwise) Los Alamitos Traffic Circle,
39. (South) Monrovia Avenue, between Appian Way and Broadway,
40. (Southwest) Nieto Avenue, between Ocean Boulevard and The Toledo,
41. (East) Ocean Boulevard south, between Termino Avenue and Bay Shore Avenue,
42. (West) Ocean Boulevard north, between Termino Avenue and Bay Shore Avenue,
43. (South) Orange Drive, between the north line of Salt Lake Street and a point approximately one hundred ninety-five feet (195') to the north,
44. Orizaba Avenue counterclockwise around Rose park,
45. (North) Pacific Avenue east, between Broadway and Third Street,
46. (South) Pacific Avenue west, between Broadway and Third Street,
47. (Southwest) Padua Drive, between Appian Way and the north frontage road of Second Street,
48. (Southwest) Park Avenue, between Ocean Boulevard and Second Street,
49. (Northeast) Pomona Avenue, between Ocean Boulevard and The Toledo,
50. (North) Prospect Avenue, between Ocean Boulevard and Livingston Drive,
51. (North) Quincy Avenue, between Livingston Drive and Shaw Street,
52. (South) Quincy Avenue, between Anaheim Street and Fourteenth Street,

53. (Southwest) Quincy Avenue, between Ocean Boulevard and Second Street,
54. (Counterclockwise) Rainbow Pier, from Seaside Boulevard and Pine Avenue to Seaside Boulevard and Linden Avenue,
55. (North) the east roadway of Redondo Avenue, between Second Street and Dodge Way,
56. (South) Roswell Avenue, between Ocean Boulevard and Livingston Drive,
57. (North) Roycroft Avenue, between Anaheim Street and Fifteenth Street,
58. (Northeast) Roycroft Avenue, between East Second Street and Livingston Drive,
59. (Northeast) Roycroft Avenue, between Ocean Boulevard and Second Street,
60. (Northeast) St. Joseph Avenue, between Ocean Boulevard and Livingston Drive,
61. (North) San Francisco Avenue, between Ocean Park Avenue and Sixth Street,
62. (South) San Francisco Avenue, between Seventh Street and Sixth Street,
63. (Southwest) Santa Ana Avenue, between Ocean Boulevard and The Toledo,
64. (Southwest) Syracuse Walk, between Naples Plaza and Via Di Roma Walk,
65. (North) The Toledo, between Second Street and Claremont Avenue,
66. (West) North frontage road of Willow Street, between the west line of Josie Avenue and a point five hundred fifty feet (550') to the west,
67. (North and east) Winnipeg Place, between Third Street and Obispo Avenue,
68. (South) Ximeno Avenue, between Ocean Boulevard and Livingston Drive,
69. (South) Zona Court, from Fifth Street to Fourth Street,
70. (North) Anaheim Place, from Fourteenth Street to Pacific Coast Highway,
71. (East) Wehrle Court, from Bennett Avenue to Ximeno Avenue,
72. (North) Kennebec Avenue, between Broadway and Third Street,
73. (South) Termino Avenue, between First Street and Livingston Drive,
74. (East) Division Street, between Bennett Avenue and Bay Shore Avenue,
75. (West) First Street, between Livingston Drive and Bay Shore Avenue,
76. (East) Sorrento Drive, between Second Street and Appian Way,
77. (South) Eliot Lane,
78. (Eastbound) Alta Way, between Lime Avenue and Marietta Court,
79. (North) Gaviota Avenue, between Fourth Street and Fifth Street,
80. (North) Savona Walk, between The Toledo and Naples Plaza,
81. Eleventh Street between the first alley east of Atlantic Avenue and Martin Luther King Jr. Avenue,
82. (South) Cerritos Avenue, between Ocean Boulevard and Third Street,
83. (South) Esperanza Avenue, between Ocean Boulevard and Third Street,
84. (North) Falcon Avenue, between Ocean Boulevard and Third Street,
85. (South) Gaviota Avenue, between Ocean Boulevard and Third Street,
86. (North) Hermosa Avenue, between Ocean Boulevard and Third Street,
87. (North) Bonito Avenue, between Ocean Boulevard and Third Street,
88. (East) The alley north of Pacific Coast Highway, between May Avenue and Walnut Avenue,
89. Mahanna Avenue between Tenth Street and Eleventh Street (northbound),
90. Earl Avenue between Hill Street and Eagle Street (southbound),

91. Locust Avenue between Hill Street and Eagle Street (northbound),
92. (East) Appleton Street, between Alamitos Avenue and Junipero Avenue,
93. Campo Walk between Campo Drive and Ravenna Drive (eastbound),
94. (East) First Street, between Alamitos Avenue and Junipero Avenue,
95. (West) Second Street, between Alamitos Avenue and Junipero Avenue,
96. (Northbound) Weston Place between Thirty-Fifth Street and Thirty-Sixth Street,
97. (Westbound) Corinthian Walk west of Ravenna Drive to The Toledo,
98. (Eastbound) Corinthian Walk east of Ravenna Drive to The Toledo,
99. (Northbound) Henderson Avenue between Cowles Street and Fifteenth Street,
100. (Northeast) Cordova Walk between Naples Plaza and Garibaldi Lane,
101. (Westbound) Vera Court between Junipero Avenue and Raymond Avenue,
102. (Westbound) Smith Place between Orange Avenue and its easterly terminus,
103. (Eastbound) Leigh Court between Orange Avenue and its easterly terminus,
104. (Northeastbound) Lucia Walk between Neapolitan Lane East and The Toledo,
105. (East) Theresa Street, between Roswell Avenue and Ximeno Avenue,
106. (Westbound) Seventeenth Street between Gaviota Avenue and Walnut Avenue,
107. (Eastbound) Fifty-Sixth Way between Langport Avenue and Paramount Boulevard,
108. (Westbound) Fifty-Sixth Street between Langport Avenue and Paramount Boulevard,
109. (Eastbound) Fifty-Fifth Way between Langport Avenue and Paramount Boulevard,
110. (Northbound) Langport Avenue between Fifty-Sixth Street and Fifty-Sixth Way,
111. (Southbound) Langport Avenue between Fifty-Sixth Street and Fifty-Fifth Way,
112. (Westbound) the Willow Street service road between Josie Avenue and a point five hundred feet (500') west of Josie Avenue,
113. (Westbound) Ninth Street between San Pablo Court and Orange Avenue,
114. (Westbound) Melrose Way between Atlantic Avenue and Linden Avenue,
115. (Eastbound) Seventeenth Street between Gaviota Avenue and Rose Avenue,
116. (Westbound) 55th Street between Linden Avenue and Long Beach Boulevard,
117. (Eastbound) Louise Street between Long Beach Boulevard and Linden Avenue.

B. Alleys:
1. (East) the alley north of Second Street between Park Avenue and Claremont Avenue,
2. (West) the alley south of East Second Street, between Quincy Avenue and Claremont Avenue,
3. (North) Alamo Court, between Ocean Boulevard and First Street,
4. (South) Alamo Court, between First Street and Seventh Street, except between Broadway and Third Street,
5. (West) Alta Way, between Pacific Avenue and Elm Avenue,
6. (South) Anaheim Place from Pacific Coast Highway to Fourteenth Street,
7. (North) the north-south alley west of Atlantic Avenue from Fifty-Sixth Street to South Street,
8. (East) the alley between Atlantic Avenue and the north-south interior alley and between Claiborne Drive and Cartagena Street,
9.

(South) the alley between Bellflower Boulevard and San Anseline Avenue and between Stearns Street and El Paseo Street,

10. (West) Bronce Way, between Pacific Avenue and Elm Avenue,
11. (West) Cereza Way, between Pacific Avenue and Elm Avenue,
12. (West) Cobre Way, between Pacific Avenue and Elm Avenue,
13. (West) Maple Way, between Pacific Avenue and Elm Avenue,
14. (West) Melrose Way, between Pacific Avenue and Elm Avenue,
15. (West) Roble Way, between Pacific Avenue and Elm Avenue,
16. (South) Palmer Court, between Third Street and Fourth Street,
17. (South) Solana Court, between Ocean Boulevard and Seventh Street,
18. (North) Tribune Court between First Street and Alta Way,
19. (South) Tribune Court between Broadway and Third Street and between Sixth Street and Seventh Street,
20. (East) the alley between Virginia Road and a point one hundred sixty-five feet (165') west of Long Beach Boulevard and between San Antonio Drive and Claiborne Drive,
21. (North) Waite Court, between Ocean Boulevard and Third Street,
22. (South) Waite Court, between Tenth Street and a point one hundred sixty-five feet (165') northerly,
23. (West) Alta Way, between Lime Avenue and Marietta Court,
24. Repealed,
25. Eighth Street between Cherry Avenue and Junipero Avenue (westbound),
26. Corto Place between Obispo Avenue and Broadway (westbound),
27. Repealed,
28. Repealed,
29. Repealed,
30. (Westbound) the east-west alley between Nineteenth Street and Summit Street, from Santa Fe Avenue to the north-south alley one hundred feet (100') east of Santa Fe Avenue,
31. (Southeastbound) alley parallel to and southwest of Appian Way between Monrovia Avenue and Lakeview Avenue,
32. (Eastbound) Melrose Way between Elm Avenue and Frontenac Court,
33. (North) Ancona Drive between the east-west alley immediately north of Second Street and Sorrento Drive,
34. (South) north-south alley between Pacific Avenue and Pine Avenue and between Hill Street and the east-west alley south of Hill Street,
35. (Southbound) north-south alley between Alamitos Avenue and Cerritos Avenue and between Tenth Street and Hellman Street.

(ORD-14-0007 , § 1, 2014; ORD-07-0030 § 1, 2007; ORD-06-0048 § 1, 2006; ORD-06-0014 § 1, 2006; ORD-05-0029 § 1, 2005; Ord. C-7947 § 1, 2004; Ord. C-7861 § 1, 2003; Ord. C-7843 § 1, 2003; Ord. C-7696 § 1, 2000; Ord. C-7680 § 1, 2000; Ord. C-7638 § 1, 1999; Ord. C-7554 § 2, 1998; Ord. C-7396 § 2, 1996; Ord. C-7390 § 1, 1996; Ord. C-7348 § 1, 1995; Ord. C-7334 § 6, 1995; Ord. C-7259 §§ 1, 2, 1994; Ord. C-7216 § 1, 1994; Ord. C-7171 § 1, 1993; Ord. C-7141 § 1, 1993; Ord. C-7138 § 1, 1993; Ord. C-7053 § 1, 1992; Ord. C-7048 § 1, 1992; Ord. C-6939 § 1, 1991; Ord. C-6914 § 1, 1991; Ord. C-6797 §§ 3, 7, 1990; Ord. C-6754 § 1, 1990; Ord. C-6697 § 1, 1990; Ord. C-6610 § 1, 1989; Ord. C-6564 § 2, 1989; Ord. C-6562 § 1, 1989; Ord. C-6544 § 4, 1988; Ord. C-6504 § 1, 1988; Ord. C-6492 § 1, 1988; Ord. C-6485 § 2, 1988; Ord. C-6440 § 1, 1987; Ord. C-6435 § 1, 1987; Ord. C-6387 § 1, 1987; Ord. C-6374 § 1, 1987;

Ord. C-6364 § 1, 1987; Ord. C-6362 § 1, 1987; Ord. C-6354 § 1, 1987; Ord. C-6291 § 1, 1986; Ord. C-6268 § 1, 1986; Ord. C-6125 § 2, 1985; Ord. C-6043 § 1, 1984; Ord. C-5918 §§ 1, 2, 1982; Ord. C-5900 § 3, 1982; Ord. C-5886 § 1, 1982; Ord. C-5795 § 2, 1981; Ord. C-5769 § 3, 1981; Ord. C-5711 § 2, 1981; Ord. C-5674 § 2, 1981; Ord. C-5491 § 3, 1979; Ord. C-5390 § 5, 1978; Ord. C-5365 § 1 (part), 1977; Ord. C-5361 §§ 1, 2, 1977; Ord. C-5334 § 3 (part), 1977; prior code § 3410.128)

CHAPTER 10.16 - STREETS CLOSED ADJACENT TO SCHOOLS

10.16.010 - Fifty-Third Street near Jane Addams School.

Beginning at the west line of Locust Avenue as the same intersects Fifty-Third Street in the City, all Fifty-Third Street included within a distance of two hundred ninety-four feet (294') immediately west of the west line of Locust Avenue shall be closed to vehicular traffic between the hours of 8:00 a.m. and 4:30 p.m. of any day that the Jane Addams School or playground is in official use, and no person shall operate any vehicle within said closed area during such hours.

(Prior code § 3410.71 (a))

10.16.020 - Caspian Avenue near Garfield School.

Beginning at the north line of Hill Street as the same intersects Caspian Avenue in the City, all of Caspian Avenue included between the north line of Hill Street and the south line of Twenty-Third Street shall be closed to vehicular traffic between the hours of 8:00 a.m. and 5:00 p.m. of every weekday that the Garfield School or playground is in official use, and said described portion of Caspian Avenue shall be closed between the hours of 8:00 a.m. and 12:00 noon of every Saturday that the Garfield School or playground is in official use.

No operator of any vehicle shall drive his vehicle in or upon said described portion of Caspian Avenue during the hours set forth in this Section.

(Prior code § 3410.71 (b))

10.16.030 - Marron Avenue near St. Barnabas School.

Marron Avenue, between the south side of the intersection of Marshall Place and the north side of the intersection of Marron Place, shall be closed to vehicular traffic between the hours of 8:30 a.m. and 4:30 p.m., and to pedestrian traffic between the hours of 8:30 a.m. and 2:45 p.m., of any day that St. Barnabas School is in session or official use. No person shall operate any vehicle upon such portion of Marron Avenue during such hours that vehicular traffic is prohibited.

(Ord. C-7851 § 1, 2003; prior code § 3410.71 (c))

10.16.040 - Linden Avenue near St. Athanasius School.

Linden Avenue, between the south side of the intersection of Market Street and the north side of the intersection of Plymouth Street, between the hours of 7:00 a.m. and 3:30 p.m.

(Ord. C-7847 § 1, 2003)

CHAPTER 10.18 - VEHICLES RESTRICTED FROM STREETS

FOOTNOTE(S):

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State Law reference— Provisions on regulation of highways by local authorities, Veh. C. § 21101.

10.18.010 - Vehicles prohibited in central traffic district.

No person shall operate any of the following vehicles in the central traffic district, except on designated truck routes, between the hours of 7:00 a.m. and 6:00 p.m. of any day; provided, that the Chief of Police may, by written permit, authorize the operation of any such vehicle for the purpose of making necessary emergency deliveries to or from points within the central traffic district:

A. Any freight vehicle more than eight and one-half feet (8½') in width with load, or any freight vehicle so loaded that any part of its load extends more than twenty feet (20') to the front or rear of said vehicle;
B. Any freight vehicle with a trailer;
C. Any freight vehicle carrying crude oil.

(Prior code § 3410.115)

10.18.020 - Animal-drawn vehicles prohibited in central traffic district.

No person shall drive any animal-drawn vehicle into, or within, the central traffic district, between the hours of 7:00 a.m. and 6:00 p.m. of any day.

(Prior code § 3410.117)

10.18.030 - Advertising vehicles prohibited in central traffic district.

No person shall operate or drive any vehicle used for advertising purposes, or any advertising vehicle equipped with a sound amplifying or loudspeaker device, upon any street or alley, at any time, within the central traffic district.

(Prior code § 3410.119)

10.18.040 - Living in vehicles prohibited.

No person shall use or occupy any recreational vehicle, trailer coach, camper, van or other vehicle on any public street for human habitation or camping purposes.

(Ord. C-6139 § 1, 1985)

10.18.050 - Mobile billboard advertising vehicle prohibited.

A. Purpose. The purpose of this Section is to eliminate billboard advertising in the City in order to promote the safe movement of vehicular traffic, to reduce air pollution and to improve the aesthetic appearance of the City.
B. General requirements. It is unlawful for any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel.
C.

Parking. It is unlawful for any person to conduct or cause to be conducted by stopping, standing or parking, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel.

D. Definition. Mobile billboard advertising includes any vehicle or wheeled conveyance which carries, conveys, pulls or transports any sign or billboard for the primary purpose of advertising.

E. Exemptions. This Section shall not apply to:

1. Any vehicle which displays any advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements;
2. Buses; or
3. Taxicabs.

(ORD-09-0021, § 31, 2009)

CHAPTER 10.20 - SPECIAL STOPS

FOOTNOTE(S):

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State Law reference— Provisions on special stops, Veh. C. § 22450 et seq.

10.20.010 - Designation of stop intersections.

A. Whenever any provision of this Chapter designates and describes any street, or portion thereof, as a through street, or any intersection at which vehicles are required to stop at one (1) or more entrances thereto, the Traffic Engineer shall place and maintain stop signs giving notice thereof, as follows:

A stop sign shall be erected on each and every street intersecting such through street, or portion thereof, so designated, and at those entrances of other intersections where a stop is required, provided the intersection is not controlled by an automatic signaling device. Every such sign shall conform with and shall be placed as provided in Section 21400 of the Vehicle Code.

B. Whenever any hazardous traffic conditions prevail, including, but not limited to, the hazard resulting from street construction or repair, the Traffic Engineer may designate any highway as a through highway, or any intersection as a stop intersection, for a period not to exceed sixty (60) days. Upon the erection of stop signs in accordance with the provisions of this Section all traffic shall stop before entering such through highway, and all traffic shall stop at the entrance to the stop intersections.

C. No driver or operator of any vehicle shall fail to stop such vehicle at least fifty feet (50') from the nearest side of a marked pedestrian lane whenever a signal device or sign with words "STOP—L.B.P.D." is displayed at such place, and further, no driver or operator of said vehicle shall proceed until such signal has been removed or until a signal to proceed is given. The Chief of Police and the Traffic Engineer are authorized and directed to place a line or mark upon the highway at least fifty feet (50') from any marked pedestrian lane where such signal device or sign is to be operated or given, said fifty feet (50') to be measured in the direction of approaching traffic.

(Prior code § 3410.45)

10.20.020 - Through streets declared.

Those streets, and parts of streets, described in Section 10.20.060 are declared to be through streets for the purpose of this Chapter.

(Prior code § 3410.46)

10.20.030 - Stop intersections designated.

The City Traffic Engineer is authorized to designate any intersection as a stop intersection in accordance with Subsection 10.08.010.C.

(ORD-09-0021, § 18, 2009; Ord. C-7750 § 4, 2001; prior code § 3410.47)

10.20.040 - Emerging from alley, driveway or building.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving on a sidewalk or into the sidewalk area extending across any alley or driveway.

(Prior code § 3410.48)

10.20.050 - Yield intersections.

The Traffic Engineer is authorized to place and maintain "Yield Right-of-Way" signs at intersections in accordance with Section 21356 of the Vehicle Code.

(Ord. C-7750 § 5, 2001; prior code § 3410.49)

10.20.060 - Through streets enumerated.

A. For the purpose of Section 10.20.020, the following streets, and portions of streets, are declared to be through streets:
   1. Long Beach Boulevard, between the south line of Ocean Boulevard and the northerly boundary line of the City;
   2. Anaheim Street, between the westerly boundary line of the City and Pacific Coast Highway, except at its intersection with the northeast and southwest exit ramps along the Long Beach Freeway;
   3. Atlantic Avenue, between the south line of First Street and the northerly boundary line of the City;
   4. Ocean Boulevard, between the east line of the entrance channel to the harbor and the east line of Bay Shore Avenue;
   5. Livingston Drive, between the north line of Ocean Boulevard and the south line of Broadway;
   6. Second Street, between Alamitos Avenue and the easterly boundary line of the City, except at its intersection with Temple Avenue, Junipero Avenue, Cherry Avenue, Orange Avenue and Pacific Coast Highway;
   7. Pacific Avenue, between the north line of Ocean Boulevard and the south line of Thirty-Second Street, except at its intersection with Broadway; and between the north line of Wardlow Road and the north line of San Antonio Drive;
   8. Ximeno Avenue, between the north line of Ocean Boulevard and the south line of Los Coyotes Diagonal, except at its intersection with Livingston Drive and Pacific Coast Highway;
   9. Pacific Coast Highway, between the easterly boundary line of the City and the westerly boundary line of the City;
   10. Fourth Street, between the west line of Park Avenue and the east line of Golden Avenue, except at its intersection with Cedar Avenue and Magnolia Avenue;
   11. Cherry Avenue, between the north line of Ocean Boulevard and the northerly boundary line of the City;
   12. Orange Avenue, between the north line of Ocean Boulevard and the northerly boundary line of the City;
   13. Those portions of Paramount Boulevard within the City;
   14. Seventh Street, between the easterly boundary line of the City and the westerly boundary line of the City, except at its intersection with Long Beach Boulevard and Pico Avenue;
   15. Artesia Street, between the easterly boundary line of the City and the westerly boundary line of the City;
   16.

Pico Avenue, between Panorama Drive and the north line of Ninth Street, except at its intersection with First Street;

17. Those portions of Willow Street within the City, between the westerly boundary line of the City and the easterly boundary line of the City, except at its intersection with Lakewood Boulevard, Los Coyotes Diagonal, Palo Verde Avenue and Studebaker Road;
18. Santa Fe Avenue, from the south line of Ninth Street to the northerly City limits;
19. Seaside Boulevard:
    a. Between westerly City boundary and east line of Pico Avenue, except at its intersection with the Terminal Island Freeway,
    b. Between the east line of Pine Avenue and the west line of Linden Avenue;
20. Third Street, from the east line of the Los Angeles River flood control channel to the west line of Nieto Avenue, except at its intersection with Cedar Avenue, Pine Avenue, Atlantic Avenue, Alamitos Avenue, Cherry Avenue, and Long Beach Boulevard;
21. Tenth Street, between the east line of Federation Drive and the west line of Maine Avenue;
22. Those portions of San Antonio Drive within the City, between the east line of Cherry Avenue and the west line of Country Club Drive;
23. Alamitos Avenue, between the north line of Ocean Boulevard and the west line of Walnut Avenue, except at its intersection with Broadway, Third Street, Fourth Street, California Avenue, Seventh Street, Tenth Street, Anaheim Street, Seventeenth Street and Pacific Coast Highway;
24. Pine Avenue, between the south line of Ocean Boulevard and the south line of Willow Street, except at its intersection with Seventh Street, Anaheim Street, Pacific Coast Highway, Twentieth Street and Hill Street; and Pine Avenue at its intersection with Roosevelt Road;
25. Park Avenue, between the north line of Ocean Boulevard and the north line of Tenth Street, except at its intersection with Livingston Drive;
26. Magnolia Avenue, between the north line of Ocean Boulevard and the north line of Thirty-Eighth Street;
27. Dairy Avenue, from the south line of Louise Street to the north line of Fifty-Seventh Street, except at its intersection with Fifty-Sixth Street;
28. Those portions of South Street within the City, between the west line of Locust Avenue and the easterly boundary line of the City;
29. Wardlow Road, between the west City limits and a point one-half (½) mile east of the east line of Cherry Avenue, and between the west line of the north-south roadway located one thousand fifty feet (1,050') west of Lakewood Boulevard and the east City boundary line, except at its intersection with Lakewood Boulevard, Bellflower Boulevard, Los Coyotes Diagonal and Studebaker Road;
30. Market Street, from the west line of Cherry Avenue to the west line of Pacific Avenue, except at its intersection with Long Beach Boulevard, Atlantic Avenue, Orange Avenue and Walnut Avenue;
31. Redondo Avenue, from the north line of Ocean Boulevard to the south line of Spring Street;
32. Temple Avenue, from the north line of Ocean Boulevard to the northerly City limits;
33. Carson Street, from the east line of Cherry Avenue to Long Beach Boulevard;
34. Broadway, from Water Street to Bay Shore Drive, except at its intersection with Pico Avenue;
35.

Henry Ford Avenue, from the north line of Seaside Boulevard to the northerly boundary line of the City;

36. Dock Street, from the west City limits to Henry Ford Avenue;
37. Spring Street, between the easterly and westerly boundary lines of the City, except at its intersection with Atlantic Avenue, Redondo Avenue and Clark Avenue;
38. Harding Street, between the east line of Cherry Avenue and the west line of DeForest Avenue;
39. Ravenna Drive, between the north line of The Toledo and the north line of Second Street;
40. Those portions of Bellflower Boulevard within the City, between the northerly boundary line of the City and the southerly boundary line of the City;
41. Burnett Street, Between Webster Avenue and Gale Avenue, except at its intersection with Santa Fe Avenue and Easy Avenue;
42. Bixby Road, between the east line of Country Club Drive and the east line of the west service road of Cherry Avenue;
43. Appian Way, between Park Avenue and the southerly terminus of Appian Way near Lido Lane;
44. Those portions of Los Coyotes Diagonal within the City, between Los Alamitos Circle and Carson Street;
45. Twentieth Street, between the west line of San Francisco Avenue and the west line of Orange Avenue;
46. Hill Street, between the east line of the Los Angeles River flood control channel and the west line of Orange Avenue;
47. Roosevelt Road, between the east line of Cerritos Avenue and the east line of Long Beach Boulevard, except at its intersection with California Avenue and Atlantic Avenue;
48. Fifty-Second Street, between the west line of Atlantic Avenue and the westerly City limits, and between the east line of Orange Avenue and the west line of Walnut Avenue;
49. Junipero Avenue, between the north line of Ocean Boulevard and the south line of Pacific Coast Highway, except at its intersection with Broadway, Fourth Street, Seventh Street and Anaheim Street;
50. Martin Luther King, Jr. Avenue, between the north line of Seventh Street and the southerly boundary line of the City of Signal Hill, except at its intersection with Tenth Street; California Avenue, at its intersection with Thirty-Sixth Street and Thirty-Seventh Street; California Avenue, between the north line of Bixby Road and the north line of Forty-Fifth Way, except at its intersection with Carson Street, San Antonio Drive and Marcellus Street;
51. Thirty-Fourth Street, between Santa Fe Avenue and the east line of Gale Avenue;
52. Those portions of Del Amo Boulevard within the City, between the east boundary line and the west boundary line of the City, except at its intersection with Long Beach Boulevard, Atlantic Avenue, Orange Avenue, Cherry Avenue and Lakewood Boulevard;
53. Locust Avenue, between the north line of Ocean Boulevard and the north line of Twelfth Street, except at its intersection with Broadway, Third Street, Fourth Street and Seventh Street; and Locust Avenue, between the south line of Fourteenth Street south and the north line of Sixteenth Street;
54. Granada Avenue, between the north line of Ocean Boulevard and the southwest line of The Toledo, except at its intersection with Second Street;
55.

Stearns Street, between the east line of Redondo Avenue and the west line of Stevely Avenue, except at its intersection with Lakewood Boulevard, Los Coyotes Diagonal and Bellflower Boulevard;

56. Atherton Street, between the outer traffic circle of the Los Alamitos Circle, and the east boundary line of the City, except at its intersection with Ximeno Avenue and Bellflower Boulevard;
57. Walnut Avenue, from the north line of Third Street to the south line of Carson Street, and from the south line of Fifty-Second Street to the south line of Sixty-Eighth Street, except at its intersection with Fourth Street, Seventh Street, Tenth Street, Anaheim Street, Pacific Coast Highway, Wardlow Road, Bixby Road, west side of Fifty-Second Street, Market Street, South Street, Harding Street and Artesia Street;
58. Termino Avenue, between the north line of Livingston Drive and the south line of Pacific Coast Highway, except at its intersection with Second Street, Broadway, Third Street, Fourth Street, Seventh Street, Tenth Street and Anaheim Street;
59. Mira Mar Avenue, between the north line of Livingston Drive and the south line of Third Street, except at its intersection with First Street, Second Street and Broadway;
60. Nieto Avenue, between the north line of Ocean Boulevard and the south line of Second Street, and between the south line of Broadway and the south line of Colorado Street;
61. Colorado Street, between the east line of Temple Avenue and the east line of the City, except at its intersection with Redondo Avenue, Termino Avenue, Ximeno Avenue and Appian Way;
62. Fanwood Avenue, between the north line of Atherton Street and the south line of Marita Street, and at its intersection with the north service road of Stearns Street;
63. Hill Street, between the west line of Merrimac Avenue and the west line of the flood control channel, except at its intersection with Santa Fe Avenue and Easy Avenue;
64. Delta Avenue, between the north line of Wardlow Road and the south line of Two Hundred Twenty-Third Street;
65. Easy Avenue, between the south line of Wardlow Road and the south line of Twentieth Street, except at its intersection with Spring Street and Willow Street;
66. Harbor Avenue, between the north line of Twentieth Street and the north line of Ninth Street, except at its intersection with Pacific Coast Highway and Anaheim Street;
67. Panorama Drive, between Pierpoint Traffic Circle and Harbor Scenic Drive;
68. Willard Street, between the west line of Santa Fe Avenue and the east line of San Gabriel Avenue;
69. Twentieth Street, between the east line of Gale Avenue and the east line of San Gabriel Avenue, except at its intersection with Santa Fe Avenue;
70. Nineteenth Street, between the west line of Santa Fe Avenue and the east line of San Gabriel Avenue;
71. San Gabriel Avenue, between the north line of Pacific Coast Highway and the north line of Willard Street;
72. Merrimac Avenue, between the north line of Willard Street and the south line of Hill Street;
73. Those portions of Clark Avenue within the City, between Pacific Coast Highway and the northerly boundary line of the City, except Los Coyotes Diagonal and Carson Street;
74. Harvey Way, between Lakewood Boulevard and Bellflower Boulevard, except Clark Avenue;
75. Norse Way, between Carson Street and Lakewood Boulevard;

76. Those portions of Palo Verde Avenue within the City, between the northerly and southerly boundary lines of the City, except Spring Street;
77. Village Road, between Charlemagne Avenue and Viking Way, and at its intersection with Pepperwood Avenue and Greenmeadow Road;
78. Studebaker Road, between the southeast line of Los Coyotes Diagonal and the north line of Seventh Street, except at its intersection with Spring Street;
79. Chestnut Avenue, between Fifty-Fifth Street and DeForest Avenue, except at its intersection with Fifty-Sixth Street;
80. Anaheim Road, between the east line of Clark Avenue and the west line of Bellflower Boulevard; and between the west line of Palo Verde Avenue and the easterly boundary line of the City, except at its intersection with Studebaker Road;
81. First Street, between Pacific Avenue and Alamitos Avenue, except at its intersection with Pine Avenue, Locust Avenue, Long Beach Boulevard and Atlantic Avenue; and First Street, between the east line of Livingston Drive and the west line of Bay Shore Avenue, except at its intersection with Bennett Avenue, Ximeno Avenue, Roycroft Avenue, Park Avenue, Granada Avenue, Nieto Avenue, La Verne Avenue, Glendora Avenue, Santa Ana Avenue and Claremont Avenue;
82. Hayes Avenue, between Anaheim Street and Pacific Coast Highway;
83. Those portions of Woodruff Avenue within the City, between the south line of Carson Street and the east line of Palo Verde Avenue, except where such portions intersect Los Coyotes Diagonal, Spring Street and Willow Street;
84. Downey Avenue, between the north line of South Street and the north line of Seventieth Street, except at its intersection with Artesia Street;
85. Those portions of Obispo Avenue within the City, between Hill Street and Broadway, except at its intersection with Pacific Coast Highway, Anaheim Street, Tenth Street, Seventh Street, Fourth Street and Third Street;
86. Bay Shore Avenue, between the north line of Ocean Boulevard and the southwest line of Appian Way, except at its intersection with Second Street;
87. Claremont Avenue, between the north line of Ocean Boulevard and the south line of Second Street;
88. Santa Ana Avenue, between the north line of Ocean Boulevard and the south line of Second Street;
89. Glendora Avenue, between the north line of Ocean Boulevard and the south line of Second Street;
90. La Verne Avenue, between the north line of Ocean Boulevard and the south line of Second Street;
91. Roycroft Avenue, between the north line of Ocean Boulevard and the south line of Second Street;
92. Bennett Avenue, between the north line of Ocean Boulevard and the south line of Livingston Drive;
93. Division Street, between Livingston Drive and Bay Shore Avenue, except at its intersection with Ximeno Avenue, Roycroft Avenue, Park Avenue, Granada Avenue, Nieto Avenue, La Verne Avenue, Glendora Avenue, Santa Ana Avenue and Claremont Avenue;
94.

Conant Street, between the east line of Lakewood Boulevard and the west line of Los Coyotes Diagonal, except at its intersection with Woodruff Avenue;

95. Monlaco Road, between the east line of Clark Avenue and Palo Verde Avenue, except at its intersection with Woodruff Avenue;
96. Los Coyotes Diagonal, between Woodruff Avenue and Palo Verde Avenue, except at its intersection with Wardlow Road;
97. Oregon Avenue, between Anaheim Street and Pacific Coast Highway;
98. Forty-Fifth Street, between the east line of Long Beach Boulevard and the west line of California Avenue, except at its intersection with Atlantic Avenue;
99. Those portions of Marina Drive within the City;
100. Burnett Street, between the west line of San Francisco Avenue and the west line of Olive Avenue, except at its intersection with Magnolia Avenue, Pacific Avenue, Pine Avenue, Long Beach Boulevard and Atlantic Avenue;
101. Windham Avenue, between Harbor Scenic Drive and Panorama Drive;
102. Harbor Scenic Drive, between Pico Avenue and Dike Road;
103. Tenth Street, between the north line of Ninth Street and the west line of Pico Avenue;
104. Ninth Street, between the east line of Santa Fe Avenue and the west line of Pico Avenue;
105. Fashion Avenue, between the south line of Eleventh Street and the north line of Ninth Street, except at its intersection with Tenth Street;
106. Vista Street, between Obispo Avenue and Nieto Avenue, except at its intersection with Redondo Avenue, Mira Mar Avenue, Termino Avenue, Ximeno Avenue and Park Avenue;
107. The southwest frontage road of Appian Way, between the north line of Cordova Walk and the south line of Lido Lane, except at its intersection with The Toledo;
108. Naples Plaza, between Second Street and the south line of The Toledo;
109. North service road of Second Street, between Padua Drive and Sorrento Drive, except at its intersection with San Marco Drive, Ravenna Drive, Ancona Drive, Campo Drive and Venetia Drive;
110. The Toledo, between Livingston Drive and Appian Way, except at its intersection with Second Street, Ravenna Drive and Naples Plaza;
111. The west frontage roads of the Long Beach Freeway, between Gordon Street and Butler Avenue and between Sixty-Eighth Way and Atlantic Drive;
112. Sixty-Eighth Way, between Butler Avenue and the west frontage road of the Long Beach Freeway;
113. Butler Avenue, between Sixty-Eighth Way and the east line of the west frontage road of the Long Beach Freeway at the southerly terminus of Butler Avenue, except the south approach of the frontage road;
114. Seventieth Street, between Downey Avenue and Paramount Boulevard;
115. Loma Avenue, between the south line of Pacific Coast Highway and the north line of Anaheim Street; and at Eleventh Street, Eighth Street, Sixth Street, Fifth Street and Vermont Street;
116. Harbor Avenue, between the north line of Artesia Street and the south line of Greenleaf Drive;
117. Obispo Avenue, between South Street and Seventieth Street;
118.

Muriel Avenue, between Adams Street and the northerly City limits, except at the intersections of Neece Street and Artesia Boulevard;

119. Twenty-Third Street, between Los Coyotes Diagonal and Ocana Avenue, except at its intersection with Bellflower Boulevard;
120. Sixth Street, between Park Avenue and Manila Avenue, except at its intersection with Santiago Avenue;
121. Bloomfield Avenue, between the southerly and northerly boundaries of the City;
122. First Street, between Alamitos Avenue and Livingston Drive, except at its intersection with Orange Avenue, Cherry Avenue, Junipero Avenue, Temple Avenue, Redondo Avenue and Termino Avenue;
123. The north frontage road of Seventh Street, between the east line of Studebaker Road and the easterly City boundary;
124. Atlantic Way, between Atlantic Avenue and the northerly boundary line of the City;
125. Pacific Way, between Thirty-Second Street and Wardlow Road;
126. Vista Street, between the west line of Monrovia Avenue and Bay Shore Avenue;
127. Thirty-Seventh Street, between Long Beach Boulevard and Cherry Avenue, except at its intersection with Atlantic Avenue, California Avenue, Orange Avenue and Walnut Avenue;
128. Appleton Street, between Alamitos Avenue and Junipero Avenue, except at its intersection with Orange Avenue and Cherry Avenue;
129. Fourteenth Street, between Walnut Avenue and Temple Avenue, except at its intersection with Rose Avenue, Cherry Avenue and Junipero Avenue;
130. Loynes Drive, between Pacific Coast Highway and Studebaker Road;
131. Twenty-Seventh Street, between Long Beach Boulevard and Atlantic Avenue;
132. Tehachapi Drive, between Orange Avenue and Cherry Avenue;
133. Golden Avenue, between Willow Street and Spring Street, except at its intersection with Twenty-Eighth Street;
134. Coachella Avenue-Atlantic Drive, between Marker Street and Greenleaf Boulevard;
135. Thirty-Sixth Street, between Atlantic Avenue and Cherry Avenue, except at its intersection with California Avenue, Orange Avenue and Walnut Avenue;
136. Mezzanine Way, between Bellflower Boulevard and San Anseline Avenue;
137. New York Street, between the east line of Atlantic Avenue and the west line of Alamitos Avenue, except at its intersection with California Avenue;
138. Nineteenth Street, between Atlantic Avenue and California Avenue;
139. Country Club Drive, between San Antonio Drive and Pacific Avenue;
140. Del Mar Avenue, between Spring Street and Pacific Avenue;
141. Linden Avenue, between South Street and Harding Street;
142. Fifteenth Street, between Cherry Avenue and Junipero Avenue;
143. Thirty-Sixth Street, between Pacific Avenue and Long Beach Boulevard.

(Ord. C-7397 § 1, 1996; Ord. C-5537 § 2, 1979; Ord. C-5268 § 1 (part), 1976; Ord. C-5247 § 2 (part), 1976; prior code § 3410.126)

CHAPTER 10.22 - PARKING—REGULATIONS

FOOTNOTE(S):

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State Law reference— Provisions on stopping and parking, Veh. C. § 22500 et seq.

10.22.010 - Applicability.

A. The provisions of this Code prohibiting the stopping, standing or parking of a vehicle shall apply at all times, or at those times specified in this Chapter and Chapter 10.24, except when it is necessary to stop a vehicle to avoid conflict with other traffic, or in compliance with the directions of a Police Officer or official traffic-control device.

B. The provisions of this Code imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the California Vehicle Code or the Code of this City, prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

C. In the event a vehicle is stopped, parked or left standing in violation of any of the provisions of this Code or the California Vehicle Code, any officer of the Police Department may remove the vehicle from the street in the manner and subject to the requirements set forth in this Code and the California Vehicle Code.

(Prior code § 3410.85)

10.22.020 - Parkways and sidewalks.

No person shall stop, stand or park a vehicle within any parkway or sidewalk.

(Ord. C-6158 § 2, 1985; prior code § 3410.86)

10.22.025 - Parking in front of private driveways.

A. Notwithstanding any other provisions of this Code or of the California Vehicle Code § 22500(e), and pursuant to California Vehicle Code § 22507.2, the owner or lessee of property in the parking impacted area, as that term is defined below, may park a vehicle in front of the owner's or lessee's private driveway when the vehicle displays a permit (the "driveway parking permit") issued pursuant to this Section, provided that no such permit may be issued or continue in effect pursuant to this Chapter to permit parking in any private driveway or any street or side of any street where parking is otherwise restricted by time, days or as to specified hours.

B. Driveway parking permits shall be subject to the following conditions:

1. The driveway for which the driveway parking permit is sought must be designated for the exclusive use of one (1) household.
2. The driveway for which the driveway parking permit is sought must be at least eight feet (8') in width.
3. Issuance of a driveway parking permit does not guarantee a parking space if there is insufficient space between other legally parked vehicles.
4.

Driveway parking permits are address and location specific. They may be transferred between vehicles registered to the same address.

5. Driveway parking permits shall be issued by the department of public works, office of the City Traffic Engineer on a calendar year basis, and each such permit shall expire at midnight (12:00 a.m.), December 31st next following its issuance. The fee charged for driveway parking permits issued for less than twelve (12) months may be reduced in proportion to the time already elapsed in the current calendar year for which the permit would be valid. Fees paid for permits which are revoked by the City Traffic Engineer may not be refunded. Permits may be renewed annually by mail.
6. A driveway parking permit will not be issued for driveways located within twenty-five feet (25') of a corner or within fifteen feet (15') of a fire hydrant.
7. A driveway parking permit will not be issued where parking in front of such driveway would pose a safety hazard, in the opinion of the City Traffic Engineer.
8. A driveway parking permit may be revoked at any time by the City Traffic Engineer.

C. Parking in front of private driveways may be permitted only in the parking impacted area, as that term is defined in Resolution No. C-24607, adopted by the Long Beach City Council on December 13, 1988, as it may be amended from time to time, on file in the office of the Director of Development Services.

D. Applications for driveway parking permits shall be reviewed and if appropriate, approved by the City Traffic Engineer. An application for driveway parking permits shall require, at a minimum, the following information:

1. Name of the applicant for the driveway parking permit;
2. Address of the property where the driveway is located;
3. A certification that the applicant's household is the exclusive user of the driveway;
4. Name and endorsement of the property owner or the owner's duly authorized property manager;
5. Identification of household vehicles, including license number, make and year of each vehicle registered at that address or to the household;
6. Identification of off-street parking spaces available on the property;
7. A certification stating the reason existing off-street parking at the property is insufficient to meet the applicant's parking needs;
8. Such additional information as the City Traffic Engineer may require; and
9. The statement that misuse of a permit issued under this Section is grounds for revocation of the permit by the City Traffic Engineer.

E. Every applicant for a driveway parking permit pursuant to this Section shall be required to pay a nonrefundable fee to cover the cost of receiving, processing and acting upon the application in an amount established by resolution of the City Council, which may be amended from time to time.

F. Driveway parking permits shall be displayed so as to be readily visible from the rearview mirror or by such other method as directed in instructions contained in the permit itself.

G. The City Traffic Engineer may, from time to time, promulgate rules and regulations, consistent with the purposes and provisions of this Section 10.22.025, to facilitate implementation of the section.

H. Nothing in this Section shall be construed to authorize parking on a sidewalk in violation of the California Vehicle Code § 22500(f).

(ORD-10-0002, § 1, 2010; Ord. C-6506 § 1, 1988)

10.22.030 - Storing vehicles on-streets prohibited.

A. No person, who owns or has possession, custody or control of any vehicle, shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two (72) hours.

B. In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of seventy-two (72) hours, any officer of the Police Department may remove the vehicle from the street in the manner and subject to the requirements set forth in the California Vehicle Code.

(Prior code § 3410.87)

10.22.040 - Parking on one-way streets.

Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches (18") of the left curb facing in the direction of traffic movement upon any one-way street, unless signs are in place prohibiting such stopping or standing.

(Prior code § 3410.88)

10.22.050 - Parking space precedence.

A. Any person intending to park his vehicle in a limited curb parking space, whose vehicle arrives at the parking space prior to any other vehicle, and the rear end of whose vehicle proceeds beyond the space a distance not to exceed ten feet (10') for the purpose of backing his vehicle therein, shall have the right-of-way over any person driving, or attempting to drive, any other vehicle directly into such limited curb parking space, or who in any manner obstructs the limited curb parking space, and the driver of the other vehicle shall yield the right-of-way to the driver who first arrived at the parking space.

B. For the purpose of this Section, a "limited curb parking space" means an area open for lawful parking adjacent to a curb, which area is not of sufficient length to permit two (2) or more vehicles to freely move for parking therein at the same time.

(Prior code § 3410.89)

10.22.060 - Places parking is prohibited.

A. No operator of a vehicle shall stop, park or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or at the direction of Police Officer or a traffic sign or signal:

1. In any marked taxicab stand, except taxicabs;
2. Upon or across any car tracks so as to delay street or railway cars;
3. In front of the entrances of any undertaking establishment, except for funeral vehicles;
4. At any place within twenty feet (20') of a point on the curb immediately opposite the midblock end of a safety zone; provided, however, that in the parking impacted area as defined in Resolution No. 24607, adopted December 13, 1988, as it may be amended from time to time, or on one-way streets, the City Traffic Engineer in his discretion may reduce the length of "no parking" distances;
5. At any place within twenty feet (20') of a marked crosswalk, except that a bus may stop at a designated bus stop; provided, however, that in the parking impacted area or on one-way streets, the City Traffic Engineer in his discretion may reduce the length of "no parking" distances;
6. At any place where the City Traffic Engineer determines that it is necessary in order to eliminate dangerous traffic hazards;
7. Upon any street so as to obstruct the free use thereof;

8. At the curb in front of any hospital;
9. Within four feet (4') of the prolongation of the nearest edge of a driveway; provided, however, that in the parking impacted area, the City Traffic Engineer in his discretion may reduce the length of "no parking" distances adjacent to driveways if doing so would increase on-street parking availability or access;
10. At any place within fifteen feet (15') of a fire hydrant; provided, however, that in the parking impacted area, the City Traffic Engineer in his discretion may reduce the length of "no parking" distances adjacent to fire hydrants with the concurrence of the Fire Marshall;
11. At any place within twenty feet (20') of the approach to an intersection or ten feet (10') of the departure to an intersection, in order to allow for visibility of traffic control devices and to maintain visibility of cross traffic; provided, however; that in the parking impacted area, opposite the termination of a street at a "T" intersection or on one-way streets, the City Traffic Engineer in his discretion may reduce the length of "no parking" distances.

B. The City Traffic Engineer shall appropriately sign or mark the places enumerated in this Section.

(ORD-09-0021, § 19, 2009; Prior code § 3410.91)

10.22.070 - Blocking wheels on hill.

No person shall park, or leave standing, any vehicle unattended on a highway when upon any grade exceeding three percent (3%) within any business or residential district without blocking the wheels of the vehicle by turning them against the curb, or by other means.

(Prior code § 3410.94)

10.22.080 - Parking vehicles for sale.

No person shall park a vehicle with a sign or other writing indicating that the vehicle is for sale at any of the following through highways or service roads which connects directly with such through highway in the City:

A. Spring Street service road between Palo Verde Avenue and Studebaker Road;
B. Willow Street service road at Palo Verde Avenue;
C. Second Street service road between The Toledo and Naples Plaza;
D. Long Beach Boulevard between Ocean Boulevard and Anaheim Street;
E. Bellflower Boulevard between Colorado Street and Stearns Avenue, and between Twenty-Seventh and Twenty-Ninth Streets;
F. Studebaker Road between Atherton Street and Wardlow Road;
G. Spring Street between Atlantic Avenue and Studebaker Road;
H. Willow Street between Woodruff Avenue and Studebaker Road;
I. Seventh Street between Alamitos Avenue and Redondo Avenue;
J. Redondo Avenue between Ocean Boulevard and Anaheim Street;
K. Atlantic Avenue between Ocean Boulevard and Tenth Street;
L. Atlantic Avenue between Wardlow Road and Market Street;
M. Ocean Boulevard between Junipero Avenue and Fifty-Fourth Place;
N. Broadway Street between Junipero Avenue and Redondo Avenue;
O. Magnolia Avenue between Ocean Boulevard and Anaheim Street;

P. Pacific Avenue between Ocean Boulevard and Seventh Street;

Q. Ximeno Avenue between Ocean Boulevard and Tenth Street;

R. Cherry Avenue between Ocean Boulevard and Tenth Street;

S. Obispo Avenue between Seventh Street and Anaheim Street;

T. Anaheim Street between Termino Avenue and the I-710;

U. Spring Street between Knoxville Avenue and Studebaker Road;

V. San Antonio Drive between Orange Avenue and Atlantic Avenue;

W. Cherry Avenue between Market Street and Artesia Boulevard;

X. Cedar Avenue between Twelfth Street and Fourteenth Street;

Y. Alamitos Avenue between Ocean Boulevard and Seventh Street;

Z. Los Coyotes Diagonal between Woodruff and Gondar Avenue and on Woodruff Avenue between Los Coyotes Diagonal and Senasac Avenue;

AA. Seventh Street between Redondo Avenue and Park Avenue, Second Street between Livingston Drive and Ximeno Avenue, Bellflower Boulevard between Conant Street and Spring Street, including the service roads parallel thereto, and Del Amo Boulevard between Clark Avenue and Woodruff Avenue;

BB. Bayshore Avenue between Appian Way and Second Street, on Second Street between Bayshore Avenue and Naples Plaza and on Colorado Street between Nieto Avenue and Bellflower Boulevard;

CC. East side of Downey Avenue in the 5800, 5900 and 6000 blocks and the east side of Atlantic Avenue between Sixty-Eighth Street and Seventieth Street;

DD. Livingston Drive between Quincy Avenue and Prospect Avenue;

EE. Lois Lane between Bennett Avenue and Quincy Avenue;

FF. Second Street from Sorrento Drive to Naples Plaza;

GG. Naples Plaza from Second Street to The Toledo;

HH. 25th Way between De Forest Avenue and Golden Avenue; 26th Way between De Forest Avenue and Golden Avenue; and Golden Avenue between 27th Street and 25th;

II. Both sides of Artesia Boulevard between Atlantic Avenue and Orange Avenue; between Orange Avenue and Cherry Avenue; and between Cherry Avenue and Paramount Boulevard.

The terms "park" and "through highway", as used in this Section, have the respective meanings set forth in Sections 463 and 600 of the California Vehicle Code.

(ORD-10-0010, § 1, 2010; ORD-10-0009, § 1, 2010; ORD-07-0060 § 1, 2007; ORD-07-0035 § 1, 2007; ORD-07-0008 § 1, 2007; ORD-06-0060 § 1, 2006; ORD-06-0007 § 1, 2006; Ord. C-7936 § 1, 2004; Ord. C-7921 § 1, 2004; Ord. C-7915 § 1, 2004; Ord. C-7857 §§ 1, 2, 2003; Ord. C-7800 § 1, 2002: Ord. C-5592 § 1, 1980; prior code § 3410.95)

10.22.090 - Mobile vendor parking prohibited area.

No driver or operator of any mobile vending vehicle shall stop, stand or park, for the purpose of offering any food or goods for sale, in any public street or place within the parking impacted area.

(ORD-09-0021, § 20, 2009; Prior code § 3410.96)

10.22.100 - Parking adjacent to commercial gutters or depressed curbs.

No operator shall stop, park or leave standing any vehicle at any time and at any point in a roadway adjacent to a commercial gutter or depressed curb where such commercial gutter or depressed curb has been installed for the purpose of providing access between the roadway and property immediately

adjacent to the street right-of-way, which area is used for the parking, loading, unloading or the maneuvering of vehicles.

(Prior code § 3410.97)

10.22.110 - Fire lanes.

No person shall park a vehicle in any fire lane designated by signs or markings or park or place any object, obstruction or vehicle in any establishment exitway, driveway, or alleyway between buildings that would hamper the ingress of fire equipment in case of fire in or about any church, assembly hall, lodge hall, school, hotel, apartment building, theater, motion picture theater, stadium, tent or other public assemblage. When a vehicle is parked in such designated fire lane or when, in the opinion of the Fire Chief, any driveway, gateway or alleyway between buildings is obstructed by objects, materials or vehicles, the same shall be immediately removed upon order of the Fire Chief, and when such obstruction is a vehicle, it may be impounded or removed as provided by law.

(Ord. C-5436 § 2, 1978; Ord. C-5398 § 15, 1978; prior code § 3410.104)

10.22.120 - Temporary parking restrictions.

A. Any other limitation on, or regulation concerning, parking contained in this Title to the contrary notwithstanding, no operator of any vehicle shall park or stand the same on any portion of any street, during the period commencing with the time indicated on signs containing the words "NO PARKING" which signs have been placed on such portion pursuant to the provisions of this Section, and ending with the authorized removal of such signs. The Chief of Police and Traffic Engineer, or their designees, are authorized and directed to place and erect temporarily, or cause to be so placed and erected, such signs on any such portion of any street when, and for so long as, the use of such portion is necessary for repair, construction, the installation of underground utilities, or where the use of the street, or any portion thereof, has lawfully been authorized for a purpose other than the normal flow of traffic, or for the movement of equipment, articles or structures of unusual size. Such signs shall not be placed, however, unless the parking of a vehicle on such portion would prohibit or interfere with such use or movement. Any vehicle parking in violation of this Section may be removed, as provided in Subsection 10.22.010.C, if such signs have been erected or placed at such portion of such street at least twenty-four (24) hours prior to such removal.

B. Such signs shall be posted at the beginning and end of such portion of such street where parking is to be restricted and every forty feet (40') therein. Such signs shall contain, at a minimum, the following information: The date(s) and time(s) parking will be restricted in the area, the City department authorizing the parking restrictions, the name and phone number of the individual to contact with questions or concerns, the internet address, if applicable, of the City department or company performing the work or using the portion of the street where parking is restricted, and a description of the project or other use for which parking is restricted. Such signs shall be affixed to sign poles, saw horses, traffic control barrels, telephone poles, or light poles using tape, twine or rope. Such signs shall not be affixed to any of the foregoing objects with nails and shall not be affixed to trees. Such signs shall be erected or placed as indicated herein no later than twenty-four (24) hours prior to the time parking will first be restricted on such street.

C. The provisions of this Section prohibiting or restricting the parking of vehicles shall be inapplicable to any portion of a street constituting a portion of a State highway six (6) months after receipt by the Council of written notice from the Department of Public Works of the State of the withdrawal by the

department of its approval or such prohibition or restriction as to any such portion of a State highway.

(ORD-08-0011 § 1, 2008; prior code § 3410.109)

10.22.130 - Seventy-two hour parking limit.

A. No operator of any vehicle shall leave said vehicle standing, and no registered owner of such vehicle shall permit or allow said vehicle to remain standing, upon any street or alley in the City for a period longer than seventy-two (72) hours from the time the vehicle is posted as set forth in this Section; provided, however, that this action shall not authorize the parking or standing of vehicles upon any street or alley in violation of applicable parking limits specified by other provisions of this Title.

B. Whenever any Police Officer determines by tire marking or otherwise that any vehicle has been standing in one (1) position on any street or alley for a period longer than twelve (12) hours, he shall securely attach a notice upon such vehicle setting forth in such notice a reference to this Section, the location of the vehicle at the time, the date of the notice, and the approximate hour of posting. The notice shall be attached to the vehicle, in such conspicuous place upon the vehicle as to be easily observed by the person in charge of the vehicle upon his return thereto.

C. For the purpose of this Section, a vehicle shall be deemed to have been left standing when such vehicle has not been moved more than one (1) block under its own power from its original stopped position.

D. Any vehicle parked in violation of this Section may be removed from the street by any Police Officer in accordance with Section 22652 of the California Vehicle Code.

(Ord. C-5398 § 9, 1978; Ord. 5317 § 1, 1977; prior code § 3410.110)

10.22.140 - Parking prohibited at certain times for street sweeping.

A. Any other limitation on, or regulation concerning parking contained in this Title to the contrary notwithstanding, no operator of any vehicle shall park or stand the same on any street or portion thereof during the hours and on the day or days of the month indicated on signs containing the words "NO PARKING", which signs have been placed on such street or portion thereof pursuant to the provisions of this Section. The City Manager is authorized to place and erect, or cause to be so placed and erected, the aforesaid signs on any street or portion thereof on which it is necessary to prohibit parking in order to permit City equipment to sweep the street or portion thereof, and to designate on the signs the hours during which, and day or days of the month on which, parking is so prohibited. In the event temporary signs are employed to prohibit parking on any street or portion thereof pursuant to the foregoing, no vehicle parked in violation of the directions set forth on the temporary signs shall be removed, pursuant to the provisions of Subsection C. of Section 10.22.010, unless such signs have been erected or placed on the street or portion thereof at least twenty-four (24) hours prior to such removal.

B. The provisions of this Section prohibiting the parking of vehicles shall be inapplicable to any portion of a street constituting a portion of a State highway six (6) months after receipt by the Council of written notice from the Department of Public Works of the State of the withdrawal by the department of its approval of such prohibition as to any such portion of a State highway.

(Prior code § 3410.112)

10.22.150 - Repairing vehicle on-streets.

It is unlawful for any person to construct or reconstruct or cause to be constructed or reconstructed, repair or cause to be repaired, to grease or cause to be greased any vehicle or any part thereof upon any street; provided, however, that temporary, minor repairs in case of an emergency may be made upon any street to enable the vehicle to be moved to a proper place for mechanical work.

(Prior code § 3410.113)

10.22.160 - Parking on private property.

No person shall park a vehicle on private property if there is displayed in plain view a sign prohibiting public parking. The sign shall conform to the following:

A. The sign structure shall not be less than twenty-four inches (24") by seventeen inches (17") and shall be placed on the private property at each driveway access or curb cut allowing vehicular access to the property, within five feet (5') from the public right-of-way line. If there are no curbs or access barriers, signs shall be posted not less than one (1) sign per each fifty feet (50') of the frontage.

B. The notice shall clearly display the following:
   1. In not less than two and three-eighth-inch (23/8) high letters on contrasting background the words "NO PUBLIC PARKING";
   2. In not less than one and one-eighth-inch (11/8) high letters on contrasting background "UNAUTHORIZED VEHICLES WILL BE TOWED AWAY AT VEHICLE OWNER'S EXPENSE";
   3. If unauthorized parking is not prohibited on a twenty-four (24) hour continuous basis, there shall also be posted in not less than one and one-eighth-inch-high letters the days of the week and hours of the day during which public parking is prohibited;
   4. In not less than one and one-eighth-inch (11/8) high letters, the Police Department telephone number and the section of the California Vehicle Code which authorizes the impounding of the vehicle.

C. The sign structure displaying the required notices shall be permanently installed with the bottom of the sign not less than four feet (4') above ground level and shall be continuously maintained on the property for not fewer than seventy-two (72) hours before the towing or removal of vehicles.

Pedestrian safety should be taken into consideration when locating freestanding signs. A violation of this Section shall be deemed an infraction.

(Ord. C-6135 § 3, 1985; Ord. C-6099 § 6, 1984)

10.22.180 - Parking of vehicles near intersections.

No person shall stop, stand or park a vehicle which is six feet (6') or more in height, including any load thereon, within one hundred feet (100') of an intersection on-streets which have been so posted with appropriate signs by the City Traffic Engineer.

(Ord. C-6246 § 4, 1986)

10.22.182 - Parking regulations within public housing projects.

Pursuant to California Vehicle Code Section 21111, the following parking regulations shall apply within the boundaries of any housing project owned or operated by a public Housing Authority:

A.

Permit required. No person shall stop, park or leave standing any vehicle whether attended or unattended except when necessary to avoid conflict with other traffic, or in compliance with the directions of a peace officer, in any area within a public housing project which is specifically designated and posted as a restricted parking lot, unless such vehicle clearly displays an authorized and valid parking permit duly issued by the Housing Authority.

B. Designated spaces. No person shall stop, park or leave standing any vehicle whether attended or unattended except when necessary to avoid conflict with other traffic, or in compliance with the directions of a peace officer, in any area within a public housing project which is specifically designated as a parking lot, with designated parking spaces marked for such use unless such vehicle is parked clearly within a designated space so provided.

C. No repair. It is unlawful for any person to construct or reconstruct, or cause to be constructed or reconstructed, repair or cause to be repaired, to grease or cause to be greased any vehicle or any part thereof upon any street, or in any designated parking lot or area within a public housing project; provided, however, that temporary, minor repairs in case of an emergency may be made upon any street or parking lot area to enable the vehicle to be moved to a proper place for mechanical work.

D. Signs. The Housing Authority shall erect or place appropriate signs giving notice of the regulations imposed under this Section, and a copy of these regulations shall be kept at an administrative office within the housing project and made available for examination by interested persons.

E. Towing. Any vehicle parked in violation of the provisions of this Section may be towed away at the owner's expense pursuant to California Vehicle Code Section 22658 and Section 10.22.160 of this Code.

(Ord. C-6663 § 1, 1989)

CHAPTER 10.24 - PARKING—RESTRICTIONS

FOOTNOTE(S):

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State Law reference— Provisions on parking and stopping, Veh. C. § 22500 et seq.

10.24.005 - Definitions.

The following definitions shall apply to this Chapter:

A. "Oversized vehicle" means a vehicle which exceeds eighty-five inches (85") high or eighty inches (80") wide or twenty feet (20') long on a residential street or eighty-five inches (85") high or twenty feet (20') long on a nonresidential street. A boat, equipment or other object on or attached to a trailer shall be measured together with the trailer.

B. "Nonresidential street" means a street or portion thereof on which the majority of traffic is nonresidential, and which is adjacent to property on which the majority of uses are commercial, industrial or institutional.

C. "Residential street" means a street or portion thereof adjacent to property on which the majority of uses are residential in nature.

D. "Permitted commercial loading period" means the time allowed for the actual loading or unloading of goods. The permitted commercial loading period shall be twenty (20) minutes, or such other time period as posted by the City Traffic Engineer.

(Ord. 05-0025 § 5, 2005)

10.24.010 - Angle parking.

A. When the City Council authorizes angle parking at a given location, the City Traffic Engineer shall mark or sign such location indicating the angle at which vehicles shall be parked.

B. When signs or markings are in place indicating angle parking, as provided in this Section, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

C. No vehicle which exceeds twenty feet (20') in length is permitted to occupy such angle parking.

D. The City Traffic Engineer is authorized to post signs prohibiting the use of angle parking spaces by motorcycles when he or she determines that the restriction will result in more efficient use of on-street parking and that motorcycle only parking is located within a reasonable distance from the restricted parking space.

(Ord. C-7869 § 1, 2003; Ord. C-7750 § 6, 2001; prior code § 3410.90)

10.24.030 - Stopping prohibited where posted—Compliance required.

No person shall stop any vehicle for any purpose at any location where a sign is posted prohibiting such stopping. If stopping is prohibited during stated hours or days, no person shall stop at that location during such stated hours and days. For purposes of this Chapter, a vehicle shall be deemed stopped for a period of up to and including five (5) minutes, after which such vehicle shall be deemed parked and shall be subject to Section 10.24.050 of this Chapter.

(ORD-07-0029 § 1, 2007; Ord. C-7801 § 1, 2002; Ord. C-7750 § 7, 2001; Ord. C-5398 § 7, 1978; prior code § 3410.106)

10.24.050 - Parking prohibited where posted—Compliance required.

Except where parking by permit pursuant to Chapter 10.32 of this Code is expressly authorized, no person shall park any vehicle for any purpose at any location where a sign is posted prohibiting such parking. If parking is prohibited during stated hours or days, no person shall park at that location during such stated hours and days.

(ORD-07-0029 § 2, 2007)

10.24.055 - School street parking prohibited—Compliance required.

The City Traffic Engineer is hereby authorized, subject to the provisions and limitations of this Title, to place, when the need has been established by a Traffic Engineering study, applicable parking restriction signs at applicable times of the day within five hundred feet (500') of a school as a means to facilitate traffic circulation and increase safety at school sites.

(Ord. C-7366 § 2, 1995)

10.24.075 - Parking of unattached trailers prohibited.

A. No person shall park any unattached trailer at any location where a sign is posted pursuant to authorization of the City Traffic Engineer.

B. Notwithstanding Subsection 10.24.075.A, the City Traffic Engineer is hereby authorized to restrict the parking of unattached trailers by posting signs, when the need has been established by evidence satisfactory to the City Traffic Engineer in the following circumstances:

1. Within the parking impacted area;
2. Business districts, as that term is defined in Section 235 of the California Vehicle Code;
3. Frontage roads of arterial streets;
4. Residential streets of less than thirty-six feet (36') in width;
5. Along any curb where the parking of unattached trailers may pose a safety risk to traffic, cyclists or pedestrians;
6. Along any street in which a substantial number of adjacent businesses or occupants support the installation of such restriction, upon receipt of a written request from a Council district and a determination by the City Traffic Engineer that there is either majority support for or lack of sufficient opposition to the proposed restrictions. The City Traffic Engineer's determination shall be based on responses from occupants of properties with front curbs proposed to be affected by the action received after notice of the proposed restrictions.

(ORD-09-0021, § 21, 2009; Ord. C-7750 § 8, 2001: Ord. C-7698 § 2, 2000; Ord. C-7569 § 1, 1998; Ord. C-7407 § 3, 1996; Ord. C-7318 § 4, 1995; Ord. C-7208 § 1, 1994; Ord. C-7203 § 1, 1994; Ord. C-6982 § 4, 1992; Ord. C-6821 §§ 12, 15, 1990; Ord. C-6802 § 3, 1990; Ord. C-6797 § 5, 1990; Ord. C-6728 § 1, 1990; Ord. C-6711 § 2, 1990; Ord. C-6629 § 1, 1989; Ord. C-6554 § 1, 1989)

10.24.076 - Continuation of existing oversized vehicle regulation.

Except as otherwise provided in this Chapter, and except as amended or altered from time to time under the authority of this Chapter, all oversized vehicle restrictions and prohibitions heretofore placed in the City shall remain in full force and effect. The elimination from this Code of previously enumerated locations for such regulation does not constitute the repeal of such regulations.

(Ord. 05-0025 § 1, 2005; Ord. C-7949 § 1, 2004; Ord. C-7888 § 1, 2003; Ord. C-7878 § 1, 2003; Ord. C-7864 § 1, 2003; Ord. C-7858 § 1, 2003; Ord. C-7844 § 1, 2003; Ord. C-7841 § 1, 2003; Ord. C-7825 § 1, 2002; Ord. C-7804 § 1, 2002; Ord. C-7798 § 1, 2002; Ord. C-7787 § 1, 2002; Ord. C-7761 § 1, 2001; Ord. C-7746 § 3, 2001; Ord. C-7742 § 1, 2001; Ord. C-7730 § 1, 2001; Ord. C-7718 § 3, 2000; Ord. C-7700 § 2, 2000; Ord. C-7698 § 3, 2000; Ord. C-7689 § 2, 2000; Ord. C-7644 § 1, 1999; Ord. C-7623 § 1, 1999; Ord. C-7610 § 1, 1999; Ord. C-7599 § 1, 1999; Ord. C-7586 § 1, 1999; Ord. C-7525 § 3, 1998; Ord. C-7464 § 1, 1997)

10.24.077 - Posting of restrictions.

The City Traffic Engineer shall place and maintain or cause to be placed and maintained, on each of the streets or portions of streets on which oversized vehicle parking is restricted, appropriate signs notifying the public of such restrictions.

(Ord. 05-0025 § 2, 2005; Ord. C-7464 § 4, 1997)

10.24.078 - Parking of oversized vehicles prohibited.

A. Where posted, no person who owns, has custody, or control of an "oversized vehicle" as defined in Section 10.24.005, shall cause it to be parked on any public street.

B. Subsection A of this Section shall not apply to an oversized vehicle, so long as it is parked in a manner which otherwise complies with applicable State law and the City of Long Beach Municipal Code, when a valid permit is displayed on the inside of the lower left corner of the windshield of an oversized vehicle so as to be visible from the street. Said permit may be obtained and displayed in accordance with Section 10.24.080 of this Chapter.

C. Subsection A of this Section shall not apply to a commercial vehicle which is engaged in the active loading or unloading of goods for a period of time which does not exceed the "permitted commercial loading period" as defined in Section 10.24.005

(Ord. ORD-05-0025 § 3, 2005)

10.24.079 - Designation and termination of oversized vehicle parking restrictions.

Installation or removal of oversized vehicle parking restrictions may be initiated in one (1) of the following ways:

A. Safety/traffic hazards. The City Traffic Engineer may install or remove oversized vehicle parking restrictions from one (1) or both sides of any street or block when the need has been established by evidence satisfactory to the City Traffic Engineer based on factors including, but not limited to, street size and width, traffic patterns and volume, traffic on nearby streets or street segments, location of the street in the parking impacted area, neighborhood characteristics and City-wide traffic plans; or

B. Petition. The City Traffic Engineer is authorized to install or remove oversized vehicle parking restrictions from one (1) or both sides of any street or block upon receipt of a petition containing the signatures of occupants of two-thirds (2/3) of the street addresses of properties with front curbs proposed to be affected by the action. The City Traffic Engineer shall make available for this purpose a petition form containing the street addresses of said properties. In the case of nonresidential properties, the petition must contain the signatures of owners or owners' agents for at least two-thirds (2/3) of the linear street frontage described on the petition, irrespective of the property's legal address; or

C. Council district office. As an alternative to the petition process, the City Traffic Engineer is authorized to install or remove oversized vehicle parking restrictions from one (1) or both sides of any street or block upon receipt of a written request from a Council district office and a determination by the City Traffic Engineer that there is either majority support for or lack of

sufficient opposition to the proposed restrictions. The City Traffic Engineer's determination shall be based on responses from occupants of properties with front curbs proposed to be affected by the action received after notice of the proposed restrictions.

(ORD-09-0021, § 22, 2009; ORD-05-0025 § 4, 2005; Ord. C-7464 § 2, 1997)

10.24.080 - Oversized vehicle forty-eight hour parking permit for residential streets.

A. The Fire Department, or such other department as the City Manager shall designate, is authorized to issue oversized vehicle parking permits for campers, trailers, boats on trailers and recreational vehicles for the purpose of such activities as loading, unloading or performing maintenance on such vehicles for a period of not more than forty-eight (48) hours. Such activities must be conducted in compliance with all other laws and regulations. No more than twelve (12) permits shall be issued to any one (1) eligible resident or to any one (1) eligible vehicle within one (1) calendar year and a twenty-four (24) hour period must elapse between permits.

B. Oversized vehicle parking permits shall be issued for motor vehicles upon application of the registered owner or such other person who can provide evidence of residency at a location at which on-street parking of oversized vehicles is prohibited and can demonstrate exclusive use and control of the vehicle for which application is made.

C. Each oversized vehicle parking permit shall be issued for a period not to exceed forty-eight (48) hours in duration. Each application or reapplication for oversized vehicle parking permits shall be in writing and shall contain sufficient information to satisfy the administering department as to the identity and residential address of the applicant, the applicant's registered ownership or exclusive use and control of the vehicle for which application is made, the license number of the vehicle, and any other information that the administering department deems necessary for the proper processing of the application.

D. The Fire Chief or his designee may place further restrictions on any permit issued as deemed necessary to protect the public health and safety. Such restrictions shall appear on the face of the permit which shall be displayed on the inside of the windshield of the vehicle for which the permit is issued so as to be readily visible to a person approaching the vehicle from the front thereof.

E. Applications for issuance of forty-eight (24) hour permits shall be accompanied by such fee therefor as may be established from time to time by resolution of the City Council.

(Ord. ORD-05-0025 § 6, 2005; Ord. C-7464 § 3, 1997)

10.24.090 - Limited time parking.

A. At any location where a sign is posted pursuant to authorization of the City Traffic Engineer limiting the duration of parking, no person shall park any vehicle for a time period which exceeds the stated time limit.

B. Notwithstanding the foregoing, the City Traffic Engineer is authorized to install signs restricting the duration of parking in the parking impacted area when such parking restrictions are reasonably intended to facilitate business activity, to improve access to public facilities or enhance resident access to parking in neighborhoods. In deciding to install or remove time limited parking restrictions, the City Traffic Engineer shall consider the comments of businesses and residents affected by the proposed change. This Subsection does not alter in any way the limitations stated in Section 10.22.030 of this Code.

C. For purposes of this Section, a vehicle shall be deemed to have been left standing when such vehicle has not been moved more than one (1) block under its own power from its original stopped position.

(ORD-09-0021, § 23, 2009; Ord. C-7750 § 9, 2001; Ord. C-5398 § 10, 1978; prior code § 3410.111)

10.24.130 - Parking space markings.

A. The City Traffic Engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbing where authorized parking is permitted.

B. When such parking space markings are placed in the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked, other than within a single space, unless the size or shape of the vehicle makes compliance impossible.

C. The City Traffic Engineer is authorized to post signs prohibiting the use of any marked parking space by motorcycles when he or she determines that the restriction will result in more efficient use of on-street parking and that motorcycle only parking is located within a reasonable distance from the restricted parking space.

D. The City Traffic Engineer is authorized to exercise reasonable discretion in the marking of parking space sizes within the parking impacted area in order to maximize on-street parking availability.

(ORD-09-0021, § 32, 2009; Ord. C-7869 § 2, 2003; prior code § 3410.108)

10.24.140 - Designated parking areas on certain streets.

A. The City Council finds and declares that the parking of vehicles on certain narrow streets in densely populated areas within the City creates a detrimental condition affecting the health, safety and welfare of the community by encroaching upon the traveled portions of said streets in such a manner as to impede and obstruct the free flow of traffic, thus requiring the parking restrictions as contained herein.

B. Notwithstanding Section 10.24.130, the City Traffic Engineer is authorized to designate and maintain parking areas or spaces and to post signs in such a manner along the curbings of streets located within the parking impacted area, to require vehicles to park entirely within said designated areas or spaces, so as not to encroach upon the traveled portion.

(ORD-09-0021, § 24, 2009; Ord. C-6564 § 4, 1989; Ord. C-6241 § 1, 1986)

10.24.150 - Motorcycle only parking areas.

A. The City Traffic Engineer is authorized to post signs designating motorcycle only parking areas when he or she determines that the restriction will result in more efficient use of on-street parking.

B. No vehicle other than a motorcycle shall park in an area designated as a motorcycle only parking area.

C. No portion of a motorcycle parked in a motorcycle only parking area shall extend into any other parking space or into any area in which parking is prohibited.

(Ord. C-7869 § 3, 2003)

CHAPTER 10.25 - MOTOR VEHICLE ALARMS

10.25.010 - Motor vehicle alarms—Violations—Penalties.

A. The City Council finds and declares that a significant problem exists in the City with motor vehicle alarms. Many alarms are activated by accident or carelessness and not as the result of any criminal activity. The noise from motor vehicle alarms is contrary to public health, safety and welfare of the community and is declared to be a public nuisance.

B. No person shall cause, allow, permit or suffer any alarm located in a motor vehicle registered in the name of or operated by such person to emit any continuous or intermittent audible sound in the City for a period of more than fifteen (15) minutes. The time shall be calculated based upon the emission of the first audible sound and ending fifteen (15) minutes thereafter notwithstanding any variation or delay in the emissions of audible sound.

C. Except as provided in Subsection 10.25.010.D, any person violating this Section shall be guilty of an infraction. Any person convicted of an infraction under this Section shall be punishable by a fine of not more than twenty-five dollars ($25.00).

D. Any person violating this Section who has been previously convicted of three (3) or more violations of this Section shall be guilty of a misdemeanor.

E. The Police Department, in order to abate the public nuisance created by a vehicle in violation of this Section, may take such steps as are reasonably necessary to enter the vehicle, disconnect the alarm, and remove the vehicle for safekeeping in the manner permitted by law.

(Ord. C-6036 § 2, 1984)

CHAPTER 10.26 - STOPPING WHILE LOADING OR UNLOADING

FOOTNOTE(S):

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State Law reference— Provisions authorizing local authorities to regulate the operation of vehicles for hire, Veh. C. § 21100.

10.26.010 - Yellow, white or green curb markings.

The City Traffic Engineer is authorized, subject to the provisions and limitations of this Title, to place, and when the need has been established by Traffic Engineering study, shall place curb markings and/or appropriate signs to indicate parking regulations as enumerated in this Section and in Section 10.26.020. Where no curb exists, markings may be painted upon the most appropriate surface or signs may be placed instead of or in addition to such markings. When such markings and/or signs have been installed and are in place, it is unlawful for the operator of any vehicle to stop, stand or park such vehicle in violation of any such marking and/or sign.

A. Yellow indicates stopping only for the purpose of loading or unloading passengers or freight for a period of not in excess of two (2) minutes for passenger loading or unloading, nor twenty (20) minutes for freight loading or unloading. The words "LOADING ZONE" shall be stenciled on the yellow paint or appropriate signs may be posted. This restriction shall apply only between 7:00 a.m. and 6:00 p.m. on any day except Sundays and holidays.
B. White indicates stopping only for loading or unloading of passengers or depositing mail in an adjacent mailbox, or when stenciled "TAXICAB STAND", for the standing of taxicabs or automobiles for hire. No person shall use a white zone for a period in excess of two (2) minutes except that taxicabs or automobiles for hire at taxicab stands are exempted from this time limit.
C. Green indicates parking limited to a time from ten (10) to thirty (30) minutes, as determined by the City Traffic Engineer for a particular location or locations, between 9:00 a.m. and 6:00 p.m. of any day, except Sundays and holidays. A legend containing the applicable time limitation followed by the words "MIN. PARKING" shall be stenciled on the green, or appropriate signs may be posted.
D. Upon posting of appropriate signs, when the need has been established evidence satisfactory to the City Traffic Engineer, the City Traffic Engineer is authorized to create commercial and passenger loading zones for specified days and times to accommodate and balance the specialized demands of parking and loading needs of businesses and residents.

(ORD-09-0021, § 25, 2009; Ord. C-5439 § 1, 1978; Ord. C-5398 § 5, 1978: Ord. C-5355 § 1, 1977; prior code § 3410.100)

10.26.020 - Red curb markings.

When red curb markings have been installed and are in place, no operator shall stop or park any vehicle for any purpose at any time except that a bus may stop in a red zone marked or sign posted as a bus stop as provided in Section 10.26.040. Red curb markings may be used to supplement or in place of signs prohibiting stopping.

(ORD-09-0021, § 26, 2009; Ord. C-5398 § 6, 1978; prior code § 3410.101)

10.26.030 - Stopping in alley.

A. No person shall stop, stand or park a vehicle in any alley for any purpose other than the loading or unloading of persons or materials, except at locations where parking is permitted by the provisions of Subsection B of this Section.

B. Notwithstanding the foregoing, in the parking impacted area, the City Traffic Engineer, with the concurrence of the Chief of Police and the Fire Marshall, is authorized to permit parking in alleys or portions of alleys upon the posting of appropriate signs.

(ORD-09-0021, § 27, 2009; Ord. C-5711 § 1, 1981; prior code § 3410.101)

10.26.040 - Bus stop marking.

The City Traffic Engineer is authorized to establish bus stops and to designate curb space for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation. Such bus stops shall be indicated by a sign, or by red curb markings.

(ORD-09-0021, § 28, 2009; Ord. C-5691 § 2 (part), 1981; prior code § 3410.103)

10.26.050 - Warning lights while obstructing street.

No person having charge of any building materials, excavation, house movers' materials or appliance, or any obstruction of the public streets of the City, shall allow the same to remain on any public street, alley or public place of the City at any time during the hours between darkness and dawn, without maintaining a lighted lantern at each end of the building material, excavation, house movers' materials, or obstruction.

(Prior code § 3470)

CHAPTER 10.28 - PARKING METERS

FOOTNOTE(S):

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State Law reference— Provisions authorizing local authorities to establish parking meter zones, Veh. C. § 22508.

Note— Prior history: Prior code §§ 3420—3420.12; Ords. C-5309, C-5357, C-5530, C-6283, C-7920, ORD-06-0015 and ORD-06-0031.

10.28.010 - Definitions.

As used in this Chapter:

"Alternate form of payment" means any lawful form of payment, including but not limited to, tokens, prepaid cards, debit cards, credit cards that a parking meter is equipped to accept as payment for occupying a parking space.

"Metered parking space" means a parking space within a parking meter zone or metered parking area or lot.

"Multi-space parking meter," also known as a pay station or pay and display machine, means a device which records paid parking time, or accepts payment and dispenses a proof of payment ticket for more than one (1) parking space. If not located immediately adjacent to the parking space it regulates, a multi-space parking meter will be marked or labeled to identify the spaces it regulates.

"Parking meter" means any device which, upon the deposit of payment, registers the time that a vehicle is parked in a metered parking space, or which generates proof of payment for parking in a metered parking space for a specified time period or for a specific number of minutes. "Parking meter" includes a multi-space parking meter.

"Proof of payment ticket" means a paper slip or ticket dispensed from a multi-space parking meter for the sole purpose of being displayed as proof of payment for the occupancy of a metered parking space. For the purposes of this Chapter, "proof of payment ticket" does not include a credit card receipt or debit card receipt.

"Single-space parking meter" means a device located adjacent to a metered parking space, which device records paid parking time or accepts payment for parking time for one (1) parking space.

"Veteran's license plate" means a currently valid vehicle license plate issued by the State of California to a person who is one (1) of the following: Medal of Honor recipient, Legion of Valor recipient, Pearl Harbor survivor, Purple Heart recipient or former prisoners of war. The term includes a license plate issued by another State indicating a similar status.

(ORD-07-0003 § 1 (part), 2007)

10.28.020 - Installation of metered parking spaces and parking meters.

A. Council may authorize the City Traffic Engineer to establish metered parking spaces within parking meter zones and parking areas or lots, each of which spaces shall be of sufficient size to permit the parking or standing of one (1) vehicle.

B. The City Traffic Engineer shall post signs, or place lines or marks on the curb, street or other area about or alongside of each parking meter to designate the parking space for which the meter is to be used.

C. To regulate parking and collect parking revenues, the City Traffic Engineer is further authorized to place a parking meter, as defined in this Chapter, which registers the time that a vehicle is parked in a metered parking space or which generates proof of payment for parking in a metered parking space for a specified time period or for a specific number of minutes.

D. Nothing in this Section is intended to limit the authority of the City Traffic Engineer to establish green restricted-time parking zones or yellow loading zones.

(ORD-07-0003 § 1 (part), 2007)

10.28.030 - Operation of parking meters.

A. A parking meter may accept United States currency in the form of coins or paper currency, or accept alternate forms of payment including, but not limited to, prepaid cards, debit cards or credit cards. If not located immediately adjacent to the parking space it regulates, it will be marked or labeled to identify the space for which it accepts payment. Parking meters will operate in one (1) of two (2) ways:

1. Measure, in minutes, the period of time during which the vehicle may park in a parking meter space without violating the provisions of this Chapter or any ordinance regulating parking upon the street or other area on which the parking meter is established. Such a parking meter shall be constructed so that it will, upon the expiration of the period of time, commencing with the deposit and acceptance of payment, and ending with the expiration of the period of time that the parking or standing of a vehicle in the space is permitted, display a flag sign, alphanumeric display or other signal which will indicate that the permitted time for the parking of the vehicle, has expired.
2. Dispense a Proof of Payment Ticket. Such proof of payment ticket must be attached to the driver's side front window with the expiration time and date readily visible from outside the vehicle in order to be valid.

(ORD-07-0003 § 1 (part), 2007)

10.28.040 - Parking method.

Except as required elsewhere in this Code or by State law, any vehicle parked or standing in any metered parking space shall be parked or stand within the lines marked on the street or other area for such parking space as provided hereinafter, with the front end of the car facing the direction of traffic in the adjacent driving lane. No person shall park or stand any vehicle across any such line or mark or park the vehicle in such way that it will not be within the area so designated by the signs, lines or markings.

(ORD-07-0003 § 1 (part), 2007)

10.28.050 - Payment for metered parking space.

A. No person shall park, stand, or stop any vehicle in any metered parking space during a period for which a parking time limit is applicable to the space without making payment for the use of such space as posted. The provisions of this Section shall not be applicable during those hours when a

parking time limitation is not imposed, nor shall it apply to a vehicle displaying a valid veteran's license plate.

B. For the purposes of this Chapter, payment is evidenced in one (1) of two (2) ways either: (1) the parking meter which regulates the metered parking space displays one (1) or more minutes of paid time; or (2) a proof of payment ticket is attached to the vehicle as specified in Subsection 10.28.090.C with the expiration time and date readily visible from outside the vehicle on the street side.

C. Where a single-space parking meter is installed, if the parking meter is inoperable for any reason, the time limits posted shall be enforced during the hours of operation for parking meters, as posted.

D. Where a multi-space parking meter is installed, if that multi-space parking meter is inoperable for any reason, the person seeking to purchase a proof of payment ticket must purchase proof of payment from the next closest multi-space parking meter. If there is no other operational multi-space meter within one (1) block in any direction without crossing a street, or no other operational multi-space meter within the same parking lot, the time limits posted shall be enforced during the hours of operation for parking meters, as posted.

(ORD-07-0003 § 1 (part), 2007)

10.28.060 - Unlawful to occupy a metered parking space without paying for parking.

A. No person shall park a vehicle in any parking space without paying for parking, except during such time immediately after the original occupancy as is necessary as to deposit payment into a parking meter and if purchasing a proof of payment ticket at a multi-space parking meter, to return to the vehicle to display such ticket.

B. No person shall stop or park any vehicle in any parking meter space beyond the time permitted by this Chapter for the parking of vehicles in the block or other area in which the parking meter space is situated; provided, however, this Section shall not apply within the hours during which free parking is permitted in this Chapter nor shall it apply to a vehicle displaying a valid veteran's license plate.

C. Unless stated otherwise on the parking meter and the proof of parking ticket, nothing in this Section is intended to prevent a person who has purchased a proof of parking ticket from parking in more than one (1) location within the same parking meter zone, so long as the paid time, as evidenced on the proof of parking ticket, has not been exceeded.

(ORD-07-0003 § 1 (part), 2007)

10.28.070 - Unlawful to use or possess a proof of parking ticket purchased by another.

When a person has purchased a proof of payment ticket and has affixed that ticket to a vehicle, it is thereafter unlawful for any other person to remove that ticket, to be in possession of that ticket, or to display that ticket on another vehicle.

(ORD-07-0003 § 1 (part), 2007)

10.28.075 - Unlawful to extend time limits.

No person shall, by depositing additional payment in a parking meter, extend the time for stopping, parking or standing any vehicle beyond the time permitted by this Chapter for parking vehicles within a metered parking space when the vehicle has occupied that space for a consecutive number of minutes equal to or in excess of the legal time parking limit.

(ORD-07-0003 § 1 (part), 2007)

10.28.080 - Prohibited use of parking meter.

A. No person shall deposit in any parking meter any defaced or bent coin, or any slug, device or substitute for the required coin or coins or paper currency of the United States or acceptable alternate form of payment.

B. No person shall direct or insert any card, object, substance or device in, upon, or at a parking meter as a means to avoid, or in lieu of, making lawful payment for parking as required by this Chapter.

C. No person shall deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter by any means.

(ORD-07-0003 § 1 (part), 2007)

10.28.090 - Evidence of payment.

A. Single-Space Meters. The parking or standing of any vehicle in a parking space, at which space the parking meter displays a sign, flag, alphanumeric display or signal indicating illegal or expired parking, during hours in which parking meters are operational, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this Chapter.

B. Multi-Space Meters. The parking or standing of any motor vehicle in a metered parking space regulated by a multi-space parking meter which vehicle does not display a proof of parking ticket attached vehicle as set forth in Subsection C of this Section, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such a space for a period longer than permitted by this Chapter.

C. Proof of payment shall be displayed as follows, with the expiration time and date readily visible from outside the vehicle:

1. For vehicles without side windows, attached to the dashboard of the vehicle adjacent to the vehicle identification number ("VIN");
2. For motorcycles, attached to the headlight and readily visible from the adjacent driving lane;
3. For all other vehicles, attached to the inside of the front side window of the vehicle on the side closest to the adjacent driving lane.

D. The provisions of this Section shall not apply to a vehicle displaying a currently valid veteran's license plate.

(ORD-07-0003 § 1 (part), 2007)

10.28.100 - Purpose of compensation.

The payment required to be made by depositing money or an alternate form of payment into a parking meter as provided in this Chapter are declared to be necessary to compensate the City for the expense incurred in furnishing facilities, equipment, supervision and regulation required by such parking, and is found to be a reasonable fee for the privilege, voluntarily exercised by owners, operators, managers or drivers of vehicles, of parking the vehicles within the parking spaces, in conformity with the provisions of this Chapter.

(ORD-07-0003 § 1 (part), 2007)

10.28.110 - Payment collection.

All payments made to or deposited in any parking meter shall be collected regularly by a person designated by the City Manager.

(ORD-07-0003 § 1 (part), 2007)

10.28.120 - Demonstration program—Multi-space meters.

As a demonstration program, multi-space parking meters shall be installed on Bay Street west of Pine Avenue and on Pine Avenue north of Bay Street for a three (3) month trial period, to expire July 30, 2006. After that date, parking meters in all parking meter zones may be either single-space meters or multi-space meters, as designated by the City Traffic Engineer.

(ORD-07-0003 § 1 (part), 2007)

10.28.130 - Parking meter zones established—Rates set by resolution.

A. The areas or streets described below are established as parking meter zones:

Zone Number	Area/Street
1	Second Street between Livingston Drive and Bayshore Avenue and all streets intersecting Second Street within those limits from the alley north of, to the alley south of, Second Street, including those parking lots adjacent to the alleyways south of Second Street
1A	Northwesterly side of Park Avenue, beginning one hundred fifteen feet (115') southerly of 2nd Street, within the Belmont Shore District
2	Ocean Boulevard between Golden Avenue (Golden Shore) and Atlantic Avenue
3	First Street, Broadway, Third Street, Fourth Street, Fifth Street, Sixth Street, and Seventh Street between Pacific Avenue and Long Beach Boulevard; Pacific Avenue between First Street and Seventh Street; and Pine Avenue, Locust Avenue, and Long Beach Boulevard between Ocean Boulevard and Seventh Street
4	First Street, Broadway, Third Street and Fourth Street between Long Beach Boulevard and Atlantic Avenue; Fifth Street, Sixth Street and Seventh Street between Long Beach Boulevard and Elm Avenue; Elm Avenue between Ocean Boulevard and Sixth Street; and Linden Avenue between Ocean Boulevard and Broadway
5	Broadway between Maine Avenue and Pacific Avenue; Third Street, Fourth Street and Fifth Street between Cedar Avenue and Pacific Avenue; Magnolia Avenue (west side only) between Ocean Boulevard and Broadway; Chestnut Avenue between Broadway and Third Street; and Cedar Avenue between Broadway and Fifth Street
6	Pacific Avenue and Locust Avenue between Seventh Street and Eighth Street; Pine Avenue between Seventh Street and Tenth Street; Long Beach Boulevard

	between Seventh Street and Fourteenth Street; Seventh Street between Long Beach Boulevard and Elm Avenue; and Eighth Street between Pacific Avenue and Locust Avenue
7	(Reserved)
8	(Reserved)
9	(Reserved)
10	(Reserved)
11	(Reserved)
12	(Reserved)
13	(Reserved)
14	(Reserved)
15	(Reserved)
16	(Reserved)
17	(Reserved)
18	Pine Avenue between Seaside Way and Ocean Boulevard
19	Pine Avenue between Seaside Way and its southerly terminus
20	Shoreline Drive between Linden Avenue and Aquarium Way
21	Aquarium Way between Shoreline Drive and Seaside Way
22	Cedar Avenue between Shoreline Drive and Seaside Way
23	Bay Street between Cedar Avenue and Pine Avenue
24	The Paseo between Aquarium Way and Pine Avenue
25	Seaside Way between Linden Avenue and Golden Shore
26	(Reserved)
27	Palo Verde between Atherton Street and Anaheim Road

28	Anaheim Road between Palo Verde Avenue and Iroquois Avenue
29	Lew Davis Drive between Faculty Drive and Clark Avenue
30	Carson Street between Faculty Drive and Clark Avenue
31	Ocean Boulevard between Termino Avenue and Bennett Avenue
32	Olympic Plaza between Termino Avenue and Bennett Avenue
33	Ocean Boulevard between Bay Shore Avenue and Fifty-fifth Place

B. The rates of parking meters fees for the parking meter zones described in this Section shall be set, from time to time, by resolution of the City Council, which rates may vary, at the discretion of the City Council, from zone to zone.

(ORD-10-0018, § 1, 2010; ORD-06-0031 § 1, 2006)

CHAPTER 10.30 - BEACH AREA PARKING LOTS

10.30.010 - Designated—Definitions.

A. The beach area parking lots of the City shall be those parking lots owned by the City that are described and named as follows:

1. Ocean Beach parking lots. The Ocean Beach parking lots shall be those parking lots that lie south of Ocean Boulevard, which lots are individually named and described as follows:
    a. Junipero Avenue parking lot. The Junipero Avenue parking lot is the parking lot located on the beach southerly of the intersection of Junipero Avenue and Ocean Boulevard.
    b. Belmont Pier-Plaza parking lot. The Belmont Pier-Plaza parking lot is the parking lot located on the beach southerly of Allin Street between Belmont Pier on the west and the southerly projection of Termino Avenue on the east.
    c. Granada Avenue parking lot. The Granada Avenue parking lot is the parking lot located on the beach southerly of Ocean Boulevard between the intersection of Ocean Boulevard and Bennett Avenue on the west and the intersection of Granada Avenue and Ocean Boulevard on the east.
    d. La Verne Avenue parking lot. The La Verne Avenue parking lot is the parking lot located on the beach southerly of the intersection of Ocean Boulevard and La Verne Avenue.
    e. Fifty-Fourth Place parking lot. The Fifty-Fourth Place parking lot is the parking lot located on the beach southerly of Ocean Boulevard between the southerly projection of Bay Shore Avenue on the west and the southerly projection of Fifty-Fourth Place on the east.
    f. Seventy-Second Place parking lot. The Seventy-Second Place parking lot is the parking lot located on the beach southerly of the easterly projection of Ocean Boulevard between Seventy-First Place on the west and the Alamitos Bay entrance channel on the east.
    g. Alamitos Avenue parking lot. The Alamitos Avenue parking lot is the parking lot located on the beach southerly of Ocean Boulevard and easterly of the southerly prolongation of Alamitos Avenue.
    h. Claremont Launch Ramp parking lot. The Claremont Launch Ramp parking lot is located southerly of Ocean Boulevard at Claremont Avenue.
    i. Davies Launch Ramp parking lot. The Davies Launch Ramp parking lot is located at 6201 East Second Street.
    j. Shoreline Park parking lot. The Shoreline Park parking lot is the parking lot located easterly of the Queens Way Bridge and adjacent to Shoreline Park and Pierpoint Landing.
    k. South Shore Launch Ramp and lot. The South Shore Launch Ramp and lot is the parking lot located on Queens Way Drive, westerly of the Queens Way Bridge.
2. Catalina Landing South parking lot. The Catalina Landing South parking lot is located west of Queens Way Bridge and east of the Catalina Landing Basin.
3. Alamitos Bay Beach parking lots. The Alamitos Bay Beach parking lots shall be those defined, described and named as follows:
    a.

Bay Shore playground parking lot. The Bay Shore playground parking lot is the parking lot located northerly of Ocean Boulevard between Fifty-Fourth Place on the west and Fifty-Fifth Place on the east.

b. Marine Park parking lot. The Marine Park parking lot is the parking lot located adjacent to Marine Park, which lot lies southeasterly of the northeasterly projection of Ravenna Drive and lies northerly and northeasterly of Appian Way.

4. Colorado Lagoon Beach parking lots. The Colorado Lagoon Beach parking lots shall be those defined, described and named as follows:
   a. Colorado Lagoon South parking lot. The Colorado Lagoon South parking lot is the parking lot that lies northeasterly of Appian Way between the intersection of Appian Way and Park Avenue on the west and the intersection of Appian Way and Colorado Boulevard on the east, between the Appian Way and the Colorado Lagoon.
   b. Colorado Lagoon North parking lot. The Colorado Lagoon North parking lot is the parking lot that lies between Recreation Park 9-hole Golf Course and the Colorado Lagoon, southerly of Sixth Street.
5. Shoreline Marina parking lots. The Shoreline Marina parking lots shall be defined, described and named as follows:
   a. Marina Green parking lot. The Marina Green parking lot is the parking lot located southerly of Shoreline Drive and adjacent to and easterly of Shoreline Village Drive and north of the Shoreline Marina.
   b. Shoreline Marina parking lot. The Shoreline Marina parking lot is the parking lot located southerly of Shoreline Drive adjacent to and easterly of Shoreline Village Drive immediately north of the Shoreline Marina and is commonly referred to as the boat owners' lot from gangways R through GG.
   c. West Mole parking lot. The West Mole parking lot is the parking facility located on the west mole of the Shoreline Marina.
6. Alamitos Bay Marina parking lots. Alamitos Bay Marina parking lots are those located at marina Basins 1, 2, 3, 4, 5 and 6 and Naples Landing as defined in Section 16.08.130 of the Long Beach Municipal Code.

B. "Parking meter" shall have the same meaning as set forth in Section 10.28.010 of the Long Beach Municipal Code.

C. "Slot meter" means any device with numbered apertures to receive money corresponding to the similar numbered parking space.

(ORD-10-0004, § 1, 2010; Ord. C-7969 §§ 1, 2, 2005; Ord. C-7682 §§ 1, 2, 2000; Ord. C-7043 § 1, 1992: Ord. C-5956 § 1, 1983; Ord. C-5712 § 2 (part), 1981: prior code § 7310)

10.30.020 - Parking fees—Required—Exceptions.

A. No person shall park, stand, or stop any vehicle in any parking space in a beach area parking lot during a period for which a parking time limit is applicable to such space without paying the posted parking fee.

B. Subsection A of this Section shall not apply to a vehicle displaying a currently-valid veteran's license plate, as defined in Section 10.28.010 of this Code.

(ORD-07-0003 § 2, 2007: Ord. C-5712 § 2 (part), 1981: prior code § 7310.1)

10.30.030 - Parking fees—Amount and manner of collection.

The City Manager shall determine the amount of and the most efficient manner of collecting parking fees for use of the beach area parking lots and, upon approval thereof by the City Council, shall place and maintain or cause to be placed and maintained signs giving notice thereof.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.2)

10.30.040 - Parking fees—Period not applicable.

No parking fee shall be collected for lot use prior to eight o'clock (8:00) a.m. or subsequent to eight o'clock (8:00) p.m. For all beach area parking lots, with the exception of the Shoreline Park parking lot and the Marina Green parking lot. No parking fee shall be collected for lot use prior to eight o'clock (8:00) a.m. or subsequent to twelve midnight (12:00) a.m. for the Shoreline Park parking lot and Marina Green parking lot. This Section is applicable except as provided in Section 10.30.090.

(ORD-10-0004, § 2, 2010; Ord. C-5712 § 2 (part), 1981: prior code § 7310.3)

10.30.050 - Special regulations—Parking time limits.

In no case shall the time limit during which a parking fee is payable for lot use on any day be in excess of a single sixteen (16) hour period.

(ORD-10-0004, § 3, 2010; Ord. C-6948 § 1, 1991: Ord. C-5712 § 2 (part), 1981: prior code § 7310.4)

10.30.060 - Special regulations—Method of parking.

No person shall park, stand, or stop any vehicle in any beach area parking lot except within parking spaces designated by lines or marks on the curbs or pavement.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.5)

10.30.070 - Special regulations—Seventy-two hour parking limit.

A. Except as provided in Section 10.30.090, no person shall leave any vehicle parked or standing and no registered owner of such vehicle shall permit or allow such vehicle to remain parked or standing in any beach area parking lot for a period longer than seventy-two (72) hours from the time such vehicle is posted; provided, however, such posting shall not authorize the parking or standing of vehicles in any beach area parking lot in violation of applicable parking limits specified by other provisions of this Chapter.

B. Whenever any Police Officer or Marine Bureau employee designated in Section 16.08.340, determines by tire marking or otherwise that any vehicle has been standing in one (1) position for a period in excess of the time limit designated by signs giving notice thereof, he shall securely attach a notice in a conspicuous place upon such vehicle setting forth in such notice a reference to this Section, the location of the vehicle at the time, the date of such notice, and the approximate hour of posting.

C. For the purpose of this Section, a vehicle shall be deemed to have been left standing when such vehicle shall not have been removed completely out of the parking lot under its own power.

D. Any vehicle parked for a period longer than seventy-two (72) hours from the time of posting as hereinabove set forth, may be removed from the beach parking lot by any Police Officer or by a designated Marine Bureau employee in accordance with procedures set forth in the California Vehicle Code.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.6)

10.30.080 - Special regulations—Prohibition against overnight parking in designated lots.

A. No person shall park any vehicle in the following parking lots between the hours of ten o'clock (10:00) p.m. and one (1) hour before sunrise of the following day:
   1. La Verne Avenue lot;
   2. Fifty-Fourth Place lot;
   3. Bayshore playground lot;
   4. Basin 7 parking lot (Naples Landing);
   5. Marina Green lot;
   6. Shoreline Marina lot (R—GG boat owners);
   7. West Mole lot (A—P boat owners);
   8. Basins 1, 2, 3, 4, 5 and 6 parking lots;
   9. Alamitos Bay Marina parking lot, Basin 8;
   10. Boathouse Lane lot;
   11. Alamitos Avenue lot.

B. No person shall park any vehicle in the following parking lots between the hours of twelve o'clock (12:00) midnight and one (1) hour before sunrise of the following day:
   1. Belmont Pier lot;
   2. Granada Avenue.

C. No person shall park any vehicle in the following parking lots between one (1) hour after sunset and one (1) hour before sunrise of the following day:
   1. Seventy-Second Place lot;
   2. Marine Park lot;
   3. Colorado Lagoon South lot;
   4. Junipero Avenue lot.

D. No person shall park any vehicle in the following parking lots between one (1) hour after sunset and eight o'clock (8:00) a.m. of the following day:
   1. Granada Avenue launch ramp and lot;
   2. Claremont Avenue launch ramp and lot;
   3. Marine Stadium launch ramp;
   4. Colorado Lagoon North lot.

E. Parking and launching of vessels is permitted twenty-four (24) hours a day or at any time at the Davies launch ramp and lot.

F. The City Manager shall place and maintain or cause to be placed and maintained signs giving notice of the hours of closing of all beach area parking lots.

G. Notwithstanding any other provision of this Section 10.30.080, overnight parking is permitted in any parking lot mentioned in such section with a permit issued by the Director of Parks, Recreation and Marine, or his designee, at a fee to be established by City Council resolution.

(Ord. C-7969 § 3, 2005; Ord. C-7832 § 1, 2002: Ord. C-7682 § 3, 2000: Ord. C-7211 § 1, 1994: Ord. C-7118 § 1, 1993: Ord. C-7043 § 2 (part), 1992: Ord. C-6001 § 1, 1983: Ord. C-5712 § 2 (part), 1981: prior code § 7310.7)

10.30.090 - Special regulations—Prohibition against overnight parking of certain vehicles.

No person shall park any bus, camper, house car, trailer coach or any other vehicle adapted for human habitation or occupancy in any beach area parking lot between the hours of midnight (12:00 a.m.) and 5:00 a.m. without a permit issued by the Manager of the Marine Bureau pursuant to rules and regulations promulgated by the City Manager and approved by the City Council. The City Manager shall place and maintain or cause to be placed and maintained signs giving notice of the parking restrictions provided for in this Section.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.8)

10.30.100 - Special regulations—Prohibition against camping.

No person shall camp or lodge within any beach area parking lot.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.9)

10.30.110 - Special regulations—Buses and vehicles of excessive length.

Unless directed by an authorized City employee, no person shall park, stand, or stop any bus or other vehicle of excessive length within any beach area parking lot in such a manner as to occupy more than two (2) parking spaces or as to constitute an obstruction of the traffic lanes within the lot. For the purpose of this Section, the definition of a "bus" shall be that set forth in California California Vehicle Code § 233.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.10)

10.30.120 - Special regulations—Vehicles with trailers.

A. No person shall park, stand or store any unattached boat trailer in the Shoreline Marina parking lot or the Alamitos Bay Marina parking lot without a permit issued by the Manager of the Marine Bureau pursuant to rules and regulations promulgated by the City Manager and approved by the City Council.
B. No person shall park, stand or stop any motor vehicle and trailer in any beach area parking lot unless the trailer is uncoupled from the motor vehicle and placed in a separate parking space.
C. For those lots in which parking meters or slot meters have been installed, no person shall park, stand or stop any motor vehicle and trailer occupying two (2) metered spaces without depositing in each parking meter or slot meter aperture the appropriate coin or coins indicated on the parking meter or slot meter.

(Ord. C-7969 § 4, 2005; Ord. C-7043 § 2 (part), 1992: Ord. C-5712 § 2 (part), 1981: prior code § 7310.11)

10.30.121 - Special regulations—Speed limit.

No person shall operate any vehicle within a beach area parking lot or any access road thereto in excess of fifteen (15) miles per hour. The City Manager shall place and maintain or cause to be placed and maintained signs giving notice of the speed limit restriction.

(Ord. C-5956 § 35, 1983)

10.30.122 - Special regulations—Parking permits.

The City Manager may adopt, amend, modify or repeal regulations concerning parking of vehicles in the Shoreline Marina parking lots pursuant to permits and shall place and maintain or cause to be placed and maintained signs giving notice of the parking restrictions in said parking lots.

(Ord. C-7969 § 5, 2005: Ord. C-5956 § 36, 1983)

10.30.123 - Special regulations—Driving in beach area parking lots.

A. Except when a parking space is not available, no person shall repeatedly drive a motor vehicle within the beach area parking lots past a traffic control point established pursuant to this Section three (3) times within any fifteen (15) minute period. Each successive trip past the traffic control point shall constitute a separate violation of this Section, and no additional notice shall be required prior to issuance of a second or subsequent citation.

B. Any peace officer or Marine Bureau employee designated in Section 16.08.340 may establish one (1) or more traffic control points within the beach area parking lots to enforce the provisions of this Section.

C. "Repeatedly drive" is defined to mean the driving of a motor vehicle three (3) or more times within a fifteen (15) minute period past a traffic control point as established pursuant to this Section, when signs are posted at the entrance to the beach parking lot which state the provisions of this Section.

D. The provisions of this Section shall not apply to:

1. Any authorized vehicle as defined in California California Vehicle Code § 165;
2. Any publicly owned vehicle of any City, County, district, State or federal agency;
3. Any vehicle licensed for public transportation or vehicles which are normally used for business purposes and are engaged in such business use.

E. It shall be an infraction for any person to violate this Section, and upon conviction thereof shall be subject to the payment of penalties as provided in California California Vehicle Code § 42001, and as that section may be amended.

(Ord. C-7043 § 6, 1992)

CHAPTER 10.32 - PREFERENTIAL RESIDENTIAL PARKING

10.32.010 - Purpose.

This Chapter is enacted pursuant to authority granted by California California Vehicle Code §§ 22507 and 22507.5, to alleviate serious problems in certain residential areas of the City due, in part, to the misuse of available off-street parking, the parking of motor vehicles on-streets therein by nonresidents thereof for extended periods of time, and the ignoring of public transit alternatives to automobile travel available to said nonresidents, resulting in neighborhood decline in said areas by reason of traffic congestion, noise, air pollution, traffic hazards and inability of residents therein to park their motor vehicles near their residences.

(Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.600)

10.32.020 - Designation and termination of districts.

A. The City Traffic Engineer shall provide petition forms for preferential parking districts.

B. Designation.

1. Proceedings for designating a preferential parking district may be initiated by petition containing the signatures of at least two-thirds (2/3) of the residents of all units of occupancy fronting curbs proposed to be included in the district. The petition shall indicate and set forth the positive desire of all signators for preferential parking privileges and their willingness to assume all associated administrative and enforcement costs, by affixing their signature, printed name, and address to the petition calling for the creation of a district. The petition shall be distributed and presented to the City Council by advocates of such district's creation.
2. The City Council shall set a place for a public hearing on the proposed district. The City Clerk shall mail notice of the hearing at least ten (10) days prior to the hearing to all property owners, residents and commercial occupants within the proposed district and within four hundred feet (400') of the boundaries of such district, measured from the outer edges of the rights-of-way constituting the outer district boundaries.

C. Following the receipt of the petition, and following the public hearing, the City Council shall determine if the district is to be designated for preferential parking. That determination shall be based upon, but not limited to, substantial compliance with the following guidelines:

1. High demand. More than seventy-five percent (75%) of on-street spaces are occupied during period proposed for parking restriction or prohibition. In cases where a time limit parking restriction or parking prohibition is already in place, the City Traffic Engineer shall use reasonable judgment as to whether the demand criteria would likely be met without the restriction or prohibition.
2. Self-contained area. The district, alone or in combination with other existing or potential preferential parking districts, constitutes a reasonably self-contained area of parking demand and supply. The City Traffic Engineer shall make the determination of a reasonably self-contained area, utilizing boundaries such as major streets, nonresidential land uses, edges of higher or lower density residential areas, waterbodies and other natural features; and utilizing surveys of existing conditions to determine extent of area impacted by nonresident parking. The City Traffic

Engineer shall designate each such self-contained preferential parking district with a unique letter or combination of letters, which shall be the official designation of said district. The purpose of this designation process is to ensure that proposed preferential parking districts are of sufficient size as to reasonably encompass the problem area and to offer sufficient on-street parking spaces to provide reasonable opportunity for residents to obtain parking.

3. If the district is proposed solely for daytime preferential parking, the following guidelines shall apply:

Nonresidential users. More than fifty percent (50%) of vehicles parked at curbside during the period proposed for parking restriction or prohibition are owned by nonresidents of the district. In cases where a time limit parking restriction or prohibition is already in place, the City Traffic Engineer shall use reasonable judgment as to whether the demand criteria would likely be met without the restriction or prohibition.

4. Such additional criteria may be applied as the City Council may deem and identify as reasonably related to the designation of such districts.

D. 1. The City Council may terminate a preferential parking district upon receipt of a petition calling for such termination which has been received and transmitted by the City Clerk, and contains signatures and the corresponding printed name and address representing a majority (50 percent (50%) plus one (1)) of the dwelling units in the district. The City Council may also terminate such district, without petition, based upon, but not limited to, any changes in the criteria upon which the original designation was based.

2. The City Traffic Engineer shall annually review the status of each preferential parking district formed under this Chapter 10.32, and if the City Traffic Engineer determines that a substantial number of eligible persons within the district have failed to apply for and receive preferential parking permits, the engineer may recommend termination of district designation to the City Council.

(Ord. C-7801 § 2, 2002: Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.601)

10.32.030 - Permits—Issuance.

A. The Department of Financial Management shall issue preferential parking permits. Preferential parking permits shall be of three (3) types: Residential preferential parking permits; guest preferential parking permits; and temporary preferential parking permits. Except for guest preferential parking permits, no more than one (1) permit shall be issued for each vehicle for which application is made. Each permit issued shall reflect by statements thereon or by color thereof, or both, the particular preferential parking district for which the permit is issued and, except for guest preferential parking permits, the permit shall reflect the license number of the vehicle for which the permit is issued.

B. Preferential parking permits may be issued only for passenger vehicles, pickup trucks, and vans, and only upon application of a person whose legal address is on a street, or portion thereof, designated as part of a preferential parking district in Section 10.32.110

C. Preferential permits may be issued as follows:

1. Up to three (3) residential permits may be purchased per address. For each residential permit, proof of residency and registered ownership or exclusive use and control of a vehicle shall be demonstrated in a manner determined by the Director of Financial Management. The applicant shall provide the vehicle license plate number and such additional information as the Director of Financial Management deems necessary for the proper processing of the application.

2. One (1) guest parking permit may be purchased per address. A guest parking permit may be issued to a person whose legal address is on a street, or portion thereof, designated as part of a preferential parking district in Section 10.32.110. Use of a guest permit is limited to visitors and providers of services to the applicant or the applicant's residence and is not limited to a particular vehicle. The applicant is responsible for the proper use of the guest parking permit.
3. Temporary preferential parking permits may be issued for bona fide guests of residents of a preferential parking district provided that such permits shall be valid for no more than seven (7) consecutive days.

(Ord. C-7514 § 1, 1997: Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.602)

10.32.040 - Permit—Application and term.

A. Except for temporary preferential parking permits, each preferential parking permit shall be issued by the Department of Financial Management on a calendar year basis, and each such permit shall expire at midnight (12:00 a.m.), December 31 next following its issuance. Permits may be renewed annually by mail. Each application or reapplication shall contain such information as the Director of Financial Management deems necessary for the proper processing of the application. The application shall also contain a statement to the effect that the applicant agrees that the permit applied for may not be sold or transferred in any manner, except that a guest permit may be used by various visitors and service people to the applicant's residence. The application shall also state that the sale or transfer of a permit in violation of this Chapter shall be subject to a fine in the amount of one hundred dollars ($100.00), and that any misuse of any permit issued under this Section is grounds for revocation of the permit by the Director of Financial Management pursuant to this Chapter.

B. An application may be submitted by either the owner of the property for which a permit is sought or the tenant of such property, but in the case of applications submitted by tenants, the owner of the property shall also be required to sign the application form.

(Ord. C-7514 § 2, 1997: Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.603)

10.32.050 - Permit—Fee.

Applications for issuance of initial permits, renewal permits, transfer permits in the case of a holder of a permit in one (1) preferential parking district moving to another preferential parking district and desiring a new permit for the latter district, or a replacement permit in the case of a lost or mutilated permit, shall be filed with the Department of Financial Management and shall be accompanied by such fee therefor as may be established from time to time by resolution of the City Council. The fee charged for permits issued for less than twelve (12) months may be reduced in proportion to the time already elapsed in the current calendar year for which the permit would be valid. The Director of Financial Management shall not issue a replacement permit unless the Director has received satisfactory evidence that the permit being replaced has been lost or mutilated.

(Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.604)

10.32.060 - Permits—Display.

Residential parking permits shall be firmly attached to the left side of the rear bumper of the vehicle for which the permit is issued so as to be readily visible to a person approaching the vehicle from the rear thereof. Guest permits or temporary permits shall be displayed from the rear-view mirror or by such other method as directed in instructions contained on the permit itself.

(Ord. C-7514 § 3, 1997: Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.604)

10.32.070 - Permits—Revocation or fine for misuse.

A. The Director of Financial Management is authorized to revoke a preferential parking permit or a guest parking permit of any person found to be in violation of any of the provisions of this Chapter and, upon the written notification thereof, such person shall surrender the permit to the Director or prove its destruction or disfigurement to the Director's satisfaction. Additionally, the sale or transfer of a permit in violation of this Chapter shall constitute an infraction punishable by a fine of one hundred dollars ($100.00).

B. Any person whose preferential parking permit has been revoked shall not be issued a new permit until expiration of a period of one (1) year following the date of revocation and until such person has made required application therefor and has paid the fee required for a renewal permit.

(Ord. C-7514 § 4, 1997: Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.609)

10.32.080 - Sign posting.

The City Traffic Engineer shall place and maintain or cause to be placed and maintained on each of the streets, or portions of streets, designated in Section 10.32.110, appropriate signs notifying the public that vehicles must display preferential parking permits as well as showing the applicable time limits for parking of vehicles without said permits.

(Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.606)

10.32.090 - Enforcement hours/overnight parking prohibited.

Preferential parking referenced in this Chapter shall be in effect and enforced on such days of the week and during such time periods as shall be determined by the City Council when designating each preferential parking district, provided that if the district is designated for overnight parking permits, the City Council shall, if it has not previously done so, thereupon adopt an ordinance providing that no vehicle shall be parked on any public street or alley within that area between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. except as permitted by this Chapter.

(Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.610)

10.32.100 - Parking privileges for permit holders.

Any passenger vehicle, pickup truck or van properly displaying valid, unrevoked preferential parking permits may be parked on any of the streets, or portions of streets, designated in Section 10.32.090 for which said permits have been issued without being limited by time restrictions on parking, other than those in effect for purposes of street sweeping or of prohibiting parking or stopping at any time or of prohibiting parking more than seventy-two (72) consecutive hours, set forth in this Title and applicable generally to parking of vehicles. Preferential parking permits shall not guarantee or reserve to the holder thereof any on-street parking space.

(Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.607)

10.32.110 - Areas designated.

The streets, and portions of streets, enumerated in this Section are designated as preferential parking districts for the purposes of this Chapter.

District A: Linden Avenue between Bixby Road and Carson Street; Roosevelt Road between Long Beach Boulevard and the alley west of Atlantic Avenue.

District B: Ultimo Avenue between Sixth Street and Seventh Street.

District C: West side of California Avenue between Armando Drive and Roosevelt Road.

District D: Both sides of Malta Street between Gish Avenue and Park Avenue; both sides of Gish Avenue between Park Avenue and Malta Street; and both sides of Park Avenue from Pacific Coast Highway to Atherton Street.

District E: Zona Court between Fourth Street and Fifth Street.

District F: Village Road between Blackthorne Avenue and Faculty Avenue; Greenmeadow Road between Faculty Avenue and a point two hundred twenty-five feet (225') east of Village Road; Sunfield Avenue between Harvey Way and Centralia Street; Whitewood Avenue between Harvey Way and Centralia Street; Clark Avenue between Carson Street and Centralia Street; Greenbrier Road between Carson Street and Centralia Street; Heather Road between Carson Street and Centralia Street; Charlemagne Avenue between Carson Street and Centralia Street; Harvey Way between Rutgers Avenue and Pepperwood Avenue; Warwood Road between Faculty Avenue and Blackthorne Avenue; Faculty between Carson Street and Centralia Street; Graywood Avenue between Harvey Way and Centralia Street; Blackthorne Avenue between Village Road and Centralia Street; Hazelbrook Avenue between Harvey Way and Centralia Street; Pepperwood Avenue between Village Road and Centralia Street; the north side of Carson Street between the alley east of Norse Way and Faculty Avenue; and the north side of Carson Street between Clark Avenue and Charlemagne Avenue.

District G: Vuelta Grande Avenue between Snowden Avenue and Benmore Street; Benmore Street between Snowden Avenue and Vuelta Grande Avenue; Wentworth Street between Senasac Avenue and Snowden Avenue; Senasac Avenue between Belen Street and Wentworth Street; Snowden Avenue between Spring Street and the Los Cerritos Channel; the Spring Street service road between Snowden Avenue and its terminus west of Snowden Avenue and Senasac Avenue and Birkdale Street between Snowden Avenue and its terminus west of Snowden Avenue.

District H: Elm Avenue between Thirty-First Street and the San Diego Freeway.

District I: Both sides of Iroquois Avenue between Deleon Street and Rendina Street; both sides of Hackett Avenue between Anaheim Road and El Roble Street; both sides of Deleon Street from Palo Verde Avenue to the cul-de-sac; both sides of Josie Avenue between Deleon Street and Rendina Street; both sides of Espanita Street between Josie Avenue and the end of Espanita Street approximately three hundred fifty feet (350') east of Josie Avenue; both sides of El Jardin Street between Hackett Avenue and Knoxville Avenue; both sides of Mantova Street between Hackett Avenue and Knoxville Avenue; both sides of Knoxville Avenue between El Jardin Street and Mantova Street; both sides of El Roble Street between Hackett Avenue and Knoxville Avenue; the west side of Iroquois Avenue between El Roble Street and Atherton Street; the east side of Iroquois Avenue from El Roble Street to the point one hundred ten feet (110') north of El Roble Street; both sides of El Cedral Street from Iroquois Avenue to its terminus approximately two hundred feet (200') west; both sides of Rendina Street between Hackett Avenue and Knoxville Avenue; both sides of Knoxville Avenue between Rendina Street and El Roble Street; both sides of Driscoll Street from Josie Avenue to its terminus approximately three hundred fifty feet (350') east; and both sides of Bacarro Street from Josie Avenue to its terminus approximately three hundred fifty feet (350') east.

District J: Campo Walk between Riviera Walk and Campo Drive; Riviera Walk between Tivoli Drive and Garibaldi Lane; Tivoli Drive between St. Irmo Walk and Riviera Walk.

District K: Randolph Place between Virginia Road and the alley west of Long Beach Boulevard.

District L: The east side of Petaluma Avenue between Driscoll Street and Atherton Street; both sides of Studebaker Road service road west from Vuelta Grande Avenue to its terminus approximately seven hundred feet (700') south; and both sides of Almada Street from Studebaker Road service road west to its terminus approximately one hundred feet (100') west.

District M: Eighteenth Place from Ocean Boulevard south to its terminus.

District N: Greenbrier Road between the east-west alley located north of Anaheim Road and El Cedral Street; El Cedral Street between Greenbrier Road and Elmfield Avenue; El Roble Street between Greenbrier Road and El Prado Avenue; Los Flores Street between Greenbrier Road and El Prado Avenue; Vista Hermosa Street between Greenbrier Road and El Prado Avenue; and El Prado Avenue between Ramillo Avenue and the east-west alley located north of Anaheim Road.

District O: The east side of Palo Verde Avenue between the east-west alley immediately north of Atherton Street and Marita Street; both sides of Hackett Avenue between Atherton Street service road and Marita Street; both sides of Iroquois Avenue between Atherton Street service road and Marita Street; both sides of Marita Street between Palo Verde Avenue and Iroquois Avenue.

District P: Sixth Street between Silvera Avenue and a point one hundred fifty feet (150') west of Margo Avenue; Parima Street from Margo Avenue to easterly terminus; Lausinda Avenue from Parima Street to the northwest terminus; Monita Street between Margo Avenue and Peralta Avenue; Margo Avenue between Sixth Street and Vista Street; Daroca Avenue from Margo Avenue to Vista Street; Vista Street between Daroca Avenue and Palo Verde Avenue; Fifth Street between Margo Avenue and Silvera Avenue; Laurinda Avenue between Fifth Street and Vista Street; Linares Avenue between Fifth Street and Vista Street; Peralta Avenue between Monita Street and Vista Street; Silvera Avenue between Fifth Street and Vista Street; the west side of Silvera Avenue between Seventh Street and Fifth Street; Vermont Street from Silvera Avenue to the easterly terminus; Colorado Street from Silvera Avenue to the easterly terminus; Eliot Street from Silvera Avenue to the easterly terminus; Mariquita Street from Silvera Avenue to the easterly terminus; the south side of Fifth Street from Silvera Avenue to the easterly terminus.

District Q: The east side of Locust Avenue between Willow Street and Twenty-Seventh Street.

District R: Both sides of McNab Avenue between Atherton Street service road and Marita Street; both sides of Conquista Avenue between Atherton Street service road and Dayman Street; both sides of Fanwood Avenue between Atherton Street service road and Los Santos Drive; both sides of Dayman Street between Snowden Avenue and Conquista Avenue; both sides of Dayman Street between Snowden Avenue and Conquista Avenue; both sides of the Palo Verde Avenue service road between the Atherton Street service road and Marita Street; both sides of Tevis Avenue between the Atherton Street service road and Dayman Street; both sides of Snowden Avenue between the Atherton Street service road and Dayman Street; both sides of Carfax Avenue between the Atherton Street service road and Marita Street; both sides of Marita Street between Fanwood Avenue and the Palo Verde Avenue service road; both sides of Faust Avenue between Marita Street and end of the cul-de-sac; both sides of Senasac Avenue between Marita Street and end of the cul-de-sac; both sides of College Circle between the Atherton Street service

road east and the Atherton Street service road west; both sides of College Place between the Atherton Street service road and College Circle; both sides of Fairbrook Street between Snowden Avenue and Conquista Avenue; both sides of Conquista Avenue between Marita Street and Fairbrook Street; both sides of the Atherton Street service road between Fanwood Avenue and the Palo Verde Avenue service road.

District S: The south side of Pavo Street between Rutgers Avenue and Montair Avenue.

District T: Both sides of Prospect Avenue, from Tenth Street to a point three hundred feet (300') north of Tenth Street.

District U: The west side of Britton Drive between Atherton Street and Marita Street; both sides of Britton Drive between Marita Street and Los Santos Drive; both sides of Marita Street between Britton Drive and Fanwood Avenue; both sides of Lave Avenue between Atherton Street and Los Santos Drive; the east side of San Anseline Avenue between Atherton Street and Los Santos Drive.

District V: Granada Avenue between Anaheim Street and Pacific Coast Highway; both sides of Anaheim Place and Russell Drive between Pacific Coast Highway and Fourteenth Street; both sides of Park Avenue between Pacific Coast Highway and Anaheim Street; Roycroft Avenue between Anaheim Street and Fifteenth Street; south side of Fifteenth Street between Park Avenue and Roycroft Avenue; both sides of Fifteenth Street between Ximeno Avenue and Roycroft Avenue; both sides of Argonne Avenue between Anaheim Street and Pacific Coast Highway; both sides of Quincy Avenue between Anaheim Street and Fourteenth Street; and both sides of Fourteenth Street between Prospect Avenue and Pacific Coast Highway.

District W: Both sides of Umatilla Avenue between Anaheim Street and Verde Court and both sides of Verde Court between Umatilla Avenue and Termino Avenue.

District X: South side of Bixby Road between Lime Avenue and California Avenue.

District Y: West side of Bellflower Boulevard west service road from the alley two hundred forty-five feet (245') north of Spring Street to Pageantry Street; both sides of Pageantry Street from Bellflower Boulevard east service road to Marber Avenue, and east side of Bellflower Boulevard east service road from Pageantry Street to a point two hundred eighty feet (280') north of Pageantry Street.

District Z: The east side of Clark Avenue between Atherton Street and Stearns Street; both sides of Greenbrier Road between Atherton Street and Stearns Street; both sides of Bayard Street between Clark Avenue and Greenbrier Road; both sides of Garford Street between Clark Avenue and Fidler Avenue; both sides of Fidler Avenue between Greenbrier Road and Litchfield Avenue and the north side of Atherton Street between Clark Avenue and Greenbrier Road; and both sides of Calderwood Street between Greenbrier Road and Litchfield Avenue; and both sides of Litchfield Avenue between Fidler Avenue and Calderwood Street.

District AA: South side of Parkcrest Street between Marber Avenue and Albury Avenue; both sides of Marber Avenue between Parkcrest Street and Hanbury Street; both sides of San Anseline Avenue between Parkcrest Street and approximately four hundred feet (400') south of Parkcrest Street; and both sides of Albury Avenue between Parkcrest Street and Hanbury Street.

District AB: North side of Anaheim Road between Studebaker Road and El Jardin Street; both sides of Anaheim Road between El Jardin Street and Almada Street; both sides of El Jardin Street between Studebaker Road and Anaheim Road; both sides of 11th Street between Kallin Avenue and Stevely Avenue; both sides of 10th Street between Kallin Avenue and Stevely Avenue; both sides of 9th Street between Studebaker Road and Roxanne Avenue; west side of Kallin Avenue between 9th Street and a point 95 feet north of 9th Street; east side Kallin Avenue between 9th Street and Anaheim Road; both sides of Almada Street between Studebaker Road and Anaheim Road; both sides E. Studebaker Road (service road), between El Jardin Street and Deleon Street; and both sides of Mantova Street between Studebaker Road and a point 365 feet east of Studebaker Road.

(ORD-13-0009 , § 1, 2013; ORD-12-0012 , § 1, 2012; ORD-10-0021, § 1, 2010; ORD-10-0011, §§ 1, 2, 2010; ORD-09-0039, §§ 1—3, 2009; ORD-09-0032, § 1, 2009; ORD-07-0053 § 1, 2007; ORD-07-0052 § 1, 2007; ORD-06-0046 § 1, 2006; ORD-05-0024 § 1, 2005; ORD-05-0006 § 1, 2005; Ord. C-7970 § 1, 2005; Ord. C-7939 § 1, 2004; Ord. C-7935 §§ 1, 2, 2004; Ord. C-7907 § 1, 2004; Ord. C-7903 § 1, 2004; Ord. C-7902 § 1, 2004; Ord. C-7896 § 1, 2003; Ord. C-7890 § 1, 2003; Ord. C-7889 § 1, 2003; Ord. C-7811 § 1, 2002; Ord. C-7723 § 1, 2000; Ord. C-7710 § 1, 2000; Ord. C-7688 § 1, 2000; Ord. C-7671 §§ 2, 3, 2000; Ord. C-7657 § 1, 1999; Ord. C-7609 § 1, 1999; Ord. C-7606 § 1, 1999; Ord. C-7602 § 1, 1999; Ord. C-7587 § 1, 1999; Ord. C-7562 § 1, 1998; Ord. C-7512 § 1, 1997; Ord. C-7506 § 1, 1997; Ord. C-7486 § 1, 1997; Ord. C-7357 § 1, 1995; Ord. C-7353 § 1, 1995; Ord. C-7307 § 1, 1995; Ord. C-7244 § 1, 1994; Ord. C-7154 § 1, 1993; Ord. C-7136 § 1, 1993; Ord. C-7034 § 1, 1992; Ord. C-7029 § 1, 1992; Ord. C-7023 § 1, 1992; Ord. C-6965 § 1, 1992; Ord. C-6957 § 1, 1991; Ord. C-6943 § 1, 1991; Ord. C-6940 § 1, 1991; Ord. C-6887 § 1, 1991; Ord. C-6847 § 1, 1991; Ord. C-6815 § 1, 1990; Ord. C-6811 § 1, 1990; Ord. C-6795 § 1, 1990; Ord. C-6741 § 1, 1990; Ord. C-6703 § 1, 1990; Ord. C-6653 § 1, 1989; Ord. C-6588 § 1 (part), 1989; Ord. C-6583 § 1, 1989; Ord. C-6582 § 1, 1989; Ord. C-6577 § 1, 1989; Ord. C-6573 § 1, 1989; Ord. C-6572 § 1, 1989; Ord. C-6532 § 1, 1988; Ord. C-6529 § 1, 1988; Ord. C-6528 § 1, 1988; Ord. C-6525 § 1, 1988; Ord. C-6524 § 1, 1988; Ord. C-6482 § 1, 1988; Ord. C-6447 § 1, 1987; Ord. C-6446 § 1, 1987; Ord. C-6439 § 1, 1987; Ord. C-6438 § 1, 1987; Ord. C-6383 § 1, 1987; Ord. C-6336 § 1, 1987; Ord. C-6328 § 1, 1986; Ord. C-6280 § 1, 1986; Ord. C-5511 § 1 (part), 1979: prior code § 3410.611)

10.32.120 - Violations designated.

A. No person shall falsely represent himself or herself as eligible for preferential parking permits or furnish false information in an application therefor to the Department of Financial Management.

B. No person shall park or leave standing in a Preferential Parking District a motor vehicle on which is displayed a preferential parking permit which has been issued pursuant to the provisions of this Chapter for a different passenger vehicle, pickup truck, or van.

C. No person shall copy, produce, or otherwise bring into existence a facsimile or counterfeit preferential parking permit without written authorization of the Director of Financial Management.

D. No person shall park or leave standing in a Preferential Parking District a motor vehicle on which is displayed a facsimile or counterfeit preferential parking permit.

E. No person whose preferential parking permit has been revoked shall refuse or fail to surrender the permit to the Director of Financial Management when requested by the Director, in writing, to do so.

(Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.608)

10.32.150 - Rules and regulations.

The Director of Financial Management may, from time to time, promulgate rules and regulations, consistent with the purpose and provisions of this Chapter, to facilitate implementation of this Chapter, which rules and regulations may include, but need not be limited to, procedures for the application for and issuance and renewal of permits hereunder and provision for a limitation of the number of permits that may be issued per dwelling unit.

(Ord. C-6588 § 1 (part), 1989)

CHAPTER 10.33 - TEMPORARY CONSTRUCTION PREFERENTIAL PARKING DISTRICT

10.33.010 - Purpose and intent.

This Chapter is enacted pursuant to authority granted by California Vehicle Code Sections 22507 and 22507.5, to alleviate serious problems in certain residential areas of the City due to temporary construction activities which may displace normal parking patterns and lead to the parking of motor vehicles on streets by nonresidents thereof for extended periods of time, and the ignoring of public transit alternatives to automobile travel available to said nonresidents, resulting in neighborhood decline in said areas by reason of traffic congestion, noise, air pollution, traffic hazards and inability of residents therein to park their motor vehicles near their residences.

(ORD-12-0017(Emerg.) , § 1, 2012)

10.33.020 - Administration.

The City Traffic Engineer is designated as administrator for the Temporary Construction Preferential Parking District. The City Traffic Engineer may adopt rules and regulations governing the issuance of parking permits and the establishment of Temporary Construction Preferential Parking Districts. Such rules and regulations shall be consistent with the provisions of California Vehicle Code Section 22507.

(ORD-12-0017(Emerg.) , § 1, 2012)

10.33.030 - Designation and termination of Temporary Construction Preferential Parking Districts.

A. Severe parking impacts, defined as more than seventy-five percent (75%) of on-street spaces occupied during the period proposed for parking restriction or prohibition, have been created in any residential area of the City of Long Beach by construction activity. In cases where a time limit parking restriction or parking prohibition is already in place, the City Traffic Engineer shall use reasonable judgment as to whether the demand criteria would likely be met without the restriction or prohibition.

B. Construction activity must be of a duration of a minimum of two (2) weeks and a maximum of six (6) months. The duration of the Temporary Construction Preferential Parking District shall be coterminous with the duration of the construction project and its impacts, and shall be discontinued upon completion of construction and cessation of parking impacts, as determined by the City Traffic Engineer. In the event that the construction impacts are of a longer duration than six (6) months, the Temporary Construction Preferential Parking District may be renewed for two (2) additional six (6) month periods. No Temporary Construction Preferential Parking District shall have a duration of more than eighteen (18) months. If the construction activity lasts for more than eighteen (18) total months, residents must apply for a Preferential Parking District authorized by Long Beach Municipal Code Section 10.32.010 et seq., and conform with the requirements stated therein.

C. The proposed Temporary Construction Preferential Parking District, alone or in combination with other existing or potential Preferential Parking Districts, constitutes a reasonably self-contained area of parking demand and supply. The City Traffic Engineer shall make the determination of a reasonably self-contained area, utilizing boundaries such as major streets, nonresidential land uses, edges of higher or lower density residential areas, waterbodies and other natural features, and utilizing surveys of existing conditions to determine extent of area impacted by nonresident parking. The

proposed Temporary Construction Preferential Parking District shall be of sufficient size to reasonably encompass the problem area and to offer sufficient on-street parking spaces to provide reasonable opportunity for residents to obtain parking.

(ORD-12-0017(Emerg.) , § 1, 2012)

10.33.040 - Posting of signs.

Upon adoption of this ordinance, the City Traffic Engineer shall be authorized to cause appropriate signs to be erected in the Temporary Construction Preferential Parking District as designated by the City Traffic Engineer, indicating prominently thereon the time limitation, period of day for its application and conditions under which permit parking shall be exempt therefrom.

(ORD-12-0017(Emerg.) , § 1, 2012)

10.33.050 - Issuance of permits.

A. The Public Works Department, Office of the City Traffic Engineer, shall issue Temporary Construction Preferential Parking Permits. Each permit issued shall reflect by statements thereon or by color thereof, or both, the particular Temporary Construction Preferential Parking District for which the permit is issued.

B. Temporary Construction Preferential Parking District Permits may be issued only for passenger vehicles, pickup trucks, and vans, and only upon application of a person whose legal address is on a street, or portion thereof, designated as part of a Temporary Construction Preferential Parking District.

C. Up to three (3) Temporary Construction Preferential Parking District Permits may be issued per address. A Temporary Construction Preferential Parking District Permit may be issued to a person whose legal address is on a street, or portion thereof, designated as part of a Temporary Construction Preferential Parking District. Use of a Temporary Construction Preferential Parking District Permit is limited to residents, visitors and providers of services to the applicant or the applicant's residence and is not limited to a particular vehicle. The applicant is responsible for the proper use of the Temporary Construction Preferential Parking District Permit. Temporary Construction Preferential Parking District Permits may not be sold or transferred for monetary consideration to any third party. The sale or transfer of a permit in violation of this Chapter shall be subject to a fine in the amount of one hundred dollars ($100.00), and any misuse of any permit issued under this Section is grounds for revocation of the permit by the City Traffic Engineer pursuant to this Chapter.

D. An application may be submitted by either the owner of the property for which a Temporary Construction Preferential Parking District Permit is sought or the tenants of such property.

E. Any passenger vehicle, pickup truck or van properly displaying valid, unrevoked Temporary Construction Preferential Parking District Permits may be parked on any of the streets, or portions of streets, designated as constituting the Temporary Construction Preferential Parking District for which said permits have been issued without being limited by time restrictions on parking, other than those in effect for purposes of street sweeping or of prohibiting parking or stopping at any time or of prohibiting parking more than seventy-two (72) consecutive hours, set forth in this Title and applicable generally to parking of vehicles. Temporary Construction Preferential Parking District Permits shall not guarantee or reserve to the holder thereof any on-street parking space.

(ORD-12-0017(Emerg.) , § 1, 2012)

10.33.060 - Violations designated.

A. No person shall falsely represent himself or herself as eligible for Temporary Construction Preferential Parking District Permits or furnish false information in an application therefor to the Office of the City Traffic Engineer.

B. No person shall copy, produce, or otherwise bring into existence a facsimile or counterfeit Temporary Construction Preferential Parking District Permit without written authorization of the City Traffic Engineer.

C. No person shall park or leave standing in a Temporary Construction Preferential Parking District a motor vehicle on which is displayed a facsimile or counterfeit Temporary Construction Preferential Parking District Permit.

D. No person whose Temporary Construction Preferential Parking District Permit has been revoked shall refuse or fail to surrender the Temporary Construction Preferential Parking District Permit to the City Traffic Engineer when requested by the City Traffic Engineer, in writing, to do so.

(ORD-12-0017(Emerg.) , § 1, 2012)

CHAPTER 10.34 - PARKING FOR HANDICAPPED PERSONS IN PUBLIC PLACES

FOOTNOTE(S):

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State Law reference— Provisions on parking spaces for the handicapped, Veh. C. §§ 21458, 22507.5, 22511.7 and 22511.8.

10.34.005 - Prior designation by action of City Council.

Any parking space designated as reserved for the use of disabled persons by action of the City Council pursuant to Sections 10.34.040 (repealed) or 10.34.050 (repealed) shall be subject to and governed by this Chapter.

(Ord. C-7469 § 4, 1997)

10.34.010 - Spaces on streets—Designation.

Parking spaces for disabled persons shall be designated by blue paint on the curb or edge of the paved portion of the street adjacent to the space, and by signs or other suitable means as determined by the City Traffic Engineer. Any parking space designated for use by disabled persons may be utilized by any vehicle properly displaying the appropriate license plate or placard as described in this Chapter.

(Ord. C-7469 § 1, 1997; Ord. C-5290 § 1 (part), 1977; prior code § 3410.98)

10.34.015 - City Traffic Engineer authorized to designate disabled parking on public streets.

The City Traffic Engineer is authorized to designate on-street parking spaces as reserved for disabled persons and to indicate such spaces with blue paint and signs pursuant to Section 10.34.010. Such action must be preceded by a determination of need for such parking spaces and a determination that such designation will not adversely impact traffic safety. The City Traffic Engineer is further authorized to eliminate on-street parking previously designated for use by disabled persons when he or she determines that the need for such parking no longer exists.

The City Traffic Engineer shall maintain a list of all on-street parking spaces designated for use by disabled persons under this Chapter.

(Ord. C-7469 § 5, 1997)

10.34.020 - Parking for disabled persons reserved for vehicles with appropriate license plates or placards.

No vehicle which does not display either a special identification license plate issued pursuant to California Vehicle Code Section 5007 or a distinguishing placard issued pursuant to California Vehicle Code Sections 22511.55 or 22511.59 shall stop or park in any parking space designated for use by a disabled person.

(Ord. C-7469 § 2, 1997; Ord. C-5290 § 1 (part), 1977; prior code § 3410.98.1)

10.34.025 - Application for disabled parking designation.

A. Any person who has been issued a special identification license plate pursuant to Vehicle Code, Section 5007 or a distinguishing placard pursuant to Vehicle Code, Sections 22511.55 or 22511.59 may apply to the City Traffic Engineer for the designation of an on-street parking space as a parking space reserved for disabled persons. Such application shall contain:
    1. Evidence of authorization from the California Department of Motor Vehicles of authorization to use disabled parking;
    2. An explanation of medical need for parking at the requested location;
    3. Certification by the applicant that no existing on-street or off-street parking space meets his or her parking needs;

B. When any of the circumstances in the application change or cease to exist, the applicant shall notify the City Traffic Engineer.

C. The City Traffic Engineer is authorized to conduct reviews of eligibility and continuing need for the disabled parking space once every two (2) years.

(ORD-09-0021, § 29, 2009; Ord. C-7469 § 6, 1997)

10.34.030 - Off-street parking spaces—Designation.

The City Traffic Engineer is authorized to designate spaces in an off-street parking facility owned or operated by the City as reserved for the exclusive use of any vehicle which displays either a special identification license plate issued pursuant to California Vehicle Code Section 5007 or a distinguishing placard issued pursuant to California Vehicle Code Sections 22511.55 or 22511.59. The designation shall be made by posting a sign adjacent to and visible from the space, and marking the space, as specified in California Vehicle Code Section 22511.8.

The City Traffic Engineer is also authorized to place at any off-street parking facility owned or operated by the City a sign not less than seventeen by twenty-two inches (17 x 22") in size with lettering not less than one inch (1") in height which clearly and conspicuously states the following: "Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons will be towed away at owner's expense. Towed vehicles may be reclaimed at [address] or by telephoning the Long Beach Police Department at [telephone number]". Such sign shall be posted in accordance with the provisions of California Vehicle Code Section 22511.8.

(Ord. C-7469 § 3, 1997; Ord. C-5290 § 1 (part), 1977; prior code § 3410.99)

CHAPTER 10.36 - PARKING FOR HANDICAPPED PERSONS IN PRIVATE OFF-STREET FACILITIES

10.36.010 - Purpose.

This Chapter is enacted pursuant to authority granted by Section 21107.8 of the California Vehicle Code so as to make effective the provisions of Section 22507.8 of the California Vehicle Code so as to prohibit nonauthorized persons from parking or leaving standing a vehicle in a stall or space designated for physically handicapped persons on privately owned and maintained off-street parking facilities set forth in this Chapter.

(Ord. C-5547 § 1 (part), 1979; prior code § 3410.700)

10.36.020 - Request for designation required.

The City Council shall not find and declare that any particular privately owned and maintained off-street parking facility within the City is generally held open for use of the public for purposes of vehicle parking, pursuant to authority granted by Section 21107.8 of the California Vehicle Code, except after receipt of a prior written request therefor from the owner or operator of the off-street parking facility and holding a public hearing thereon preceded by ten (10) days' prior written notice of the hearing to the owner and operator of the off-street parking facility.

(Ord. C-5547 § 1 (part), 1979; prior code § 3410.701)

10.36.030 - Posting of notices and signs.

The owner or operator of an off-street parking facility who has requested the City Council to include the parking facility in Section 10.36.040 shall, within ten (10) days following the effective date of the ordinance that adds the parking facility to Section 10.36.040, post the notices and signs required by California Vehicle Code Sections 21107.8(b), 22507.8(a), respectively.

(Ord. C-5641 § 1, 1980; Ord. C-5547 § 1 (part), 1979; prior code § 3410.702)

10.36.040 - Facilities enumerated.

The City Council, pursuant to authority granted by Section 21107.8 of the California Vehicle Code and for purposes of having the provisions of Section 22507.8 of the California Vehicle Code apply thereto, finds and declares that the off-street parking facilities described in this Section are privately owned and maintained off-street parking facilities within the City that are generally held open for use of the public for purposes of vehicular parking: 4101 East Willow Street.

(Ord. C-5732 § 3, 1981; Ord. C-5547 § 1 (part), 1979; prior code § 3410.703)

CHAPTER 10.38 - MISCELLANEOUS DRIVING RULES

10.38.010 - Driving through funeral processions.

No driver of a vehicle shall drive between vehicles comprising a funeral procession while they are in motion and when the vehicles in such procession are conspicuously so designated.

(Prior code § 3410.55)

10.38.020 - Driving on sidewalks.

A. No operator of any automobile, truck, tractor, motorcycle or power driven scooter shall drive the same within or upon any sidewalk area in the City, except at a permanent or temporary driveway.

B. No operator of any motorized scooter shall drive the same upon any bike path on the beach or any bike path adjacent to a City marina.

(Ord. C-7924 § 1, 2004; prior code § 3410.57)

10.38.030 - Driving on new pavement.

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted marking in any street where a barrier or sign is in place warning persons not to drive over or across such pavement or marking, or when a sign is in place stating that the street, or any portion thereof, is closed.

(Prior code § 3410.58)

10.38.040 - Use of Ravenna Drive Bridge by commercial vehicles prohibited.

No person shall drive or operate any commercial vehicle in, over, upon or across that portion of Ravenna Drive between a line forty-five feet (45') north of the north line of Rivo Alto Canal and a line forty-five feet (45') south of the south line of the canal, said portion constituting the Ravenna Drive Bridge over the Rivo Alto Canal and the approaches to the bridge. For the purpose of this Section, a "commercial vehicle" is defined to be a motor vehicle designed, used or maintained primarily for the transportation of property.

(Prior code § 3410.59)

10.38.050 - Limited access roadway.

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

(Prior code § 3410.60)

10.38.060 - Freeways—Designated.

Those portions of the Long Beach and Terminal Island Freeways within the City shall be deemed to be freeways. Where any such freeway is a State highway, this Title shall be inapplicable, unless the ordinance or resolution affecting the State highway has been presented to and approved in writing by the Department of Public Works.

(Prior code § 3410.61)

10.38.070 - Freeways—Use restricted.

No person shall drive or operate any bicycle, motor driven cycle or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by State law and this Chapter, nor shall any pedestrian walk across, or along any such street so designated and described except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.

(Prior code § 3410.62)

10.38.080 - Walks closed to vehicles.

No operator of any motor vehicle, except a sightseeing tram operating in such public streets or ways pursuant to a permit or franchise granted by the City therefor, shall drive, stand or park such vehicle within or upon the public streets, ways or portions thereof, specified under this Section, between the hours of 11:00 a.m. and 12:00 midnight of each day; provided, however, that the crossing of such portions of such public streets or ways at regular intersections thereof, between such hours, shall not be deemed to be a violation of this Section:

A. Seaside Way, between the easterly line of Chestnut Place and the westerly line of Cedar Walk;
B. The Walk of a Thousand Lights;
C. Cedar Walk.

(Ord. C-5436 § 1, 1978; Ord. C-5280 § 1, 1977; prior code § 3410.63)

10.38.090 - Streets closed to vehicles.

A. No operator of any motor vehicle, except a sightseeing tram operating in such portion of Seaside Boulevard pursuant to a permit or franchise granted by the City therefor, shall drive, stand, or park such vehicle within or upon that portion of Seaside Boulevard between the westerly line of Magnolia Avenue and the easterly line of the Los Angeles River flood control channel.
B. Maple Way, between Olive Avenue and Alamitos Avenue, is closed to vehicular traffic. No person shall operate any such vehicle upon such thoroughfare.
C. California Avenue, between Bixby Road and Armando Drive, is closed to vehicular traffic Monday through Friday, between the hours of 8:00 a.m. and 7:00 p.m.
D. Repealed.
E. No person shall operate a motor vehicle on First Street between Pacific Avenue and Long Beach Boulevard, between the hours of 6:00 a.m. and 6:00 p.m., except for the following: (1) buses may use this portion of First Street at all times; (2) commercial vehicles specifically serving the businesses located along the south side of First Street between Pine Avenue and the Promenade North may traverse that portion of First Street between Pine Avenue and Long Beach Boulevard between the hours of 6:00 p.m. to 6:00 a.m. and between the hours of 9:00 a.m. to 4:00 p.m.; and (3) any vehicle may drive upon the portion of First Street between Pacific Avenue and Pine Avenue when to do so is necessary to gain access to any private property vehicularly accessible only from that portion of First Street.
F. No person shall operate a motor vehicle on the Promenade North and the Promenade South between Seaside Way and Third Street, with the following exceptions:
    1. Vehicles of three (3) axles or less may traverse and stop upon such right-of-way between the hours of 10:00 p.m. and 9:00 a.m. for the purpose of undertaking commercial loading or unloading activities.

2. Passenger carrying tram vehicles operated by the Long Beach Public Transportation Company may operate upon such right-of-way at any time.

G. First Street and Second Street between Cherry Avenue and Junipero Avenue is closed to through vehicular traffic between the hours of 10:00 p.m. and 5:00 a.m.

(ORD-07-0059 § 1, 2007; Ord. C-7816 § 1, 2002; Ord. C-6636 § 1, 1989; Ord. C-6592 § 1, 1989; Ord. C-6543 § 1, 1988; Ord. C-6372 § 1, 1987; Ord. C-6337 § 1, 1987; Ord. C-6190 § 1, 1985; Ord. C-6074 § 1, 1984; Ord. C-5942 § 1, 1983; Ord. C-5809 § 1, 1982; Ord. C-5782 § 2, 1981; prior code § 3410.64)

10.38.100 - Seasonal street closures.

A. It is found and determined that the public safety and general welfare require the closing to vehicular traffic of those portions of the public streets in the City enumerated in this Section, and such portions of said public streets are ordered closed each day between the hours of 9:00 a.m. and 5:00 p.m. during Easter vacation week and the periods between June 15 and September 15 of each year. The portions of the streets in the City which are so required to be closed to vehicular traffic as aforesaid are described as follows:

1. Bay Shore Avenue, between a line one hundred ten feet (110') south of the south line of Second Street and southwest line of Fifty-Fourth Place;
2. Fifty-Fourth Place, between the east line of Bay Shore Avenue and the prolongation of the north line east of the first alley north of Ocean Boulevard;
3. Division Street, between the west line of Bay Shore Avenue and a line eighty feet (80') west of said west line;
4. First Street, between the west line of Bay Shore Avenue and a line eighty feet (80') west of said west line.

B. No person, between the hours of 9:00 a.m. and 5:00 p.m. of any day during Easter week and between June 15th and September 15th of each year, shall drive, park or stand any motor vehicle in or upon those portions of the public streets enumerated in Subsection A of this Section.

C. The Chief of Police is authorized, and, as to those signs or barricades required under this Section it shall be his duty, to place and maintain, or cause to be placed and maintained, necessary signs and barricades to close the streets set forth in this Section.

(Prior code § 3410.65)

10.38.110 - Commercial vehicle parking on residential streets designated as truck routes.

No commercial vehicle exceeding a maximum gross weight of ten thousand (10,000) pounds shall park on any residential street which has been designated as a truck route when appropriate signs have been erected by the City Traffic Engineer giving notice thereof. The provisions of this Section shall have no application to a State highway or while such commercial vehicle is making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure on such restricted streets.

(Ord. C-6433 § 1, 1987; Ord. C-6246 § 1, 1986: prior code § 3410.66)

10.38.111 - Commercial vehicle parking on State highways located in residential areas.

No commercial vehicle exceeding a maximum gross weight of ten thousand (10,000) pounds shall park on any State highway abutted by residential land uses and which has been designated as a truck route when appropriate signs giving notice thereof and the hours of applicability of such prohibition have been erected by the City Traffic Engineer. The provisions of this Section shall have no application while

such commercial vehicle is making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such State highways, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure on such State highways. If the California Department of Transportation withdraws its approval of this Section by written notice, this Section shall be inoperative six (6) months after receipt of that notice by the City Council.

(Ord. C-6722 § 1, 1990)

10.38.120 - Use of Queen's Way Bridge restricted.

No person shall drive or operate any bicycle, motor-driven cycle, or any vehicle which is not drawn by a motor vehicle, on Queen's Way Bridge and its approaches.

(Prior code § 3410.67)

10.38.130 - Exclusive bus lanes.

No person shall operate a motor vehicle, other than a bus, within the areas and during the times specified by this Section, provided that signs or other official traffic-control devices are placed and maintained giving notice thereof; except that other vehicles may be operated in such areas while lawfully executing right turn movements therein or for the purpose of entering or leaving lawfully established parking spaces or loading zones therein:

A. The right-hand lane for southbound traffic on Long Beach Boulevard between First Street and Seventh Street, at all times;
B. The right-hand lane for northbound traffic on Pine Avenue between First Street and a point two hundred fifty feet (250') south of the south curb of Sixth Street, at all times.

(Ord. C-5782 § 1, 1981; prior code § 3410.68)

10.38.140 - Off-street parking—Exemption from parking fee.

A driver of a vehicle displaying veteran's license plates, as defined in Subsection 10.28.010.G, may park free of charge at any lot owned or operated by the City, subject to restrictions imposed by the State of California.

(ORD-07-0003 § 3, 2007)

CHAPTER 10.40 - TRUCK ROUTES

10.40.010 - Establishment.

A. Whenever any provision of this Title designates and describes any street or portion thereof as a truck route, the Traffic Engineer is authorized to designate such street or streets by appropriate signs.

B. When any such truck route or routes are established and designated by appropriate signs, no operator of a commercial vehicle, as defined in California Vehicle Code Section 260, Subd. (a), exceeding a maximum unladen weight, as that term is defined in California Vehicle Code Sections 660 and 661, of three (3) tons shall operate or park, and no vehicle for hire or advertised for hire shall park, along any other route or routes. This Section shall not apply to pickup trucks as that term is defined in California Vehicle Code Section 471. Nothing in this Section shall prohibit such vehicle from coming from a truck route having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, or the immediate loading and unloading of passengers, or from parking in designated areas such as taxi zones or bus zones, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets.

C. The provisions of this Section shall not apply to passenger buses under the jurisdiction of the public utilities commission; or any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility; or trucks used for the transportation of explosives.

D. Those streets and portions of streets described in Section 10.40.030 are declared to be truck routes for the movement of commercial vehicles exceeding a maximum gross weight of three (3) tons.

(ORD-09-0006, § 1, 2009; ORD-07-0042 § 1, 2007; prior code § 3410.116)

10.40.020 - Truck routes for transportation of explosives.

In accordance with the provisions of Section 31614 of the California Vehicle Code, no person shall operate any vehicle transporting explosives over any roadway in the City other than those designated by the Traffic Engineer or those for which a special permit has been approved by the Chief of the Fire Department of the City.

(Prior code § 3410.118)

10.40.030 - Enumerated.

A. For the purpose of Section 10.40.010, the following streets, and portions of streets, are truck routes:

1. Anaheim Street, from the west City limits to the Long Beach Freeway;
2. Bellflower Boulevard, from Pacific Coast Highway to the north City limits at Del Amo Boulevard;
3. Carson Street, from Cherry Avenue to the San Gabriel River, excluding those portions outside the City;
4. Cherry Avenue, from the north City limits to the northerly boundary of the City of Signal Hill, and from the southerly boundary of the City of Signal Hill to Pacific Coast Highway;
5. Lakewood Boulevard, from the north City limits to Los Alamitos Traffic Circle;

6. Long Beach Boulevard, from the north City limits to Ocean Boulevard;
7. Ninth Street, from its westerly terminus to Long Beach Freeway;
8. Norwalk Boulevard, from the north City limits to the south City limits;
9. Pacific Coast Highway, from the west City limits to the east City limits;
10. Paramount Boulevard, from the north City limits to South Street;
11. Santa Fe Avenue, from the Pacific Coast Highway to Ninth Street;
12. Seaside Boulevard, from the west City limits to Ocean Boulevard;
13. Seventh Street from Pacific Coast Highway to the east City limits;
14. South Street, from Cherry Avenue to the east City limits;
15. Spring Street, from Long Beach Boulevard to the westerly boundary of the City of Signal Hill, and from the easterly boundary of the City of Signal Hill to the east City limits;
16. Willow Street, from the west City limits to the Terminal Island Freeway, and from the Long Beach Freeway to the I-405 Freeway;
17. Those roads within the Harbor District specified in Resolution No. HD-946 of the Board of Harbor Commissioners.

(Ord. C-7037 § 1, 1992: Ord. C-6527 § 1, 1988; Ord. C-5822 §§ 1, 2, 1982; Ord. C-5806 § 1, 1982; Ord. C-5748 § 2, 1981; Ord. C-5638 § 2 (part), 1980; Ord. C-5546 § 2, 1979; Ord. C-5519 § 1, 1979; Ord. C-5359 § 1, 1977; Ord. C-5268 § 1 (part), 1976; prior code § 3410.125)

CHAPTER 10.41 - USE OF STREETS BY OVERWEIGHT VEHICLES

FOOTNOTE(S):

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Note— Prior ordinance history: Ord. C-7177 § 1 (part), 1994; Ord. C-7442 §§ 1, 2, 3, 4, 5, 6, 1996.

10.41.010 - Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

A. "Designated streets" means those City streets or portions thereof (including streets or portions thereof within the Harbor District) that have been designated by the City Council and the Board of Harbor Commissioners (for streets within the Harbor District) by resolution as being open to travel by overweight vehicles pursuant to a special permit issued under the provisions of this Chapter.

B. "Director" means the Director of Public Works of the City of Long Beach, or his designee.

C. "Harbor District" means that portion of the City bounded on the north by Anaheim Street, on the east by the Los Angeles Flood Control Channel, on the south by the southerly limits of the City and on the west by the westerly limits of the City.

D. "Overweight vehicle" means a vehicle or combination of vehicles or various intermodal shipping equipment containing cargo of a nature which can be physically separated without affecting the cargo, the weight of which exceeds the maximum allowed by the California Vehicle Code. Ocean shipping equipment under the seal of United States Customs shall not be subject to the provisions of this Chapter.

E. "Person" means any natural person, firm, association, organization, partnership, corporation, public corporation, political subdivision or any department or agency thereof.

F. "Residential street" means a public or private right-of-way or portion thereof providing access to one (1) or more dwellings (as defined in Section 21.15.900 of this Code)

G. "Year" means calendar year commencing January 1 and ending the following December 31.

H. "Intermodal" means a type of international freight system that permits trans-shipping among sea, highway, rail, and air modes of transportation.

I. "Flatrack" means a portable, open-topped, open-sided unit that fits into existing intermodal container cells and provides the capability for container ships to carry oversized cargo.

(ORD-10-0025, § 1, 2010; Ord. C-7850 § 1, 2003)

10.41.020 - Special permit required.

No person shall operate or move an overweight vehicle upon City streets (including streets within the Harbor District) except pursuant to a special permit issued under the provisions of this Chapter. A special permit shall be required for each overweight vehicle to be moved or operated on City streets.

(Ord. C-7850 § 1, 2003)

10.41.030 - Designated streets.

A special permit will be issued for operation or movement of an overweight vehicle only upon streets and highways designated by the City Council and the Board of Harbor Commissioners (for streets within the Harbor District) by resolution. The Board of Harbor Commissioners may impose special conditions regarding the use of streets and highways within the Harbor District by an overweight vehicle when designating a street and highway within the Harbor District pursuant to this Section or at any time thereafter the Board of Harbor Commissioners shall determine that special conditions are necessary to assure against undue damage to road foundations, surfaces, bridges or other structures.

(Ord. C-7850 § 1, 2003)

10.41.040 - Authority to issue special permit.

The Director or his designee is authorized to issue special permits under this Chapter for either a single movement or on a yearly basis for continuous operations. Every permit issued for continuous operations shall expire on December 31 of the year for which issued. The Director may issue or withhold a special permit in his or her discretion or may issue a special permit conditioned upon any or all of the following:

A. The number of trips authorized.
B. Seasonal or other time limitations within which the overweight vehicle may be operated on the designated streets.
C. An undertaking or other security as may be deemed necessary to protect the City's streets and bridges from damage.
D. Required proof of financial responsibility in an amount required for compliance with California Vehicle Code Section 16500.5.
E. Such conditions of operation of the overweight vehicle as may be necessary to assure against undue damage to the road foundations, surfaces, bridges or other structures.
F. Potential negative safety or environmental impacts in the opinion of the City Traffic Engineer, Fire Marshall, or the Chief of Police.

(ORD-10-0025, § 2, 2010; Ord. C-7850 § 1, 2003)

10.41.050 - Application required.

A special permit will be issued only upon receipt of a signed and verified application describing the vehicle and load, including weight, and stating whether the special permit is requested for a single trip or for continuous operations. Each application shall be accompanied with a fee as determined by the Director and approved by the City Council.

(Ord. C-7850 § 1, 2003)

10.41.060 - Special permit conditions.

Every special permit issued pursuant to this Chapter shall provide the following:

A. The maximum allowable gross combined vehicle weight to be permitted may not exceed the maximum allowed by the California Vehicle Code with appropriate equipment.
B. Special permits shall be issued for the movement of intermodal shipping equipment only.
C.

Each person to whom a special permit is issued shall agree to defend and indemnify City, its boards, officers and employees from any and all damages, costs and expenses sustained or incurred by City, its boards, officers and employees resulting from or arising out of the issuance of a special permit and the use of City streets whether designated or nondesignated. Each such person shall further agree to be responsible for all injuries or death of persons and for all damages to property of every kind caused by or resulting from or arising out of this issuance of a special permit and the use of City streets, whether designated or nondesignated.

D. No detour from a permitted route may be made without prior permission of the Director or his designee. No route (whether permitted or detour) shall be on residential streets. Nothing contained in this Chapter shall prohibit an overweight vehicle for which a special permit has been issued from operating or moving upon a nondesignated street to a designated street by the most direct route when necessary for the purpose of picking up or delivering an ocean shipping container.

E. Every overweight vehicle permitted under this Chapter and each special permit issued pursuant hereto shall be subject to inspection by the Director or his designee and any peace officer at any time it is on a City street within the limits of the City for the purpose of determining compliance with the provisions of the special permit.

F. As a condition precedent to the issuance of a special permit, the applicant shall furnish the Director evidence that each driver of an overweight vehicle shall have completed training in the operation of an overweight vehicle.

G. The person to whom a special permit is issued shall furnish evidence satisfactory to the Director that the overweight vehicle has undergone a safety inspection by a governmental agency having jurisdiction within ninety (90) days preceding the issuance of the special permit and at least once each ninety (90) days during the permit period.

H. Each person to whom a special permit is issued shall at all times comply with all laws, ordinances, rules and regulations of all federal, State and local governmental authorities having jurisdiction over the operation and maintenance of the overweight vehicle.

(ORD-10-0025, § 3, 2010; Ord. C-7850 § 1, 2003)

10.41.070 - Revocation of permit.

The Director shall revoke all continuous operation special permits issued to a person, if the person, his employee or agent shall violate any two (2) special permit conditions or violate the same special permit condition on two (2) occasions within any ninety (90) day period. No special permit shall be issued to a person whose special permit has been revoked pursuant to this Section for ninety (90) days following such revocation. Nothing contained in this Chapter shall be deemed or construed as limiting the power of a peace officer to issue a citation for or otherwise enforce violations of law with respect to operation of an overweight vehicle upon designated City streets upon discovery of a violation of a condition of a special permit.

(Ord. C-7850 § 1, 2003)

10.41.080 - Rules and regulations.

The Director or his designee may adopt, repeal, amend and modify administrative regulations implementing the provisions of this Chapter, including, but not limited to, operating requirements, trailer requirements, driver requirements, and any other matter deemed necessary for the effective administration of this Chapter.

(ORD-10-0025, § 4, 2010; Ord. C-7850 § 1, 2003)

10.41.090 - Display and special permit.

No overweight vehicle shall be operated or moved upon designated streets without displaying a placard approved by the Director identifying the overweight vehicle as one for which a special permit has been issued pursuant to this Chapter. A copy of the special permit shall at all times be kept in the overweight vehicle and shall be presented to any peace officer upon demand.

(Ord. C-7850 § 1, 2003)

10.41.100 - Other permits.

A special permit issued pursuant to this Chapter shall be in addition to and obtained prior to applying for any other permit which may be required by law for the operation or movement of an overweight vehicle upon public streets.

(Ord. C-7850 § 1, 2003)

CHAPTER 10.42 - DRIVING ON FLOOD CONTROL STRUCTURES

10.42.010 - Driving on flood control structures prohibited.

No person shall drive or permit to be driven any motor vehicle into or upon any levee, flood control channel or other right-of-way within the City which is owned, operated or under the control of either the Los Angeles County Flood Control District or the Corps of Engineers of the United States Army.

(Prior code § 3410.6(a))

10.42.020 - Exemption.

This Chapter shall not apply to the vehicles owned or in the service of the Corps of Engineers of the United States Army, the County Flood Control District or those of any duly constituted law enforcement agency. Further, it shall not apply to any vehicle operated under specific written authorization of the Corps of Engineers of the United States Army, the County Flood Control District or the City.

(Prior code § 3410.6(b))

10.42.030 - Highways excluded.

This Chapter shall not apply to the driving or operating of a motor vehicle on the main traveled portion of any public highway.

(Prior code § 3410.6(c))

CHAPTER 10.44 - WHITE CANES

FOOTNOTE(S):

--- (**15**) ---

State Law reference— Provisions on the use of white canes, Veh. C. § 21963 et seq.

10.44.010 - Use restricted.

No person, except persons wholly or partially blind, shall carry or use on the public streets of the City any canes or walking sticks which are white in color, or white with red end or bottom. Such canes or walking sticks may be used on the streets and other public places of the City by persons wholly or partially blind as a means of protecting them and for the purpose of identifying them by drivers of vehicles, operators of motor driven vehicles and other pedestrians with whom they come in contact on such streets and public places.

(Prior code § 3460)

10.44.020 - Duties of drivers and pedestrians.

Any driver of a vehicle, operator of a motor driven vehicle, or pedestrian who is not wholly or partially blind who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color, or white with red end, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person so carrying a white cane or walking stick.

(Prior code § 3460.1)

CHAPTER 10.46 - ABANDONED VEHICLES

FOOTNOTE(S):

--- (**16**) ---

State Law reference— Provisions on local ordinances on abandoned vehicles, Veh. C. § 22660.

10.46.010 - Declared nuisance.

In addition to and in accordance with the determination made and the authority granted by the State under Section 22660 of the California Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance, creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property, not including highways, except as expressly permitted in this Chapter, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

(Prior code § 3410.300)

10.46.020 - Definitions.

The following words and phrases, when used in this Chapter, shall for the purpose of this Chapter have the meanings respectively ascribed to them in this Chapter, as follows:

A. "Highway" means away or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
B. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
C. "Owner of the vehicle" means the last registered owner and legal owner of record.
D. "Public property" does not include "highway".
E. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(Prior code § 3410.301)

10.46.030 - Exemptions.

This Chapter shall not apply to:

A.

A vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or private property; or

B. A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this Section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the California Vehicle Code and this Chapter.

(Prior code § 3410.302)

10.46.040 - Regulations nonexclusive.

This Chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City, the State or any other legal entity or agency having jurisdiction.

(Prior code § 3410.303)

10.46.050 - Administration and enforcement.

Except as otherwise provided in this Chapter, the provisions of this Chapter may be administered and enforced by the Building Official, the Director of Public Works or any other City official designated by the City Manager. In the enforcement of this Chapter, such official and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter.

(Ord. C-6114 § 1 (part), 1984; prior code § 3410.304)

10.46.060 - Towing contractor authority.

When the City has contracted with or granted a franchise for vehicle towing services, such person or persons shall be authorized under direction of the designated official to enter upon private or public property and remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter.

(Ord. C-6114 § 1, (part), 1984; prior code § 3410.305)

10.46.070 - Removal—Required.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property within the City, the designated official shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this Chapter.

(Ord. C-6114 § 1 (part), 1984; prior code § 3410.306)

10.46.080 - Removal—Notice to property and vehicle owner.

A ten (10) day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be posted on the vehicle or property mailed by certified mail to the owner of the land as shown on the latest equalized assessment roll and mailed by certified mall to the owner of the vehicle,

unless the vehicle is in such condition that identification numbers are not available to determine ownership. If the owner of the property, vehicle or parts thereof is not of record, posting the vehicle or property shall suffice. The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the latest equalized assessment roll of the land located at (address), you are notified that the undersigned, pursuant to Chapter 10.46 of the Long Beach Municipal Code, has determined that there exists upon this land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of Chapter 10.46 of the Long Beach Municipal Code.

You are notified to abate this nuisance by the removal of this vehicle (or parts of a vehicle) within ten (10) days from the date of mailing of this notice. If you fail to do so, the vehicle will be removed by the City of Long Beach with the costs becoming a lien upon your property.

As owner of the land on which this vehicle (or parts of a vehicle) is located, you are notified that you may, within ten (10) days after the date of mailing of this Notice of Intention, request a public hearing. If such a request is not received by the designated official within such ten (10) day period, the designated official shall have the authority to abate and remove the vehicle (or parts of a vehicle) as a public nuisance without a public hearing. You may appear in person at any hearing requested by you or the owner of the vehicle, or, in lieu of appearing, may present a sworn written statement, provided it is received in time for consideration at the hearing, setting forth the reasons why the nuisance should not be abated by removal of the vehicle.

Notice Mailed:	_____/ _____	
	Date	Signature— Designated Official

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of vehicle-notice should be given to both if different)

As the last registered (and/or legal) owner of record of (description of vehicle-make, license, etc.), you are notified that the undersigned pursuant to Chapter 10.46 of the Long Beach Municipal Code has determined that the vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (described location on public or private property) and constitutes a public nuisance pursuant to the provisions of Chapter 10.46 of the Long Beach Municipal Code.

You are notified to abate the nuisance by the removal of this vehicle (or parts of a vehicle) within ten (10) days from the date of mailing of this notice.

As registered (and/or legal) owner of record of this vehicle (or parts of a vehicle), you are notified that you may, within ten (10) days after the date of mailing of this Notice of Intention, request a public hearing. If such a request is not received by the designated official within such ten (10) day period, the designated official shall have the authority to abate and remove or cause the removal of the vehicle (or parts of a vehicle) as a public nuisance without a hearing.

Notice Mailed:	_____/ _____	
	Date	Signature— Designated Official

(Ord. C-6606 § 1, 1989; Ord. C-6114 § 1 (part), 1984; prior code § 3410.307)

10.46.090 - Removal—Hearing.

A. Upon a timely request by the owner of the vehicle or owner of the land, a public hearing shall be held by the Board of Examiners, Appeals and Condemnation on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle. The designated official shall mail a notice of the hearing by certified mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

B. If such a request for hearing is not received within said ten (10) days after the date of mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove or cause the removal of the vehicle or parts thereof as a public nuisance without holding a public hearing.

C. All hearings under this Chapter shall be held before the Board of Examiners, Appeals and Condemnation which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private or public property. The Board shall not be limited by the technical rules of evidence. The owner of the land and the owner of the vehicle may appear in person at the hearing or submit a sworn written statement in time for consideration at the hearing on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle.

D. The Board of Examiners, Appeals and Condemnation may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this Chapter. It may delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the Board of Examiners, Appeals and Condemnation may find that a vehicle or parts thereof have been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as provided in this Chapter. The order requiring removal shall

include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available, at the site. The decision of the Board of Examiners, Appeals and Condemnation shall be final.

E. If the owner of the land or the vehicle does not appear at the hearing, or if an interested party makes a written presentation to the Board but does not appear, he shall be notified in writing of the decision.

(Ord. C-7098 § 10, 1993; Ord. C-6114 § 1 (part), 1984; prior code § 3410.308)

10.46.100 - Removal—Authorized when.

Five (5) days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance or five (5) days from the date of mailing of notice of the decision, if such notice is required by this Chapter, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable.

(Prior code § 3410.309)

10.46.110 - Removal—Notice to State.

Within five (5) days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

(Prior code § 3410.310)

10.46.120 - City removal—Authorized.

If any owner served with a notice to remove a vehicle fails to remove the vehicle from his lot within the time stated in the notice, or order of the Board of Examiners, Appeals and Condemnation after appeal, he shall be deemed to have consented to such removal by the Building Official who shall then be authorized, and it shall be his duty, to enter upon the lot involved and remove the vehicle.

(Ord. C-6606 § 2 (part), 1989)

10.46.121 - Owner's responsibility for enforcement costs.

If any owner served with a notice to remove a vehicle fails to remove the vehicle from his lot within the time stated in the notice, or order of the Board of Examiners, Appeals and Condemnation after appeal, all incidental enforcement costs incurred by the City in connection therewith shall be charged to and become an indebtedness of the owner of the land as well as a lien upon the affected property whether or not the vehicle is later removed by the City, the owner or by others, except as provided below. "Incidental enforcement costs" include, but are not limited to, the actual expenses and costs of the City in investigating the property, obtaining title information, preparing notices, and performing inspections. Incidental enforcement costs shall not be charged to, nor become an indebtedness of, a property owner who is head of a low-income household (defined to be a household earning less than eighty percent (80%) of the County median income).

(Ord. C-7098 § 18, 1993)

10.46.130 - City removal of vehicle—Levy computation.

The Building Official shall, after completing the removal of a vehicle from any lot or whenever the work was accomplished by the owner after the established deadline, compute all expenses so incurred by the City in connection with the removal, including the applicable processing fees as set forth by City Council resolution and all incidental enforcement costs. All expenses shall be charged to and become an indebtedness of the owner of such premises, except that incidental enforcement costs shall not be included in the levy for a property owned by a head of a low-income household (defined to be a household earning less than eighty percent (80%) of the County median income).

(Ord. C-7098 § 11, 1993; Ord. C-6606 § 2 (part), 1989)

10.46.140 - City removal of vehicle—Payment notice.

Upon computing the expenses, the Building Official shall serve upon the owner of the property, as determined from the current assessment roll, and in the same manner as provided for service of the notice to remove vehicle, a notice to pay vehicle removal levy (sometimes referred to in this Chapter as notice to pay), which notice shall be in substantially the following form:

NOTICE TO PAY VEHICLE REMOVAL
LEVY

In accordance with the provisions of Chapter 10.46 of the Long Beach Municipal Code, the Building Official has caused the abandoned, wrecked, dismantled or inoperative vehicle registered to _____ and having license number _____ located on property at _____

_____

_____
(legal)

AKA _____
(address)

To be removed at City expense.

You are notified that the total costs of _____ are now due and payable to the City of Long Beach.

Section 10.46.150 of the Long Beach Municipal Code provides, in part, that the property owner or any person having an interest in the matter may demand a hearing within fifteen (15) days of this notice before the Board of Examiners, Appeals, and Condemnation on the reasonableness of the charges. Such demand shall be in writing, flied with the Building Official and shall describe the property involved, the reasons for objecting, the name, address and interest of the applicant.

If no hearing is demanded, this payment shall become delinquent thirty (30) days from this notice and a lien for that amount, plus a fee for preparation of the lien shall be attached to the affected property and thereafter bear interest at the rate of twelve percent (12%) per annum until paid. An additional fee will be incurred if that payment is not received before the end of the fiscal year (June 30th) and transfer of collection to the Tax Collector becomes necessary.

(Ord. C-6606 § 2 (part), 1989)

10.46.150 - Hearing on charges.

A. Within fifteen (15) days from the date of the notice to pay, the property owner, or any person having an interest in the matter may demand a hearing on the reasonableness of such charges. The demand shall be in writing and filed with the Building Official. It shall describe the property involved, the reasons for objecting, and the address of the applicant for service of notices in connection with such hearing.

B. The Building Official shall set a date for hearing such protest by the Board of Examiners, Appeals, and Condemnation within a reasonable time. The Building Official shall send written notice of such hearing to the person whose name appears on the current equalized assessment roll as the owner of the premises involved. Such service may be made either by personal delivery of the notice or by depositing it in the United States mail, postage prepaid, as certified, first class mail, return receipt requested, addressed to the owner at the most recent address appearing on the assessment roll, or if no address appears on the roll, such service may be made by posting the notice in a conspicuous place upon the property. Proof of the service of the notice shall be made by affidavit of the person making the service, and the affidavit shall be sufficient for all purposes.

C. At the time set for such hearing, the Board shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the Board shall be final.

D. A copy of the Board's determination shall be served by mail upon the owner of the affected premises. Service shall be completed at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage fully prepaid.

(Ord. C-6606 § 2 (part), 1989)

10.46.160 - Interest on charges.

If the amount of the charges as determined by the Board of Examiners, Appeals, and Condemnation has not been paid within thirty (30) days of its decision, the payment shall become delinquent and a lien against the real property, and the amount so determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid. If no hearing is demanded on the reasonableness of the charges, the payment shall become delinquent and a lien against the real property thirty (30) days after the notice of the charge for abatement is served by the Building Official; and such amount shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid.

(Ord. C-6606 § 2 (part), 1989)

10.46.170 - Transfer of collection.

The Building Official shall certify a list of all delinquent charges for vehicle removal or nuisance abatement to the City Treasurer who shall submit the list to the City Council for confirmation. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the County Tax Collector. The amount of the charges including such interest as has accrued after the delinquent date to July 1st of the year shall be set forth opposite the description by the City Treasurer.

(Ord. C-6606 § 2 (part), 1989)

10.46.180 - Method of collection.

Upon receipt of the list, the County Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as ad valorem taxes, and penalties and interest for nonpayment thereafter shall attach as though the amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes

appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for collection for lot cleaning, vehicle removal, correction of substandard conditions or nuisance abatement, and penalties thereon, entered upon that tax roll against the lot are first paid in full.

(Ord. C-6606 § 2 (part), 1989)

10.46.190 - Tax—Sold property.

Upon the sale of any lot to the State for nonpayment of taxes, all charges for lot cleaning, vehicle removal, correction of substandard conditions or nuisance abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

(Ord. C-6606 § 2 (part), 1989)

10.46.200 - Tax—Sold property—Redemptions.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for lot cleaning, vehicle removal, correction of substandard conditions and nuisance abatement, and penalties entered on the delinquent tax records against the property involved, have first been paid in full.

(Ord. C-6606 § 2 (part), 1989)

10.46.210 - Error correction—Assessment cancellation.

A. The Building Official may, prior to certifying any unpaid charges to the City Treasurer, correct any errors with respect to such levies appearing upon his records.

B. After such levies have been certified to the City Treasurer and confirmed by the City Council, the Council, by order entered on its minutes, may cancel any charges for lot cleaning, vehicle removal, correction of substandard conditions or nuisance abatement, or penalty, or any portion of such charges or penalty appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any City, or any school district or other political subdivision and, because of this public ownership, not subject to sale for delinquent assessment.

(Ord. C-6606 § 2 (part), 1989)

CHAPTER 10.48 - BICYCLES

FOOTNOTE(S):

--- (**17**) ---

State Law reference— Provisions on bicycles, Veh. C. § 21200 et seq.

10.48.010 - Bicycle defined.

A bicycle is every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is twenty inches (20") or more in diameter.

(Prior code § 3410.200)

10.48.020 - Traffic laws applicable.

Every person riding a bicycle upon a roadway or sidewalk shall be subject to the provisions of this Title applicable to the driver of a vehicle, except as to provisions which by their nature can have no application, and such person shall also comply with the special bicycle regulations contained in the Chapter.

(Prior code § 3410.201)

10.48.030 - Emerging from alley, driveway or building.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(Prior code § 3410.202)

10.48.040 - Riding in a group.

Persons operating bicycles upon a roadway shall not ride more than two (2) abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.

(Prior code § 3410.203)

10.48.050 - Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon a sidewalk in a rack to support the bicycle or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

(Prior code § 3410.204)

10.48.060 - Path use.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Prior code § 3410.205)

10.48.070 - Riding on sidewalks.

A. No person shall ride a bicycle upon a sidewalk within any business district; upon the sidewalks of bridges; in pedestrian underpasses; on pedestrian overpasses; upon sidewalks adjacent to any school building, church, recreation center, playground, or senior citizens' residential development; within the area south of Ocean Boulevard between the Long Beach Museum of Art on the west and Bluff Park on the east; on the northerly side of the Downtown Marina mole which directly abuts said marina, between Gangway A and Gangway P.

B. Any person riding a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian, and when overtaking and passing a pedestrian, shall give an audible signal and shall pass to the left of the pedestrian only under conditions permitting such movement in safety.

C. The speed limit for bicycles on a sidewalk is fifteen (15) miles per hour unless otherwise posted. The speed limit where pedestrians are present is five (5) miles per hour. Signs specifying the speed limit shall be placed by the Traffic Engineer in locations which will provide notice to significant concentrations of sidewalk bicycle riders or where bicycle speed problems are found to exist on sidewalks.

D. For purposes of this Section, the following public ways shall be considered sidewalks:

   1. Seaside Walk south of Ocean Boulevard between Fifty-fifth Place and Sixty-ninth Place, known as the Boardwalk;

   2. Bay Shore Walk north of Ocean Boulevard between Fifty-Fifth Place and Sixty-Ninth Place.

E. This Section shall not apply to a bicycle operated by any officer employed by the City while acting within the course and scope of his or her employment, having peace officer powers pursuant to Penal Code Section 830 or are employed in positions as provided under Sections 16.16.080, 16.08.340 and 16.08.341 of the Long Beach Municipal Code.

(Ord. C-7453 § 1, 1997; Ord. C-7210 § 1, 1994: Ord. C-7204 § 1, 1994; Ord. C-7084 § 1, 1993: Ord. C-6883 § 1, 1991; Ord. C-6322 § 1, 1986; Ord. C-5911 § 1, 1982; Ord. C-5678 § 1, 1981; prior code § 3410.206)

10.48.080 - Signaling device required.

No person shall operate a bicycle upon a sidewalk unless it is equipped with a bell, horn or other device capable of giving a signal audible for a distance of at least one hundred feet (100'), except that a bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle.

(Ord. C-6322 § 2, 1986)

10.48.090 - Penalty.

Violation of any provision of this Chapter is an infraction punishable by a fine not to exceed one hundred dollars ($100.00).

(Ord. C-6322 § 3, 1986)

10.48.100 - Signs.

Whenever any provision of this Chapter prohibits the riding of bicycles, the Traffic Engineer shall have the authority to erect and maintain signs giving notice thereof in the area where such prohibition is in effect.

(Ord. C-6883 § 2, 1991)

10.48.110 - Prohibited areas.

No person other than law enforcement officers shall ride a bicycle within the Civic Center Plaza or within Lincoln Park, which together include all areas bounded by the west right-of-way line of Pacific Avenue, the north right-of-way line of Ocean Boulevard, the west right-of-way line of the vacated Chestnut Avenue right-of-way, and the south right-of-way line of Broadway.

(Ord. C-7281 § 3, 1994)

CHAPTER 10.50 - BICYCLE REGISTRATION

FOOTNOTE(S):

--- (**18**) ---

Editor's note— ORD-11-0007, § 1, adopted Feb. 15, 2011, amended Ch. 10.50, in its entirety to read as herein set out. Former Ch. 10.50, §§ 10.50.010—10.50.110, was entitled "Bicycle Registration", and derived from: Prior Code, §§ 6100.230—6100.240; ORD-06-0039, § 3, 2006; and ORD-10-0014, §§ 17, 18, 2010.

State Law reference— Provisions on the regulation of bicycles by local authorities, Veh. C. § 21206.

10.50.010 - Definitions.

"Bicycle" means and includes any device upon which a person may ride which is propelled by human power through a system of belts, chains, or gears and which has wheels at least twenty inches (20") in diameter and a frame size of at least fourteen inches (14").

(ORD-11-0007, § 1, 2011)

10.50.020 - Destruction or alteration prohibited.

No person shall willfully or maliciously remove, destroy, mutilate or alter the serial number on any bicycle, except in the event that the bicycle is dismantled and no longer operated upon any streets in this City; provided, however, that nothing in this Section shall prohibit the Police or Fire Chief from numbering frames or bicycles on which no serial number is legible or which serial number is insufficient for identification purposes.

(ORD-11-0007, § 1, 2011)

10.50.030 - Dealer reports.

Every person engaged in the business of buying, trading or selling secondhand bicycles shall daily make a written report to the Chief of Police, upon forms provided for that purpose by the Police Department, of every bicycle purchased, traded or sold by such dealer during the past twenty-four (24) hours, giving the name and address of the person from whom purchased or traded, or to whom sold, a description of such bicycle by name and make, and the frame number thereof.

(ORD-11-0007, § 1, 2011)

10.50.040 - Enforcement.

The Chief of Police and his or her representatives and the licensing agency are granted all authority to enforce and carry out the provisions of this Chapter pursuant to the provisions included in the California Vehicle Code and all other laws of the State.

(ORD-11-0007, § 1, 2011)

CHAPTER 10.52 - ROLLERSKATING

10.52.010 - Definitions.

"Roller skate" or "rollerskating" means the propelling by human power or by force of gravity of a device worn upon the feet or shoes and having wheels attached thereto.

(Ord. C-5503 § 1 (part), 1979: prior code § 3410.500)

10.52.020 - Prohibited—Sign posting.

Whenever any provision of this Chapter designates and describes any street, alley or sidewalk, or any portion thereof, as an area where rollerskating is prohibited, the Traffic Engineer shall place and maintain signs giving notice thereof on each and every such street, alley or sidewalk, or portion thereof, which constitutes an entrance to the area which has been so designated.

(Ord. C-5503 § 1 (part), 1979: prior code § 3410.501)

10.52.030 - Prohibited—Designated areas.

No person shall rollerskate on any street, alley or sidewalk, or portion thereof, which has been designated as an area where rollerskating is prohibited and on which signs giving notice thereof have been placed and maintained by the Traffic Engineer.

(Ord. C-5503 § 1 (part), 1979: prior code § 3410.502)

10.52.040 - Prohibited—Areas enumerated.

The City Council, having made a finding that rollerskating on the following streets, alleys or sidewalks, or portions thereof, creates a danger and hazard to persons or property, determines and declares said streets, alleys or sidewalks, or portion thereof, as areas where rollerskating is prohibited:

A. East Second Street, between the intersection of Second Street and Livingston Drive and Naples Plaza, including the entire portion of the roadway and the entire width of both the north and south sidewalk, except the entire width of the north sidewalks between the east curb of Bay Shore and San Marco;
B. The Belmont pier plaza located at the foot of Belmont pier;
C. The east-west pedestrian walkway designated as Allin Street between the southerly projection of Thirty-Ninth Place on the west and the southerly projection of Termino Avenue on the east;
D. The Belmont pier plaza parking lot located on the beach southerly of Allin Street between Belmont pier on the west and the southerly projection of Termino Avenue on the east;
E. Midway Street between Thirty-Ninth Place on the west and Termino Avenue on the east including the entire portion of the roadway and the entire width of both the north and south sidewalks;
F. West sidewalk of Termino Avenue between Ocean Boulevard on the north and the westerly projection of the south side of Olympic Plaza on the south;
G. Repealed;
H. The sidewalks adjacent to Belmont plaza pool on the north, south, east and west sides;
I.

The street and sidewalks at the end of Plaza Way, between Vista del Golfo and Corso di Oro, adjacent to Look-out park;

J. Within the civic center plaza or within Lincoln park, which together include all areas bounded by the west right-of-way line of Pacific Avenue, the north right-of-way line of Ocean Boulevard, the west right-of-way line of the vacated Chestnut Avenue right-of-way, and the south right-of-way line of Broadway;

K. Within all areas known as The Promenade South and The Promenade North, between Shoreline Drive and Third Street, including the bridges over Seaside Way and Shoreline Drive, and the plaza areas surrounding the children's fountain;

L. Within all portions of the Long Beach Convention and Entertainment Center site, including sidewalks, other pedestrian assembly areas, driving aisles, parking lots and parking structures;

M. South side of Fourth Street between Cherry Avenue and Junipero Avenue and the north side of Fourth Street between Cherry Avenue and Rose Place;

N. That portion of both sides of the street and sidewalks of Thirty-First Street between Atlantic Avenue and Long Beach Boulevard;

O. Both sides of Fourth Street between Ximeno Avenue and Park Avenue.

(Ord. C-7746 § 1, 2001; Ord. C-7659 § 1, 1999; Ord. C-7643 § 1, 1999; Ord. C-7548 § 1, 1998; Ord. C-7281 § 4, 1994; Ord. C-6883 § 3, 1991; Ord. C-6819 § 2, 1990; Ord. C-6772 § 2, 1990; Ord. C-5956 § 37, 1983; Ord. C-5658 § 2, 1980; Ord. C-5553 § 2, 1980; Ord. C-5503 § 1 (part), 1979: prior code § 3410.503)

CHAPTER 10.54 - SKATEBOARDS

FOOTNOTE(S):

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State Law reference— Provisions authorizing local authorities to regulate skateboards, Veh. C. § 11967.

10.54.010 - Skateboard defined.

A "skateboard" is any board or other flat object which has wheels attached to it by any means whatsoever and which is intended to be propelled by pushing, pulling or the forces of gravity and which there is not affixed any device or mechanism for steering.

(Prior code § 3410.400)

10.54.020 - Prohibited—Sign posting.

Whenever any provision of this Chapter designates and describes any street, alley or sidewalk, or any portion thereof, as an area where the operation of skateboards is prohibited, the Traffic Engineer shall place and maintain signs giving notice thereof on each and every street, alley or sidewalk, or portion thereof, which constitutes an entrance to the area which has been so designated.

(Prior code § 3410.401)

10.54.030 - Prohibited—Designated areas.

No person shall operate, drive or cause to be propelled a skateboard on any street, alley or sidewalk, or portion thereof, which has been designated as an area where operation of skateboards is prohibited.

(Prior code § 3410.402)

10.54.040 - Prohibited—Areas enumerated.

The City Council, having made a finding that the operation of skateboards on the following streets, alleys or sidewalks, or portion thereof, will create a hazard to persons or property, determines and declares said streets, alleys or sidewalks, or portions thereof, as areas where the operation of skateboards is prohibited:

A. All streets, alleys and sidewalks in an area bounded by and including Vista Street on the north, Nieto Avenue on the east, East Broadway on the south and Park Avenue on the west;
B. The pedestrian overpass located on Carson Street, east of Faculty Avenue;
C. That portion of the streets and sidewalks of Pine Avenue located between Eighth Street and Shoreline Drive;
D. That portion of the street and sidewalks of Shoreline Drive located between Ocean Boulevard and Linden Avenue;
E. That portion of the street and sidewalks of Junipero Avenue located south of Ocean Boulevard;
F. That portion of the street and sidewalks of Manila Avenue located between Pacific Coast Highway and Colorado Street;
G.

That portion of the north-south alley between Ultimo Avenue and Flint Avenue located south of Fourth Street;

H. That portion of the street and sidewalks of East Second Street located between Quincy Avenue and Bay Shore Avenue;

I. That portion of the street and sidewalks of Wilton Street located east of Termino Avenue;

J. The bridge located on Neapolitan Lane West crossing over the Naples Canal and the bridges located on the Toledo Street, Ravenna Drive and Neapolitan Lane East, all crossing over the Rivo Alto Canal;

K. That portion of the street and sidewalks of Flint Avenue located between Fourth Street and Colorado Street, and that portion of north-south alley between Flint Avenue and Winslow Avenue located between Fourth Street and Colorado Street;

L. That portion of the street and sidewalks of Shaw Street located between Quincy Avenue and Roycroft Avenue, and that portion of the north-south alley between Quincy Avenue and Roycroft Avenue located between East Broadway Avenue and Livingston Drive;

M. All streets, alleys and sidewalks in an area bounded by and including Shaw Street on the north, Ximeno Avenue on the east, the north sidewalk of Livingston Drive on the south and Belmont Avenue on the west; except Bennett Avenue between Second Street and Shaw Street;

N. All streets, alleys and sidewalks in an area bounded by and including East Broadway Street on the north, Quincy Avenue on the east, the north sidewalk of Livingston Drive on the south, and Ximeno Avenue on the west;

O. That portion of the street and sidewalks of Sixty-Second Place between Seaside Walk and Ocean Boulevard;

P. That portion of the north-south alley between First Street and Second Street, and east of Termino Avenue;

Q. The Belmont Pier Plaza located at the foot of Belmont Pier;

R. The east-west pedestrian walkway designated as Allin Street between the southerly projection of Thirty-Ninth Place on the west and the southerly projection of Termino Avenue on the east;

S. The Belmont Pier Plaza parking lot located on the beach southerly of Allin Street between Belmont Pier on the west and the southerly projection of Termino Avenue on the east;

T. Midway Street between Thirty-Ninth Place on the west and Termino Avenue on the east including the entire portion of the roadway and the entire width of both the north and south sidewalks;

U. West sidewalk of Termino Avenue between Ocean Boulevard on the north and the westerly projection of the south side of Olympic Plaza on the south;

V. That portion of the sidewalks of Pine Avenue and Tenth Street adjacent to the senior citizen's residential development known as Baptist Gardens, the address of which is 1011 Pine Avenue;

W. All streets and sidewalks within the area south of Ocean Boulevard between the Long Beach Museum of Art on the west and the Taper property on the east, known as Bluff Park;

X. The bicycle path located on granted tide and submerged lands commencing at the Los Angeles River and running in an easterly direction at or adjacent to the waters of the Pacific Ocean;

Y. Roycroft Avenue, between the intersection of Fourth Street and Colorado Street, including the entire portion of the roadway and the entire width of both the east and west sidewalk;

Z. Third Street, between the intersection of Argonne Avenue and Granada Avenue, including the entire portion of the roadway and the entire width of both the north and south sidewalk;

AA. South sidewalk of Seventh Street, between Temple Avenue and Redondo Avenue;

BB. The sidewalks adjacent to Belmont Plaza pool on the north, south, east and west sides;

CC. The street and sidewalks at the end of Plaza Way, between Vista del Golfo and Corso di Oro, adjacent to Look-Out Park;

DD. Quincy Avenue between Third Street and Broadway, including the entire portion of the roadway and the entire width of both the east and west sidewalks;

EE. Within the Civic Center Plaza or within Lincoln Park, which together include all areas bounded by the west right-of-way line of Pacific Avenue, the north right-of-way line of Ocean Boulevard, the west right-of-way line of the vacated Chestnut Avenue right-of-way, and the south right-of-way line of Broadway;

FF. Within all areas known as The Promenade South and The Promenade North, between Shoreline Drive and Third Street, including the bridges over Seaside Way and Shoreline Drive, and the plaza area surrounding the children's fountain;

GG. Within all portions of the Long Beach Convention and Entertainment Center site, including sidewalks, other pedestrian assembly areas, driving aisles, parking lots and parking structures;

HH. South side of Fourth Street between Cherry Avenue and Junipero Avenue and the north side of Fourth Street between Cherry Avenue and Rose Place;

II. That portion of both sides of the street and sidewalks of Thirty-First Street between Atlantic Avenue and Long Beach Boulevard;

JJ. Both sides of Fourth Street between Ximeno Avenue and Park Avenue.

(ORD-13-0028 , § 1, 2013; Ord. C-7746 § 2, 2001; Ord. C-7659 § 2, 1999; Ord. C-7643 § 2, 1999; Ord. C-7548 § 2, 1998; Ord. C-7281 § 5, 1994; Ord. C-7141 § 3, 1993; Ord. C-6819 § 3, 1990; Ord. C-6772 § 3, 1990; Ord. C-6592 § 7, 1989; Ord. C-6237 § 4, 1986; Ord. C-6225 § 7, 1986; Ord. C-5956 § 38, 1983; Ord. C-5911 § 3, 1982; Ord. C-5678 § 2, 1981; Ord. C-5658 § 1, 1980; Ord. C-5553 § 1, 1980; Ord. C-5418 § 9, 1978; Ord. C-5394 § 9, 1978; Ord. C-5362 § 1, 1977; Ord. C-5263 § 1, 1976; Ord. C-5259 § 1, 1976; Ord. C-5250 § 1, 1976; prior code § 3410.403)

CHAPTER 10.56 - VEHICLE OVERLOADS

FOOTNOTE(S):

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State Law reference— Provisions on weights, Veh. C. §§ 35000 et seq. and 35550 et seq.

10.56.010 - Applicability.

The provisions of Sections 10.56.020, 10.56.030, 10.56.040, 10.56.050 and 10.56.060 refer exclusively to oversize and overweight loads upon vehicles when operated on the streets and highways within the City.

(Prior code § 3470.3)

10.56.020 - Statutes applicable.

The applicable provisions of Division 15 of the California Vehicle Code shall constitute the regulations of the City relative to the size and weight of vehicle loads, together with such additional provisions and requirements as are specifically contained in this Chapter, and Chapter 10.41.

(ORD-10-0025, § 5, 2010; Prior code § 3470.4)

10.56.030 - Permit—Issuance.

The Director of Public Works, or his designee, shall be responsible for the issuance of special permits for loads exceeding the maximum sizes and/or weights specified in Division 15 of the California Vehicle Code, and for administering the rules and regulations pertaining thereto.

(ORD-10-0025, § 6, 2010; Prior code § 3470.5)

10.56.040 - Permit—Application.

All persons, firms or agencies desiring to move any load across or upon streets and highways within the City, which load exceeds any of the limitations imposed by Division 15 of the California Vehicle Code, shall apply to and first receive a special permit from the Director of Public Works, or his designee. The special permit shall specify the streets upon which the move is authorized and the date and time of the move. A charge for issuing the permit as established by the Director of Public Works, or his designee, shall be paid by the applicant prior to issuance of the permit.

(ORD-10-0025, § 7, 2010; Ord. C-5402 § 1, 1978; prior code § 3470.6)

10.56.050 - Liability for damage.

Any person, firm or agency granted a special permit, as provided in Section 10.56.040, shall be liable for all damages to any street, highway, bridge, or appurtenances thereto, including, but not limited to, guardrails, signs, traffic signals, streetlights, street trees and similar facilities, resulting from the operation, driving or moving of any vehicle which exceeds any of the limitations imposed by Division 15 of the California Vehicle Code. The permittee shall hold the City harmless from any liability occasioned by or resulting from operations under the special permit.

(Prior code § 3470.7)

10.56.060 - Costs responsibility.

If, in the judgment of the Director of Public Works, or his designee, it is determined necessary to strengthen any structure over which an overload must pass, or to perform any other work in order to ensure the safe passage of the load upon City streets, the permittee will be required to pay the full cost of such work. Permittee will also be required to reimburse the City for any cost necessitated by the temporary relocation of traffic signals, street lights or other appurtenances in order to permit the safe passage of the loaded vehicle.

(ORD-10-0025, § 8, 2010; Prior code § 3470.8)

CHAPTER 10.58 - PEDESTRIANS

FOOTNOTE(S):

--- (**21**) ---

State Law reference— Provisions on pedestrians' rights and duties, Veh. C. § 21950 et seq.

10.58.010 - Crosswalks—Establishment.

A. The Traffic Engineer shall establish, designate and maintain crosswalks at intersections and other places, by appropriate devices, marks or lines upon the surface of the roadway.

B. Crosswalks shall be established and maintained at all intersections within the Central Traffic District, and at such intersections outside such district, and at other places within or outside the district, where the Traffic Engineer determines that there is particular hazard to pedestrians crossing the roadway, and at such other places as may be designated by ordinance of the Council.

C. The Traffic Engineer may place signs at, or adjacent to, an intersection, in respect to any crosswalk, directing that pedestrians shall not cross in the crosswalk so indicated.

D. Crosswalks are established at the intersections and places designated in Section 10.58.060

(Prior code § 3410.75)

10.58.015 - Crosswalks—Removal.

In order to improve pedestrian safety, traffic flow or accessibility, the City Traffic Engineer is authorized to remove existing marked crosswalks as long as notice and an opportunity to be heard is provided to the public not less than thirty (30) days prior to the scheduled date of removal. The notice of proposed removal shall be posted at the crosswalk identified for removal, as well as such other locations as the City Traffic Engineer shall designate. The notice of proposed removal shall further set forth the form and method of providing input relating to the proposed removal.

(ORD-09-0021, § 33, 2009)

10.58.020 - Crossing without crosswalk.

No pedestrian shall cross a roadway, other than by a crosswalk, in the Central Traffic District, or in any business district, except at intersections where pedestrian traffic is controlled by a scramble-system automatic signal.

(Prior code § 3410.76)

10.58.030 - Reserved.

Editor's note—

ORD-09-0014, § 1, adopted June 9, 2009, repealed § 10.58.030, which pertained to pedestrian angle or crossing and derived from prior Code § 3410.77.

10.58.040 - Walking on roadway prohibited.

No pedestrian shall stand in any roadway, other than in a safety zone or crosswalk, nor shall any pedestrian walk lengthwise along and within a roadway in a manner that interferes with the lawful movement of traffic. This Section shall not apply to any public officers or employees, or employees of public utilities, contractors or other agencies when necessarily upon a street in line of duty.

(Prior code § 3410.78)

10.58.050 - Safety zone designation.

The Traffic Engineer is authorized to designate upon the surface of the roadway, by appropriate devices or marks, safety zones at such places and locations as he deems necessary.

(Prior code § 3410.79)

10.58.060 - Crosswalks—Installation.

The City Traffic Engineer is authorized to place and maintain crosswalks as he may deem necessary to regulate or guide pedestrian traffic, but he shall make such determination of necessity only upon the basis of Traffic Engineering principals and traffic investigations, and in accordance with such standards, limitation and rules as may be set forth in the traffic provisions of this Chapter or applicable laws of the State.

(ORD-09-0021, § 30, 2009; Ord. C 7927 § 1, 2004; Ord. C 7287 § 3, 1994; Ord. C 7068 § 11, 1993: Ord. C 5774 § 6, 1981; Ord. C 5394 § 8, 1978; Ord. C 5298 § 1, 1977; Ord. C 5270 § 1, 1976: Ord. C 5247 § 1, 1976; prior code § 3410.137)

Editor's note—

ORD-09-0021, § 30, adopted Aug. 4, 2009, renamed former § 10.58.060 entitled "Crosswalks—Locations" as set out herein.

CHAPTER 10.60 - SCHOOL BUSES

10.60.010 - Definitions.

For the purpose of this Chapter the following terms shall be deemed and construed to have the meanings respectively ascribed to them in this Section unless from the particular context it clearly appears that some other meaning is intended:

A. "Private school" means any school wherein there is conducted a regular program of education and instruction in the several branches of study required to be taught in the public schools of this State whether such school is conducted for profit or not except a school operated by a public school district.

B. "School bus" means every motor vehicle used for the transportation of seven (7) or more pupils to or from any private school, if such transportation is furnished by:

1. A private school; or
2. Any person for compensation.

A person who receives no consideration for the furnishing of transportation by him except the furnishing of transportation to a child or children of whom he is the parent or guardian shall not be deemed to be furnishing transportation for compensation.

The furnishing of transportation pursuant to any license, permit or certificate issued by the Public Utilities Commission of this State or by the City Council or pursuant to the terms of any franchise issued by the City shall not be construed so as to make any motor vehicle so used a school bus.

(Ord. C-5691 § 2 (part), 1981; prior code § 6245)

10.60.020 - Inspection certificate required.

No person shall operate a school bus on either a public street or elsewhere unless there is posted therein where it may be readily observed a certificate issued by the California State Highway Patrol to the effect that on a certain date, which shall be not more than one (1) year prior to the date of such operation, the highway patrol carefully and thoroughly inspected the school bus and determined that the design, mechanical condition and equipment thereof then complied with all statutes, rules and regulations then applicable to public school buses.

(Prior code § 6245.1)

10.60.030 - Driver's certificate required.

No person shall drive any school bus while transporting pupils unless such person is the holder of a valid and effective operator's or chauffeur's license and a school bus driver's certificate issued by the State Department of Motor Vehicles after such examination as the department may prescribe and issued in the same manner and effective for the same term as a certificate issued for a driver of a public school bus.

(Prior code § 6245.2)

10.60.040 - Insurance.

No school bus shall be operated unless there is in effect insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.

(Ord. C-7934 § 16, 2004; prior code § 6245.3)

CHAPTER 10.62 - PUBLIC TRANSPORTATION

10.62.010 - Talking with operator—Prohibited.

No person shall talk to or communicate in any manner with the driver, motorman or operator of any bus, streetcar, railroad or interurban car, and no such driver, motorman or operator shall talk to or communicate in any manner with any person, while such driver, motorman or operator is engaged in the performance of his duty as such driver, motorman or operator, except:

A. When it is necessary for such person to obtain from the driver, motorman or operator information relative to his or her transportation; or

B. When the person is an officer, agent, servant or other employee of the company having a franchise to operate such cars or buses, and his conversation with the driver, motorman or operator relates to the latter's duties and is then necessary thereto; or

C. When the person is an officer, agent, servant or employee of the City and it is necessary by reason of his or her duties of employment to talk to or communicate with the driver, motorman or operator.

(Prior code § 6243)

10.62.020 - Talking with operator—Warning notice.

No person shall operate any such car or bus unless there is posted in a conspicuous place therein and readily visible to the passengers a notice that conservation with or by the driver, motorman or operator thereof, except as allowed in the foregoing section, is unlawful.

(Prior code § 6243.1)

10.62.030 - Smoking prohibited—Where.

No person shall smoke or possess any burning or lighted cigarette, cigar, or pipe in or upon any streetcar, interurban car, motor bus, or other vehicle operated for the purpose of transporting passengers for hire and picking up and discharging such passengers along a regular route.

(Prior code § 6244)

10.62.040 - Smoking prohibited—Sign.

No person shall operate any vehicle described in Section 10.62.030 within the City unless there is placed and maintained in a conspicuous place in the vehicle at the front and rear of each compartment thereof a sign with the words "No Smoking" printed thereon. The letters of the sign shall be painted on a background of contrasting color and shall be of not less than one-quarter inch (¼") stroke and not less than one and one-half inches (1½") in height.

(Prior code § 6244.1)

CHAPTER 10.64 - ENFORCEMENT

FOOTNOTE(S):

--- (**22**) ---

State Law reference— Provisions on obedience to traffic signals, Veh. C. §§ 52800 and 21100.3.

10.64.010 - Traffic direction.

No person shall fail or refuse to comply with any lawful order of a Police Officer, Fire Department official or Disaster Service Worker approved by the Chief of Police, who is directing traffic.

(ORD-13-0010 , § 1, 2013; Prior code § 3410.5)

10.64.020 - Emergency vehicles exempt.

The provisions of this Title regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles.

(Prior code § 3410.7)

10.64.030 - Traffic direction compliance.

No pedestrian or the driver of any vehicle shall disobey the instructions of any traffic sign, barrier or mark upon the street, placed in accordance with the provisions of this Title, provided every sign or mark made by the use of paint upon the curb shall bear thereon the City emblem prescribed by the Chief of Police.

(Prior code § 3410.8)

CHAPTER 10.66 - CONTROL OF VEHICULAR CRUISING

10.66.010 - Cruising prohibited.

The ranking peace officer on duty within any area affected by traffic congestion may, having determined that such area is so affected, establish one (1) or more traffic control points at or near such area to regulate cruising.

(Ord. C-6648 § 1 (part), 1989)

10.66.020 - Cruising defined.

"Cruising" is defined to mean the driving of a motor vehicle three (3) or more times within a four (4) hour period past a traffic control point so established on a portion of any street identified as subject to cruising controls by signs posted at the beginning and end of the controlled roadway, that briefly and clearly state the appropriate provisions of this Chapter and Section 21100(k) of the California Vehicle Code, and after the operator of the vehicle has been given the notice specified in this Chapter.

(Ord. C-6648 § 1 (part), 1989)

10.66.030 - Elements of the offense.

No person, having driven a motor vehicle past a traffic control point established pursuant to this Chapter twice within any four (4) hour period, and having received written notice that further driving past the traffic control point will constitute a violation of this Chapter, shall drive past that control point within the time period in which cruising controls are in effect. Each successive trip past the traffic control point shall constitute a separate violation of this Chapter, and no additional notice shall be required prior to issuance of a second or subsequent citation.

(Ord. C-6648 § 1 (part), 1989)

10.66.040 - Exemptions.

The provisions of this Chapter shall not apply to:

A. Any authorized vehicle as defined in Section 165 of the California Vehicle Code;
B. Any publicly owned vehicle of any City, county, district, state or federal agency;
C. Any vehicle licensed for public transportation or vehicles which are normally used for business purposes and are engaged in such business use.

(Ord. C-6648 § 1 (part), 1989)

10.66.050 - Designated streets.

The provisions of this Chapter shall apply to the following locations:

1. First Street, between Hermosa Avenue and Molino Avenue;
2. Second Street, between Hermosa Avenue and Molino Avenue;
3. Pine Avenue, between Ocean Boulevard and Seventh Street.

(ORD-06-0030 § 1, 2006; Ord. C-6648 § 1 (part), 1989)

10.66.060 - Penalty.

It shall be an infraction for any person to violate this Chapter, and upon conviction thereof shall be subject to the payment of penalties as provided in Section 42001 of the California Vehicle Code and as that section may be amended.

(Ord. C-6648 § 1 (part), 1989)

CHAPTER 10.68 - ADULT CROSSING GUARDS

10.68.010 - Initiative ordinance.

AN INITIATIVE ORDINANCE
REQUIRING ADULT CROSSING
GUARDS AT DANGEROUS
INTERSECTIONS

THE PEOPLE OF THE CITY OF LONG BEACH DO ORDAIN AS FOLLOWS:

SECTION I. PURPOSE

In recognition of the serious hazard posed to elementary school children in going to and from school, it shall be the policy of the City of Long Beach to maintain adult crossing guards at school crossings designated as hazardous during the hours when school children are required to cross the street.

SECTION II. FUNDING

The School Crossing Guard Program as herein established shall be funded by revenues available to the City of Long Beach from fines and forfeitures under the California Vehicle Code.

SECTION III. DESIGNATION OF INTERSECTIONS AS HAZARDOUS

An intersection utilized by at least twenty (20) children per hour in coming to and from elementary school shall be deemed hazardous for purposes of this Section, if special problems exist and it is deemed necessary to assist children in crossing a street, such as where the intersection is unusually complicated, presents a heavy vehicular turning pattern or high vehicular speed, where the sight distance is less than a reasonable stopping distance from the crosswalk, or where any one (1) of the following conditions exist:

a) Uncontrolled crossings on the route to school
Where there is no controlled crossing or grade separation within six hundred feet (600') of the location where a request for an adult crossing guard is made and one (1) of the following conditions exist:

1) Where the vehicular traffic volume exceeds the rate of three hundred (300) per hour during the time school children are required to cross while traveling to or from school; or

2) Where the vehicular traffic volume exceeds the rate of two hundred seventy-two (272) per hour and the posted speed limit is thirty-five (35) to and including forty-five (45) miles per hour; or

3) Where the vehicular traffic volume exceeds the rate of two hundred fifty (250) per hour and the posted speed limit is fifty (50) miles per hour or more.

b) Stop Sign-controlled crossings on the route to school
Where the vehicular traffic volume through the crosswalk children must use on an undivided roadway of four (4) or more lanes exceeds the rate of five hundred (500) per hour during any period when

children are required to go to or from school.

c) Signal controlled crossings on the route to school
At traffic signals where potentially conflicting vehicular turning movements through the crosswalk children must use exceed the average rate of ten (10) vehicles per minute of signal green time, taken over a period of at least fifteen (15) minutes of signal green time, during any period when children are required to go to or from school.

SECTION IV. PEDESTRIAN SAFETY ADVISORY COMMITTEE

A committee shall be established, entitled the PEDESTRIAN SAFETY ADVISORY COMMITTEE, which shall determine whether any intersection utilized by children in coming to and from school poses a special problem of safety requiring the installation of an adult crossing guard, and which shall advise the City Council of its findings and recommendations.

a) Composition of committee
The PEDESTRIAN SAFETY ADVISORY COMMITTEE shall be composed of one (1) representative from each Council district, who shall be nominated by the respective Councilperson of said district and appointed by the City Manager of the City of Long Beach; one (1) representative from the Long Beach Unified School District, who shall be appointed by the Superintendent of the Long Beach Unified School District; one (1) City Traffic Engineer, who shall be appointed by the City Manager; one (1) representative of the nonpublic schools of the Long Beach area, who shall be appointed by the City Manager; and the President of the Parent Teacher Association of the Long Beach Unified School District or a designee thereof.

b) Meetings of the committee

1) Special meetings:
The committee shall meet within ten (10) days at the request of the City Manager, the chairperson of the committee or any two (2) members of the committee.

2) Regular meetings:
Notwithstanding Section IV(b)(1), the committee shall meet regularly not less than twice per school year. Prior to the commencement of the fall semester, and prior to the commencement of the spring semester.

c) Committee organization
The committee shall adopt rules for its own organization and conduct and shall select its own chairperson.

SECTION V. ACTION BY CITY COUNCIL

Within twenty (20) days after receiving the findings of the committee recommending the installation of a crossing guard at a designated intersection, the City Council must:

a) Initiate the installation of an adult crossing guard at the designated intersection; or

b) Place the committee's recommendation on the agenda of a regular public Council meeting within forty-five (45) days. The Council may, by a majority vote at such regular meeting, reject the committee's recommendation upon its finding that the designated intersection does not present a potential hazard to school children; or

c) If such finding is not adopted as set forth in Section V(b), the guard shall forthwith be installed pursuant to the recommendations of the PEDESTRIAN SAFETY ADVISORY COMMITTEE.

(Ord. C-5490, 1978)

CHAPTER 10.69 - PARKING RESTRICTED TO SENIOR CITIZENS

10.69.010 - Purpose.

This Chapter is enacted pursuant to authority granted by Section 22519 of the California Vehicle Code to allow full use and access to community centers by senior citizens who participate in programs there aimed at them and to reduce the use of parking spaces at community centers by individuals who are not using the community centers.

(Ord. C-6872 § 1 (part), 1991)

10.69.020 - Spaces in off-street parking facilities—Designation.

The parking spaces in off-street parking facilities owned or operated by the City and designated in Section 10.69.030, when indicated by signs, are authorized for the exclusive use of vehicles which display a permit issued by the City through its Department of Parks and Recreation to residents over the age of fifty-five (55) years. The City Traffic Engineer is authorized to place signs to designate these reserved parking spaces.

(Ord. C-6872 § 1 (part), 1991)

10.69.030 - Parking restricted to senior citizens—Enumerated.

For the purposes of Section 10.69.020, the following parking spaces are designated for exclusive use by citizens over the age of fifty-five (55) years:

1. Twenty-six (26) spaces in the southwest portion of the off-street parking lot at Houghton Park, closest to the Community Center.

(Ord. C-6872 § 1 (part), 1991)

10.69.040 - Unauthorized use prohibited.

No person shall stop, stand or park any vehicle in any parking space designated in Section 10.69.030 when indicated by signs unless expressly authorized by Section 10.69.020.

(Ord. C-6872 § 1 (part), 1991)

10.69.050 - Permit—Issuance.

A. The Department of Parks and Recreation shall issue senior citizen parking permits, and shall keep a record of each permit issued, at the facility to which the permit applies, which includes the license number of the vehicle for which the permit is issued. No more than one (1) permit shall be issued for each vehicle for which application is made.

B. Senior citizen parking permits may be issued only for passenger vehicles, pickup trucks, and vans, and only on application of a person over the age of fifty-five (55) years who is the registered owner or has exclusive use of the vehicle for which application is made. The Director of the Department of Parks and Recreation shall require proof of age and vehicle registration or use and such proof shall be satisfactory to him, in his sole opinion.

C. Each senior citizen parking permit shall be issued on a calendar year basis, and shall expire at midnight on December 31st next following its issuance.

D. Each application for a senior citizen parking permit shall be accompanied by such fee therefor as may be established from time to time by resolution of the City Council. The fee for permits issued for less than twelve (12) months may be reduced in proportion to the time already elapsed in the calendar year for which the permit is issued.

(Ord. C-6872 § 1 (part), 1991)

10.69.060 - Permit—Display.

Senior citizen parking permits shall be displayed in the lower left corner of the rear window or on the driver side of the rear bumper.

(Ord. C-6872 § 1 (part), 1991)

10.69.070 - Permit—Revocation.

A. The Director of the Department of Parks and Recreation is authorized to revoke a senior citizen parking permit that violates any provision of this Chapter and, on written notification thereof, the permit holder shall surrender the permit to the Director or prove its destruction or disfigurement to the Director's satisfaction.

B. Any person whose senior citizen parking permit has been revoked shall not be issued a new permit until expiration of a period of one (1) year following the date of revocation and until such person makes a new application and pays the required fee.

(Ord. C-6872 § 1 (part), 1991)

CHAPTER 10.70 - GOLF CART CROSSING ZONES

10.70.010 - Establishment.

A. This Chapter is enacted pursuant to authority granted by Section 22115.1 of the California Vehicle Code to allow crossing by golf carts over streets other than State highways which have a posted speed limit of forty-five (45) miles per hour or less and which are immediately adjacent to a golf course.

B. Those crossing zones described in Section 10.70.020 are declared to be crossing zones for use by golf carts.

C. The City Traffic Engineer is authorized to erect signs identifying the crossing zones and other appropriate signs relating to such crossing zones.

(Ord. C-6962 § 1 (part), 1992)

10.70.020 - Golf cart crossing zones—Enumerated.

A. For the purposes of Section 10.70.010, the following crossing zones are designated as golf cart crossing zones:

1. Wardlow Road three hundred thirty feet (330') east of Lakewood Boulevard;
2. Wardlow Road two hundred ninety feet (290') west of Clark Avenue;
3. Sixth Street (east leg) at Federation Drive.

(Ord. C-6962 § 1 (part), 1992)

10.70.030 - Right-of-way.

A. The driver of any vehicle on a street or highway transversed by a golf cart crossing zone shall yield the right-of-way to any golf cart in a crossing zone that is marked by signs.

B. Subsection A of this Section does not relieve the driver of a golf cart in a crossing zone from the duty of using due care for his or her own safety.

C. Drivers of golf carts shall use crossing zones only at times other than during darkness.

(Ord. C-6962 § 1 (part), 1992)

CHAPTER 12.04 - GENERAL PROVISIONS

FOOTNOTE(S):

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State Law reference— Provisions affirming the cities' authority to regulate oil production activities, Pub. Res. Code § 3690.

12.04.010 - Title.

This Title shall be known as the "Long Beach Oil Code." As referred to in this Title, "Code" means the Long Beach Oil Code, unless the context requires a different meaning.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.1)

12.04.020 - Purpose.

It is the intent and purpose of this Code to regulate the drilling and redrilling for and the production of petroleum so that these activities may be conducted in conformance with the Uniform Fire Code and in harmony with other uses of land within this City and to minimize the economic effect of lessening land values in areas wherein drilling and redrilling for the production of petroleum constitutes an activity which is at variance with the then predominate land use.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2)

12.04.030 - Definitions generally.

The terms set forth in this Chapter, wherever used in this Code, shall have the meanings set forth in this Chapter unless the context requires a different meaning.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.040 - Abandonment.

"Abandonment" means the permanent plugging of a well in accordance with the requirements of the Department of Conservation, Division of Oil and Gas of the State, the removal of all equipment related to the well, and includes the restoration of the drill sites as required by these regulations.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.050 - A.N.S.I.

"A.N.S.I." means the American National Standards Institute.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.060 - A.P.I.

"A.P.I." means the American Petroleum Institute.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.070 - Approved.

"Approved" means approved by the authority having jurisdiction as defined in this Code. "Approved type" or "approved design" means and includes improvements, equipment, or facilities of a type or design approved by the authority having jurisdiction. The authority having jurisdiction under this Code, unless otherwise stated in this Code, is the Director of the Department of Planning and Building or his designated representative, sometimes referred to in this Code as the Director.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.080 - Attended.

"Attended" means the presence of a person who is close enough to petroleum operating facilities so that he may reasonably observe the activities of other persons in or near such facilities.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.090 - Blowout.

"Blowout" means the uncontrolled discharge of gas, liquids or solids (or a mixture thereof) from a well into the atmosphere.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.100 - Blowout preventer.

"Blowout preventer" means a mechanical, hydraulic, pneumatic, or other device or combinations of such devices secured to the top of a well casing including valves, fittings, and control mechanisms connected therewith designed and capable of preventing a blowout.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.110 - Cellar.

"Cellar" means an excavation around or above the top joint of the casing of a well.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.120 - Completion of drilling.

"Completion of drilling" is deemed to occur for the purpose of this Code thirty (30) days after the drilling crew has been released unless drilling, testing, or remedial operations are resumed before the end of the thirty (30) day period.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.130 - Derrick.

"Derrick" means any framework, tower or mast together with all the appurtenances to such structure placed over a well for the purpose of raising or lowering pipe, casing, tubing, or other drilling, production or injection equipment out of or into the well.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.140 - Desertion.

"Desertion" means the cessation of operations at a drill site without compliance with the provisions of this Code relating to suspended operations or abandonment.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.150 - Director.

"Director" means the Director of Planning and Building or his designated representative.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.160 - Division of Oil and Gas of the State.

"Division of Oil and Gas of the State" means the Department of Conservation of the State.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.170 - Drill or drilling.

"Drill or drilling" means to bore a hole in the earth for the purpose of completing a well. Drilling includes all operations through release of drilling crew.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.180 - Drill site.

"Drill site" means that surface area used during drilling of an oil or gas well or a well drilled for purposes of secondary petroleum recovery.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.190 - Dwelling unit.

"Dwelling unit" means a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.200 - Gas.

"Gas" means the gaseous components or vapors contained in or derived from petroleum or natural gas.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.210 - Grade.

"Grade" (adjacent ground elevation) means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than five feet (5') from the structure, between the structure and a line five feet (5') from the structure.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.220 - Guest room.

"Guest room" means any room or rooms used or intended to be used by a guest for sleeping purposes. Every one hundred (100) square feet of superficial floor area in a dormitory shall be considered to be a guest room.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.230 - Harbor Board.

"Harbor Board," "Board" or "Board of Harbor Commissioners" means the Board of Harbor Commissioners of the City.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.240 - Harbor district.

"Harbor district" means the harbor district of the City as defined in the Charter of the City.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.250 - Idle.

"Idle" means the cessation of petroleum operations on a well and equipment incident to such well.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.260 - Lessee.

"Lessee" means the possessor of the right to develop and produce petroleum resources.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.270 - Lessor.

"Lessor" means the owner of the mineral rights subject to a petroleum lease.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.280 - Maintenance or maintain.

"Maintenance" or "maintain" means the repair and replacement of parts of a structure where same does not alter or lessen the character, strength, or stability of the structure.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.285 - Natural gas processing.

"Natural gas processing" means the separation of contaminants and constituents from unprocessed or natural gas for the purpose of producing: (1) natural gas which meets purchase specifications of end users; and (2) marketable extracted products. Among the operations required to accomplish separation may be: gas gathering by pipeline; removal of pipeline dirt; gas compression; gas dehydration; gas sweetening (removal of hydrogen sulfide and carbon dioxide); hydrocarbon liquids removal, recovery, treating and product separation; and nitrogen removal.

(Ord. C-5935 § 4, 1983)

12.04.290 - N.F.P.A.

"N.F.P.A." means the National Fire Protection Association.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.300 - Oil.

"Oil" means and includes petroleum, and "petroleum" means and includes oil.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.310 - Oil operating areas.

"Oil operating areas" means those areas within which drilling and production are allowed under Chapter 12.08. For further particulars, refer to Oil Code Map No. C-216 dated December, 1979 and on file in the office of the Director or oil properties.

(Ord. C-5893 § 1, 1982: Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.320 - Operator.

"Operator" means the person, whether proprietor, lessee, or individual contractor, actually in charge and in control of the drilling, maintenance, and operation of a well or wells.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.330 - Outer boundary line.

"Outer boundary line" means the exterior limit of the lands included within a lease or unit comprising several contiguous parcels of land in one (1) or different ownerships which are operated as a single petroleum lease or operating unit. In determining the contiguity of any such parcels of land, no street, road, or alley lying within the lease or unit shall be deemed to interrupt such contiguity.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.340 - Owner.

"Owner," within Chapter 12.32, means the owner of mining rights in land who, in the exercise of those rights, owns or has otherwise acquired the right to occupy the surface of a drill site area to carry on drilling and oil production activities, which activities are or may be the source of noise governed by Chapter 12.32. In other parts of this Code, "owner" shall be defined in the context of the section in which it appears.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.350 - Petroleum.

"Petroleum" means and includes any and all hydrocarbon substances found in a natural state, including but not limited to crude oil, natural gas, natural gasoline, and other related substances.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.360 - Petroleum lease.

"Petroleum lease" means a property right with respect to which a lessee enjoys the right to develop and produce petroleum resources for a determinable period.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.370 - Petroleum operations.

"Petroleum operations" means and includes all activities in connection with the exploration and drilling for petroleum and products of petroleum, including secondary and tertiary operations, together with the operation of all equipment and appurtenances incident to such activities and also including natural gas processing.

(Ord. C-5935 § 1, 1983: Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.380 - Redrilling.

"Redrilling" means any drilling operation, including deviation from original well bore, to recomplete the well in the same or different zone. The provisions of this Code relating to drilling shall also apply to redrilling.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.390 - Remedial.

"Remedial" means any work on a well, other than drilling or redrilling.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.400 - Suspended operations.

"Suspended operations" means the suspension of petroleum operations in a well or on the equipment and appurtenances incident to the well.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.410 - Tank.

"Tank" means a structure used in conjunction with either the drilling or production of a well used for holding or storing liquids associated with drilling or producing operations.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.420 - Well.

"Well" means any hole drilled into the earth for the purpose of exploring for and producing oil or gas, or any hole drilled into the earth on lands producing or reasonably presumed to contain oil or gas, or any hole drilled into the earth for the purpose of injecting fluids or gas for stimulating oil or gas recovery, repressuring or pressure maintenance of oil or gas reservoirs, disposing of oil field waste fluids, or any hole drilled into the earth within or adjacent to an oil or gas pool for the purpose of obtaining water to be used in production, stimulation, or repressuring operations.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.430 - Well servicing.

"Well servicing" means and includes remedial or maintenance work performed within an existing well.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

12.04.440 - Well site.

"Well site" means that surface area used for oil or gas extraction operations or for injection purposes in secondary petroleum recovery operations after drilling is completed.

(Ord. C-5575 § 1 (part), 1980: prior code § 3300.2.5 (part))

CHAPTER 12.08 - OIL OPERATING AREAS

12.08.010 - Drilling prohibited generally.

Except as in this Chapter otherwise provided, it is unlawful and a nuisance for any person to drill any well, or to erect any derrick or production equipment, or to operate or maintain the same or any thereof, or any portion of any thereof in or upon any real property in the City.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.5)

12.08.020 - Permit required.

Except as provided in this Chapter, no petroleum operations shall be carried on in any of the areas set out in this Chapter until a permit, as provided for in this Code, has been applied for and issued therefor.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.030 - Area 1—Harbor district central.

Area 1 is that portion of the City bounded as follows:

On the north by the south line of Pacific Coast Highway; on the south by the line of ordinary high tide of the Pacific Ocean; on the east by the west line of the right-of-way of the Los Angeles County flood control district channel of the Los Angeles River; and on the west by the westerly boundary line of the City; to the extent that such drilling, erection, operation and maintenance within the area are not in conflict with that certain initiative ordinance adopted by a vote of the registered qualified electors of the City at a special municipal election held on the fifteenth day of June, 1937, pursuant to the provisions of Ordinance No. C-1505, ordinance of the City.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.040 - Area 2—West sixty feet of the flood control channel harbor in district.

Area 2 is the west sixty (60) feet of the right-of-way of the Los Angeles County flood control district channel of the Los Angeles River, to the extent and in the manner authorized by the judgment in that certain action in the Superior Court of the State, in and for the County of Los Angeles, entitled *"Continental Corporation, a corporation, et al., plaintiffs, vs. City of Long Beach, et al., defendants,"* being action No. 442081 in the files of the Clerk of the Court, and further to the extent and in the manner authorized by judgments in those certain actions in the Superior Court of the State, in and for the County of Los Angeles entitled, *"Continental Southern Corporation, a corporation, et al., plaintiffs, vs. City of Long Beach, a municipal corporation, et al., defendants,"* being action No. 502421 in the files of the Clerk of the Court, and *"Continental Northern Corporation, a corporation, et al., plaintiffs, vs. City of Long Beach, a municipal corporation, et al., defendants,"* being action No. 502422 in the files of the Clerk of the Court.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.050 - Area 3—Tidelands in the harbor district east of the back channel.

Area 3 is that portion of the harbor district of the City lying southerly of the line of ordinary high tide of the Pacific Ocean and easterly of the centerline and its southerly prolongation of the back channel to the Long Beach inner harbor.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.060 - Area 4—Tidelands in the harbor district west of the back channel.

Area 4 is that portion of the harbor district of the City lying southerly of the line of ordinary high tide of the Pacific Ocean and westerly of the centerline and its southerly prolongation of the back channel to the Long Beach inner harbor.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.070 - Area 5—Signal Hill northwest.

Area 5 is that portion of the City as described as follows:

Beginning at the northeasterly corner of Lot 57, Resubdivision of American Heights Tract, as per map recorded in Book 7, page 180, of maps in the office of the recorder of the county, said northeasterly corner being in the southerly line of 29th Street (formerly Brandon Street) 50 feet wide, as shown on Map of E. S. Field's Long Beach Heights No. 1, recorded in Book 10, page 196, of maps in the office of said county recorder; thence easterly along the southerly line of 29th Street and the prolongation thereof to a line 90 feet easterly of, measured at right angles and parallel to, the easterly line of Atlantic Avenue, 80 feet wide, said parallel line being the common boundary line between the cities of Long Beach and Signal Hill; thence northerly and easterly along said boundary line to its intersection with the prolongation southerly of the centerline of that portion of Lime Avenue, 60 feet wide, lying north of Wardlow Road; thence northerly along said prolongation and said centerline to the centerline of 35th Street (formerly Chateau Thierry Street), 51 feet in width; thence westerly along said centerline of 35th Street to the prolongation southerly of the easterly line of Lot 10, Block 12, Tract No. 2964, as per map recorded in Book 37, page 35, of maps in the office of said county recorder; thence northerly along said prolongation and said easterly line of said Lot 10 to the northeasterly corner of said Lot 10; thence westerly along the northerly line of said Lot 10 and along the prolongation west of said northerly line to the centerline of Atlantic Avenue, 80 feet in width; thence northerly along said centerline of Atlantic Avenue to the prolongation easterly of the northerly line of Lot 17, Block 11, aforementioned Tract No. 2964; thence westerly along said prolongation and along the northerly line of Lot 1, said Block 11, and the westerly prolongation thereof to the centerline of Linden Avenue, 80 feet wide; thence southerly along the centerline of Linden Avenue to a point in the easterly prolongation of the northerly line of Lot 16, Block 10, aforementioned Tract No. 2964, the same being the most southerly line of 36th Street (formerly Lincoln Avenue), 40 feet wide; thence westerly along said easterly prolongation, said southerly line of 36th Street and its westerly prolongation, to the northwest corner of Lot 1, Block 9, aforementioned Tract No. 2964; thence northwesterly in a direct line to the northeast corner of Fractional Lot 7, Block F, Los Cerritos, as per map recorded in Book 12, pages 198 and 199, of maps in the office of said county recorder; thence westerly along the northerly line of Fractional Lot 7 and along the northerly line of Fractional Lot 50, said Block F, aforementioned Los Cerritos, to the northwest corner of Fractional Lot 50, said Block F, said point also being the intersection of the southerly line of 36th Street (formerly Lincoln Avenue), 80 feet wide, and the easterly line of Locust Avenue, 60 feet wide; thence northwesterly in a direct line to the southeast corner of Lot 19, Tract No. 2219, as per map recorded in Book 22, page 41, of maps in the office of said county recorder, said point also being the intersection of northerly line of 36th Street and westerly line of Locust Avenue; thence northerly along westerly line of Locust Avenue, 60 feet wide, to the point of intersection with the southerly line of Cameron Place, 60 feet wide, said point being the northeast corner of Lot 1, aforementioned Tract No. 2219; thence northerly in a direct line to the southeast corner of Lot 18, Block B, Tract No. 4921, as per map recorded in Book 53, pages 51 and 52, of maps in the office of said

county recorder, said point also being the intersection of the northerly line of Cameron Place and westerly line of Locust Avenue; thence northerly along the westerly line of Locust Avenue, 60 feet wide, as shown on map of said Tract No. 4921 to the northeast corner of Lot 42, said Block B, being a point in the southerly line of Bixby Road, 80 feet wide; thence westerly along said southerly line of Bixby Road and its westerly prolongation to the northeast corner of Lot 1, Block C, aforementioned Tract No. 4921, said point being the intersection of the southerly line of said Bixby Road and the westerly line of Weston Place (formerly Pine Avenue), 60 feet wide; thence southerly along the westerly line of Weston Place, 60 feet wide, to the southeast corner of Lot 24, said Block C, said point being the intersection of the westerly line of said Weston Place and the northerly line of Cameron Place, 60 feet wide; thence southerly in a direct line to the northeast corner of Lot 5, aforementioned Tract No. 2219, said point being the intersection of the westerly line of said Weston Place and southerly line of Cameron Place; thence southerly along the westerly line of Weston Place, 60 feet wide, and its southerly prolongation to the point of intersection with the southerly line of 36th Street (formerly Lincoln Avenue), 80 feet wide; thence westerly along the southerly line of 36th Street, 80 feet wide, and its westerly prolongation to the northwest corner of Fractional Lot 156, Block F, aforementioned Los Cerritos, said point also being the intersection of said southerly line of 36th Street with the easterly line of Pacific Avenue, 100 feet wide; thence southerly along the easterly line of Pacific Avenue, 100 feet wide, to the southwesterly corner of Lot 146, Block F, aforementioned Los Cerritos, said point also being the intersection of said easterly line of Pacific Avenue with the northerly line of Wardlow Road, 100 feet wide, as shown on map of said Los Cerritos; thence southerly in a direct line to the northwest corner of Lot 23, Block I, Vista Del Mar Tract No. 2, as per map recorded in Book 10, page 158, of maps in the office of said county recorder, said point also being the intersection of the southerly line of Wardlow Road, 100 feet wide, and the easterly line of Pacific Avenue, 100 feet wide; thence southerly along the easterly line of Pacific Avenue, 100 feet wide, to a point in the northerly line of 33rd Street (formerly Del Mar Avenue) 80 feet wide, said point being the southwest corner of Lot 16, said Block I, aforementioned Vista Del Mar Tract No. 2; thence easterly along the northerly line of said 33rd Street, 80 feet wide, to a point in the westerly line of Pine Avenue (formerly Pacific Boulevard) 120 feet wide, said point being the southeast corner of Lot 1 said Block I, aforementioned Vista Del Mar Tract No. 2; thence southeasterly in a direct line to a point on the easterly line of said Pine Avenue, 120 feet wide, said point also being the southwest corner of Lot 45, Block E, aforementioned Vista Del Mar Tract No. 2; thence southerly along the easterly line of Pine Avenue, 120 feet wide, to a point, said point being the beginning of a tangent curve concave to the northeast and having a radius of 280 feet; thence southeasterly along said curve to a point in the northerly line of 31st Street (formerly Frankfort Street), 120 feet wide; thence easterly along the northerly line of 31st Street, 120 feet wide, to a point, said point being the beginning of a tangent curve concave to the southwest and having a radius of 220 feet; thence southeasterly along said curve to a point on the westerly line of Long Beach Boulevard (formerly American Avenue), 100 feet wide; thence southeasterly in a direct line to a point on the southerly line of 31st Street (formerly Frankfort Street), 60 feet wide, said point also being the northwest corner of Lot 1, Block A, Tract No. 3207, as per map recorded in Book 33, page 7, of maps in the office of said county recorder; thence southerly along the westerly line of said Block A, being the easterly line of Long Beach Boulevard (formerly American Avenue), as shown on aforementioned map of Tract No. 3207, to the northerly line of Spring Street, 60 feet wide; thence easterly along the northerly line of said Spring Street, 60 feet wide, and its easterly prolongation to its intersection with the northerly prolongation of the easterly line of the alley, 13 feet wide, west of Atlantic Avenue and south of Spring Street in E. S. Field's Long Beach Heights No. 1, as shown on map recorded in Book 10, at page 196, of maps in the office

of said county recorder; thence southerly along the easterly line of said alley and its southerly prolongation to a point in the southerly line of 29th Street (formerly Brandon Street), 50 feet wide, thence easterly along the southerly line of said 29th Street, 50 feet wide, to the point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.080 - Area 6—Signal Hill, cemetery, north and northeast.

Area 6 is that portion of the City described as follows:

Beginning at the intersection of the north line of Spring Street with the west line of Orange Avenue, said point being in the boundary line of the City of Long Beach; thence southerly along the boundary line of the City of Long Beach and following the various courses of said boundary to the north line of Farm Lot 12, The American Colony Tract as per map thereof recorded in Book 19, pages 89 and 90, miscellaneous records of Los Angeles County; thence easterly along the north line of said Farm Lot 12 to a line 433 feet westerly of the parallel to the easterly line of Farm Lot 7, said The American Colony Tract, thence northerly along said line 433 feet westerly of and parallel to the easterly line of said Farm Lot 7 to a line 50 feet southerly of and parallel to the northerly line of said Farm Lot 7; thence easterly along said line 50 feet southerly of and parallel to the northerly line of said Farm Lot 7 to line 333 feet westerly of and parallel to the easterly line of said Farm Lot 7; thence southerly along said line 333 feet westerly of and parallel to the easterly line of said Farm Lot 7 to the north line of said Farm Lot 12, thence easterly along the north line of said Farm Lot 12, and the easterly prolongation thereof, to the east line of Cherry Avenue; thence northerly along said east line of Cherry Avenue to the south line of Wardlow Road; thence easterly along said south line of Wardlow Road to a point in a line 588 feet easterly from and parallel with the centerline of said Cherry Avenue; thence southerly along said last-mentioned parallel line to the north line of Farm Lot 29; thence easterly 300 feet, along said north line of Farm Lot 29; thence southerly parallel to said centerline of Cherry Avenue to a point in the north line of Spring Street, said point being in the boundary line of the City of Long Beach; and thence westerly along the boundary line of the City to the point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.090 - Area 7—Signal Hill, reservoir and southeast.

Area 7 is divided into two (2) parcels, designated as Parcel A and Parcel B, and is that portion of the City described as follows:

Parcel A. Beginning at the intersection of the boundary of the City in Pacific Coast Highway, formerly State Street, with the prolongation northerly of the east line of the alley west of Obispo Avenue, thence easterly along the boundary of the City, and following the various courses of said boundary to the northeasterly line of the Alamitos Tract, as per map recorded in Book 36, pages 37 to 44, miscellaneous records of Los Angeles County, thence southeasterly along said northeasterly line of Alamitos Tract to a line 300 feet east of and parallel to the east line of Termino Avenue; thence south along said parallel line to the north line of Pacific Coast Highway, 100 feet in width, formerly State Street; thence east along the north line of Pacific Coast Highway, 100 feet in width, formerly State Street to a line 180 feet easterly of, measured at right angles, and parallel to, the easterly line of the parcel of land conveyed to the City by deed recorded in Book 4752, page 134, of deeds, records of Los Angeles County (Community Hospital Lands); thence southerly along said parallel line to a line 150 feet south of, measured at right angles, and parallel to, the south line of Pacific Coast Highway, 100 feet in width, formerly State Street; thence west along the last-mentioned parallel line to the west of Termino Avenue to the north line of Fifteenth Street;

thence west along the north line of Fifteenth Street to the east line of Redondo Avenue; thence north along the east line of Redondo Avenue to the north line of Ransom Street; thence west along the north line of Ransom Street to the east line of Obispo Avenue; thence north along the east line of Obispo Avenue to the south line of Lot 2, Block 1, Tract No. 1954, as per map recorded in Book 22, pages 110 and 111 of maps, records of the county; thence westerly along the westerly prolongation of the south line of said Lot 2 to the east line of the alley west of Obispo Avenue; and thence north along the east line of said alley and the prolongation thereof to the point of beginning.

Parcel B. Beginning at the center of the inner circle of Los Alamitos Circle, which has a radius of 180 feet, said radial point being 19.41 feet northerly measured at right angles to the centerline of Pacific Coast Highway, formerly State Street, 60 feet in width as shown on map of Alamitos Tract, as recorded in Book 36, pages 37 to 44, both inclusive, miscellaneous records, of the county; thence south 0° 01′ 15″ east from said radial point a distance of 347.00 feet to the true point of beginning of this description; thence south 75° 43′ 28″ east a distance of 272.85 feet to a point in the northerly line of the Outer Circle; thence along said northerly line of the Outer Circle south 29° 18′ 46″ west a distance of 17.44 feet to an intersection with a curve, concave northerly and having a radius of 500 feet, a radial line through said point having a bearing of south 30° 47′ 55″ east; thence westerly along said curve, concave to the north and having a radius of 500 feet a distance 435.66 feet to a point in said curve, a radial line, through said last-mentioned point having a bearing of south 19° 07′ 26″ west, said point being an intersection with a curve, concave to the west and having a radius of 500 feet, a radial line through said last-mentioned point having a bearing of north 87° 12′ 31″ east; thence leaving the northerly line of the Outer Circle and northerly along said last-mentioned curve, concave to the west and having a radius of 500 feet a distance of 127.66 feet to a point in said curve, a radial line through said last-mentioned point having a bearing of north 72° 34′ 48″ east; thence north 89° 58′ 45″ east a distance of 186.27 feet to the true point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.100 - Area 8—Alamitos Heights and Flats.

Area 8 is that portion of the City described as follows:

Beginning at the intersection of the centerline of Santiago Avenue, 60 feet wide, and the southerly line of Colorado Street, 60 feet wide; thence east along the southerly line of Colorado Street to the boundary line of the City of Long Beach as established by Increment 11 of annexation to the City of Long Beach, filed with the Secretary of the State of California, December 17, 1923; thence southerly and easterly along the boundary line of the City of Long Beach as established by said Increment 11 and following its various courses to the most southerly corner of Lot 1, Tract No. 1077, as per map recorded in Book 18, page 195 of maps, records of the county; thence northwesterly along the southerly line of said Lot 1 to the intersection of a line 800 feet northeasterly of and parallel to the northeasterly line of the 200-foot right-of-way of the Pacific Electric Railway Company's Newport Beach Line, thence northwesterly along said parallel line to the northwesterly line of Parcel 1 of the property conveyed to the City by deed recorded in Book 4654, page 163, of official records in the office of the county recorder, having a bearing of south 74° 39′ 30″ west and a length of 401.30 feet; thence south 74° 39′ 30″ west 95.53 feet to an angle in said Parcel 1; thence south 56° 04′ 30″ west, 167.47 feet to the most westerly corner of said Parcel 1; thence north 56° 04′ 25″ west 311.34 feet to a point in the easterly line of Parcel 2 of said property conveyed to the City; thence south 80° 07′ 11″ west, 102.51 feet to a point in the southwesterly line of said Parcel 2; thence north 21° 42′ 40″ west 309.95 feet along said southwesterly line of Parcel 2 to a point in a curve concave to the south and having a radius of 1884.91 feet, a radial line passing through said point of curve having a

bearing of north 3° 43′ 54″ east; thence southeasterly along said curve an arc distance of 503.52 feet to the end of said curve, a radial line passing through the end of said curve having a bearing of north 19° 02′ 14.7″ east; thence south 70° 57′ 45.3″ east 122.99 feet to the centerline of Santiago Avenue, 60 feet wide; and thence northerly along said centerline of Santiago Avenue to the point of beginning. Provided, however, that it is unlawful hereafter to drill any new well or to erect any derrick within that portion of Area 8 described as follows: Beginning at the intersection of the centerline of Santiago Avenue (60 feet wide) with the south line of Colorado Street (60 feet wide); thence east along said south line of Colorado Street to the centerline of Manila Avenue (60 feet wide); thence south 250 feet along said centerline of Manila Avenue; thence west along a line 250 feet south of and parallel to said south line of Colorado Street to the westerly line of Parcel 2 of the land conveyed to the City by deed recorded July 17, 1926, in Book 4653, page 163, of official records in the office of the county recorder, thence northwesterly along said westerly line of Parcel 2 to the south line of Colorado Street (60 feet wide); thence east along said south line of Colorado Street to the point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.110 - Area 9—San Gabriel River.

Area 9 is that certain parcel of land being a portion of Lot 2, Tract No. 1077, in the City of Long Beach, as per map recorded in Book 18, page 195 of maps, in the office of the County Recorder, more particularly described as follows:

Beginning at the intersection of the southwesterly line of said Lot 2 with a line 40 feet northwesterly of, measured at right angles and parallel to, the northwesterly right-of-way line of the Los Angeles County flood control district San Gabriel River Channel, 400 feet wide thence northwesterly along said southwesterly line of Lot 2 to the intersection with a line 205 feet northwesterly of, measured at right angles and parallel to, said northwesterly right-of-way of San Gabriel River Channel; thence northeasterly along said parallel line to the intersection with a line 400 feet northwesterly of, measured at right angles and parallel to, said southwesterly line of Lot 2; thence southeasterly along said last-mentioned parallel line to said line 40 feet northwesterly of and parallel to said northwesterly right-of-way line of the San Gabriel River Channel; and thence southwesterly along said line 40 feet northwesterly of and parallel to said northwesterly right-of-way line of the San Gabriel River Channel to the point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.120 - Area 10—Signal Hill Water Department lands northeast.

Area 10 is that portion of the City described as follows:

Beginning at the intersection of the southerly line of Farm Lot 45, The American Colony Tract, as per map thereof recorded in Book 19, pages 89 and 90, miscellaneous records of Los Angeles County with a line 390 feet westerly of and parallel to the east line of Temple Avenue, said point of intersection being in the boundary line of the City of Long Beach, thence northerly along said line 390 feet westerly of and parallel to the easterly line of Temple Avenue to the southerly line of Spring Street; thence easterly along said southerly line of Spring Street to a point in a line 660 feet easterly from and parallel with said easterly line of Temple Avenue; thence southerly along said line 660 feet easterly from and parallel with said easterly line of Temple Avenue; thence southerly along said line 600 feet easterly from and parallel with said easterly line of Temple Avenue to a point in a line 290.95 feet northerly from and parallel with the centerline of Willow Street, as per deed recorded in Book 5961, page 93, of deeds, records of Los Angeles County; thence easterly along said line 290.95 feet northerly from and parallel with the centerline of said

Willow Street to the southeasterly line of that portion of Rancho Los Cerritos, as per map recorded in Book 2, page 202, of patents, records of Los Angeles County, deeded to the City by deed recorded in Book 4727, page 245, of deeds, records of Los Angeles County, said southeasterly line of that portion of Rancho Los Cerritos being also the northwesterly line of Page 16, Lot 1, Tract No. 10548, as per map recorded in Book 174, page 17, of maps, records of Los Angeles County; thence northeasterly along said northwesterly line of said Lot 1 to the westerly line of Newport Avenue; thence southerly along said westerly line of Newport Avenue to the north line of Willow Street; thence westerly along said northerly line of Willow Street to the aforementioned southeasterly line of Rancho Los Cerritos; thence southwesterly along said southeasterly line of that portion of said Rancho Los Cerritos, deeded to the City of Long Beach, to its intersection with the southerly line of Willow Street, said point of intersection being in the boundary line of the City; and thence southwesterly along the boundary line of the City and following the various courses of said boundary line to the point of beginning in the southerly line of aforementioned Farm Lot 45, The American Colony Tract, 390 feet westerly thereon from the easterly line of Temple Avenue.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.130 - Area 11—Water Department lands, airport central south.

Area 11 is that portion of City described as follows:

Beginning at the intersection of the southerly line of Spring Street with a line 400 feet easterly of and parallel to the centerline of Newport Avenue; thence southerly along said line 400 feet easterly of and parallel to the centerline of Newport Avenue to a point in the southeasterly line of that portion of the Rancho Los Cerritos, as per map recorded in Book 2, page 202, of patents, records of Los Angeles County deeded to the City by deed recorded in Book 4727, page 245, of deeds, records of Los Angeles County; thence southwesterly along said southeasterly line of that portion of said Rancho Los Cerritos to a point in a line 700 feet westerly of and parallel to the centerline of Newport Avenue; thence northerly along said parallel line to the southerly line of Spring Street; and thence easterly along said southerly line of Spring Street to the point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.140 - Area 12—Virginia Country Club west.

Area 12 is that portion of the City described as follows:

That portion of Lot 6, Block D, and that portion of Lot 5, Block E, Subdivision of a part of the Rancho San Pedro, as per map recorded in Book 32, pages 97 and 98, miscellaneous records of the county of Los Angeles, more particularly described as follows: Beginning at the intersection of the Compromise Ranch Line, as per map filed in Book 6, pages 15 and 16, records of surveys, in the office of the county recorder, with the southerly right-of-way line of the Union Pacific System private right-of-way; thence south 24° 21′ 17″ east along said Compromise Line 34.50 feet; thence south 34° 04′ 58″ west 456.21 feet; thence south 22° 36′ 48″ west 1,269.48 feet; thence south 72° 19′ 08″ west 268.19 feet; thence south 45° 33′ 33″ west 348.86 feet to a point in the easterly right-of-way line of the Los Angeles River flood control channel, said easterly right-of-way line being a boundary line of the City; thence north 3° 04′ 59″ east 1,420.84 feet along said easterly right-of-way line of the Los Angeles River flood control channel to the southerly right-of-way line of the Union Pacific System private right-of-way; and thence north 67° 08′ 23″ east along said southerly right-of-way line of the Union Pacific System private right-of-way 1,256.41 feet to the point of beginning; excepting therefrom all that portion of said parcel lying westerly of a line 120 feet easterly of

and parallel to the easterly right-of-way line of the Los Angeles River flood control channel, and all that portion of said parcel lying northerly of a line 120 feet southerly of and parallel to the southerly right-of-way line of the Union Pacific System private right-of-way.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.150 - Area 13—Flood control, Del Amo south.

Area 13 is that portion of the City described as follows:

That portion of Lot 5, Block D, Subdivision of a part of the Rancho San Pedro, as per map recorded in Book 32, pages 97 and 98, miscellaneous records of the county, more particularly described as follows: Beginning at the intersection of the southerly line of said Lot 5 with the westerly line of Tract No. 3554, as per map recorded in Book 38, pages 44 and 45, of maps, records of the county of Los Angeles; thence westerly along said southerly line of said Lot 5 to the easterly right-of-way line of the Los Angeles River flood control channel, said easterly right-of-way line being a boundary line of the City; thence northerly along said easterly right-of-way line of the Los Angeles River flood control channel to its intersection with the westerly line of aforementioned Tract No. 3554; and thence southerly along the westerly line of said Tract No. 3554 to the point of beginning; excepting therefrom all that portion of said parcel lying westerly of a line 120 feet easterly of and parallel to the easterly right-of-way line of the Los Angeles River flood control channel.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.160 - Area 14—Airport central and west.

Area 14 is that portion of the City described as follows:

The southerly 300 feet of the northerly 340 feet of the easterly 410 feet of Farm Lot 8 and the southerly 300 feet of the northerly 340 feet of the westerly 1,070 feet of Farm Lot 9, and the northerly 300 feet of Vine Avenue (vacated) all in The American Colony Tract, as per map thereof recorded in Book 19, pages 89 and 90, miscellaneous records of Los Angeles County.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.170 - Area 15—Airport northwest.

Area 15 is that portion of the City described as follows:

The southerly 200 feet of Lot 48, and the southerly 200 feet of the westerly 100 feet of Lot 49, all in Tract No. 8084, as per map thereof recorded in Book 171, of maps, pages 24 to 30 inclusive, records of Los Angeles County.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.180 - Area 16—Willow and Lakewood.

Area 16 is that portion of the City described as follows:

Beginning at the intersection of the centerline of Lakewood Boulevard with the centerline of Willow Street; thence north 0° 05′ 53″ east along the centerline of Lakewood Boulevard a distance of 745.53 feet; thence westerly at right angles to said centerline of Lakewood Boulevard to a point in a line 66 feet westerly of, measured at right angles and parallel to, the centerline of said Lakewood Boulevard, said point being true point of beginning of this description; thence south 0° 05′ 53″ west a distance of 100.53

feet; thence south 34° 33′ 48″ west a distance of 106.39 feet to the beginning of a tangent curve concave to the northwest and having a radius of 155.00 feet; thence southwesterly along said curve a distance of 180.34 feet to line tangent; thence north 78° 46′ 20″ west a distance of 492.63 feet to the beginning of a tangent curve concave easterly and having a radius of 145.00 feet; thence northwesterly and northeasterly along said curve through an angle of 180° 00′ 20″ a distance 455.54 feet to a line tangent; and thence south 78° 46′ 00″ east a distance of 657.68 feet to the true point of beginning of this description.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.190 - Area 17—Airport west.

Area 17 is that portion of the City described as follows:

That portion of the Rancho Los Cerritos as per map recorded in Book 2, page 202, of patents, in the office of the County Recorder more particularly described as follows:

Beginning at a point on the southerly line of that certain railroad right-of-way, 20 feet wide, marked "not a part of this Subdivision" on map of Tract No. 8084 as recorded in Book 171, pages 24 to 30 inclusive, of maps in the office of said county recorder, said point being the northwesterly corner of that certain parcel vested in the City by final order of condemnation recorded in Book 27785, page 47, official records in the office of said county recorder; thence south 0° 02′ 35″ east along the westerly line of said condemnation parcel 5.00 feet to a point on the southerly line of an easement for the construction and maintenance of slopes, as granted to Los Angeles & Salt Lake Railroad Company by deed recorded in Book 6753 page 323, official records, last said point being the true point of beginning; thence south 89° 57′ 25″ west 150.00 feet along the southerly line of said easement; thence south 0° 02′ 35″ east 200.00 feet; thence north 89° 57′ 25″ east 200.00 feet; thence north 0° 02′ 35″ west 200.00 feet; thence south 89° 57′ 25″ west 50.00 feet to the true point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.200 - Area 18—Recreation Park.

Area 18 is that portion of the City described as follows:

That portion of Lot A, Tract No. 5884, in the City as per map recorded in Book 62, page 38 of maps in the office of the County Recorder, more particularly described as follows: Beginning at the southeast corner of Block 131 of the Alamitos Tract as shown on said map; thence south 43° 53′ 45″ east 41.63 feet, along the westerly line of said Tract No. 5884, to the centerline of Seventh Street; thence north 89° 59′ 29″ east 1,506.08 feet, along the centerline of the public thoroughfare known as Seventh Street; thence North 0° 00′ 31″ west, 190 feet, at right angles to last said centerline, to the true point of beginning of this description; thence continuing north 0° 00′ 31″ west, 150.00 feet; thence north 89° 59′ 29″ east, 290.40 feet; thence south 0° 00′ 31″ east, 150.00 feet; thence south 89° 59′ 29″ west, 290.40 feet to the true point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.210 - Area 19—Airport central and east.

Area 19 is that portion of the City described as follows:

That portion of Lot 52, Tract No. 8084, as per map recorded in Book 171, pages 24 to 30 inclusive, of maps in the office of the County Recorder, as more particularly bounded and described, using bearings based on the California Coordinate System Zone VII, as follows:

Beginning at a point marked by City monument No. 2906, a brass cap in concrete, having Zone VII coordinates of north 4,046,563.79 and east 4,244,900.30, said point being at the intersection of the westerly prolongation of the southerly line of said Lot 52 with the centerline of vacated Lakewood Boulevard and being formerly marked by City monument No. 1848; thence north 89° 51′ 04″ east to and along the southerly line of the aforesaid Lot 52,400.00 feet; thence north 0° 06′ 03″ east, 323.00 feet to the true point of beginning; thence north 0° 06′ 03″ east, 344.12 feet; thence south 25° 20′ 33″ east, 146.01 feet; thence south 58.75 feet; thence south 49° 00′ 00″ west 102.13 feet; thence south 0° 06′ 03″ west, 6.24 feet; thence west 330.00 feet more or less to the true point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.220 - Area 20—Signal Hill, cemetery and north.

Area 20 is that portion of the City described as follows:

Beginning at the intersection of the north line of Willow Street with the west line of Orange Avenue, said point being in the boundary of the City; thence westerly along the boundary of the City, and following the various courses of said boundary, to its intersection with the east line of Walnut Avenue; thence east along the easterly prolongation of the last preceding course of said boundary line to a line 150 feet west of and parallel to the west line of Cherry Avenue; thence south along said parallel line to the north line of Spring Street, being a boundary line of the City; thence westerly along said boundary line and following its various courses to the point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.230 - Area 21—Signal Hill reservoir district.

Area 21 is that portion of the City described as follows:

Beginning at the intersection of the southwesterly line of Alamitos Boulevard with a line 150 feet north of and parallel to the north line of Pacific Coast Highway (said southwesterly line of Alamitos Boulevard being also a boundary line of the City) thence northwesterly along said boundary of the City, and following the various courses of said boundary, to the northeasterly line of the Alamitos Tract, as per map recorded in Book 36, pages 37 to 44, miscellaneous records of Los Angeles County; thence southeasterly along said northeasterly line of Alamitos Tract to a line 300 feet east of and parallel to the east line of Termino Avenue; thence south along said parallel to a line 150 feet north of the aforesaid line 150 feet north of and parallel to the north line of Pacific Coast Highway; thence west along said parallel line to the point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.240 - Area 22—Amusement park.

Area 22 is that portion of the City described as follows:

Beginning at the southwest corner of Lot 1, Block E of the Strand No. 3, as shown on map recorded in Map Book 11, page 199 of maps, official records of said county; thence south along the Sly, prolongation of the west line of said Lot 1, Block E, 108.00 feet to a point being the true point of beginning for this

description; thence continuing north 89° 52′ 12″ east 85.00 feet to a point; thence due south 260.00 feet to a point; thence south 89° 52′ 12″ west 85.00 feet to a point; thence due north 260.00 feet to the true point being located south of West Seaside Boulevard (96 South Chestnut Place).

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.250 - Area 23—Flood control—San Diego Freeway.

Area 23 is that portion of the City described as follows:

Beginning at an angle point in the boundary line of the City as same existed July 1, 1965, and being the most northerly corner of "Increment 48," Annexations of the City of Long Beach, filed with the Secretary of State on October 9, 1944 and the County Recorder on October 19, 1944; thence south 41° 52′ 37″ west, along said boundary line, 651.34 feet; thence north 15° 51′ 40″ west 806.75 feet to the most easterly corner of that certain parcel of land described in deed to Dominguez Estate Company recorded in Book D2313, page 982 of official records of said County Recorder; thence along the easterly line of said certain parcel of land north 10° 41′ 04″ west 810.51 feet to the most northerly corner of said certain parcel of land; thence north 3° 16′ 34″ east 73.35 feet along the westerly line of that certain parcel of land described as Parcel 1 in deed to the State recorded in Book 50974, page 160 of said official records to the northerly line of said last-mentioned certain parcel of land, thence northerly in a direct line to the southwesterly corner of that certain parcel of land described in the deed to the State recorded in Book D422, page 703 of said official records; thence northerly in a direct line to the most northerly corner of said last-mentioned certain parcel of land; thence northerly along a curve concave easterly and having a radius of 4,068.00 feet in the westerly line of a strip of land, 200 feet wide, described in Parcel 1 of the deed to the State recorded in Book 39027, page 384 of said official records to the southerly terminus of that certain course having a bearing of north 12° 52′ 00″ east in said last-mentioned westerly line; thence north 12° 52′ 00″ east along said last-mentioned westerly line to its intersection with the northeasterly line of the Pacific Electric Railroad right-of-way, 120.00 feet in width, as shown on map filed in Book 75, page 2 of record of surveys in the office of said Recorder; thence southeasterly along said northeasterly line of the railroad right-of-way as shown on County Surveyor's Map C-S B-181 to the intersection of the northwesterly line of Terrylynn Place and the southwesterly line of Del Mar Avenue, said intersection being a point in the boundary line of the City as same existed July 1, 1965; thence along said boundary line of 1965, southeasterly, westerly and northerly along its various courses to the point of beginning.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.6 (part))

12.08.255 - Area 24—Bellflower oil drill site.

Area 24 is that portion of the City described as follows:

In the City of Long Beach, County of Los Angeles, State of California, being that portion of the West Half of Section 1, T5S, R12W, San Bernardino Base and Meridian, described as follows:

Beginning at a point in the Los Angeles-Orange County line at the northerly terminus of that certain course shown on the map entitled "Exhibit "A", Superior Court Case No. 638660, *the City of Los Angeles, a Municipal Corporation, and the Department of Water and Power of the City of Los Angeles, Plaintiffs, versus E.A. Bryant, Jr., et al., Defendants,* said course having a bearing and distance of S16°46′45″E and 1444.82 feet; thence along said course and County line S16°46′45″E, 1020.00 feet; thence departing said County line at right angles S73°13′15″W 160.00 feet; thence northwesterly parallel to said County line N16°45′ 45″W 1020.00 feet; thence N73°13′15″E a distance of 160.00 feet to the point of beginning.

(Ord. C-7838 § 1, 2003)

12.08.260 - Boundary change—Council action required.

To change an area boundary or create or delete an oil operating area shall require City Council action in accordance with the procedures of Sections 12.08.260 through 12.08.320. However, the City Council shall not act prior to receiving a recommendation thereon from the Planning Commission.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.7(a))

12.08.270 - Boundary change—Initiation.

Authority to initiate a change in an area boundary or create or delete an oil operating area shall be vested in the City Council (by minute order), in the Director (by transmittal to the Planning Commission), or by application to the Planning Commission through the Director made by the owner of surface drilling rights in the area encompassed by the creation, addition or deletion, or by the agent of such owner.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.7(b))

12.08.280 - Boundary changes—Notice.

Notice of the public hearing shall be provided by mailing a notice to all owners of property within three hundred feet (300') of the subject drilling site and by posting on the site. The owner of the properties entitled to receive shall be as provided on the latest equalized assessment roll of the County. The notice(s) to be posted shall be posted within ten feet (10') of any street property line and shall be provided on each street frontage with not less than one (1) notice posted for each three hundred feet (300') of street frontage and equally spaced along the frontage. If no street frontage exists, one notice shall be posted at a conspicuous location on the site. Notices shall be mailed and posted not less than ten (10) days prior to the hearing date. Failure of any property owner to receive or failure of any member of the public to see the notice shall not invalidate any action taken on a request. Failure to mail notices or failure to post notices shall result in continuance of the hearing.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.7(c))

12.08.290 - Boundary change—Planning Commission recommendation.

Within thirty (30) days following a Planning Commission action to recommend a change in an area boundary or to create or delete an oil operating area that recommendation shall be transmitted to the City Clerk for presentation to the City Council. Such recommendation shall give the reasons therefor and shall also disclose whether the decision has been concurred in by all the members of the Planning Commission who are in attendance at the hearing, and in the event the decision has not been concurred in by all such members, the view of the minority of such members shall also be disclosed, except that any action to deny a proposed change to the area boundary or to create or delete an oil operating area need not be transmitted unless the request was initiated by the City Council. A recommendation to deny a change, creation, or deletion may be appealed to the City Council.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.7(d))

12.08.300 - Boundary change—Appeal of Planning Commission denial.

The private applicant requesting a change, creation, or deletion may appeal to the City Council the Planning Commission's recommended denial by filing an appeal with the City Clerk within ten (10) days after the Commission's action. Upon receipt of an appeal, the City Clerk shall notify the Director and request the transmittal of the Planning Commission's recommendation to the City Council.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.7(e))

12.08.310 - Boundary change—Council action.

Upon receipt of the recommendation of the Planning Commission, the City Clerk shall set a time for consideration of the matter by the City Council and shall notify the Planning Commission, through the Director and the private applicant, where applicable, of the date and time of such hearing. The Planning Commission may delegate to the Director authority to orally present the Planning Commission recommendation. The decision of the City Council shall be final. Any action by the City Council which concurs with the Planning Commission recommendation shall require a simple majority of the Councilmembers present. Any action by the City Council which overrules a Planning Commission recommendation shall require a two-thirds (2/3) majority of the full Council. If the Council fails to arrive at a decision, the proposal or request shall automatically be continued to the next regularly scheduled Council meeting. The failure of the Council to reach a decision at the subsequent hearing shall be deemed an approval of the Planning Commission's recommendation.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.7 (f))

12.08.320 - Boundary change—Findings required.

In all cases the Planning Commission and the City Council shall be required to make the following findings of fact before changing the boundary of, creating or deleting an oil operating area:

A. The change, creation or deletion will not adversely affect the character, livability or appropriate development of surrounding community;
B. The change, creation or deletion is necessary to produce the petroleum envisioned to be produced from the site, and the petroleum cannot feasibly be reproduced from other sites within oil operating areas by unitization or production agreements, slant drilling or other mechanism; and
C. The change, creation or deletion will not unreasonably hinder production of existing petroleum reserves.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.7 (g))

CHAPTER 12.12 - PERMITS

12.12.010 - Drilling permit—Required.

No person shall drill or redrill any well without first obtaining a permit therefor from the Director. This permit shall be designated as a drilling permit.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.8)

12.12.020 - Well permit—Required.

No person shall operate or maintain any well for petroleum operations, whether active or suspended, without obtaining a permit therefor from the Director. This permit shall be designated as a well permit.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.9)

12.12.030 - Drilling permit—Departmental approval required.

No person shall be issued a drilling permit until the same has been approved by the Director and, when the proposed work is situated in the harbor district, the Board of Harbor Commissioners.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.10)

12.12.040 - Transfer.

No permit issued under this Chapter may be assigned or otherwise transferred without first providing written notification to the Director and, in the harbor district, the Board of Harbor Commissioners; and any such assignment or transfer made or attempted to be made without such written notification shall be null and void and is without any force or effect whatsoever.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.11)

12.12.050 - Drilling permit—Application contents.

Any applicant for a drilling permit shall file with the Director an application in writing on a form furnished for that purpose by the Director. The application shall be accompanied by:

A. A legal description of the oil and gas lease (mining rights) lease area and the surface operations area within which the applicant proposes to conduct petroleum operations;

B. A plot plan showing the setback areas, surface location of the proposed well, existing and proposed tanks, wells, fences, and other facilities and appurtenant structures, and their relation to any existing hospital, sanitarium, church, rest home, school or dwelling unit or guest room within the distances set forth in this Code. The applicant shall not be required to file any plot plan for any well whose surface location is located within an area for which a plot plan has been previously filed unless existing tanks, fences, or other facilities and appurtenant structures are to be relocated or new tanks, fences, or other facilities and appurtenant structures are proposed. A setback shall be provided which will allow all vehicles entering or leaving the drill site to stop or park without extending into the public street or right-of-way;

C.

A verified statement signed by the applicant certifying that he is duly authorized by the operator to make and file the application and that he has read the application and that it is true and correct to the best of his knowledge and belief;

D. A certification that the means or method by which liquid spills will be removed from diked areas or catchment basins will conform to the regulations of the Division of Oil and Gas of the State;

E. Prescribed street route to be used by applicant for access to and from drill site for equipment exceeding in size a three-quarter (¾) ton vehicle;

F. Such other information as may be reasonably required by the Director.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.12)

12.12.060 - Special conditions—Imposed.

In addition to any conditions that are required by other provisions of the Code, the Director shall impose the condition or conditions set out in Sections 12.12.070 through 12.12.100 to any permit required under the provisions of this Chapter in oil operating areas 5, 7A, 7B, 8, 9, 12, 13, 16, 18, 19, 21, 22 and 23, and the violation of any of such condition or conditions which shall relate to any or all of the following shall be grounds for revocation of the permit issued.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.13 (part))

12.12.070 - Special conditions—Generally.

A. Pipelines. All off-site pipelines serving the site shall be buried below the surface of the ground.

B. Sanitary Facilities. Sanitary facilities shall be installed at any drill site where personnel are permanently stationed. Portable sanitary facilities shall be provided wherever crews are temporarily employed.

C. Lights. All lights shall be shielded or directed so as to confine direct rays to the drill site.

D. Vibration. Vibration from equipment shall be kept to a minimum level, and in such cases as it is required, vibration dampening equipment of the best available technology shall be installed so as to reduce vibration to a minimum.

E. Painting of Installations. All surfaces of permanent installations within the site shall be painted a neutral color.

F. Signs. No sign which is visible from outside of the site shall be allowed except:

1. Such signs as are required by law;
2. Warning signs; and
3. No trespassing signs.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.13 (a))

12.12.080 - Special conditions—Drill site preparation.

All site work and all delivery of equipment and materials attendant to the preparation of the drill site shall be performed only on Monday through Friday, excluding legal holidays, between the hours of seven-thirty a.m. and six-thirty p.m.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.13 (b))

12.12.090 - Special conditions—Drilling or redrilling operations.

A. Delivery of Equipment. The delivery or removal of equipment or material from the drill site shall be limited to the hours between seven-thirty a.m. and six-thirty p.m., except in case of emergency.

B. Storage of Equipment. All equipment or material related to the drilling or redrilling of any well shall be stored within a fenced area of the drill site. There shall be no storage of material, equipment, machinery or vehicles which is not either intended for the prompt use in connection with the petroleum operations at the drill site or for the convenience of personnel working at the site.

C. Fencing. Within sixty (60) days of commencement of drilling operations, the drill site and all installations thereon shall be fenced with a fence not less than six (6) feet in height, unless action has been initiated by the operator to abandon the well(s) according to the procedures established in this Title. Fencing required under this Subsection shall otherwise conform to the regulations of the Division of Oil and Gas of the State as set forth in Title 14, Section 1778, of the California Administrative Code.

Setbacks for such fencing shall be twenty feet (20') from the street frontage front drill site line, and five feet (5') from the street frontage side drill site line on a corner lot. Such fencing shall be constructed of solid masonry or solid wood walls with solid gates or an alternate material equally as effective in concealing oil operations. Fencing required under this Subsection shall be painted a neutral color compatible with the immediate surrounding area. Such fencing shall be maintained in a neat and orderly condition. Chain-link fence with opaque material inserted between the links does not comply with the requirements of this Subsection.

The foregoing fencing requirement for solid masonry walls, solid wood, or an equally effective alternate does not apply to drill sites where the only requested activity is for redrilling of a well or wells only for the purpose of maintaining the original bore or bores.

D. Landscaping and Irrigation. Within sixty (60) days of commencement of drilling operations all areas outside the drill site fence shall be landscaped and an irrigation system installed to maintain the landscaping, unless action has been initiated by the operator to abandon the well(s) according to the procedures of this Title. Such landscaping and irrigation shall be in compliance with a landscape plan on file and approved by the Director prior to issuance of the drilling permit and shall thereafter be maintained in a neat and healthy condition. The minimum landscaping shall consist of one (1) tree of not less than fifteen (15) gallon size for each one hundred (100) square feet of area outside the drill site fence; three (3) shrubs for each tree and suitable groundcover. The foregoing provisions of this Subsection requiring submittal and implementation of a landscaping plan and irrigation system and minimum landscaping requirements do not apply to drill sites where the only requested activity is for redrilling of a well or wells only for the purpose of maintaining the original bore or bores.

E. Off-site Improvements. Concurrently with the filing of the landscape and irrigation plans, all applicants for drilling permits shall file an off-site improvement plan for curbs, gutters, and sidewalks. Said improvements shall be designed according to the specifications of the City Engineer. Such improvements shall be in place within sixty (60) days after the commencement of drilling operations. The provisions of this Subsection do not apply to drill sites where the only requested activity is for redrilling of a well or wells only for the purpose of maintaining the original bore or bores.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.13 (c))

12.12.100 - Special conditions—Petroleum operations.

A. Storage of Equipment. All equipment or materials related to petroleum operations shall be stored within the fenced area of the site. There shall be no storage of material, equipment, machinery or vehicles which is either not intended for prompt use in connection with petroleum operations at the site or for the convenience of personnel at the site.

B. Removal of Petroleum. When pipeline connections are available, petroleum produced at the well site may be removed by underground pipeline or pipelines. Petroleum produced at well sites where pipeline connections are not available shall be removed by truck. Such trucking shall be limited to Monday through Saturday, excluding legal holidays, between the hours of seven-thirty a.m. and six-thirty p.m.

C. Delivery of Equipment. Except in emergencies, the delivery or removal of equipment or material from the well site shall be limited to Monday through Saturday, excluding legal holidays, between the hours of seven-thirty a.m. and six-thirty p.m.

D. Tanks. The number of tanks shall be kept to a minimum and new tanks shall be installed so that the height of the tank does not exceed sixteen (16) feet above grade.

E. Process Operations. The only process operations permitted at the well site is the dehydration of crude oil and wet gas produced from the well and those process operations required for injection purposes unless otherwise required by the State Division of Oil and Gas.

F. Flaring or Venting. Gas shall not be vented to the atmosphere, nor burned by open flame, unless prior approval therefor is obtained from the State Division of Oil and Gas.

G. Well Servicing. Except in case of emergency, well servicing operations shall be limited to Monday through Saturday, excluding legal holidays, between the hours of seven-thirty a.m. and six-thirty p.m.

H. Fencing. For renewal of well permits for wells existing prior to July 1, 1980, such wells shall be enclosed with a chain-link fence in accordance with Section 12.28.030 or with approved alternate fencing prior to renewal of a well permit. For well permits issued subsequent to July 1, 1980, the chain-link fence shall have opaque material of a neutral color approved by the Director inserted between the chain links. The Director may approve a fence of alternative material more effective in concealing the oil operations provided that it is compatible with the surrounding residential neighborhood. All existing masonry walls or alternate fencing that were constructed as a condition for drill permits shall remain in place. Fencing shall not be less than six feet (6') in height and shall be maintained in a neat and orderly condition.

I. Landscaping. Subsequent to December 31, 1995, no well permit shall be issued unless landscaping is installed and maintained to screen and buffer the full perimeter of the well site from adjoining nonindustrial zoned properties. Such landscaping shall be in conformance with the landscape plan submitted to the Director. The approved landscape plan shall include sufficient tree and/or shrub plantings to screen and buffer the well site to the satisfaction of the Director. Further, such landscaping and landscape plan shall include suitable groundcover sufficient to prevent erosion and weed growth within the landscaped area, if necessary, given the shape or topography of the site. The landscaping requirements of this Section shall not apply to any site outside of the Coastal Zone which, upon the effective date of this ordinance, is effectively screened by a solid wooden fence or masonry wall and the existing screening prevents the planting and maintenance of the required landscaping.

J. Additional Requirements for Well Sites in the Coastal Zone. In recognition of the fact that the Coastal Zone is a unique asset of the State and in order to preserve and enhance the quality of this asset, the requirements set forth in these regulations for drilling and redrilling operations relating to fencing, landscaping and irrigation, and off-site improvements, Subsections C, D and E of this Section, shall be implemented at all well sites located in nonindustrial zones of the Coastal Zone by January 1, 1981. If permittees can show good cause why such improvement cannot be completed by January 1, 1981, then extensions of up to six (6) months may be granted to comply with these requirements, but in no event will extensions be granted past June 30, 1981.

K. Oil Separation and Oil Field Waste Disposal Facilities. All oil separation and oil field waste disposal facilities shall provide the following public improvements and screening, or cease operations, within one (1) year of the effective date of this provision:

1. Install curbs, gutters, sidewalks, street trees and roadway improvements, to the center line of the adjoining roadway, to the satisfaction of the Director of Public Works, as would be required of a new residential subdivision;
2. Install a visually solid fence, not less than six feet six inches (6′-0″) in height, including visually solid gates, set back not less than six feet six inches (6′-0″) from the public right-of-way;
3. Install landscaping in the setback area between the screen fence and the public right-of-way, to the satisfaction of the Director of Planning and Building, with not less than one (1) tree for each one hundred (100) square feet of setback area, and three (3) shrubs for each tree, and groundcover sufficient to prevent erosion and weed growth. Substitutions of plant materials shall be allowed according to the provisions of Section 21.21.460 of Chapter 21.21 of Title 21 of this Code. An automatic irrigation system shall also be provided, to the satisfaction of the Director of Planning and Building, to insure the maintenance of the plant materials in a healthy condition.

(Ord. C-7347 § 1, 1995; Ord. C-5990 § 1, 1983; Ord. C-5575 § 2 (part), 1980: prior code § 3300.13(d))

12.12.110 - Special conditions variance—Authorized.

The operator may request a variance to the special conditions contained in Sections 12.12.060 through 12.12.100 and/or acoustical blanket requirements provided in Section 12.32.030, except the requirements for sanitary facilities and the restrictions on process operations and gas flaring or venting. A filing fee as prescribed by City Council resolution for a standards variance shall accompany each application.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.14 (part))

12.12.120 - Special conditions variance—Hearing Examiner.

The position of special conditions Hearing Examiner is established to hear and decide requests for variances from the special conditions required in Sections 12.12.060 through 12.12.100. The Hearing Examiner shall be a deputy zoning officer or planning officer appointed by the Director. In the absence of the Hearing Examiner, the Director shall appoint a substitute from among the deputy zoning officers or planning officers.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.14(a))

12.12.130 - Special conditions variance—Hearing.

Any request for a variance from the special conditions of this Chapter shall be considered in a public hearing by the Hearing Examiner.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.14(b))

12.12.140 - Special conditions variance—Notice.

Notice of the public hearing shall be provided by mailing a notice to all owners of property within three hundred feet (300') of the subject drill site and by posting on the site. If less than ten (10) property owners own property within three hundred feet (300') of the subject site, then the radius of notice shall be expanded to include the ten (10) property owners nearest the site. The owner of the properties shall be entitled to receive notice as provided on the latest equalized assessment roll of the County Assessor. The notice(s) to be posted shall be posted within ten feet (10') of any street property line and shall be provided

on each street frontage with not less than one notice posted for each three hundred feet (300') of street frontage and equally spaced along the frontage. If no street frontage exists, one notice shall be posted at a conspicuous location on the site. Notices shall be mailed and posted not less than ten (10) days prior to the hearing date. Failure of any property owner to receive or of any member of the public to see the notice shall not invalidate any action taken on a request. Failure to mail notices or failure to post notices shall result in a continuance of the hearing.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.14(c))

12.12.150 - Special conditions variance—Hearing Examiner action.

The Hearing Examiner may approve, approve with conditions, partially approve, deny or refer any request to the City Council for action without prejudice.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.14(d))

12.12.160 - Special conditions variance—Findings required.

A variance from the special conditions may be granted by the Hearing Examiner, or by the Planning Commission, or ultimately the City Council on appeal, only if the following findings of fact are made:

A. The variance will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area and will not be detrimental to the public welfare;
B. There are unique physical circumstances directly related to the variance request that differentiate the subject drill site from other drill sites in the same area; and
C. Strict compliance with the special conditions would create an unreasonable economic hardship or a physically infeasible requirement due to the unique circumstances of the drill site;
D. The variance will not conflict with the regulations of the State Division of Oil and Gas. Any action to approve a variance request shall require written findings to be issued prior to the effective date of this variance.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.14(e))

12.12.170 - Special conditions variance—Appeal.

The decision of the Hearing Examiner may be appealed to the Planning Commission, and, subsequently, the decision of the Planning Commission may be appealed to the City Council pursuant to the following provisions:

A. Time Limit. An appeal must be accompanied by a statement specifying the reasons therefor and must be filed within ten (10) days after the public hearing or within ten (10) days of the issuance of the findings, whichever is later.
B. Right to Appeal. Besides the applicant, any aggrieved person may file an appeal.
C. Filing. An appeal shall be on a form provided by the Department of Planning and Building and shall be filed with the Department of Planning and Building within the specified time limit. A fee shall accompany an appeal filed by the variance applicant as established by the City Council.
D. Public Hearing. Upon filing of an appeal, a public hearing shall be held within thirty (30) days from the filing date. Notice of the hearing on appeal shall be sent to interested parties who have contacted the Hearing Examiner and requested notice of the hearing on appeal.
E.

Actions. The decision of the City Council shall be final and shall be in writing and mailed to the applicant, the appellant (if other than the applicant), and any other interested parties who have requested such determination.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.14(f))

12.12.180 - Other permits.

Any work for which a permit is required, and which is not covered in this Chapter, shall be done pursuant to such permit issued according to the provisions of the Long Beach Municipal Code.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.15)

12.12.190 - Drilling permit—Fees.

A. Each person applying for a drilling permit shall, at the time of filing the applicant therefor, pay to the Director a nonrefundable permit fee, as set forth by City Council resolution, for each well for which such permit is desired.

B. No fee shall be paid for a permit for the redrilling of any well.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.16)

12.12.200 - Well permit—Fees.

Any person who is an operator of any well shall pay a nonrefundable annual well permit fee as set forth by City Council resolution for each well operated and maintained by such person.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.17)

12.12.210 - Term.

Any permit issued according to the provisions of this Chapter shall expire one (1) year from date of issuance, or as set forth by City Council resolution, and any and all privileges granted pursuant to such permit shall terminate, unless the permittee has renewed the permit or has pursuant to a drilling permit commenced drilling or redrilling operations within the year following the date of issuance of the permit.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.18)

12.12.220 - Fees—Delinquency penalty.

If any fee required to be paid to the Director in this Chapter is not paid within thirty (30) days from the time it becomes due and payable, the same shall thereupon become delinquent, and a penalty in an amount equal to twenty-five percent (25%) of the fee shall be added thereto for such delinquency, which penalty shall be and become part of such fee and shall be enforced and collected as part of such fee.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.19)

12.12.230 - Fees—Constitutes lien.

Each and all of the fees required by this Chapter to be paid to the Director shall constitute a lien upon the well and related production equipment for which permits provided for in this Chapter are required, and upon the property on which the well is situated. The lien for any fee for the drilling permit shall attach when the work is commenced in connection with the operation for which the permit is required, and the lien for any fee for the well permit shall attach on the first day of July of the fiscal year for which the permit is required. Each lien shall have the effect of an execution duly levied against all such property on which the lien exists, and shall remain until the fee is paid or the property sold in payment thereof.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.20)

12.12.240 - Fees—Liability for payment.

Each of the persons whose duty it is to obtain, or cause to be obtained, any permit from the Director, as provided in this Chapter, shall be, and is declared and made to be, jointly and severally liable for the payment of the fee required to be paid to the Director for the permit.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.21)

12.12.250 - Fees—Collection by court action.

In the event of the nonpayment of any fee required by this Chapter to be paid the Director, the Director shall transmit to the City Attorney a notice of the fee being unpaid, and the City Attorney shall proceed to collect the fee from any such person so liable therefor by appropriate action in a court of competent jurisdiction.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.22)

12.12.260 - Designation of agent.

Upon filing the application for permit, every operator of any well shall designate an agent upon whom all orders and notices provided in this Code may be served in person or by registered or certified mail. Every operator so designating such agent shall within thirty (30) days notify the Director in writing of any change of the agent or the mailing address unless operations within the City are discontinued. Service by registered or certified mail, or in person on the agent so designated, shall constitute service upon the operator for all purposes of this Code.

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.23)

12.12.270 - Notice of sale or transfer.

The operator shall notify the Director and, in the harbor district, the Board of Harbor Commissioners, in writing of the sale, assignment, transfer, conveyance, or exchange by the operator of wells, property, and equipment appurtenant thereto within thirty (30) days after such sale, assignment, transfer, conveyance or exchange. The notice shall contain the following:

A. The name and address of the person to whom the well and property was sold, assigned, transferred, conveyed, or exchanged;
B. The name and location of the well;
C. The date of sale, assignment, transfer, conveyance or exchange;
D. The date when possession was relinquished by the former operator;
E. Acknowledgment by new operator of the special conditions imposed by Sections 12.12.060 through 12.12.100

(Ord. C-5575 § 2 (part), 1980: prior code § 3300.24)

CHAPTER 12.16 - WELL LOCATION

FOOTNOTE(S):

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State Law reference— Provisions on the spacing of wells, Pub. Res. Code § 3600 et seq.

12.16.010 - Compliance required.

Notwithstanding any other provisions of this Title, it is unlawful and a nuisance for any person to drill any well, or to erect any derrick or production equipment, at any location within those areas in the City within which such drilling, erection, operation and maintenance are permitted as in this Title provided unless such well, derrick and production equipment are located as provided in this Chapter. The provisions of this Chapter shall not apply to wells for which permits have been issued prior to the effective date of the ordinance codified in this Chapter.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.25)

12.16.020 - Seventy-five feet from street.

No oil well shall be drilled within seventy-five feet (75') of the exterior boundary of any dedicated public street, highway, railroad right-of-way or private street except wherein a greater distance is required by State statutes or the Division of Oil and Gas. Private street, as used in this Section, means a street designated as such in a recorded subdivision map. The seventy-five-foot requirement may be waived if the applicant complies with any special safety requirements imposed by the Fire Department. If the drill site is to be located on a corner lot having streets bordering on two (2) sides, then no oil well shall be drilled within seventy-five feet (75') of the exterior boundary of the shorter street frontage and within twenty-five feet (25') of the longer street frontage.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.26)

12.16.030 - One hundred feet from buildings.

No well shall be located within one hundred feet (100') of any building, nor shall any such building be erected within one hundred feet (100') of any well not abandoned, except buildings incidental to the operation of the well. The one hundred foot (100') distance requirement shall be waived by the Director provided the Director finds:

A. That the use or occupancy of the building is such that the one hundred foot (100') distance requirement is not necessary;
B. That the building or the drill site incorporates adequate structural and fire safety features to compensate for the reduction in the one hundred foot (100') requirement of this Section; and
C. That the owner of the structure complies with any special safety requirements imposed by the Fire Department.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.27)

12.16.040 - Three hundred feet from school lands.

No well shall be located within three hundred feet (300') of any building used as an auditorium, institution or school; nor shall any such building be erected within three hundred feet (300') of any well not abandoned. The three hundred foot (100') distance requirement shall be waived by the Director provided the Director finds:

A. Adequate structural, safety and sound-proofing features are incorporated into the permit application to compensate for the reduction of the three hundred foot (100') requirement of this Section; and
B. No alternate drill sites are available to the permittee. ln no event shall the three hundred foot (100') distance requirement be reduced to less than two hundred feet (200').

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.28)

12.16.050 - Consolidated drill site plans.

To encourage the consolidation of oil production facilities whenever feasible so as to make surface land areas available for productive non-oil surface use, special consideration shall be given to modification of well setback requirements when necessary to make feasible the use of sites for consolidated oil drilling surface facilities. Such modifications shall be reviewed and approved in the same manner as other exemptions, variances and modifications under this Code. An application for a drilling permit may include a request for review and approval of an overall plan for the location of facilities, including future well bores, within a consolidated drill site. Upon approval of such plan, facilities and well bores located in accordance therewith shall be deemed to be in compliance with the setback requirements of this Code.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.28.1)

CHAPTER 12.20 - DERRICKS

12.20.010 - Standards.

All derricks and masts erected for drilling, redrilling or remedial operations after the effective date of the ordinance codified in this Title shall conform to State Division of Industrial Safety standards.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.29)

12.20.020 - Removal.

All permanent derricks standing on the effective date of the ordinance codified in this Title shall be removed within one (1) year thereafter. All derricks and masts hereafter erected for drilling, redrilling or remedial operations, or for use in production operations, shall be removed within thirty (30) days after completion of the work unless otherwise ordered by the Division of Oil and Gas of the State.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.30)

CHAPTER 12.24 - BLOWOUT PROTECTION

12.24.010 - Drilling and redrilling.

During drilling and redrilling operations, protection against blowout shall be provided in accordance with the most recent edition of the Division of Oil and Gas Manual No. MO7.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.31)

12.24.020 - Other wells.

For all operations other than drilling and redrilling, protection conforming to the requirements of the most recent edition of the Division of Oil and Gas Manual No. MO7 shall be provided to prevent the blowout of a well.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.32)

CHAPTER 12.26 - NATURAL GAS PROCESSING FACILITIES

12.26.010 - Locations for establishment or expansion.

The establishment or expansion of natural gas processing facilities shall be limited to oil operating areas, and in no event shall the establishment or expansion of such processing, except gas dehydration, be permitted in oil operating areas 5, 7A, 7B, 8, 9, 12, 13, 16, 18, 19, 21, 22, and 23.

(Ord. C-5935 § 5 (part), 1983)

12.26.020 - Development standards.

Prior to establishing or expanding any natural gas processing facility, the applicant shall submit fencing and landscaping plans to the satisfaction of the Director. Such plans shall contain as a minimum a solid block fence not less than eight feet (8') in height separating the use or the expansion from the public right-of-way (plus any transition necessary to reasonably enclose an expansion area). Such plans shall also contain not less than one (1) tree, of not less than fifteen (15) gallon size, for each ten feet (10') of street frontage of the use or expansion, and three (3) shrubs, of not less than five (5) gallon size, for each tree. Such landscaping is to be located outside the block fence and is to be supported by an automatic irrigation system. Such fencing, landscaping and irrigation shall be in place prior to occupancy of the use or expansion.

(Ord. C-5935 § 5 (part), 1983)

CHAPTER 12.28 - DEVELOPMENT STANDARDS

12.28.010 - Road and drill site surfacing.

Prior to commencement of any drilling operation, all private roads used for access to the drill site and the drill site itself shall be maintained in such manner so as to minimize dust and mud.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.33)

12.28.020 - Waste control.

All persons having possession of or in control of any well from which drilling fluid, drill cuttings, petroleum and any other oil field wastes are derived or result from, or is connected with, the drilling, redrilling, or servicing of any well, shall discharge such wastes into a tank adequate to hold such waste. Tank width shall not exceed twelve feet (12'). Such tanks used for waste control shall be removed from the drill site within thirty (30) days after completion of drilling. All sumps existing on the effective date of the ordinance codified in this Title shall be removed within one (1) year thereafter.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.34)

12.28.030 - Fencing.

In oil operating areas all open, accessible surface excavations used for the disposal of waste liquids and all well production equipment having external moving parts hazardous to life or limb shall be attended twenty-four (24) hours per day, or be enclosed by fencing in conformance with Title 14, Section 1778 of the California Administrative Code.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.35)

12.28.040 - Well cellars.

All well cellars shall conform to State Division of Industrial Safety regulations, California Administrative Code Title 8, Section 20 and Title 14, Section 1774 of the California Administrative Code.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.36)

12.28.050 - Removal of equipment.

All persons having possession of or in control of any well shall diligently pursue drilling operations until the well is completed or abandoned to the satisfaction of the Division of Oil and Gas of the State, and upon completion or abandonment shall remove all drilling equipment from the drill site within thirty (30) days following the completion or abandonment of the well unless otherwise ordered by the Division of Oil and Gas.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.37)

CHAPTER 12.32 - NOISE

12.32.010 - Excessive noise prohibited.

It is unlawful for any person to operate or cause to be operated any oil production or gas processing equipment on any well, or incidental to a well, within the incorporated limits of the City in any manner so as to create any noise which causes the exterior and interior noise level at the receiving property to be in excess of those limits provided in Chapter 8.80.

(Ord. C-5935 § 2, 1983: Ord. C-5575 § 3 (part), 1980: prior code § 3300.38)

12.32.020 - Areas 5, 7A, 7B, 8, 9, 12, 13, 16, 18, 19, 21, 22 and 23.

A. No person, either as owner, agent, or operator, shall conduct any drilling, or redrilling operation at any well located within oil operating areas 5, 7A, 7B, 8, 9, 12, 13, 16, 18, 19, 21, 22 and/or 23 in any manner so as to create any noise which causes the exterior noise level when measured at the property line of any single- or multiple-family dwelling unit, guest room, commercial building, school, hospital, church, or public library to exceed the noise level standards set forth in Table 1. The exterior noise level generated by the drilling or redrilling operation shall be continuously monitored to ensure conformance to the noise level standards. The costs of such monitoring shall be borne by the operator conducting such operation.

Table 1

Cumulative Number of Minutes in any One-hour Time Period	Noise Level Daytime 7:30 a.m. to 9:30 p.m.	Standards, dBA Nighttime 9:30 p.m. to 7:30 a.m.
30	50	45
15	55	50
5	60	55
1	65	60
0	70	65

No person, either as owner, agent, or operator, shall conduct any drilling or redrilling operation at any time at any well located in oil operating areas 5, 7A, 7B, 8, 9, 12, 13, 16, 18, 19, 21, 22 and/or 23 in any manner so as to create any noise which causes the interior noise level in excess of those limits provided in Chapter 8.80.

If the existing ambient noise level, exclusive of existing drilling activity, at the nearest adjacent dwelling unit, guest room, commercial building, school, hospital, church or public library property line to the requested oil drilling site does not exceed the permitted nighttime noise levels in Table 1 for any period, then the following regulations shall apply:

1. The only activity permitted between the hours of nine-thirty p.m. and seven-thirty a.m. will be "on bottom" drilling, with single joint connections. None of the following will be done during the hours of nine-thirty p.m. and seven-thirty a.m.:
   a. Hammering on pipe;
   b. Racking of pipe;
   c. Acceleration and deceleration of engines or motors;
   d. Use of drilling assembly rotational speeds that cause more noise than necessary and could reasonably be reduced by use of a slower rotational speed;
   e. Picking up or laying down drill pipe, casing, tubing or rods into or out of the drill hole.
2. If the measured ambient level exceeds that permissible within any of the first four (4) noise limit categories in Table 1 above, the allowable noise exposure standard shall be increased in five (5) decibel increments in each affected category as appropriate to encompass or reflect the ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to equal the maximum ambient noise level.
3. If the difference between the noise levels with noise source operating and not operating is four (4) decibels or greater, then the noise measurement of the alleged source can be considered valid with a correction applied to account for the contribution of the ambient noise. The correction is to be applied in accordance with data shown in Table 2.

Table 2
BACKGROUND NOISE CORRECTION

Difference Between Total Noise and Background Noise Alone (Decibels)	Amount to be Subtracted from Total Noise Measurement (Decibels)
4.0- 4.5	2.0
4.5- 6.0	1.5
6.0- 8.0	1.0
8.0-10.0	.5

The sound level meter used in conducting noise evaluations shall meet American National Standard Institute's Standard S1. 4-1971 for Type 1 or Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment which will provide equivalent data. The acoustic

terminology used in these sections shall be defined as in Section 8.80.020, and noise measurements procedure shall be conducted in compliance with methods specified in Section 8.80.140.

B. In the event that the owner, agent or operator conducting any operation which produces a noise level believed to be in excess of the noise levels provided in this Section refuses or otherwise declines to shut down the drilling operation so that the ambient noise level can be measured, then the ambient noise level shall be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the offending noise from the source is inaudible.

C. If measurements conducted under Subsections A or B of this Section indicate a noise level in excess of that provided in Subsection A, such drilling operation shall be deemed to be in violation of this Section.

D. Violation of any provision of this Section shall be cause for a notice of violation to be issued by the Director. Thereafter, if the violation of any such condition or conditions of this Section is not brought into compliance with this Code, the Director shall restrict the hours of operations to those hours between seven-thirty a.m. and six-thirty p.m. Monday through Friday, excluding City holidays. The procedure for violation provided in this Section shall not be exclusive but shall be in addition to any other procedure for violation which the Director can employ under the provisions of this Title.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.39)

12.32.030 - Acoustical blankets.

A. No person, either as owner, agent or operator, shall conduct any drilling or redrilling operations on any well located within the oil operating areas 5, 7A, 7B, 8, 9, 12, 13, 16, 18, 19, 21, 22 and 23 unless all derricks and all drilling machines which produce noise and which are used in connection with said drilling or redrilling operations are enclosed with soundproofing material as provided in Subsection B of this Section.

B. When soundproofing is required by the provisions of Subsection A of this Section, such soundproofing shall comply with accepted A.P.I. standards and shall be subject to Fire Department regulations. All doors and similar openings shall be kept closed during drilling operations, except for ingress and egress and necessary logging and well completion operations. Alternate materials or methods of soundproofing may be used, provided that such alternative has been approved by the Director and the Chief of the Fire Department. The Director and the Chief of the Fire Department may approve any such alternative if they find that the proposed material and method is equal to soundproofing ability and fire-resistive qualities to the aforesaid specifications. Either may require the submission of evidence to substantiate any claims that may be made regarding the use of such alternative.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.40)

12.32.040 - Monitoring operations authorized.

For the purpose of noise abatement, the Director shall have the authority to monitor the operation of oil field equipment used for drilling, redrilling, well servicing, remedial or maintenance work.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.40)

CHAPTER 12.36 - ABANDONED AND IDLE WELLS

12.36.010 - Abandonment procedure.

Upon the final and permanent cessation of all operations on any well, or upon the revocation, neglect, or failure to obtain or to maintain in full force and effect under the provisions of this Title, the permit required to be obtained under this Title from the Director, the permittee:

A. Shall abandon the well in accordance with the rules and regulations of the Division of Oil and Gas: and

B. In accordance with the regulation of the Division of Oil and Gas shall remove from the premises all equipment used in connection with the well which is not necessary for the operation or maintenance of other wells of permittee in the vicinity; and

C. Shall cause all sumps, cellars, and ditches which are not necessary for the operation or maintenance of other wells of permittee in the vicinity to be cleaned out and all oil, oil residue, drilling fluid, and rubbish removed therefrom and the sumps, cellars, and ditches leveled or filled, all in accordance with the Division of Oil and Gas. Where such sumps, cellars, and ditches are lined with concrete, permittee shall cause the walls and bottoms to be broken up and removed; and

D. Shall cause the premises to be cleaned and graded and left entirely free of oil, rotary mud, oil-soaked earth, asphalt, tar, concrete, litter, debris, and other substances, and left in a clean and neat condition, all to the satisfaction of the Division of Oil and Gas; and

E. Shall cause all streets, sidewalks, and other places constituting public property which may have been disturbed or damaged in connection with any operation, including operations for the abandonment of the well, to be cleaned, and, except for ordinary wear and tear of public streets and highways, restored to substantially the same condition thereof as the same existed at the time of issuance of the permit, or at the time operations were first commenced in connection with the drilling, operation or maintenance of the well, whichever may be earlier; and

F. Shall conduct work related to such abandonment on Monday through Friday, excluding City holidays, between the hours of seven-thirty a.m. and six-thirty p.m., and

G. Notwithstanding the provisions of this Section, permittees who are also the owners of the fee simple interest in the land on which the abandoned well is located may, pursuant to procedures set forth in Sections 12.36.050 and/or 12.48.030, be granted an exemption from the provisions of this Section.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.42)

12.36.020 - Idle well—Determination.

A well shall be deemed to be an idle well if it has not been utilized for any purpose for a twenty-four (24) month period immediately preceding the date of service of notice as provided in Section 12.36.030; except any well located in a subsidence area as defined under the provisions of the Public Resources Code or any well that permittee is retaining for use under a secondary or tertiary recovery plan which has been approved by the Division of Oil and Gas.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.43)

12.36.030 - Idle well—Notice.

Whenever a well is an idle well, as defined in Section 12.36.020, the Director may send notice thereof by registered mail to:

A. The surface owner, mineral owner, and lessee of land on which the well is located as shown on the last equalized assessment roll of the City; and

B. The permittee of the well.

Within ninety (90) days after the Director has sent notice of an idle well, the Director shall request the Division of Oil and Gas to commence abandonment proceedings.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.44)

12.36.040 - Suspension of provisions.

The provisions of Section 12.36.010 and/or Section 12.36.020 shall be suspended from the date that an application for exemption is filed with the Director as provided in Section 12.36.050 until a decision on the application is rendered. If no action is taken by the Director within fifteen (15) days from the date of filing the application for exemption, it should be deemed to have been denied on the sixteenth (16th) day after such filing. If the application for exemption is denied, and an appeal is filed with the City Council as provided in Section 12.48.030, the provisions of Section 12.36.010 and/or Section 12.36.020 shall remain suspended until the appeal is granted or denied.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.45)

12.36.050 - Application for exemption.

Within thirty (30) days after notice of an idle well is sent as provided in Section 12.36.030, the owner or owners of the fee simple interest thereof may apply to the Director for an exemption from the provisions of Sections 12.36.010 and/or 12.36.020. Each application shall be in writing, filed in such form and manner as prescribed by the Director, and pay a fee as set forth by City Council resolution. The application shall contain a description of the subject property and a detailed explanation of the request for the exemption. The application shall be accompanied by maps of the subject property as deemed necessary by the Director, the maps to be prepared and verified by a licensed land surveyor or a registered civil engineer, and shall show in detail each structure or improvement that is the subject of the requested exemption and shall depict the size, depth, and lateral location of each structure or improvement with reference to the boundary lines of the property and to any appropriate reference points. Inspections of the subject property shall be conducted under the direction of the Director, including such inspections and reports by other departments of the City as the Director deems necessary. Upon the completion of the inspections and reports, the Director shall determine whether the circumstances justify the granting of an exemption, and, if so, grant to the applicants, subject to any conditions, limitations, and restrictions which the Director shall impose, an exemption to the requirements of Sections 12.36.010 and/or 12.36.020, provided that:

A. The applicant has shown good cause why there has been no production during the aforesaid preceding period of twenty-four (24) months or otherwise why there has been a cessation of production; and

B. There are practical difficulties or unnecessary hardships resulting from the strict enforcement of this Chapter; and

C. It will not be detrimental to the public welfare or to the owners of the adjacent property; and

D. It will not interfere with the orderly development of the City as provided under Title 21 of this Code.

Each exemption shall be in force and effect until those structures or improvements which have been permitted to remain by reason of the exemption affect a project on the subject property for which a building permit is required.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.46)

12.36.060 - Conclusively idle wells.

Notwithstanding any other provision of this Chapter to the contrary, in the case of a well for which a notice of intention to abandon has been given to the Division of Oil and Gas pursuant to Section 3229 of the Public Resources Code, or any amendment thereto, such wells shall conclusively be deemed to be idle wells.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.47)

12.36.070 - Right of entry for inspection.

Any officer or employee of the City whose specific duties require the inspection of the premises shall have the right and privilege at any time upon notice to enter upon any premises upon or from which any operations being conducted for which any permit has been issued or is required under this Title, for the purpose of making any of the inspections in this Title, or in any other ordinance of the City, provided to be made, or for any other lawful purpose.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.48)

CHAPTER 12.40 - STORAGE

12.40.010 - Zoning regulations applicable.

The zoning regulations of this Code shall be applicable to the construction, operation, and maintenance of any structure or facility to be used for the storing or handling of oil or any flammable liquid, except when such structure or facility is used in connection with the drilling, redrilling, servicing a well or production of oil therefrom.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.49)

12.40.020 - Maximum tank capacity for each producing oil well.

If oil or other liquid storage facilities are established incidental to a producing well on a drill site, the total capacity of such storage facilities shall not exceed two thousand (2,000) barrels per well.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.50)

12.40.030 - Design, construction, installation and maintenance of storage tanks.

Petroleum storage tanks shall be designed, constructed, installed and maintained in accordance with applicable provisions of Title 8 of the California Administrative Code, Title 14, Section 1773, and Fire Department regulations.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.51)

12.40.040 - Loading by truck from production tank sites.

Loading by truck from production tank sites shall be in accordance with Fire Department regulations.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.52)

CHAPTER 12.44 - FIRE PREVENTION

12.44.010 - Electrical equipment.

All electrical equipment used, installed or maintained within fifty feet (50') of a drilling well and within twenty-five feet (25') of a producing well shall be in accordance with the provisions of N.F.P.A. Standard No. 70, Article 501 governing Class 1, Division 2, Hazardous Locations.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.53)

12.44.020 - Internal combustion engines, storage tanks, fired equipment and open flames.

No internal combustion engine (except those used for the drilling, redrilling, or servicing of a well), storage tank, boiler, fired equipment or open flame (except welding supervised by the production foreman, drilling foreman, drilling supervisor, or safety supervisor) shall be located closer than twenty-five feet (25') to a producing well nor closer than one hundred feet (100') to a drilling well. During drilling operations on a drill site of two (2) acres or less in an area where two (2) or more wells are drilled and drilling and production equipment are located on such sites, the provisions of this Code relating to distances of storage tanks may be altered at the discretion of the Chief of the Fire Department after consideration of the private fire prevention measures to be provided.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.54)

12.44.030 - Flammable waste gases or vapors.

Flammable waste gases or vapors shall not be discharged to the atmosphere except by written approval of the Division of Oil and Gas.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.55)

12.44.040 - Fire control equipment.

A minimum of two (2) fire extinguishers shall be maintained at all well locations where drilling, redrilling, workover, or well servicing is being conducted. Each such extinguisher shall have a minimum classification of 20 B as set forth in N.F.P.A. Volume No. 10.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.56)

CHAPTER 12.48 - ENFORCEMENT AND REVIEW PROCEDURE

12.48.010 - Enforcement duty—Stop orders.

A. Enforcement. It shall be the duty of the Director to enforce the provisions of this Title.

B. Stop Orders. If at any time the Director finds that any operator is violating any of the provisions of this Title, he may order immediate cessation of operations. The operator shall immediately comply with the order of the Director to cease and shall not resume such operations until written consent therefor by the Director has been obtained. Upon written request by the operator, the City Manager may stay compliance with the order of the Director until such operator has appealed under the provisions of Sections 12.48.020 and 12.48.030

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.57)

12.48.020 - Appeal—City Council to hear.

The City Council shall have the power to hear and determine appeals from any order, requirement, decision or determination made by the Director in the administration or enforcement of any of the provisions of this Title.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.58)

12.48.030 - Appeal—Filing.

Any appeal from any order, requirement, decision or determination of the Director shall be in writing and shall be filed with the City Clerk within thirty (30) days following the date of such order, requirement, decision or determination of the Director from which the appeal is taken. The appeal filed shall set forth the order, requirement, decision or determination of the Director which is being appealed, and the grounds upon which the appellant deems himself aggrieved thereby. At the time of filing the appeal, the appellant shall pay to the City Clerk a filing fee as set forth by City Council resolution, which filing fee shall be refunded in the event the appeal is sustained by the City Council.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.59)

12.48.040 - Appeal—Records and reports.

Within five (5) business days following the filing of the appeal, the City Clerk shall advise the Director of the filing of appeal by the appellant, and the Director shall within five (5) business days thereafter following transmit to the City Clerk all papers relating to the order, requirement, decision or determination appealed from. In addition the Director shall prepare, or cause to be prepared, and transmit to the City Clerk any supplemental report as he may deem necessary and relevant to the appeal. In the event such supplemental report is prepared and transmitted to the City Clerk, a copy thereof shall be served upon the appellant at least five (5) days prior to the date of hearing on the appeal.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.60)

12.48.050 - Appeal—Hearing notice.

Upon receipt of the record on appeal, the City Council shall set the matter for hearing within thirty (30) days and give notice by mail of the time, place, and purpose thereof to appellant and to the Director and any other interested party who has requested in writing to be so notified; and no other notice need

be given.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.61)

12.48.060 - Appeal—Decision.

Upon the date set for the hearing the City Council shall hear the appeal unless for good cause the City Council on that date continues the matter. No notice of continuance need be given if the order therefor is announced at the time for which the hearing was set. The hearing shall be conducted in accordance with the provisions of Chapter 2.93. Upon hearing such appeal, the City Council may sustain or modify the order, requirement, decision or determination appealed from, or in lieu thereof may make such other or additional order as it shall deem proper in the premises, subject to the same limitations as are placed upon the Director by this Code and any other provisions of law.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.62)

CHAPTER 12.52 - PERMIT REVOCATION PROCEDURE

12.52.010 - Grounds.

Any permit issued by the Director pursuant to the provisions of this Title may be revoked by the City Council upon finding, after hearing as specified in this Chapter, either:

A. That permittee has failed, neglected or refused to perform, comply with and abide by any of the conditions of his permit; or

B. That permittee has failed or neglected or refused to comply with or abide by, or has in any way violated, any of the provisions of this Title, or of any other ordinance of the City, or the Charter of the City or any other law, rule or regulation, either directly or indirectly, by reason of or in connection with or incidental to his operations under the permit, or upon the premises covered by the permit; or

C. If any of permittee's operations, or the continuance thereof, upon the premises covered by his permit are, or are likely to become, a menace or hazard to private or public property, or to any interest of the City, or to the lives or safety of persons; or

D. If permittee shall have made any willful misrepresentation of fact in any application for any such permit, or in any report or record required by this Title to be filed or furnished by permittee.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.63)

12.52.020 - Initiation.

Proceedings before the City Council for the revocation of any permit shall be instituted by the Director by causing to be posted in a conspicuous place on the premises covered by the permit, readable from the ground level, a notice entitled "Notice of Intention to Revoke Permit," and by causing a copy thereof to be mailed by certified mail to permittee or his designated agent, and a copy to be filed with the City Council. Failure of permittee or his designated agent to receive the copy sent by mail shall not invalidate any revocation proceeding taken under this Chapter. The notice shall set forth the date of the posting thereof, and shall also set forth the reasons and grounds upon which the revocation by the City Council will be based unless cause is shown why such revocation is not proper, and shall require permittee, within two (2) days after the date of posting, as so specified in the notice, to initiate necessary action to cure and remedy any default under, noncompliance with, or violation of any condition of the permit, or other condition for which suspension or revocation of the permit be made, or to show cause before the City Council, as provided in this Title, why the permit should not be revoked. The notice shall further state that upon the revocation of the permit as provided in this Chapter, any well, derrick, production equipment, or other structure, appliance, apparatus, machinery, equipment or facility for the use and maintenance of which the permit is required will be subject to being abated as a nuisance as provided by law, and the costs and expenses of the abatement provided will be made a charge and enforced against any and all persons whose duty it is under the provisions of Sections 12.12.010 and 12.12.020 to obtain such permit and to keep the same in force and effect, and also against and as a lien upon the property so abated as a nuisance, and also against and as a lien upon the real property upon which the nuisance exists and from which the nuisance is or will be abated.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.64)

12.52.030 - Immediate suspension.

A. If the City Council is of the opinion, based upon a prima facie showing, that the operations of a permittee constitute an immediate menace or hazard to public property, or to any interest of the City, or to the lives or safety of persons, or may become such menace or hazard pending a final decision on any proceeding under this Chapter for revocation of his permit, the City Council may immediately suspend the permit, either in connection with a proceeding for the revocation thereof, or otherwise.

B. If the suspension is ordered prior to the time the notice of intention to revoke permit is served upon permittee as provided in this Section, the notice shall also include notice of the action of the City Council in suspending the permit and shall give the reasons and grounds therefor. If the suspension is ordered at any other time, notice thereof and of the reasons and grounds therefor shall immediately be mailed to permittee or his designated agent and a copy of the notice posted on the premises covered by the permit. From and after the giving of notice of the suspension as provided in this Section, and pending a remedying or removal of the causes stated in the notice as the reasons or grounds for the suspension, or pending a final determination upon the proceedings for revocation of the permit (if such proceedings are being had), no person shall carry on any of the operations authorized to be performed under the terms of the permit.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.65)

12.52.040 - Time extension to remedy grounds of suspension.

Upon written application therefor by permittee, the City Council may, in its discretion, extend the time for the curing and remedying of any such default, noncompliance or violation by permittee, but no such extension or extensions of time shall be for a longer period than a total of thirty (30) days from and after the service upon permittee of the notice of intention to revoke or notice suspending the permit.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.66)

12.52.050 - Hearing—Demand.

Unless a written demand for a hearing before the City Council, either as to the right of the City Council to revoke and/or suspend the permit or as to the curing of any such default is filed by permittee with the City Council within the time provided for the curing of such default, the permit shall, without any further or other action on the part of the City Council, be and become terminated and revoked. Failure to so file a demand for the hearing shall be deemed to be an admission on the part of permittee and all others claiming any rights under or in relation to the permit or the premises covered by the permit, that valid grounds exist for the suspension and revocation of the permit, and that the same may thereupon properly be and become terminated and revoked. If a hearing before the City Council is so demanded the permit shall not be or become terminated or revoked unless and until so ordered by the City Council after the completion of the hearing, as provided in this Chapter.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.67)

12.52.060 - Hearing—Setting time and date.

Upon the filing with the City Council of the demand for hearing, the City Council shall fix a time and place therefor. Such time shall be fixed for a day not later than thirty (30) days after the time of filing the demand for the hearing. A five (5) day notice in writing, of the time and place of the hearing shall be

served upon the permittee or his designated agent. The hearing shall be a condition precedent to any action at law or in equity, by or in behalf of permittee, based upon the action of the City Council in suspending and/or revoking the permit.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.68)

12.52.070 - Hearing—Evidence.

At the hearing the permittee shall be given an opportunity to present whatever competent, relevant and material evidence he may desire to submit, either through witnesses or by the production of books, records or other documentary evidence, including evidence upon any questions relating to the revocation or suspension of such permit or to the curing of any default for which the permit was ordered revoked or suspended. The City Council shall not be bound by technical rules of evidence, nor shall any informality in any of the proceedings upon the hearing, or in the matter of taking testimony, invalidate or affect any order or decision of the City Council, and the hearing shall be conducted in accordance with the provisions of Chapter 2.93. The City Council shall have the right to adjourn the hearing from time to time.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.69)

12.52.080 - Hearing—Decision.

The decision of the City Council in regard to the revocation of the permit may be rendered orally or in writing at the conclusion of the hearing or at any time thereafter, and the decision shall be final. In the event the decision is rendered at the hearing no further notice thereof need be given to the permittee, or any other person, except that the City Clerk shall give written notice to the Fire Chief of the decision. If the decision is not rendered at the hearing, written notice of the decision shall be mailed to the permittee, or his designated agent, and a copy of the notice posted on the premises covered by the permit, and a copy of the notice shall be transmitted to the Fire Chief.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.70)

12.52.090 - Work to cease—Exemptions.

No person shall carry on any of the operations authorized to be performed under the terms of any permit during any period of suspension thereof, or after the revocation thereof, or pending a judgment of court upon any application for writ taken to review the decision or order of the Council in suspending or revoking the permit; provided, however, that nothing contained in this Chapter shall be construed to prevent the performance of such operations as may be necessary in connection with a diligent and bona fide effort to cure and remedy the default, noncompliance or violation for which a suspension of the permit was ordered by the City Council, or such operations as may be necessary to prevent damage to the underground resource as provided in Section 3106 of the Public Resources Code, or for the safety of persons and the protection and preservation of property. In this context, preservation of property shall not mean continuation of extraction of the oil or gas or other hydrocarbons underlying the premises at which the permit applies.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.71)

CHAPTER 12.56 - HAZARDOUS LIQUID PIPELINES

FOOTNOTE(S):

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Note— Prior ordinance history: Prior code §§ 7561, 7561.1, 7561.2 and 7561.3 and Ord. C-5681.

12.56.010 - Rules and regulations adopted.

A. The City Council hereby adopts and incorporates by reference, as though set forth in full herein, Sections 51010.5, 51011, 51012.3, 51013, 51013.5, 51014, 51014.3, 51014.5, 51014.6, 51015, 51016, 51018, 51018.8 and 51019 of Chapter 5.5 of the California Government Code (known as the California Pipeline Safety Act of 1981), as said sections may be amended from time to time, subject to the changes, amendments and modifications thereto as set forth in this Chapter. Three (3) copies of the Pipeline Safety Act and the amendments and modifications thereto, as adopted by this Chapter and printed as a code in book form shall be on file in the office of the City Clerk.

B. It is the objective of the City of Long Beach, in enacting this Chapter, to provide for the public safety within the City from hazards which may arise by reason of the operation of the pipelines within the City carrying hazardous liquids. These regulations are incorporated into this Chapter to insure safe operation of those pipeline facilities handling hazardous material, and Chapter 5.5 of the California Government Code (California Pipeline Safety Act of 1981) is adopted to the extent necessary to achieve safe operation of those facilities.

C. This Chapter applies to all hazardous liquid pipelines located within the City of Long Beach which operate at twenty percent (20%) or less of the pipeline's design yield strength; except those pipelines located entirely within a single plant facility pipeline within private easement and any oil field flow line or gathering line.

D. The City Manager may exempt the application of this Chapter to any such pipeline or portion thereof, when it is determined from both an engineering and a fire point of view that the risk to the public safety is slight and the probability of injury or damage is remote. Such exemptions shall be re-evaluated annually.

(Ord. C-6397 § 1 (part), 1987)

12.56.020 - Amendments.

The California Pipeline Safety Act of 1981, Chapter 5.5 of the California Government Code, is amended and modified as set forth in this Chapter.

(Ord. C-6397 § 1 (part), 1987)

12.56.030 - Section 51014 amended.

Section 51014 of the California Pipeline Safety Act of 1981 is amended to read as follows:

§51014. **Pressure tests; manner of conducting**

(a)

The pressure tests required by subdivisions (b), (c), and (d) of Section 51013.5 shall be conducted in accordance with Subpart E (commencing with Section 195.300) of Part 195 of Title 49 of the Code of Federal Regulations, except that an additional four-hour leak test, as specified in subsection (c) of Section 195.302 of Part 195 of Title 49 of the Code of Federal Regulations, shall not be required under subdivision (b), (c), or (d) of Section 51013.5. Pressure tests performed under subdivisions (b), (c), and (d) of Section 51013.5 shall not show an hourly change for each section of the pipeline under test at the time in excess of either ten (10) gallons or the sum of one gallon and an amount computed at a rate in gallons per mile equivalent to one-tenth of the nominal internal diameter of the pipe in inches. The specified test medium shall be water with a fugitive dye additive, or another test medium if approved by the City Manager.

(b) Test pressure shall be at least one hundred twenty-five percent (125%) of the actual pipeline operating pressure.

(Ord. C-6397 § 1 (part), 1987)

12.56.040 - Section 51015(a) amended.

Section 51015(a) of the California Pipeline Safety Act of 1981 is amended to read as follows:

§51015. **Maps and diagrams; fire plans and procedures; availability of records, maps, etc.; inspections**

(a) Every pipeline operator shall provide the City Engineer and the Long Beach Fire Department a map or suitable diagram showing the location of the pipeline.

(Ord. C-6397 § 1 (part), 1987)

12.56.050 - Section 51010.5 amended.

Section 51010.5 of the California Pipeline Safety Act of 1981 is amended by deleting therefrom subparagraph (a)(4).

(Ord. C-6397 § 1 (part), 1987)

12.56.060 - City Manager designated.

For purposes of applying the California Pipeline Safety Act of 1981, the words "State Fire Marshal" shall mean "City Manager or his designated representative."

(Ord. C-6397 § 1 (part), 1987)

12.56.070 - Enforcement; civil penalties for violation.

A. Violations. Any pipeline operator who is determined by the City Manager to have violated any provision of this Chapter shall be liable to the City for a civil penalty of not more than one thousand dollars ($1,000.00) for each violation for each day that violation persists, except that the maximum penalty shall not exceed two hundred thousand dollars ($200,000.00) for any related series of violations.

B. Assessment of Penalty. The amount of the penalty shall be assessed by the City Manager by written notice. In determining the amount of the penalty, the City Manager shall consider the nature, circumstances, and gravity of the violation and, with respect to the pipeline operator found to have committed the violation, the degree of culpability, any history of prior violations, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice may require.

C. Additional Penalty—Cessation of Pipeline Operations. In addition to the penalties provided in Subsections A and B of this Section, the City Manager shall have the additional power with respect to any such violations to order a pipeline operator to cease operations within the City. A determination by the City Manager that a pipeline operator shall cease pipeline operations within the City shall be final unless an appeal therefrom is taken, and a pipeline operator served with written notice of a final order to cease pipeline operations shall have ninety (90) days after service of the notice in which to abandon, or remove, facilities in accordance with the provisions of this Chapter and any other applicable ordinance of the City.

D. Appeal. Any aggrieved pipeline operator may appeal a decision or action of the City Manager taken pursuant to this Section to the City Council.

E. Time and Place to File Appeal. An appeal must be filed within ten (10) calendar days after a decision or action by the City Manager, and the appeal shall be filed with the City Clerk on a form provided by the City. The City Clerk shall notify the City Manager when an appeal is filed.

F. Public Hearing. The City Clerk shall set the matter on the City Council agenda and the City Council shall set the matter for hearing. The hearing shall be held within sixty (60) days of the filing of the appeal, but for good cause the hearing may be continued from time to time by the City Council.

G. Notice of Hearing. Not less than ten (10) calendar days before the hearing the City Clerk shall give written notice of hearing to the appellant, applicant or other real party in interest and to any other person who has made a request for a notice. The City Clerk shall also give notice to the City Manager.

H. Conduct of Hearing and Procedure. The hearing shall be conducted pursuant to the rules of the Council, Chapter 2.03.010 and rules relating to conduct of a hearing, Chapter 2.93, Long Beach Municipal Code.

I. Written Report. Not less than five (5) days before the hearing, the City Manager shall file a written report with the City Clerk outlining the facts of the case and the City Manager's action and decision from which the appeal was taken. The report shall be distributed to the City Councilmembers prior to the hearing and copies shall be made available to parties involved in the appeal on the hearing date.

J. Hearing on Appeal. After a hearing, the City Council may affirm, modify or overrule the decision or action of the City Manager but any such action by the City Council shall require a two-thirds (2/3) majority vote. If the City Council fails to obtain the requisite votes to affirm, modify or overrule, the decision or action of the City Manager shall stand.

K. Fees. By resolution, the City Council may set fees for the filing of an appeal.

(Ord. C-6397 § 1 (part), 1987)

CHAPTER 12.60 - EXEMPTION OF COUNTY FLOOD CONTROL DISTRICT

12.60.010 - Exemption from provisions.

Notwithstanding any other provision of this Title, no provision of this Title shall apply to or be enforced against the County flood control district, or any agent of the district, if the application or enforcement of such provisions to or against the County flood control district or its agents would constitute a violation of any provision of that certain judgment of permanent injunction made and entered by the Superior Court of the State in and for the County of Los Angeles in an action entitled *"Continental Corporation, et al., vs. City of Long Beach, et al.,"* and numbered 442081 in the records and files of the court, and to the extent that any provision of this Title is by its terms applicable to or enforceable against the County flood control district, or its agents, in violation of the permanent injunction, the provision, to that extent, shall be construed as if the County flood control district and its agents were specifically exempted from the application of the provisions.

(Ord. C-5575 § 3 (part), 1980: prior code § 3300.72)

CHAPTER 12.64 - RESTRICTED AREA INITIATIVE ORDINANCE AND AMENDMENTS

12.64.010 - Restricted area initiative ordinance.

An ordinance making it unlawful to erect, construct or install any derrick, machinery or apparatus for the purpose of drilling for, pumping or producing oil, gas or other hydrocarbon substances from any well not existing at the time this ordinance takes effect, or to maintain, pump or operate such new well, within certain portions of the City of Long Beach, repealing Ordinances Numbers C-282 and C-528, and providing penalties for the violation of this ordinance.

The people of the City of Long Beach do ordain as follows:

SECTION 1—It is hereby declared to be unlawful for any person, firm, association or corporation, whether as principal, agent, servant, employee or otherwise, to erect, construct or install, or cause to be erected, constructed or installed any derrick, machinery or other apparatus or equipment for the purpose of drilling for oil, gas or other hydrocarbon substances, or pumping or producing the same from any well not actually being drilled or existing at the time this ordinance takes effect, within that portion of the City of Long Beach described as follows:

Beginning at the intersection of the line of ordinary high tide of the Pacific Ocean with the westerly boundary line of the City of Long Beach; thence northerly along said westerly boundary line of the City of Long Beach and following its various courses to its intersection with a former northwesterly boundary line of the City of Long Beach as said boundary line existed prior to the annexation election of December 28th, 1923; thence northeasterly along said former northwesterly boundary line of the City of Long Beach to the southerly line of Willow Street; thence easterly along said southerly line of Willow Street to a line three hundred feet (300') west of and parallel to the westerly line of California Avenue, said line three hundred feet (300') west of and parallel to the westerly line of California Avenue being also a boundary line of the City of Long Beach; thence south along said line three hundred feet (300') west of and parallel to the westerly line of California Avenue to the northeasterly line of the private right-of-way of the Pacific Electric Railway Company; thence southeasterly along the northeasterly line of said private right-of-way and across all intersecting streets and alleys to its intersection with the easterly boundary line of the City of Long Beach at the Orange County line; thence southerly along said boundary line of the City of Long Beach to the line or ordinary high tide of the Pacific Ocean; and thence westerly along said line of ordinary high tide of the Pacific Ocean to the point of beginning, or to erect, construct or install, or cause to be erected, constructed or installed, any derrick, machinery or other apparatus or equipment for the purpose of drilling for oil, gas or other hydrocarbon substances, or pumping or producing the same from any well not actually being drilled or existing at the time this ordinance takes effect, within five hundred feet (500') of any real property used for public school purposes or any building used for hospital purposes at any place within the City of Long Beach.

SECTION 2—Every person, firm, association or corporation, whether as principal, agent, servant, employee or otherwise, violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred

dollars ($500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment; and each such person, firm, association or corporation shall be deemed guilty of a separate offense for each day during any portion of which the violation of any of the provisions of this ordinance is committed, continued or permitted.

SECTION 3—Ordinances Numbers C-282 and C-528 are hereby repealed.

NOTE—The above Initiative Ordinance was passed by the electors of the City at a Special Municipal Election held on the ninth day of March, 1927, in accordance with Ordinance No. C-615 calling said election.

(Prior code § 3300.3)

12.64.020 - Initiative ordinance amended—June 15, 1937.

An ordinance to amend an ordinance entitled, an ordinance making it unlawful to erect, construct or install, any derrick, machinery, or apparatus for the purpose of drilling for pumping or producing oil, gas or other hydrocarbon substances from any well not existing at the time this ordinance takes effect, or to maintain pump or operate such new well, within certain portions of the City of Long Beach, repealing Ordinances Numbers C-282 and C-528, and providing penalties for the violation of this ordinance, so as to permit the drilling of not more than one such well to an acre in a certain portion of the property described in said ordinance.

The People of the City of Long Beach do ordain as follows:

SECTION 1—It is hereby declared to be unlawful for any person, firm, association or corporation, whether as principal, agent, servant, employee or otherwise, to erect, construct or install, or cause to be erected, constructed or installed any derrick, machinery or other apparatus or equipment for the purpose of drilling for oil, gas or other hydrocarbon substances, or pumping or producing the same from any well not actually being drilled or existing at the time this ordinance takes effect, within that portion of the City of Long Beach described as follows:

Beginning at the intersection of the line of ordinary high tide of the Pacific Ocean with the westerly boundary line of the City of Long Beach and following its various courses to its intersection with a formerly northwesterly boundary line of the City of Long Beach as said boundary line existed prior to the annexation election of December 28th, 1923; thence northeasterly along said former northwesterly boundary line of the City of Long Beach to the southerly line of Willow Street thence easterly along said former northwesterly boundary line of the City of Long Beach to the southerly line of Willow Street; thence easterly along said southerly line of Willow Street to a line three hundred feet (300') west of and parallel to the westerly line of California Avenue, said line three hundred feet (300') west of and parallel to the westerly line of California Avenue being also a boundary line of the City of Long Beach; thence south along said line three hundred feet (300') west of and parallel to the westerly line of California Avenue to the northeasterly line of the private right-of-way of the Pacific Electric Railway Company; thence southeasterly along the northeasterly line of said private right-of-way and across all intersecting streets and alleys to its intersection with the easterly boundary line of the City of Long Beach at the Orange County line; thence southerly along said boundary line of the City of Long Beach to the line of ordinary high tide of the Pacific Ocean and thence westerly along said line of ordinary high tide of the Pacific Ocean to the point of beginning, except not more than one (1) well on any acre in that portion of the said defined area lying west of the west line of the Los Angeles County Flood Control District right-of-way; or to erect, construct or install, or cause to be erected, constructed

or installed, any derrick, machinery or other apparatus or equipment for the purpose of drilling for oil, gas or other hydrocarbon substances, or pumping or producing the same from any well not actually being drilled or existing at the time this ordinance takes effect, within five hundred feet (500') of any real property used for public school purposes or any building used for hospital purposes at any place within the City of Long Beach.

SECTION 2—Every person, firm, association or corporation, whether as principal agent, servant, employee or otherwise, violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars ($500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment; and each such person, firm, association or corporation shall be deemed guilty of a separate offense for each day during any portion of which the violation of any of the provisions of this ordinance is committed, continued or permitted.

SECTION 3—Ordinance Numbers C-282 and C-528 are hereby repealed.

NOTE—The above Initiative Ordinance was passed by the electors at a Special Municipal Election held on the 15th day of June, 1937, in accordance with Ordinance No. C-1505 calling said election.

(Prior code § 3300.4)

12.64.030 - Initiative ordinance amendment—February 9, 1956.

An ordinance amending that certain ordinance adopted by the people of the City of Long Beach at a Special Municipal Election held on the 9th day of March, 1927, entitled "An ordinance making it unlawful to erect, construct or install any derrick, machinery or apparatus for the purpose of drilling for, pumping or producing oil, gas or other hydrocarbon substances from any well not existing at the time this ordinance takes effect, or to maintain, pump or operate such new well, within certain portions of the City of Long Beach, repealing Ordinances Numbers C-282 and C-528 and providing penalties for the violations of this ordinance", as revised or amended by the people of the City of Long Beach at a Special Municipal Election held on the 15th day of June, 1937, so as to include therein a certain additional portion of the City of Long Beach within which it shall be unlawful, except upon prior approval, by vote of the qualified electors of the City, to erect, construct or install any structure, foundation, derrick, machinery or apparatus for the purpose of drilling for, pumping or producing oil, gas or other hydrocarbon substances from any well or wells; and defining the meaning of the term "person" within the scope of said ordinance.

The people of the City of Long Beach do ordain as follows:

That that certain ordinance adopted by the people of the City of Long Beach at a special municipal election held on the 9th day of March, 1927, entitled "An ordinance making it unlawful to erect, construct or install any derrick, machinery or apparatus for the purpose of drilling for, pumping or producing oil, gas or other hydrocarbon substances from any well not existing at the time this ordinance takes effect, or to maintain, pump or operate such new well, within certain portions of the City of Long Beach, repealing Ordinances Numbers C-282 and C-528 and providing penalties for the violation of this ordinance," said ordinance being set forth in full in Ordinance No. C-615, Ordinances of the City of Long Beach, the ordinance calling said special municipal election, as revised or amended by the people of the City of Long Beach at a special municipal election held on the 15th day of June, 1937, be and the same is hereby amended to read as follows:

Section 1. It is hereby declared to be unlawful for any person, whether as principal, agent, servant, employee, or otherwise, to erect, construct or install, or cause to be erected, constructed or installed, any derrick, machinery or other apparatus or equipment for the purpose of drilling for oil, gas or other hydrocarbon substances, or pumping or producing the same from any well not actually being drilled or existing at the time this ordinance takes effect, within that portion of the City of Long Beach described as follows:

Beginning at the intersection of the line of ordinary high tide of the Pacific Ocean with the westerly boundary line of the City of Long Beach; thence northerly along said westerly boundary line of the City of Long Beach and following its various courses to its intersection with a formerly northwesterly boundary line of the City of Long Beach as said boundary line existed prior to the annexation election of December 28th, 1923; thence northeasterly along said former northwesterly boundary line of the City of Long Beach to the southerly line of Willow Street; thence easterly along said southerly line of Willow Street to a line three hundred feet (300') west of and parallel to the westerly line of California Avenue, said line three hundred feet (300') west of and parallel to the westerly line of California Avenue being also a boundary line of the City of Long Beach; thence south along said line three hundred feet (300') west of and parallel to the westerly line of California Avenue to the northeasterly line of the private right-of-way of the Pacific Electric Railway Company; thence southeasterly along the northeasterly line of said private right-of-way and across all intersecting streets and alleys to its intersection with the easterly boundary line of the City of Long Beach at the Orange County line; thence southerly along said boundary line of the City of Long Beach to the line of ordinary high tide of the Pacific Ocean and thence westerly along said line of ordinary high tide of the Pacific Ocean to the point of beginning, except not more than one (1) well on any acre in that portion of said defined area lying west of the west line of the Los Angeles County Flood Control District right-of-way.

Sec. 2. Except as in this Section hereinafter provided, it is hereby declared to be unlawful for any person, whether as principal, agent, servant, employee, or otherwise, to erect, construct or install, or cause to be erected, constructed or installed any structure, foundation, derrick, machinery or other apparatus or equipment for the purpose of drilling for oil, gas or other hydrocarbon substances, or pumping or producing the same from any well or wells within that portion of the City of Long Beach described as follows:

Beginning at the intersection of the easterly line of the Los Angeles County Flood Control right-of-way of the Los Angeles River channel with the northerly line of Seaside Boulevard; thence south along the southerly prolongation of said easterly line of the Los Angeles County Flood Control right-of-way, 40.02 feet to the beginning of a tangent curve concave to the east and having a radius of 3,175.98 feet; thence southeasterly along said curve to the intersection with the line of ordinary high tide of the Pacific Ocean, being the true point of beginning of this description; thence continuing southeasterly along said curve to the end of said curve, distant 2,915.95 feet, measured along the arc from the beginning of said curve; thence South 52° 36′ 17″ East, 3,400.00 feet to a point; thence South 17° 00′ East to the southerly boundary of the City of Long Beach; thence easterly along said southerly boundary to the easterly boundary of the City of Long Beach, being the common boundary separating Los Angeles County and Orange County; thence northeasterly along said easterly boundary of the City of Long Beach to the line of ordinary high tide of the Pacific Ocean; and thence westerly along said line of ordinary high tide of the Pacific Ocean to the true point of beginning.

All or any portion of the aforegoing described real property may be designated as a permitted oil drilling area, thereby resulting in the release or withdrawal of such said designated area from the prohibitory boundaries hereinabove established, if, prior to, and as an express condition precedent to any such designation being made, the City Council shall, at any City election wherein all City qualified electors are entitled to vote, submit the proposition of establishing and designating such area as a permitted oil drilling area, and a majority of those voting thereon vote in favor of such proposition.

Sec. 3. It is hereby declared to be unlawful for any person, whether as principal, agent, servant, employee, or otherwise, to erect, construct or install, or cause to be erected, constructed or installed, any derrick, machinery or other apparatus or equipment for the purpose of drilling for oil, gas or other hydrocarbon substances, or pumping or producing the same from any well within five hundred feet (500') of any real property used for public school purposes or any building used for hospital purposes at any place within the City of Long Beach; provided, however, that this Section shall not apply to any well which was actually being drilled or which existed on the 9th day of March, 1927, when the ordinance which is hereby amended was originally adopted by the people of the City of Long Beach.

Sec. 4. If any section, subsection, sentence, clause, or phrase of this ordinance, or the application of any thereof to any person or circumstance be held to be invalid for any reason, such invalidity shall not affect the validity of any other provision or application of this ordinance which can be given effect without the invalid provision or application; and to this end the people of the City of Long Beach hereby declare that the provisions of this ordinance are severable and that they would have passed this ordinance and each and every section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more other sections, subsections, sentences, clauses or phrases, or the application of any thereof to any person or circumstances be declared invalid.

Sec. 5. The term "person", as used herein, shall be construed to mean, refer to, and include, an individual; a co-partnership; joint adventure; an unincorporated association; a trust; a private corporation; a public corporation; a municipal corporation; a County; a State; a national government; a municipal, County, State, or Federal agency, board or commission; a water district; a utility district; a flood control district; a body corporate and politic; a political subdivision; and a drainage, irrigation, levee, reclamation, or water conservation district; whether acting for himself, or itself, or in any representative capacity.

Sec. 6. Every person, whether as principal, agent, servant, employee, or otherwise, violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment; and every such person shall be deemed guilty of a separate offense for each day during any portion of which the violation of any of the provisions of this ordinance is committed, continued, or permitted.

Sec. 7. Ordinances Numbers C-282 and C-528, and all other ordinances and regulations and parts thereof, of the City of Long Beach in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall preclude the City Council or the Board of Harbor Commissioners of the City of Long Beach from adopting, and/or repealing, nor shall it operate to repeal, limit or modify, any ordinance which said bodies, respectively, deem, may deem, or have deemed, reasonable and necessary for the regulation and control of the erection, use, maintenance and abandonment of structures or facilities for the production, treatment, refining or disposition of oil, gas or other

hydrocarbons, or any products manufactured or otherwise obtained therefrom, within any portion of the City of Long Beach in which the drilling, operation, maintenance, redrilling and deepening of oil wells is not prohibited by this ordinance.

NOTE—The above ordinance amending a certain Initiative Ordinance adopted by the people at an election held on March 9, 1927, as amended at an election on June 15, 1937, was further amended by the foregoing ordinance submitted by the City Council to the electorate and was adopted at an election held February 9, 1956, in accordance with Ordinance No. C-3554 calling said election.

(Prior code § 3300.4.5)

12.64.040 - Initiative ordinance amendment—February 27, 1962.

An ordinance making certain determinations, and designating certain submerged land areas within the City of Long Beach, presently contained within the boundaries of a prohibited drilling area, as permitted oil drilling areas, in accordance with the procedure prescribed in that certain initiative ordinance adopted by the people of the City of Long Beach at a Special Municipal Election held on the 9th day of March, 1927, entitled "An ordinance making it unlawful to erect, construct or install any derrick, machinery or apparatus for the purpose of drilling for, pumping or producing oil, gas or other hydrocarbon substances from any well not existing at the time this ordinance takes effect, or to maintain, pump or operate such new well, within certain portions of the City of Long Beach, repealing Ordinances Numbers C-282 and C-528 and providing penalties for the violations of this ordinance", as amended by those two (2) certain ordinances adopted by the people of the City of Long Beach at Special Municipal Elections held on the 15th day of June, 1937, and the 9th day of February, 1956, respectively; and imposing certain conditions, limitations and restrictions upon the use of said submerged land areas as permitted oil drilling areas.

The people of the City of Long Beach do ordain as follows:

Section 1. It is hereby found and determined:

(a) That it would be in the best interests of the City of Long Beach and the State of California to authorize and approve the institution of a plan for the controlled exploration and exploitation of the oil and gas reserves underlying the presently undeveloped portion of the tide and submerged land areas heretofore granted to the City by the State of California, and located easterly of and outside the Harbor District of the City, as said district boundaries are defined as of the effective date of this ordinance. Said presently undeveloped portion of tide and submerged lands (which shall not be deemed to include any of the tide and submerged lands committed to the Richfield Oil Corporation Parcel "A" Drilling and Operating Contract and presently under development from the Harbor District) shall, for convenience, be sometimes hereinafter referred to as the "Offshore Area".

(b) That the results of detailed engineering reports and the interpretations of geologic and seismic data indicate that undeveloped oil and gas reserves in economically recoverable quantities underlie certain portions of the publicly and privately owned upland properties located easterly of Pine Avenue in this City, and adjacent to and northerly of the Offshore Area. Said upland properties shall, for convenience, be sometimes hereinafter collectively referred to as the "Townlot Area".

(c)

That the said Offshore Area and Townlot Area are included within the geographic boundaries of a Subsidence Area, as heretofore fixed and established by the State Oil and Gas Supervisor pursuant to the provisions of Section 3336 of the Public Resources Code of the State of California.

(d) That the results of studies by qualified engineers which have been conducted in certain segments of said Subsidence Area, and the demonstrated beneficial effects derived as a consequence of putting the recommendations so made into operation, indicate that the only feasible method that can be expected to prevent or arrest subsidence in such an area is by repressuring the subsurface oil and gas formations thereunder; and that such repressuring operations, in addition thereto, should increase the amount of oil ultimately recoverable from the formations underlying such area and protect the oil or gas in such lands from unreasonable waste.

(e) That unit or cooperative development and operation of the pool or pools (as hereinafter defined) underlying the said Offshore Area and Townlot Area is necessary in order to prevent and insure against the occurrence of subsidence. "Pool" shall mean an underground reservoir containing, or appearing at the time of determination to contain, a common accumulation of crude petroleum oil or natural gas or both. Each zone of a general structure which is separated from any other zone in the structure is a separate pool.

Sec. 2. Reference is made to that certain Initiative Ordinance adopted by the people of the City of Long Beach at a Special Municipal Election held on the 9th day of March, 1927, as subsequently amended by those two (2) certain ordinances adopted by the people of said City at Special Municipal Elections held on the 15th day of June, 1937, and the 9th day of February, 1956, respectively, entitled "An Ordinance making it unlawful to erect, construct or install any derrick, machinery or apparatus for the purpose of drilling for, pumping or producing oil, gas or other hydrocarbon substances from any well not existing at the time this ordinance takes effect, or to maintain, pump or operate such new well, within certain portions of the City of Long Beach, repealing Ordinances Numbers C-282 and C-528 and providing penalties for the violations of this ordinance", and particularly to Section 2 of said ordinance, as amended, which provides as follows:

Sec. 2. Except as in this Section hereinafter provided, it is hereby declared to be unlawful for any person, whether as principal, agent, servant, employee, or otherwise, to erect, construct or install, or cause to be erected, constructed or installed any structure, foundation, derrick, machinery or other apparatus or equipment for the purpose of drilling for oil, gas or other hydrocarbon substances, or pumping or producing the same from any well or wells within that portion of the City of Long Beach described as follows:

Beginning at the intersection of the easterly line of the Los Angeles County Flood Control right-of-way of the Los Angeles River channel with the northerly line of Seaside Boulevard; thence south along the southerly prolongation of said easterly line of the Los Angeles County Flood Control right-of-way, 40.02 feet to the beginning of a tangent curve concave to the east and having a radius of 3,175.98 feet; thence southeasterly along said curve to the intersection with the line of ordinary high tide of the Pacific Ocean, being the true point of beginning of this description; thence continuing southeasterly along said curve to the end of said curve, distant 2,915.95 feet, measured along the arc from the beginning of said curve; thence South 52° 36′ 17″ East, 3,400.00 feet to a point; thence South 17° 00′ East to the southerly boundary of the City of Long Beach; thence easterly along said southerly boundary to the easterly boundary of the City of Long Beach, being the common boundary separating

Los Angeles County and Orange County; thence northeasterly along said easterly boundary of the City of Long Beach to the line of ordinary high tide of the Pacific Ocean; and thence westerly along said line of ordinary high tide of the Pacific Ocean to the true point of beginning.

All or any portion of the aforegoing described real property may be designated as a permitted oil drilling area, thereby resulting in the release or withdrawal of such said designated area from the prohibitory boundaries hereinabove established, if, prior to, and as an express condition precedent to any such designation being made, the City Council shall, at any City election wherein all City qualified electors are entitled to vote, submit the proposition of establishing and designating such area as a permitted oil drilling area, and a majority of those voting thereon vote in favor of such proposition.

The above-described area constitutes the undeveloped portion of the tide and submerged lands referred to as the Offshore Area in Subsection (a) of Section 1 hereof.

Sec. 3. Subject to the conditions, limitations and restrictions hereinafter in Section 4 provided, the necessary number of offshore islands, in no event to exceed four (4), are hereby authorized to be located and constructed within the geographic boundaries of the said Offshore Area, as above-described in Section 2 hereof, and to be utilized as surface drillsite areas for the exploration and exploitation of the oil and gas reserves underlying said undeveloped Offshore Area and the adjacent Townlot Area. It is not intended, nor shall the authorization herein granted ever be construed, either directly or by implication, as permitting or sanctioning the erection, construction, installation or maintenance of any structure, foundation, derrick, machinery or other apparatus or equipment for the purpose of drilling for oil, gas or other hydrocarbon substances, or pumping or producing the same from any well or wells, upon and from surface locations within said Offshore Area boundaries other than exclusively from the surface locations provided on said offshore island drill sites.

Sec. 4. The construction and use of said offshore islands are expressly predicated upon and subject to compliance with the following conditions, limitations and restrictions:

(a) The northerly boundary of any of said islands shall not be closer than two thousand feet (2,000'), measured from the centerline of Ocean Boulevard, as said boulevard exists as of the effective date of this ordinance.

(b) The actual area of each of said islands shall be approximately ten (10) acres.

(c) Subject to the provisions of Subsections (a) and (b) hereof, the precise location of each of said islands shall be established by resolution of the City Council as permitted oil drilling areas. It is recognized in this regard that the precise location of each of said islands cannot be determined until after a programmed number of core holes have been drilled in the Off Shore Area for the purpose of defining the extent of the oil and gas reserves in said area.

(d) All improvements erected upon and oil operations conducted upon said offshore islands shall be compatible with the City's general plans for commercial, scenic and recreational development.

(e) All drilling and production operations shall be conducted in a manner consistent with approved conservation practices, and so as to provide the maximum safeguards against drainage losses, subsidence damage, noise, contamination, unsightliness and detriment to the natural beauty of the surrounding area.

(f) The oil and gas reserves underlying the Offshore Area shall be exploited only in accordance with a uniform and systematic plan of development, in an economic manner, and consistent with the best oilfield practices prevailing in the Wilmington Oil Field. To this end, the City shall reserve the

right, in any agreement entered into for the development of the subject area, to control the rates of production of the oil and gas and the repressuring operations and practices to be conducted. Any such agreement shall provide that a program of complete pressure maintenance by water injection shall be instituted at the inspection of drilling operations, that the City shall have the right to order the shut-in of high gas-low oil ratio and high water-low oil ratio wells, that the respective drilling and operating contractor expressly agrees to waive any and all damages claimed to have resulted as a consequence of water injection operations and practices conducted or ordered by the City, that the City shall have the unilateral right, without the necessity of obtaining the consent or approval of the contractor, to commit the subject area to unitized operation or to a cooperative type agreement providing for coordinated repressuring operations, that in the event the subject area is committed to a unit plan of development the City shall have the sole right to vote the entire working interest assigned to said area, and that the contractor agrees, under unitized operations, if payment is provided to be made in oil and/or gas, to accept payment in allocated oil and/or gas as the equivalent of oil and/or gas actually produced and saved from the subject area.

(g) The Offshore Area shall be developed as a single tract.

(h) No surface drillsites shall be made available for use for the directional drilling of oil and gas wells to be bottomed beneath the Townlot Area unless a satisfactory plan of complete pressure maintenance is first submitted to and approved by the City and the appropriate State officials.

(i) All oil tank farms are to be located in the Harbor District, and all final dehydration, treatment separation, storage, gauging and shipment of offshore oil and gas shall be accomplished from Harbor District site locations. The use of submarine pipelines is authorized in said Offshore Area, and said lines shall be laid from the offshore islands for the purpose of transporting the oil, gas, fresh water, and general purpose lines, together with power and telephone cables. All machinery, equipment, materials and supplies utilized in conjunction with the drilling and production operations, other than that transported by submarine pipeline, shall be transported from the Harbor District only, regardless of the proximity of the island to be served to the Harbor District. The provisions of this Subsection shall apply not only to the City's operations, but equally as well to any other operator conducting permitted drilling and production operations from one or more of said offshore islands.

(j) Each offshore island shall be landscaped in such a manner as to provide complete screening for the well sites and surface facilities. The landscaping shall be designed to blend with the shoreline and add to the natural beauty of the offshore area. Drilling masts and other portable well servicing equipment, visible above the landscape, shall be removed when not needed for the conduct of operations. Wellhead facilities shall be installed below the surface.

NOTE—The above ordinance designating certain submerged land areas as permitted oil drilling areas in accordance with the procedure prescribed in that certain Initiative Ordinance adopted by the people at an election held on March 9, 1927, as amended at those two (2) elections on June 15, 1937, and February 9, 1956, was adopted at an election held February 27, 1962, in accordance with Ordinance No. C-4213 calling said election.

(Prior code § 33004.6)

CHAPTER 14.04 - OBSTRUCTION OF STREETS AND SIDEWALKS

14.04.010 - Obstructing free passage.

A. No person shall congregate upon or use any street, alley, pier or park in such a manner as to obstruct the free use of all or any part of said street, alley, pier or park.

B. No person shall obstruct or partially obstruct the parking lane of the street except for legally parked or standing motor vehicles or as allowed by permit pursuant to Chapter 14.06

(Ord. C-6347 § 1, 1987: prior code § 3410.9)

14.04.020 - Painting on sidewalk.

No person shall apply paint, pigment, coloring or any other similar substance upon any street, sidewalk, alley, way or pier in the City without first having obtained a permit from the Chief of Police.

(Ord. C-5784 § 1 (part), 1981: prior code § 3410.10(a))

14.04.030 - Selling on streets prohibited.

No person shall sell, offer for sale, give or distribute any merchandise or matter of any manner or description whatsoever, including newspapers or printed matter, nor shall any person solicit contributions or donations from a position or place upon or in any public street in the City. The term "public street", as used in this Section, means and includes every highway, road, roadway, street, median, divider island, safety zone, alley, lane, course, place, trail, drive, bridge, viaduct or trestle laid out or erected as such by the public, or dedicated or abandoned to the public, or intended to be used by or for the general public, except such portions thereof as are used or prepared for use by pedestrians as sidewalks.

(Ord. C-5257 § 1, 1976: prior code § 3410.11)

14.04.040 - Goods on sidewalks prohibited.

A. Except as provided in Chapter 14.14 herein, no person shall use any public sidewalk, public street, or that space between the public sidewalk and curb commonly known as parkway, or any space above any portion thereof, for displaying for sale, or for any other purpose, any goods or any other articles; or leave any goods, boxes, trucks, barrels, trunks or any other article or thing upon any public sidewalk, public street, or that space between the public sidewalk and curb commonly known as parkway, or any space above any portion thereof.

B. Except as provided in Chapter 14.14 herein, no person shall use any public sidewalk or unimproved public walkway or that space between the public sidewalk and curb commonly known as parkway, or any space above any portion thereof, for displaying for sale, or for any other purpose, any goods or any other articles; or leave any goods, boxes, truck, barrels, trunks or any other article or thing upon any public sidewalk, or that space between the public sidewalk and curb commonly known as parkway, or any space above any portion thereof, for a longer time than is necessary for the removal thereof from the transporting vehicle, into the place of business or residence to which the same is intended to be removed, or from the place of business or residence to the transporting vehicle to which the same is intended to be removed, and in no case shall said items be left in place for more than sixty (60) minutes subject, however, to the following exception and that set out in Section 14.04.050

This Section shall not apply to electrical or other signs, garbage, waste, trash, awnings, balconies and other building projections otherwise regulated by this Code.

(Ord. C-6659 § 1, 1989: Ord. C-6347 § 2, 1987: Ord. C-5591 § 1 (part), 1980: prior code § 7532 (part))

14.04.050 - Sidewalk sale permits.

The City Manager or his designee is authorized to issue revocable permits for sidewalk sales sponsored by neighborhood business associations, subject to the following conditions:

A. Not more than fourteen (14) days of such sidewalk sales shall be permitted the same neighborhood business association in any calendar year;

B. Each revocable permit shall require the permittee to indemnify, defend, and save free and harmless the City, its boards and their officers and employees against any and all liability, claims, demands, causes of action and costs, including Attorney fees, which may be asserted, prosecuted or established against them, or any of them, for injury to or death of persons, or damage to or destruction of property of whatsoever nature arising out of or in connection with the use by the permittee and its members of City property or the exercise by the permittee and its members of the rights or privileges permitted by the permit;

C. Prior to or at the time of issuance of the revocable permit the permittee shall submit to the City Manager or his designee insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040. The permit shall not be effective until the City has received proof of such insurance;

D. The City Manager or his designee shall charge each permittee a fee for issuance of the permit, which fee shall be established by the City Council by resolution;

E. All applications for sidewalk sale permits shall be submitted by the neighborhood business association to the City Manager or his designee in writing, at least thirty (30) days prior to the commencement date of the sidewalk sale;

F. Upon the completion of a sidewalk sale the permittee shall restore to a condition of cleanliness acceptable to the City Manager or his designee the public property on which the sidewalk sale was conducted and the public property immediately adjacent thereto. If the permittee refuses or fails to do so the City may do so, and the permittee shall pay to the City within ten (10) days after receipt of invoice therefor the City's costs incurred in connection therewith;

G. All special services necessary to properly conduct a permitted sidewalk sale shall be arranged and paid for by the permittee. If the City agrees with the permittee to provide any of the special services, the permittee shall, at the time of payment of the fee for issuance of the sidewalk sale permit, deposit with the City Manager or his designee a sum of money equal to the estimated cost to the City of providing the special service. Any excess of actual costs incurred by the City in providing the special service over the amount deposited shall be paid by the permittee to the City within ten (10) days after the permittee's receipt from the City of an invoice for such excess. Any excess of the amount deposited over the actual costs shall be refunded by City to the permittee as soon as practicable;

H. Each permittee shall abide by the terms and conditions set forth in its sidewalk sale permit and all statutes, ordinances, rules and regulations applicable to the operations conducted by permittee pursuant to such permit.

(Ord. C 7934 § 17, 2004; Ord. C 7044 § 1, 1992; Ord. C 5786 § 1, 1981; Ord. C 5591 § 1 (part), 1980: prior code § 7532(b))

14.04.060 - Bulletin boards.

No person, as principal, agent or servant, shall place or maintain any newspaper bulletin board upon, along or above any street or other public place except that the owner, proprietor or agent for a newspaper may place and maintain a newspaper bulletin board upon the wall or side of the building used for the printing, publishing, or sale of such newspaper; provided, that the newspaper bulletin board shall not project more than six inches (6") over any street, sidewalk, parking, alley or other public place.

(Prior code § 7533)

14.04.070 - Reserved.

Editor's note—

ORD-10-0016, § 2, adopted June 15, 2010, repealed § 14.04.070, which pertained to "sidewalk entertainment permits" and derived from: Ord. C 5832 § 1, 1982.

CHAPTER 14.06 - RESERVED

FOOTNOTE(S):

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Editor's note— Chapter 14.06—Entitled "Temporary Occupation of Public Streets" was repealed by Ord. C-7933)

CHAPTER 14.08 - EXCAVATIONS, STREET IMPROVEMENTS AND TEMPORARY OCCUPATION OF RIGHTS-OF-WAY

FOOTNOTE(S):

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Note— Prior ordinance history: Prior code §§ 7580, 7580.1—7580.9 and 7580.11—7580.49; Ord. C 5404; Ord. C 5661; Ord. C 5691; Ord. C 5701; Ord. C 6235; Ord. C 6346 § 1 (part), 1987; Ord. C 6399 §§ 1, 2, 1987; Ord. C 6451 § 2, 1987; Ord. C 6460 §§ 1, 2, 1988; Ord. C 7762 § 1, 2001.

ARTICLE I. - GENERAL PROVISIONS

14.08.010 - Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

A. "Applicant" means any person who applies for a permit under this Chapter.

B. "City" means the City of Long Beach, California, acting by and through the City Council.

C. "Contractor" means a person who, for a fixed sum, price, fee percentage or compensation other than wages, undertakes or offers to undertake or purports to have the capacity to construct, alter, repair, add to, improve or install surface improvements to streets or any part thereof, or makes or commences to make any excavation in or under the surface of any right-of-way for the installation, repair, or removal of any pipe, conduit, duct or tunnel in the right-of-way.

D. "Facilities" means pipes, pipelines, conduits, ducts, tunnels, poles, pole lines, cables, wires, vaults, traps, manholes, appliances, attachments and appurtenances used in connection therewith, for the purpose of the transmission, transportation or conveyance of any liquid or gaseous substance or substances, steam, air, electrical energy, or for communication purposes, or for the purpose of providing housing or protection for interior lines used, intended to be, or capable of being used for such purpose or purposes.

E. "Permit" means the document issued to an applicant by the City under this Chapter, and includes any amendment or supplement to any such permit.

F. "Permittee" means any person to whom a permit has been granted and issued under the terms of this Chapter.

G. "Person" means an individual, a receiver, a trustee, a copartnership, a joint venture, a firm, an unincorporated association, a syndicate, a club, a society, a trust, a private corporation, a limited liability company, a public corporation, a municipal corporation, a County, a State, a national government, a municipal, County, State or federal agency, board or commission, a water district, a utility district, a political subdivision, a school district, a drainage, irrigation, levee, replenishment, reclamation or conservation district, and a flood control district, whether acting for himself/herself/itself or in any representative capacity.

H. "Right-of-way" means any easement or land owned by the City and used or designated for use as a street, parkway, alley, utility corridor, walkway, promenade, or bike path, and the surfaces thereof.

I.

"Improvements" means the repair, modification, alteration, removal, or addition of facilities including, but not limited to, grading, paving, curbs, gutters, sidewalks, driveways, landscaping, street lighting, traffic signals, stairs, fences, walls, and any other work in the right-of-way.

(Ord. C 7933 § 1, 2004)

ARTICLE II. - PERMITS

14.08.020 - Public works permit—Required.

No person shall make any excavation or improvements in, on, or under the surface of any right-of-way and no person shall use or occupy the right-of-way with a temporary occupancy consisting of any structure, container, materials, equipment, vehicles, or construction signs related to work on private property without first obtaining a permit from the City Engineer authorizing such person to make such excavation, improvement, or temporary occupancy. This Section shall not be applicable to excavations performed pursuant to contracts awarded for such work by the Board of Harbor Commissioners, or any activity for which a permit has been granted pursuant to Chapter 5.60 of this Code.

(Ord. C 7933 § 1, 2004)

14.08.030 - Public works permit—Application.

A. A person desiring to make an excavation, improvement, or to occupy temporarily a right-of-way under this Chapter shall complete and file an application with the City Engineer on the City's application form, which application shall contain the name and street address of the applicant and shall describe in detail the excavation, improvement, or temporary occupancy to be made and the purpose of the excavation, improvement or temporary occupancy.

B. The application for excavation or improvements shall include seven (7) copies of a plan showing the proposed location of the excavation or improvements and the dimensions thereof, together with such other details as the City Engineer may require on such plan. The plan shall be drawn to a scale of not more than forty feet to the inch (40′ = 1″) and all copies thereof shall be to this scale. In addition, the application shall include evidence that the applicant is either:

1. Under contract with the City for the excavation or improvement; or
2. Authorized by law or a valid franchise to use the right-of-way for which an excavation or improvement is being requested; or
3. Authorized by a pipeline permit issued under Chapter 15.44 of this Code to use the right-of-way for which an excavation or improvement is being requested; or
4. Required to construct the excavation or improvement in conjunction with a building permit issued under Chapter 18.12 of this Code or a conditional use permit issued under Chapter 21.25 of this Code.
5. All plans submitted with an application for an excavation permit relating to any hazardous liquid facilities shall be signed by a registered civil and/or mechanical engineer and shall be accompanied by a certification, signed by the engineer, that all facilities are in compliance with either the Federal Hazardous Liquid Pipeline Safety Act of 1979 and its amendments, the California Pipeline Safety Act of 1981 and its amendments, or the City of Long Beach hazardous liquid pipeline ordinance and its amendments, whichever one applies.
6. The applicant shall provide any additional information which the City Engineer may deem necessary.

7. The application and permit shall be signed by the applicant or the authorized agent of the applicant. Any person signing the application and permit as an agent shall furnish written authorization signed by the applicant designating the person as an authorized agent for such purpose.

(Ord. C 7933 § 1, 2004)

14.08.040 - Public works permit—Fees.

A. Every applicant for a permit under this Chapter shall, when the application is filed, pay to the City a fee established by resolution of the City Council. If, at any time, the City Engineer determines that the original fee paid by the applicant is not sufficient to recover costs accrued by the City, then the City Engineer may, at his discretion, require that an additional fee be paid in an amount sufficient to recover said costs.

B. The holder of a valid franchise or permit, with the approval of the City Engineer, may pay pipeline permit and inspection fees on a monthly basis. The City Engineer shall bill the holder each month for the fees accrued during the preceding month.

(Ord. C 7933 § 1, 2004)

14.08.050 - Public works permit—Deposit or bond.

A. Unless the City Engineer has authorized the permittee to perform the resurfacing or repair of the surface of any highway which may be removed in part or damaged by excavation, fill or temporary occupancy pursuant to a permit issued under this Chapter, the permittee shall deposit with the City the estimated cost of resurfacing or repairing the surface of the highway which may be damaged or destroyed.

B. To ensure compliance with conditions established in the permit, the City Engineer may require that the permittee furnish a surety bond, cash deposit, or letter of credit. All bonds shall comply with regulations issued by the City pursuant to Section 2.84.040 and shall be in an amount equal to twice the estimated cost of performing the work provided, however, that the minimum amount of such bond shall not be less than one thousand dollars ($1,000.00), and the minimum duration of the bond shall not be less than one (1) year. The condition of such bond shall be that the permittee will perform the work authorized by any permit issued pursuant to this Code in a good and workmanlike manner and to the satisfaction of the City Engineer.

(Ord. C 7933 § 1, 2004)

14.08.060 - Public works permit—Issuance.

If the applicant complies in all respects with this Chapter and with all other applicable laws, rules, regulations and ordinances of the City, and pays the fees and deposits required by this Chapter, and said permit is not being sought for excavation in a right-of-way that has been constructed, reconstructed, or resurfaced within the previous sixty (60) months or slurry sealed within the previous twenty-four (24) months, then the City Engineer shall issue the permit.

However, permits for excavation in a right-of-way that has undergone construction, reconstruction or resurfacing within the previous sixty (60) months or slurry sealed within the previous twenty-four (24) months and are not for an emergency repair or a new service connection to an underground utility shall be deemed discretionary and subject to the approval of the City Council.

The City Council may authorize a discretionary permit under the following criteria:

A. The applicant can demonstrate that the permit for excavation in a right-of-way is immediately required for the general health, safety, and welfare of the City and, as such, cannot be delayed until the sixty (60) month or the twenty-four (24) month period, described above, has expired; and

B. The applicant can demonstrate that alternatives to excavating in the right-of-way, such as alternative routing or construction methods, including boring or excavation of the parkway, are not possible.

(Ord. C 7933 § 1, 2004)

14.08.070 - Public works permit—Failure to obtain.

A. If a person begins excavation, the construction of any improvement, or occupies the right-of-way prior to obtaining a permit, the fee to obtain a permit shall be double the fee prescribed in Section 14.08.040, as a penalty for the failure to obtain a permit as required herein.

B. The payment of the penalty shall not relieve such person from fully complying with this Chapter in the execution of the work, or from penalties prescribed herein.

(Ord. C 7933 § 1, 2004)

14.08.080 - Public works permit—Defective work.

If improvements are made under a permit and do not comply with the specifications and this Chapter, the City Engineer shall notify the person to whom the permit was granted and identify the defect or failure and the person shall, within a period of five (5) days after the service of the notice, proceed with reasonable diligence to remedy the defect or failure. If the person does not comply with the requirements of the notice, the City Engineer may order the improvements removed at the expense of the permittee and the permittee shall promptly reimburse the City for the cost of removal.

(Ord. C 7933 § 1, 2004)

14.08.090 - Default.

A. If a permittee fails to comply with this Chapter, the City may notify the permittee in writing of the failure and identify the time within which the failure must be remedied. If the permittee fails or refuses to remedy the failure within the period of time stated in the notice, the City Engineer may revoke the permit and correct the failure. The permittee shall promptly reimburse the City for any expense incurred by the City in correcting the failure. If the permittee continues work after the permit has been revoked and if the City files suit to restrain the permittee or otherwise enforce this Chapter, then the permittee shall reimburse the City for its reasonable costs and expenses in connection therewith, including Attorney fees and court costs.

B. Any structure, materials, barricade, vehicle or other object placed in the right-of-way in violation of this Chapter may be removed and stored in any convenient place by the City Engineer or City officer or employee designated by him/her. If it is removed, the City will notify the owner thereof, in writing, within three (3) working days after its removal. If the owner fails to claim the items and pay the expenses of removal and storage within thirty (30) days after removal, the items shall be deemed to be unclaimed property in possession of the Police Department and may be disposed of pursuant to Chapter 2.78 of this Code.

(Ord. C 7933 § 1, 2004)

14.08.100 - Liability insurance.

Permittee shall secure and maintain, during the life of the permit, commercial general liability insurance as described in regulations issued by the City pursuant to Section 2.84.040.

(Ord. C 7933 § 1, 2004)

14.08.110 - Exemption from fees, bonds and deposits.

If improvements or excavations are made under this Chapter by or for a municipal corporation, a County, a State, the federal government, a County, State or federal agency, board or commission, a drainage, irrigation, levee, replenishment, reclamation or water district, or a conservation or flood control district, then no fees or deposits shall be required prior to the issuance of the permit.

(Ord. C 7933 § 1, 2004)

14.08.120 - Public works permit—Terms and conditions.

A. A permit shall be subject to the following conditions:
   1. The permit shall be kept at the site of the work and shall be shown on demand to a City representative.
   2. Permittee shall comply with California Government Code section 4216 and following. Markings made pursuant to such Code sections shall not be made more than fourteen (14) calendar days prior to commencement of work and all markings shall be removed within two (2) months after the date markings are no longer needed or completion of the work, whichever occurs first.
   3. The permit is nontransferable.
   4. Improvements that will be maintained by the permittee may require the execution of a maintenance agreement with the City by the permittee.
   5. For excavations or improvements, the City Engineer may revoke the permit unless the work begins within sixty (60) days after the issuance of the permit and is diligently performed to completion in the sole opinion of the City Engineer.
   6. Permittee shall defend, indemnify and hold harmless the City, its officials and employees from and against all liability, loss, damage, demands, causes of action, proceedings, fines, penalties, costs, and expenses including attorney fees arising in any way from permittee's work under the permit and, furthermore, permittee shall obtain the commercial general liability insurance required in regulations issued by the City pursuant to Section 2.84.040
   7. Permittee shall, at permittee's sole expense, within ten (10) days after receipt of written notification from the City Engineer to do so, remove any improvement or facilities or, with the prior approval of the City Engineer, relocate them to a site designated by the City Engineer if at any time the improvement or facilities interfere with the use, repair, improvement, widening, change in grade, or relocation of any right-of-way or highway, or interfere with the construction of any subway, viaduct or other underground conduit or structure of any kind.

B. Either when the permit is issued or at any time thereafter until the completion of work or end of the temporary occupancy, the City Engineer may require additional conditions as he finds reasonably necessary for the protection of the right-of-way or highway, for the prevention of undue interference with traffic, or to assure the safety of persons using the right-of-way or highway.

(Ord. C 7933 § 1, 2004)

14.08.130 - Refusal to issue authorized.

The City Engineer may refuse to issue a permit for improvements, excavation, or temporary occupancy in the right-of-way if the applicant has previously failed or refused to comply with this Chapter or if the excavation, improvement, or temporary occupancy will endanger the health and welfare of the residents of the area where the work will be performed.

(Ord. C 7933 § 1, 2004)

14.08.140 - Public works permit—Construction standard.

All improvements shall be performed to the satisfaction of the City Engineer and in accordance with the "Standard Specifications For Public Works Construction", current edition, approved plans, and with this Chapter.

(Ord. C 7933 § 1, 2004)

ARTICLE III. - CONSTRUCTION STANDARDS

14.08.150 - Removal of materials and debris.

Any person performing or causing to be performed any work under this Chapter shall remove or cause to be removed from the site of any excavation or improvements all debris and excess materials within three (3) days after the completion of the work.

(Ord. C 7933 § 1, 2004)

14.08.160 - Inspection.

At least two (2) working days prior to beginning work or temporary occupancy, permittee shall notify the City Engineer by giving permittee's name, permit number, type of work, starting date, time of construction, name of permittee's representative at the site and the underground service alert ticket number. After work begins, permittee shall notify the City Inspector of the daily work in progress and the type of inspection required. Failure to contact the City Engineer or his representative or the use of unacceptable materials or unacceptable work shall result in a stop construction notice being issued. Work shall not resume until corrections have been made.

(Ord. C 7933 § 1, 2004)

14.08.170 - Subsurface installations—Depths.

No person shall install any conduit, duct or tunnel in any right-of-way at a distance of less than two and one-half feet (2½') below established grade of the gutter of a public right-of-way or install any main pipe or service pipe in any public right-of-way at a distance of less than three feet (3') below established grade of the gutter of the public right-of-way, or install any hazardous liquid main pipe or service pipe in any right-of-way at a depth less than that required by applicable federal and State regulations, except manholes, culverts, and catch basins, provided that where, by reason of the construction of any tunnel, storm drain, structure, pipe, conduit, or other subsurface structures, it is not possible to make such installation at such distances below the established grade of the gutter of the right-of-way, then the City Engineer may, at his discretion, upon satisfactory showing of necessity or the public benefit, grant a special permit for the installation at a distance of less than two and one-half feet (2½') or three feet (3') below the established grade of the gutter of the right-of-way or the surface of such other public place.

(Ord. C 7933 § 1, 2004)

14.08.180 - Backfill—Standards.

All excavations shall be backfilled in a manner satisfactory to the City Engineer and in accordance with the "Standard Specifications For Public Works Construction", current edition. If, at any time, the backfill fails and creates an unsafe condition, the City Engineer shall notify permittee of the failure and permittee shall repair the failure, at his/her/its own expense, to the satisfaction of the City Engineer.

(Ord. C 7933 § 1, 2004)

14.08.190 - Backfill—Temporary road surface.

Whenever the pavement or surfacing is not immediately replaced, the surface of the backfill shall conform to the level of the adjoining street surface and shall be compacted so that it is hard and smooth enough to be safe for traffic to travel any legal rate of speed. If required by the City Engineer, permittee shall cover the backfilled area with temporary surfacing.

(Ord. C 7933 § 1, 2004)

14.08.200 - Right-of-way surface replacement.

The surface of the right-of-way shall be replaced under the direction and supervision of the City Engineer at the sole cost and expense of the permittee, who shall maintain the surface for one (1) year after the date of completion of the work. If permittee fails to maintain the surface during said one (1) year period, the City Engineer may give to permittee a written notice specifying the manner in which the permittee has failed to maintain the surface and the work necessary to be performed to restore the surface. Permittee shall have five (5) days after notice is given to restore or repair the surface and, if permittee fails or refuses to do so, the City Engineer, if he deems it advisable, shall have the right to perform the restoration or repair. Permittee shall be liable for the actual cost of the work plus twenty-five percent (25%) for City's administration and overhead, and shall promptly pay these charges to the City on receipt of a statement from the City. All work shall be done in accordance with the requirements provided in the "Standard Specifications For Public Works Construction", current edition.

(Ord. C 7933 § 1, 2004)

14.08.210 - Backfill—Responsibility.

Permittee shall maintain the surface of the backfill safe for vehicular traffic and pedestrian travel until the pavement or surfacing has been replaced and accepted by the City Engineer, and be liable for all accidents which occur to vehicles or pedestrians at the site of the excavation, until the pavement or resurfacing has been replaced. If it is impractical to maintain the surface of the backfill in a safe condition for traffic, then permittee shall maintain barriers and red lights around it until the pavement or surfacing has been replaced.

(Ord. C 7933 § 1, 2004)

14.08.220 - Safe crossings to be maintained.

Permittee making any excavation shall maintain safe crossings for vehicles and pedestrian traffic at all street intersections and safe crossings for pedestrians at intervals not to exceed six hundred feet (600’). If any excavation is made across a public street, at least one (1) safe crossing shall be maintained at all times for vehicles and pedestrians. All materials excavated from the site shall be laid compactly along the side of the trench and kept trimmed to cause as little inconvenience as possible to public travel. If the right-of-way is not wide enough to hold the excavated material without using part of an adjacent right-of-way, permittee shall erect and maintain a tight board fence on and along the sidewalk and keep a passage at least three feet (3') wide open and along the right-of-way. The excavation shall be performed in such a manner so that it does not interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within fifteen feet (15’) of fire hydrants. Passageways leading to fire escapes or firefighting equipment shall be kept free from piles of materials or other obstructions.

(Ord. C 7933 § 1, 2004)

14.08.230 - Gutters and watercourses.

Permittee shall keep and maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot (1') in width from the face of the curb at the gutter line. When a gutter crosses an intersecting street, an adequate waterway shall be provided and maintained at all times. Permittee shall also provide for the flow of any watercourse intercepted during the excavation and shall restore the watercourse to the same condition that existed prior to the excavation, or shall make other provisions for waterflow as the City Engineer may direct.

(Ord. C 7933 § 1, 2004)

14.08.240 - Plan to conform to actual installation.

Every person owning, using, controlling or having an interest in any facilities in a right-of-way, except a service pipe or pipes, shall file in the office of the City Engineer, within sixty (60) days after the completion of installation of the facilities, a corrected record plan drawn to scale of not more than forty feet to the inch (40' = 1"), showing the facilities provided, however, that if the plan filed with the City Engineer at the time the permit is issued is correct in every detail, permittee may make a notation to that effect on the plan, and the plan shall constitute compliance with this Section.

Final acceptance by the City Engineer for the work performed under the permit is dependent on full compliance with this Section.

(Ord. C 7933 § 1, 2004)

14.08.250 - Abandonment of facilities.

Whenever facilities (except a service pipe or pipes) located under the surface of any right-of-way or the use of the facilities is abandoned or removed, the person owning, using, controlling or having any interest therein shall, within sixty (60) days after such abandonment, file in the office of the City Engineer a plan giving in detail the location of the facilities that were abandoned.

(Ord. C 7933 § 1, 2004)

14.08.260 - Repair of ruptured oil and gas lines.

Whenever facilities used for the transportation of oil, gasoline, gas or other petroleum products rupture in such a manner that the contents escape, the person maintaining or using the facilities shall immediately make repairs to ensure future safe operation of the facilities in accordance with Section 15.44.140 of this Code. If the office of the City Engineer is closed when the break occurs, such person may make an excavation in the right-of-way to repair the facilities without first obtaining a permit from the City Engineer. Any person making an excavation under these circumstances shall apply for a permit not later than ten o'clock (10:00) a.m. on the first day the office of the City Engineer is open following the rupture. When the facilities are near a leaking facility, the person maintaining such facilities shall uncover them for inspection if required to do so by the City Engineer.

(Ord. C 7933 § 1, 2004)

14.08.270 - Temporary occupancy standards.

Any temporary occupancy of a right-of-way subject to this Chapter shall meet the following requirements:

A.

The maximum width of the temporary occupancy including contents shall be eight feet (8'), unless otherwise approved by the City Engineer in accordance with this Chapter;

B. The temporary occupancy shall not be located in a manner which interferes with the flow of traffic;

C. Proper warning devices shall be provided for the temporary occupancy, to the satisfaction of the City Engineer;

D. The temporary occupancy shall be kept in good repair, free of graffiti, and in a safe and sanitary condition;

E. Temporary occupancy shall be located in a manner which does not interfere with visibility, vehicular mobility, or access to facilities. Locations shall be determined by the City Engineer at the time of application;

F. Permits will be issued for a period not to exceed ninety (90) days. On expiration, a new permit must be obtained on the basis of a new application.

(Ord. C 7933 § 1, 2004)

14.08.280 - Warning lights and barricades.

A permittee shall keep and maintain barriers at each end of excavations, at such places as may be necessary along the excavation, and at the site of the improvements or temporary occupancy. Permittee shall place and maintain signs or barriers with letters not less than three inches (3") high, which state the name of the permittee. Permittee shall also place and maintain lights at ends of the excavation and at a distance of not more than fifty feet (50') along the line thereof. For improvements and temporary occupancy, permittee shall place and maintain such lights as necessary to warn the public. Permittee shall maintain the lights until the excavation has been entirely refilled or until the improvements or temporary occupancy has been completed. Any lighting required by this Section shall be operated between sunset and sunrise of the next day. If permittee fails to place and maintain such barricades and lights the City may place and maintain such barricades and lights and permittee shall promptly reimburse the City in the manner provided in Chapter 14.12.

(Ord. C 7933 § 1, 2004)

14.08.290 - Relocation of existing interferences.

Permittee shall move and relocate all interferences, including trees, poles, street lighting systems, parking meters, sewers, storm drain appurtenances and culverts located within the area of work which will interfere with the facilities, at the permittee's expense. Permittee shall obtain consent of the owner of the interference for the removal or relocation and shall furnish to the City Engineer satisfactory evidence of all necessary arrangements for removal or relocation of the interference prior to the issuance of the permit.

(Ord. C 7933 § 1, 2004)

14.08.300 - Basement appurtenances.

No person shall construct or place a freight elevator or windows for basement lighting in the sidewalk area back of the established curbline of the street; provided, however, that existing freight elevators and window lights may be repaired or replaced if, in the opinion of the City Engineer, such freight elevators and window lights do not constitute a hazard to the public.

(Ord. C 7933 § 1, 2004)

14.08.310 - Plans.

A. Plans shall be prepared for right-of-way improvements whenever, in the opinion of the City Engineer, such plans are necessary for the proper construction and supervision of the work.

B. When such plans are necessary, they may be prepared, at the option of the City Engineer, by a qualified licensed engineer employed by the applicant. Plans submitted by the licensed engineer must first be approved by the City Engineer before a permit is issued and work is started. The City Engineer may specify the type and quality of material on which the plans are drawn, the size of the sheets, the scale of the drawings, the size and wording of the title, the information to be shown on the plans, and all other details, including specifications, in connection therewith. All plans for the work shall become the property of the City and shall be filed in the office of the City Engineer. When the qualified licensed engineer submits the required plans, he/she shall pay to the City a processing fee in an amount prescribed by the City Council by resolution.

(Ord. C 7933 § 1, 2004)

14.08.320 - Work stoppage authorized.

Whenever the City Engineer finds that any improvement or excavation is being constructed contrary to or in violation of this Code or if it comes to the attention of the City Engineer that any work under a permit is dangerous, unsafe or a menace to life, health or property, the City Engineer shall order the work to be immediately stopped or shall order the alteration of any dangerous or unsafe condition. Such order shall be in writing and shall specify the manner in which the work is dangerous, unsafe or a menace to life, health or property. After receipt of the order the permittee shall not continue with any improvement or excavation until the work has been made to comply with this Chapter and with the instructions given by the City Engineer.

(Ord. C 7933 § 1, 2004)

CHAPTER 14.12 - EXCAVATION WARNING DEVICES

14.12.010 - Violation deemed nuisance.

For the purposes of this Chapter any obstruction, encroachment or excavation in a public street or other public place, being at any time without such device as will properly warn the public of its existence, is defined as a public nuisance.

(Prior code § 7550)

14.12.020 - Determination of nuisance.

The Director of Public Service shall, upon knowledge of the existence of any obstruction, encroachment or excavation in a public street or other public place, determine whether such constitutes a public nuisance as defined in this Chapter.

(Prior code § 7550.1)

14.12.030 - Warning device placement—Authorized.

If the Director of Public Service finds the existence of a public nuisance as defined in this Chapter, he may cause lanterns or barricades to be placed, arranged, hung or set on or about the nuisance so as to properly warn the public thereof.

(Prior code § 7550.2)

14.12.040 - Warning device placement—Fee—Amount.

The person responsible for the existence of a "public nuisance" as defined in this Chapter, shall pay to the City a fee for the services rendered under this Chapter as determined by the City Council by resolution.

(ORD-10-0014, § 19, 2010; Prior code § 7550.3)

14.12.050 - Warning device placement—Fee—Collection.

All fees charged under this Chapter shall become a debt in favor of the City and every person liable shall be amenable to action therefor in any court of competent jurisdiction.

(Prior code § 7550.4)

14.12.060 - Warning device placement—Statement of fee.

The City Manager is vested with the authority to prescribe reasonable procedures for the rendition of statements for services rendered under this Chapter and for the manner and time for payment thereof.

(Prior code § 7550.5)

14.12.070 - Liability of responsible person.

No action pursuant to the provisions of this Chapter shall be construed to relieve the person responsible for the existence of any obstruction, encroachment or excavation in the public street, sidewalk, alley or way from any liability whatsoever arising out of the existence of such condition, nor shall

any provision of this Chapter be construed to constitute an assumption of liability by the City of any duties imposed by law or contact upon any person.

(Prior code § 7550.6)

CHAPTER 14.14 - OCCUPATION OF PUBLIC WALKWAYS

14.14.010 - Definitions.

"Belmont Shore area" means both sides of Second Street from Livingston Drive to Bay Shore Avenue.

"Dining" means the consumption of food or beverage.

"Downtown area" means the area bounded northerly by the centerline of Tenth Street; westerly by the centerline of Maine Avenue north of First Street, and the centerline of Golden Avenue south of First Street and the centerline of Golden Shore and its southerly prolongation; easterly by the centerline of Lime Avenue north of First Street and the centerline of Alamitos Avenue and its southerly prolongation south of First Street; southerly by the mean high tide line of the Pacific Ocean and its prolongation across the entrance to Pacific Terrace Harbor and Queens Way Landing boat basin.

"Existing permit" means a public walkways occupancy permit that has been issued by the City Council.

"Existing permit in good standing" means a public walkways occupancy permit that has been issued by the City Council and is compliant with all laws and regulations, including the terms and conditions attached to that permit. "Existing permit in good standing" does not include a permit the term of which has expired prior to the submission of a completed application for renewal, including all required documentation.

"Minor modification of an existing permit" means a reconfiguration of the area occupied with no change to the total square footage occupied, a change in the use of the area occupied which otherwise complies with all applicable laws and regulations, or a change in the materials or equipment used within the area occupied. "Minor modification of an existing permit" does not include any increase to the total square footage occupied, unless the Director of Public Works deems such change to be negligible.

"Obstruction" means any temporary or permanent structure or stationary object, including, but not limited to, signs, displays, barriers, furniture, plants or plant containers, musical equipment, or merchandise placed on a public walkway.

"Public property" means all City property, including "public walkways", as defined in this Chapter, and public rights-of-way, and the underlayment or foundation thereof, and public improvements thereon, including landscaping on or in such property.

"Public walkways" means all or any portion of territory within the City set apart and designated for the use of the public as a thoroughfare for travel, and including alley, the sidewalks, the center and the side plots thereof.

(ORD-10-0032, § 1, 2010; Ord. C 7796 § 1, 2002: Ord. C 7580 § 1, 1998: Ord. C 6659 § 2 (part), 1989)

14.14.020 - General requirements.

A. No person shall use or occupy the public walkway with any obstruction for any purpose without first obtaining a written permit from the City Council. Permits are not transferable. This Chapter shall not be applicable to any activity performed pursuant to and permitted by other Chapters of this Code.

B. Permits may only be issued to owners of property directly adjoining that portion of the public walkway upon which the obstruction is to be located, or to lessees of such property with the consent of the property owner.

C. The permit may be suspended or canceled at any time at the discretion of the Director of Public Works, in the event that it is determined that the obstruction would interfere with street improvement activities, construction activities, cleaning efforts or other similar activities. The permit may also be suspended at any time, if, in the discretion of the City Engineer or Fire Marshal, the obstruction threatens the public health or safety.

D. Permits for occupancy may contain restrictions for hours of the day or days of the week during which the obstruction may occupy a public walkway as determined by the City Council, or as determined or modified by the Director of Public Works in his discretion with respect to an existing permit for public walkway occupancy in the Belmont Shore area only.

E. Permits shall be issued for a period not to exceed one (1) year. Upon expiration, a new permit must be obtained on the basis of a new application. Notwithstanding the above, such permits may be terminated by the City upon thirty (30) days' notice of the City Engineer.

F. The Director of Public Works is authorized to renew an existing permit in good standing for a one (1) year period provided either: (1) the applicant is not seeking any modification of the existing permit or (2) any modification sought by either the applicant, the City Engineer or the Fire Marshal is deemed by the Director of Public Works to be a "minor modification of an existing permit", as defined in Section 14.14.010

G. No permit obtained under this Chapter shall excuse the permittee's obligation to obtain and comply with any other permit or license required by the City or any other regulatory agency.

(ORD-10-0032, § 2, 2010; Ord. C 7796 § 2, 2002: Ord. C 7580 § 2, 1998: Ord. C 6659 § 2 (part), 1989)

14.14.030 - Public walkways occupancy permit—Application.

A person desiring to occupy a public walkway shall file an application for such authorization with the City Engineer. The applications shall be on a form provided by the City and shall be signed by the permittee or his duly authorized agent. Any person signing the application as an agent shall furnish a written authorization executed by the permittee designating the person signing the permit as the permittee's duly authorized agent for such purpose. Such authorization will remain in full force and effect until revoked by a written document signed by the permittee and filed with the City Engineer. Such application shall be accompanied by plans satisfactory to the City Engineer, which show in detail the proposed obstruction.

(Ord. C 6659 § 2 (part), 1989)

14.14.035 - Fees, refunds and security deposits.

A. Every applicant for a public walkway occupancy permit under this Chapter shall pay to the City, before a permit is issued, an annual fee as adopted by the City Council by resolution and specified in the fee schedule on file in the office of the City Engineer.

B. Every applicant for a public walkway occupancy permit under this Chapter shall pay to the City a security deposit in an amount equivalent to one (1) year's fee or in such additional amount as determined by the City Council. Such security deposit shall be applied to the cost of repairing any

damage to public property attributable to the permittee's use of public property. Any balance shall be "rolled over" to apply toward the following year's security deposit until the permit is terminated or canceled, at which time the security deposit shall be applied to the cost of restoring the public property to its prior condition and the remainder, if any, refunded to the permittee.

C. In the event that any permit issued pursuant to this Chapter is canceled because the permittee has violated a condition of his or her permit or any regulation or law, or because the permittee no longer owns or controls the property directly abutting the portion of the public walkway upon which the obstruction is located, no portion of a permit fee paid by him or her shall be refunded. If the permit is canceled by the City for any other reason, the unearned portion of the permit fee shall be refunded.

(Ord. C 7580 § 5, 1998: Ord. C 6659 § 2 (part), 1989)

14.14.040 - Public walkway occupancy standards.

Any public walkway occupancy subject to the terms of this Chapter shall conform to all of the following requirements:

A. The minimum width of the public walkway shall be not less than ten feet (10'), and such obstructions must permit at least five feet (5') of unobstructed area of public walkway, unless otherwise approved by the City Council on the basis of the considerations specified in this Chapter;

B. The obstruction shall not be located in a manner which interferes with the flow of pedestrian or other traffic, or which creates a potential threat to public safety, as determined by the City Engineer or Fire Marshal;

C. The maximum height of any such obstruction shall be six feet (6') unless otherwise approved by the City Council on the basis of considerations specified in this Chapter and all such obstructions shall be entirely portable except as specifically permitted by the City Engineer under Section 14.14.045

D. The obstruction shall be kept in a good state of repair and in a safe, sanitary and attractive condition;

E. The obstruction may not be located within the forty-five (45) degree line of sight triangle adjacent to street, alley or driveways unless otherwise approved by the City Council on the basis of considerations specified in this Chapter, but in no case extending beyond that portion of the permittee's property which abuts the public right-of-way;

F. Such obstruction shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility or access to City or public utility facilities and will not compromise the safe use of any public walkway or other right-of-way. Permitted locations shall be determined by the City Council after consideration of the above and other relevant factors in relation to the proposed site. The City Council may, in its discretion, place additional conditions upon the issuance of such permit in order to ensure the protection of the public health and welfare and public property.

G. Minor modifications to these standards may be made by the Director of Public Works to an existing permit in good standing.

(Ord. C-7796 § 3, 2002: Ord. C-7580 § 3, 1998: Ord. C-7066 § 1, 1992: Ord. C-6659 § 2 (part), 1989)

14.14.045 - Public walkways dining permits and entertainment permits.

A. No person may occupy or cause to be occupied any portion of the public walkway for the purpose of providing dining or entertainment except as permitted by this Chapter or as elsewhere provided for in this Code.

B. Permits to occupy a portion of the public walkway for the purposes of dining or entertainment may contain restrictions for hours of the day or days of the week during which dining or entertainment may occur on the public walkway as determined by the City Council, or as determined or modified by the Director of Public Works in his discretion with respect to an existing permit in good standing for public walkway occupancy in the Belmont Shore area only.

C. In addition to the other requirements set forth in this Chapter, permits to occupy a portion of the public walkway for the purpose of dining or entertainment shall conform to all of the following standards:

1. All dining or entertainment areas shall be defined by placement of sturdy barriers, not to exceed forty-eight inches (48") in height, as approved by the City Engineer. Except as approved by the City Engineer and the Fire Marshal, such barriers shall be portable. Such barriers may only be affixed to public property with the prior approval or direction of the City Engineer;
2. All accessories to dining or entertainment uses such as plants or planter boxes, umbrellas, podiums, menu boards, musical equipment and heaters must be located inside the barrier.

D. All dining and entertainment which takes place on the public right-of-way shall conform to the requirements of Chapter 8.80 of this Code regarding noise. Complaints regarding noise shall be logged by City staff and may be the basis for suspension, cancellation, or nonrenewal of a permit.

E. The permittee shall be responsible for cleaning the public walkway occupied by a dining or entertainment area.

(ORD-10-0032, § 3, 2010; Ord. C-7796 § 4, 2002; Ord. C-7580 § 6, 1998)

14.14.050 - Public walkway occupancy permits—Downtown area.

In addition to the other requirements set forth in this Chapter, the following standards for public walkway occupancy and for public walkway dining and entertainment areas apply in the downtown area:

A. Canopy structures, including overhead structures and windbreaks, are permitted, provided such structures are approved as part of a public walkway occupancy permit and are consistent with limitations imposed by the Redevelopment Agency as part of an approved master plan or design guidelines. Such structures must comply with all applicable laws and regulations, including, but not limited to, all fire, health, and building code regulations, and shall be a medium-toned beige or shall match the color of the adjacent building. Signage on or adjacent to a canopy structure shall be limited to business identification signs and shall be included in the calculation of total signage permitted pursuant to Chapter 21.44 of this Code.

B. Unless otherwise approved by the City Engineer, barriers must be affixed to the sidewalk. The manner of affixing such barriers is subject to the prior approval of the City Engineer.

C. Temporary banners, not exceeding the height of the barrier and attached to the barrier are permitted for a two (2) week period no more than four (4) times per year.

D. Menu boards must be portable, located within the dining area, and must not exceed five feet (5'), six inches (6") tall. Menu boards may be either a single pole pedestal of painted metal or a board attached to the inside of the barrier, parallel to the barrier.

E. A-frame signs, television monitors, and canopies are not permitted at any location on the public walkway.

(ORD-06-0009 § 1, 2006; Ord. C-7725 § 1, 2001: Ord. C-7580 § 4, 1998)

14.14.055 - Entertainment on the public right-of-way.

A. No person shall perform or cause to be performed any entertainment activity on the public right-of-way without first obtaining a public walkways occupancy permit which permits such entertainment.

B. In the downtown area, nonamplified outdoor entertainment is permitted from ten o'clock (10:00) a.m. until twelve o'clock (12:00) midnight each day. Amplified outdoor entertainment is permitted from five o'clock (5:00) p.m. to twelve o'clock (12:00) midnight Monday through Friday, except if such day is a holiday. Amplified outdoor entertainment is permitted from ten o'clock (10:00) a.m. to twelve o'clock (12:00) midnight on Saturday, Sunday and holidays.

C. This Section shall not apply to any holder of a permit issued pursuant to Chapter 5.60 or Section 14.04.070 of this Code. Nothing in this Section shall operate to modify any requirement of Chapter 3.80 or 5.72 of this Code.

(Ord. C-7626 § 1, 1999)

14.14.060 - Public walkways occupancy permit—Failure to obtain.

A. Any person who occupies any public sidewalk with any "obstruction," as defined herein, prior to obtaining a permit therefor, shall pay a fee double the fee calculated by the method prescribed in this Chapter.

B. The payment of the additional fee shall not relieve such person from the obligations imposed by this Chapter, or from penalties prescribed herein.

(Ord. C-6659 § 2 (part), 1989)

14.14.070 - Indemnification of City.

A permit issued for public walkway occupancy under this Chapter shall provide that the permittee shall defend, indemnify, save and keep the City, its officers, agents and employees free and harmless from and against any and all claims for injury, damage, loss, liability, cost and expense of any name or nature whatsoever which the City, its officers, agents and employees may suffer, sustain, incur, or pay out as a result of any and all actions, suits, proceedings, claims and demands which may be brought, made or filed against the City, its officers, agents and employees, by reason of or arising out of, or in any manner connected with, any and all operations authorized or permitted by the permit.

(Ord. C 6659 § 2 (part), 1989)

14.14.080 - Insurance.

A. Concurrent with the issuance of the permit, the permittee shall procure and maintain, at its cost, during the term of the permit insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040

B. Insurance required herein shall not be deemed to limit the permittee's liability under this permit.

C. Permittee shall keep the insurance in full force and effect during the term of any public walkway occupancy permit issued pursuant to this Chapter. No permit granted pursuant to this Chapter shall be effective until the permittee has complied with all insurance requirements.

D. Any public walkway occupancy permit so terminated may be reinstated only upon application therefor submitted and approved by the City and upon the payment of twenty dollars ($20.00) per day for every day on which no insurance was provided and also upon payment of all sums due and unpaid to the City under the provisions of this Chapter, as well as full indemnification during the uninsured period.

(Ord. C 7934 § 18, 2004: Ord. C 7066 § 2, 1992: Ord. C 6659 § 2 (part), 1989)

14.14.090 - Default.

Upon the termination of the public walkway occupancy permit by reason of the failure of the permittee to comply with the provisions of this Chapter, the City may notify the permittee in writing of the default and specify the time within which the default is to be remedied. If the permittee fails or refuses to remedy the default within the period of time specified, the right of permittee to use the public walkway shall cease and the City shall have the right to remove the public walkway obstruction as provided under this Chapter. The permittee shall reimburse the City for any expense incurred by the City in removing the obstruction. Should the permittee continue to use the public walkway after the permit has been terminated and should the City file suit to restrain the use of the public walkway by permittee, the permittee shall reimburse the City for its reasonable costs and expenses in connection therewith, including a reasonable Attorney fee.

(Ord. C 6659 § 2 (part), 1989)

14.14.100 - Revocation and nonrenewal.

A. The City Council may revoke, refuse to issue or renew a public walkway occupancy permit if such person has failed or refused:
    1. To pay any fees for permits, security deposits or charges as established by the City Council;
    2. To repair public improvements damaged as a result of the occupancy of the public walkway;
    3. To comply with the terms of this Chapter or of a permit granted hereunder.
B. The City Council may also refuse to issue or renew a permit for public walkway occupancy in an area where such occupancy will be inconsistent with the public's use of the public walkway, access needs or the use of any property located adjacent to the public walkway.

(Ord. C 7580 § 7, 1998: Ord. C 6659 § 2 (part), 1989)

14.14.110 - Appeal—City Council.

Except for minor modifications to an existing permit, any other determination or modification to an existing permit made by the Director of Public Works may be appealed to the City Council within ten (10) calendar days from the date of such determination or modification in the manner provided in this Section.

A. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based and shall be submitted to the Director of Public Works.
B. If the appeal is made by a permittee involving such permittee's existing permit, such appeal shall be accompanied by an appeal deposit in an amount determined by the City Council by resolution. For appeals made by any person other than the permittee, there shall be no required appeal deposit.
C. The City Council shall conduct a hearing on the appeal or refer the matter to a Hearing Officer, pursuant to Chapter 2.93 of this Code, within sixty (60) business days from the date the completed request for appeal was received by the Director of Public Works, except where good cause exists to extend this period. The appellant shall be given at least ten (10) business days written notice of such hearing. The hearing and rules of evidence shall be conducted pursuant to Chapter 2.93 of this Code. The determination of the City Council on the appeal shall be final.

(ORD-10-0032, § 4, 2010)

CHAPTER 14.16 - BENCHES

14.16.010 - Definitions.

For the purposes of this Chapter, certain terms, phrases and words, shall be construed as set out in this Section:

A. "Bench" means a seat located upon public property along any public street for the accommodation of passersby or persons awaiting transportation.

B. "City" means the City of Long Beach.

C. "Street" means any public thoroughfare or way, including the curb, sidewalk, parkway, and any other public property.

(Ord. C 5691 § 2 (part), 1981; prior code § 7531)

14.16.020 - Compliance required.

No person shall install or maintain any bench on the streets and ways of the City without full compliance with the provisions of this Chapter and the rules and regulations of the City Council governing same.

(Ord. C 5691 § 2 (part), 1981: prior code § 7531.1)

14.16.030 - Permit required.

No person shall install or maintain any bench on any street without a permit therefor from the City Council. The City Manager or his designee shall have the authority to authorize and issue the permits, and to revoke any such issued permit in the event of any violation of any of the provisions of this Chapter or any regulation of the City Council made pursuant thereto. Any such revocation shall be subject to ratification of the City Council at its next regular meeting.

(Ord. C 5691 § 2 (part), 1981; prior code § 7531.2)

14.16.050 - Removal procedure.

A. Any bench on public property not permitted by this Chapter shall be removed by the owner of the bench within ten (10) days after receipt of written notice sent by registered or certified mail from the City Manager or his designee stating that the bench is not permitted and must be removed.

1. The owner of the bench, within ten (10) days of the receipt of the notice of removal, shall remove the bench or shall deliver an appeal in writing to the City Manager or his designee stating why the owner believes the bench should not be removed; and the matter then be set for hearing before the City Council at its next meeting, but not sooner than ten (10) days after receipt of the appeal.
2. The City Council shall hear any such appeal and shall make a determination that the bench should be removed, or not, and any action of the City Council shall be final. Should the City Council find that the bench should be removed, the owner shall remove the bench within ten (10) days after the ruling of the City Council. Failure of the appellant or a duly appointed

representative to appear at the hearing or to give good reason why the hearing should be postponed shall be sufficient grounds for the City Council to find that the bench shall be removed, as demanded by the City Manager or his designee.

3. If the owner of a bench fails to remove the bench within ten (10) days after receipt of due notice of removal, or order of the City Council, the City Manager or his designee shall cause the bench to be removed and impounded. The owner of the bench shall be notified that the bench has been impounded.
4. Within sixty (60) days of the impoundment of a bench, the owner of the bench may recover the bench by paying to the City an impoundment fee and storage fee as determined by the City Council by resolution for each thirty (30) days, or fraction thereof, the bench has been impounded. The fees shall apply to each bench removed, impounded, and stored.

B. If the owner of a bench cannot be ascertained, then written notice shall be attached to any nonpermitted bench, stating the bench is not permitted and must be removed. No person shall remove the notice while the bench is placed on City streets without a permit as required by Section 14.16.030

1. Within ten (10) days of the posting of the notice, the owner shall either remove the bench or appeal to the City Council in the manner set forth in Subsection 14.16.050.A.1 of this Section. In the event the owner does not so remove the bench, or appeal to the City Council, the City Manager or his designee shall cause the bench to be removed and impounded.
2. Any bench so impounded may be recovered by the owner within sixty (60) days after the impoundment thereof by paying the office of the City Council the fees set forth in Subsection 14.16.050.A.4 of this Section.

C. Within sixty (60) days after the impoundment of any bench, the owner may appeal to the City Council for hearing. The City Council, after hearing and showing of good cause therefor, may allow the recovery of any impounded bench without payment of the impoundment fees or payment of reduced impoundment fees and in accordance with such other conditions as the City Council may impose.

D. In the event a bench has been stored sixty (60) days and no appeal has been made to the City Council, or the owner of the bench has not complied with the order of the City Council following the appeal, the bench shall become the property of the City and the City may use or dispose of the bench in a manner deemed appropriate.

E. Any order by the City Council in regard to the removal of any bench shall be final.

(ORD-10-0014, § 20, 2010; Ord. C 5691 § 2 (part), 1981; prior code § 7531.4)

14.16.060 - Rules and regulations.

The City Council shall have authority to establish rules and regulations governing the size, weight, type of construction, placement, identification markings, maintenance standards of benches, and such other rules and regulations as necessary to carry out the provisions of this Chapter.

(Ord. C 5691 § 2 (part), 1981; prior code § 7531.5)

14.16.070 - Enforcement.

The City Council shall enforce the provisions of this Chapter and shall have complete authority over the installation and maintenance of benches, subject to the provisions of this Chapter.

(Ord. C 5691 § 2 (part), 1981; prior code § 7531.6)

14.16.080 - Insurance.

At all times permittee shall defend, indemnify, and hold harmless the City, its officials, employees and agents from and against all claims, demands, damage, causes of action, proceedings, loss, liability, costs and expenses (including reasonable Attorney fees) of any kind (collectively in this Section, "claim") alleging injury to or death of persons or damage to property and that such injury, death or damage arises from or is attributable to or caused by the installation and maintenance of any bench or benches authorized pursuant to this Chapter. Permittee shall procure and maintain, at its sole cost, during the term of the permit and any renewals thereof insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.

(Ord. C 7934 § 19, 2004: Ord. C 7214 § 1, 1994: Ord. C 5691 § 2 (part), 1981: prior code § 7531.7)

14.16.090 - Standards for issuance of bench permits.

Privately owned benches placed within the public right-of-way intended for the use of the general public shall adhere to the standards set forth in this Section. This Section shall not apply to benches placed by public transit agencies intended primarily for the use of bus transit passengers.

A. Bench permits shall specify location of benches on the public walkways. Benches shall be located in a manner which will not interfere with vehicle and pedestrian visibility, pedestrian use of the sidewalk, the use of any building exits, or access to public utility, fire protection equipment, or other City facilities.

B. Bench permits shall only be issued to owners and/or lessees of the property directly abutting the portion of the public street upon which the bench is proposed to be placed. Approved benches shall be placed immediately adjacent to the privately owned property, or as otherwise approved by the Director of Public Works.

C. The minimum clear distance from any point on the bench to the vertical plane of the curb face, measured parallel to the sidewalk, shall be seven feet (7′) Where other obstructions exist in the vicinity of the bench area, a minimum clear horizontal distance of seven feet (7′) shall be maintained between the bench and any obstructions.

D. Benches may not be located within five feet (5′) of an intersecting street (measured to the prolongation of the near property line of the intersecting street) or within five feet (5′) of a driveway or alley (measured to the nearest portion of an apron type driveway or to the beginning curb return of the near curb of the driveway).

E. Local business associations shall be encouraged to establish a uniform bench style for benches located in their association areas. Bench design must be aesthetically pleasing and consistent with neighborhood character.

F. Benches permitted under this Chapter shall be well constructed of high quality materials and kept in a sanitary condition and good state of repair. Benches may not be upholstered or cushioned. Benches shall have a maximum back height of three feet (3'), a maximum length of six feet (6′), and a maximum weight of two hundred fifty (250) pounds, unless otherwise approved by the Director of Public Works, where such variation would be reasonable and appropriate in the specific circumstances and would not compromise public health, safety or welfare.

G. Bench proposals shall be submitted with a photograph or manufacturer's drawing of the bench and bench specifications including dimensions (length, depth, height), weight, and manufacturer's name and model number. Prior to the issuance of a permit and the installation of the bench, the proposed bench shall be reviewed as to sufficiency for public use by the Department of Public Works.

H. No signage, advertising, or business logos shall be readily visible to passersby. Bench owners shall identify their benches with their name and mailing address on the back or the underside of the bench. Use of benches by the general public may not be limited or prohibited.

I. Bench permits may be suspended or revoked by the City in the interest of the public safety and convenience, including, but not limited to, such circumstances as sidewalk cleaning or construction activities, installation of conflicting utility or streetscape facilities, and complaints regarding obstruction and/or interference with public use.

J. When a bench is removed from the public right-of-way, by order of the City, or otherwise, the surface of the sidewalk shall be restored to its original condition or better, to the satisfaction of the Director of Public Works.

(Ord. C-7214 § 2, 1994)

CHAPTER 14.20 - NEWSRACKS

14.20.010 - Definitions.

A. For the purposes of this Chapter, the terms "exhibit", "harmful matter", "knowingly", "matter", "minor", and "person" shall each have that definition ascribed to it in California Penal Code Section 313, as it may be amended from time to time.

B. "Newsrack" means any self-service box or container installed or located in the public right-of-way and intended to be used for the distribution of printed material, with or without charge. A newsrack may be a single unit or a publication container which rests on or is affixed to the uppermost surface of a newsrack base.

C. "Newsrack base" means a pedestal or other device on which a publication container rests or is affixed.

D. "Parkway" means that area between the sidewalks and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. Parkway also includes any area within a roadway which is not open to vehicular travel.

E. "Pilot program", for the purposes of this Chapter, means a temporary program in a defined area which is subject to periodic review by the City Council.

F. "Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel.

G. "Sidewalk" means any surface provided for the exclusive use of pedestrians.

H. "Street" means all that area dedicated to public use purposes and includes, but is not limited to, roadways, parkways, alleys and sidewalks.

I. "Standard pilot program newsrack" means a newsrack which meets the standards set for a pilot program.

(Ord. C-7929 § 1, 2004)

14.20.020 - Roadway obstruction prohibited.

No person shall install, use or maintain any newsrack or other structure which projects onto, into or over any part of the roadway of any public street, or which rests, wholly or in part, upon, along or over any portion of the roadway of any public street.

(Ord. C-7929 § 1, 2004)

14.20.030 - Obstruction of sidewalk use prohibited.

No person shall install, use or maintain any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway, when such installation, use or maintenance endangers the safety of persons or property, or when the site or location is used for public utility purposes, public transportation purposes or other governmental use, or when the newsrack interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicles, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near the location, or when the newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.

(Ord. C-7929 § 1, 2004)

14.20.040 - Placement regulations.

Any newsrack which in whole or in part rests upon, in or over any public street, shall comply with following standards:

A. No newsrack shall exceed five feet (5') in height, thirty inches (30") in width, or two feet (2') in thickness.

B. Newsracks shall only be placed near a curb or adjacent to the wall of a building. Newsracks placed near the curb shall be placed no less than eighteen inches (18"), nor more than twenty-four inches (24") from the edge of the curb. Newsracks placed adjacent to the wall of a building shall be placed parallel to the wall and not more than six inches (6") from the wall. No newsracks shall be placed or maintained on the sidewalk or parkway opposite a newsstand or another newsrack.

C. No newsrack shall be chained, bolted or otherwise attached to any property not owned by the owner of the newsrack or to any permanently fixed object, except with the written permission of the owner of such property or permanently fixed object.

D. Newsracks may be chained or otherwise attached to one another; however, no more than three (3) newsracks may be joined together in this manner, and a space of no less than eighteen inches (18") shall separate each group of three (3) newsracks so attached. For the purposes of determining how many newsracks may be attached to one another or placed adjacent to one another, the following shall apply:

   1. Each unit consisting of one (1) publication container and one (1) newsrack base, or incorporating both functions in one (1) unit, shall be considered one (1) newsrack.
   2. Two (2) publication containers stacked vertically and sharing one (1) newsrack base shall be considered one (1) newsrack.
   3. If two (2) or more publication containers are joined horizontally, each publication container shall be considered to be one (1) newsrack.

E. No newsrack or group of attached newsracks allowed under Subsection 14.20.040.D shall weigh, in the aggregate, in excess of one hundred twenty-five (125) pounds when empty.

F. Notwithstanding the provisions of Section 14.20.020, no newsrack shall be placed, installed, used or maintained:

   1. Within three feet (3') of any marked crosswalk;
   2. Within fifteen feet (15') of the curb return of any unmarked crosswalk;
   3. Within three feet (3') of any fire hydrant, fire call box, police call box or other emergency facility;
   4. Within three feet (3') ahead of, and fifteen feet (15’) to the rear of any sign marking a designated bus stop;
   5. Within three feet (3') of any bus bench;
   6. At any location whereby the clear space for the passageway of pedestrians is reduced to less than six feet (6');
   7. Within one foot (1’) of any area improved with lawn, flowers, shrubs or trees or within one foot (1') of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes.

G. No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical sold therein.

H. Each newsrack shall be maintained in a clean, neat and attractive condition and in good repair at all times. Cleaning and maintenance shall be performed in a manner which complies with all applicable laws and regulations.

I. No person shall knowingly cause any publication offered for sale from a newsrack placed or maintained on a public street to be displayed or exhibited in a manner which exposes to public view by minors any harmful matter, as defined in Penal Code Section 313, as it may be amended from time to time.

(Ord. C-7929 § 1, 2004)

14.20.050 - Identification required.

A. Every person or other entity which places or maintains a newsrack on the streets of the City shall have his or its name, address and telephone number affixed thereto in a place where such information may be easily seen.

B. Every person or other entity which places or maintains one (1) or more newsracks on the streets of the City shall notify the City of Long Beach Department of Public Works prior to the initial placement, or within thirty (30) days of the effective date of this ordinance as amended, providing the name of the responsible party, the name of the publication(s) to be placed, and an email address for contacting the responsible party. This email address shall only be used for notifications of required newsrack maintenance instances and changes to the Long Beach City Municipal Code regarding newsracks. Whenever names of publications are changed or added to, the City shall be notified. The City shall be notified of any change to an email point of contact within five (5) business days of such change.

(ORD-11-0014, § 1, 2011; Ord. C-7929 § 1, 2004)

14.20.060 - Violation—Removal.

Any newsrack installed, used or maintained in violation of the provisions of this Chapter may be removed and stored in any convenient place by the City Manager or a City officer or employee designated by him, but only upon notice first served on the owner by attaching to the newsrack a written citation reciting the violation. Notice of the violation shall also be transmitted by electronic mail to the electronic mail address currently on file with the Director of Public Works in compliance with Section 14.20.050. If the owner fails to cure the violation within five (5) business days of service of violation, or if the owner fails to request a hearing as provided in Section 14.20.080, as to whether the newsrack is in violation of this Chapter, the City Manager or his designee shall remove and store the newsrack in a convenient place. Upon failure of the owner to claim the newsrack and pay the expenses of removal and storage within thirty (30) days after such removal, the newsrack shall be deemed to be unclaimed property in possession of the Police Department and may be disposed of pursuant to the provisions of Section 2.78.020. Any newsrack found in such condition to present a hazard to public safety will be removed by the City Manager or his designee immediately.

(ORD-11-0014, § 2, 2011; Ord. C-7929 § 1, 2004)

14.20.070 - Violation—Restoration to compliance.

In the case of violations of the section relative to restrictions upon attachments of newsracks to property other than that owned by the owner of the newsrack, to fixed objects or each other, and upon location of newsracks, any public body or officer may, as an alternative to removal under Section 14.20.060, remove the attachment and/or move the rack or racks in order to restore them to a legal condition.

(Ord. C-7929 § 1, 2004)

14.20.080 - Appeal—Director of Public Works.

Any owner of a newsrack alleged to be in violation of this Chapter may, within five (5) business days of service of notice of violation as provided in Section 14.20.060, request in writing a hearing before the Director of Public Works of the City or his designee for the purpose of determining whether the newsrack of the owner is in fact in violation of this Chapter. The written request for hearing shall be filed with the Director of Public Works within the time provided and the hearing thereon shall be conducted not less than five (5), nor more than ten (10) days following the date of filing the request for hearing. The Director of Public Works or his designee shall notify the owner by mail of the time and place of the hearing. At the conclusion of the hearing, or within five (5) days thereafter, the Director of Public Works or his designee shall find and determine from the facts established at the hearing whether or not the newsrack is in fact in violation of this Chapter and is to be impounded. The Director of Public Works or his designee shall notify the owner of his or her decision and order by mail if the decision is not made at the conclusion of the hearing and in the presence of the participants to the hearing.

(ORD-11-0014, § 3, 2011; Ord. C-7929 § 1, 2004)

14.20.090 - Appeal—City Council.

Any owner may, within ten (10) days after the mailing of the notice of decision and order of the Director of Public Works, appeal the decision and order to the City Council in the manner provided in this Section.

A. The appeal shall be in writing, shall state the legal and factual basis upon which the appeal is to be based and shall be filed with the Director of Public Works. The Director of Public Works shall forward the appeal, together with a copy of the decision and order, to the City Clerk.

B. Upon receipt of the appeal and decision and order, the City Clerk shall place the matter upon the agenda for the next meeting of the City Council. Upon the filing of the appeal before the City Council, the City Council shall fix a time and place for the hearing on appeal. Such time shall be fixed for a day not later than thirty (30) days after the date of filing the appeal. A notice of the time and place of the hearing on appeal shall be sent to the owner or his or her designated agent.

C. At the hearing on appeal, the owner shall be given an opportunity to present competent, relevant and material evidence relating to the question as to whether or not the decision and order of the Director of Public Works should be affirmed or reversed. The hearing on appeal shall be conducted in accordance with the provisions of Chapter 2.93

D. The decision of the City Council may be rendered orally or in writing at the conclusion of the hearing or at any time thereafter, and the decision shall be final. In the event the decision is rendered at the hearing, no further notice thereof needs to be given to the owner or any other person. If the decision is not rendered at the hearing, written notice of the decision shall be mailed to the owner or his or her designated agent.

(Ord. C-7929 § 1, 2004)

14.20.100 - Violation—Summary removal.

Any newsrack installed, used or maintained in violation of the provisions of Sections 14.20.080 and 14.20.090 shall be summarily removed and stored in any convenient place by the City Manager or a City officer or employee designated by him or her. Upon failure of the owner to claim the newsrack and pay the expenses of removal and storage within thirty (30) days after removal, the newsrack shall be deemed to be unclaimed property in possession of the Police Department and may be disposed of pursuant to provisions of Section 2.78.020.

(Ord. C-7929 § 1, 2004)

14.20.200 - Belmont Shore pilot program area—Additional requirements.

A. The Belmont Shore pilot program area consists of Second Street between the centerline of Livingston Avenue and the easterly line of Bay Shore Avenue, including the intersecting cross streets between those westerly and easterly limits, from Second Street to the nearest intersecting alley or street line, both northerly and southerly of Second Street.

B. In addition to the requirements set forth in Sections 14.20.010 through 14.20.100 above, the following additional requirements shall apply in the Belmont Shore pilot program area:

   1. The standard pilot program newsrack shall have a flat top surface and shall not exceed forty-eight inches (48") in height, twenty-five inches (25") in depth (perpendicular to the curbline) or twenty-five inches (25") in width (parallel to the curbline), either the publication container and newsrack base manufactured by the K-Jack Engineering Company, model series 50, or an approved equal publication container and newsrack base, as determined by the City Engineer. The standard pilot program project newsrack shall be painted a color equivalent to K-Jack Engineering Company's "valley blue" (stock color number 3312) Nonconforming colors shall be limited to the display areas provided on the front and back of the standard pilot program newsrack.
   2. The City Engineer shall maintain and make available for inspection a list of newsracks determined to be approved equal products of the standard pilot program newsrack.
   3. Newsracks within the pilot program area which do not conform to the requirements of this Section at any time shall be subject to the enforcement provisions of this Chapter.
   4. Notwithstanding other references in this Code to the prohibition of the fastening of equipment or structures to the public right-of-way, newsracks within the Belmont Shore pilot program area must be bolted to the sidewalk pursuant to the requirements and under the direction of the City Engineer.
   5. In the event of a conflict between the requirements of this Section and the general requirements for newsracks contained elsewhere in this Chapter, this Section shall control in the Belmont Shore pilot program area.

C. This Section shall remain in effect until revoked by City Council.

(ORD-13-0001 , § 1, 2013; ORD-08-0009 § 1, 2008; ORD-07-0028 § 1, 2007; ORD-06-0023 § 1, 2006; ORD-05-0017 § 1, 2005; Ord. C-7929 § 1, 2004)

14.20.210 - Downtown pilot program area.

A. Both sides of Ocean Boulevard and the area to the north up to and including both sides of Tenth Street, lying on either side and/or east of Golden Avenue and lying on either side of or west of Alamitos Avenue, except for that area north of Fourth Street and west of Pacific Avenue AND except

for that area north of Fourth Street and east of Long Beach Boulevard. Note that both sides of Fourth Street, Pacific Avenue and Long Beach Boulevard within the above-defined limits are included within the downtown pilot program area.

B. In addition to the requirements set forth in Sections 14.20.010 through 14.20.100 of this Chapter, the following additional requirements shall apply in the downtown pilot program area:
   1. All newsracks within the downtown pilot program area shall be either the K-Jack 100 flat top model or an approved equal. The total height of the newsrack shall not exceed forty-eight inches (48") The City Engineer in his or her sole authority shall determine what constitutes an approved equal of the items specified in this Section.
   2. Plastic newsracks are prohibited.
   3. The City Engineer shall maintain and make available for inspection a list of newsracks determined to be approved equal products of the standard pilot program newsrack.
   4. Notwithstanding other provisions in this Section to the minimum spacing required between newsracks, in the downtown pilot program area, the minimum spacing between two (2) single newsracks, between a single newsrack and a group of newsracks, or between two (2) groups of newsracks shall be five feet (5').
   5. Newsracks within the pilot program area which do not conform to the requirements of this Section shall be subject to the enforcement provisions of this Chapter.
   6. In the event of a conflict between the requirements of this Section and the general requirements for newsracks contained elsewhere in this Chapter, this Section shall control the downtown pilot program area.

C. This Section shall remain in effect until revoked by the City Council.

(ORD-11-0014, § 4, 2011; ORD-06-0047 § 1, 2006; ORD-05-0016 § 1, 2005: Ord. C-7929 § 1, 2004)

14.20.220 - Naples Island pilot program area—Additional requirements.

A. The Naples Island pilot program area consists of both sides of Second Street from the Toledo to Appian Way.

B. In addition to the requirements set forth in Sections 14.20.010 through 14.20.100 of this Chapter, the following additional requirements shall apply in the Naples Island pilot program area:
   1. All newsracks within the Naples Island pilot program area:
      a. Shall be K-Jack flat top model or an approved equal, and shall be mounted on a single pedestal;
      b. Shall be limited to no more than two (2) groups of three (3), within forty-five (45) linear feet of the sidewalk; and
      c. Each group of newsracks shall be separated by at least five feet (5').
   2. The City Engineer shall maintain and make available for inspection a list of newsracks determined to be approved equal products of the standard pilot program newsrack.
   3. Newsracks within the pilot program area which do not conform to the requirements of this Section at any time shall be subject to the enforcement provisions of this Chapter.
   4. Notwithstanding other references in this Code to the prohibition of the fastening of equipment or structures to the public right-of-way, newsracks within the Naples Island pilot program area must be bolted to the sidewalk pursuant to the requirements and under the direction of the City

Engineer. Where the sidewalk is composed of shallow pavers on a sand base, newsracks shall not be bolted, but shall be placed on a self-supporting platform, all to the satisfaction of the City Engineer.

5. In the event of a conflict between the requirements of this Section and the general requirements for newsracks contained elsewhere in this Chapter, this Section shall control the Naples Island pilot program area.

C. This Section shall remain in effect until revoked by City Council.

(ORD-13-0001 , § 2, 2013; ORD-08-0037, § 1, 2008)

14.20.300 - Queens Way Bay newsrack program area—Additional requirements.

A. The Queens Way Bay newsrack program area consists of that area lying south of the south curb face of Shoreline Drive, east of the east curb face of Queens Way, west of the westerly boundary of the Shoreline Village lease area, and north of the water's edge, as shown on a map on file in the office of the City Engineer.

B. The following requirements shall apply in the Queens Way Bay newsrack program area:

1. The standard pilot program newsrack shall have a flat top surface and shall not exceed forty-eight inches (48") in height, twenty-five inches (25") in depth (perpendicular to the curb line) or twenty-five inches (25") in width (parallel to the curb line), either the publication container and newsrack base manufactured by the K-Jack Engineering Company, model series 50, or an approved equal publication container and newsrack base, as determined by the City Engineer. The standard pilot program project newsrack shall be painted a color equivalent to K-Jack Engineering Company's "valley blue" (stock color number 3312). Nonconforming colors shall be limited to the display areas provided on the front and back of the standard pilot program newsrack.
2. The City Engineer shall maintain and make available for inspection a list of newsracks determined to be approved equal products of the standard pilot program newsrack.
3. Notwithstanding other references in this Code to the prohibition of the fastening of equipment or structures to the public right-of-way, newsracks within the Queens Way Bay newsrack program area must be bolted to the sidewalk pursuant to the requirements and under the direction of the City Engineer.
4. In the event of a conflict between the requirements of this Section and the general requirements for newsracks contained elsewhere in this Chapter, this Section shall control in the Queens Way Bay newsrack program area.
5. In addition to complying with the placement regulations of Section 14.20.040, newsracks within the Queens Way Bay newsrack program area shall be limited to the following locations:
    a. On the sidewalk along the south side of Shoreline Drive, east of its intersection with Pine Avenue Circle, no less than sixty-five feet (65'), nor more than eighty-three feet (83') east of the easterly curb of Pine Avenue and its prolongation northerly, measured parallel to the Shoreline Drive curb, and no less than three feet (3'), nor more than five feet (5') from the edge of that curb.
    b. On the sidewalk of the Pine Avenue Circle, easterly of the northerly prolongation of the east side of the boardwalk, and southwesterly of the nearest streetlight standard, no less than two feet (2'), nor more than four feet (4') from the edge of that curb.
    c.

On the westerly sidewalk of the Pine Avenue Circle, northerly of the easterly prolongation of the most southerly line of parcel 3 of parcel map 25804, and southerly of the nearest streetlight standard to the north, no less than two feet (2'), nor more than four feet (4') from the edge of that curb.

d. On the public sidewalk at the southwesterly intersection of Shoreline Drive and Pine Circle, easterly of the northwest edge of paving and northerly of the east-west edge of paving, at that intersection.

e. East of the edge of paving of that brick paved area south of the west end of the east branch of Aquarium Way (east of the circle fountain), and north of floating dock 2, lying between the two (2), two-walled utility enclosures, no more than eighteen feet (18') distant from, nor less than eight feet (8') distant from, the most westerly point of the east utility enclosure, and no more than four feet (4') distant from the edge of paving.

f. On the sidewalk along the north side of the west branch of Aquarium Way (west of the circle fountain), westerly of the crosswalk leading from the southeast or main entrance to the Aquarium Circle parking garage, no more than fifteen feet (15') distant from the westerly line of that crosswalk, and no less than two feet (2'), nor more than four feet (4') from the edge of the curb.

g. On the sidewalk along the south side of the west branch of Aquarium Way (west of the circle fountain), westerly of the crosswalk leading from the southeast or main entrance to the Aquarium Circle parking garage, no more than twelve feet (12') distant from the westerly line of that crosswalk, and no less than two feet (2'), nor more than four feet (4') from the edge of the curb.

h. Northerly of the northeasterly wall of the Long Beach Anglers building at Pierpoint Landing, such wall being concave northeasterly, and easterly of the main entrance, no more than three feet (3') from the surface of that northeasterly wall adjacent to the entrance.

i. At the circular stair terminus of the Promenade Bridge south of Shoreline Drive, adjacent to the northwesterly surface of the most southwesterly outer radial wall segment of the terminus, such wall segment bearing approximately south forty-five (45) degrees west of the terminus center, no more than three feet (3') from the northwesterly surface.

j. At the circular stair terminus of the Promenade Bridge south of Shoreline Drive, adjacent to the northeasterly surface of the most southeasterly outer radial wall segment of the terminus, such wall segment bearing approximately south forty-five (45) degrees east of the terminus center, no more than three feet (3') from the northeasterly surface.

(Ord. C-7929 § 1, 2004)

CHAPTER 14.24 - RAILROADS OBSTRUCTING STREETS

14.24.010 - Blocking crossings prohibited.

No person shall allow any locomotive engine, railroad train, electric train, car or cars or other vehicle operated by steam or electricity on railroad tracks to stand on any street crossing for a greater length of time than five (5) minutes, or to remain standing on any track, sidewalk or switch located on or along any public street or other public place for a greater length of time than twenty (20) minutes; provided, however, that freight cars may be permitted to stand on sidetracks and switches for the purpose of unloading building materials and materials for street improvement upon obtaining a written permit from the Director of Public Service so to do; and provided further, that freight cars may be permitted to stand on sidetracks and switches in front of and immediately contiguous to freight depots then being used as such and on commercial sidetracks constructed for, and in use by, business enterprises.

(Prior code § 7534.3)

14.24.020 - Offensive substance discharge prohibited.

No person shall load, unload, discharge or deposit upon or along the line of any railroad or along any public street or other public place any manure, offal or other offensive or nauseous substance or allow any car or wagon having therein or thereupon any such substances to remain or stand upon or along any railroad or upon or along any public street or other public place.

(Prior code § 7534.4)

14.24.030 - Discharging steam on streets prohibited.

No person shall expel, discharge or blow off any steam or other mist forming vapor from any locomotive engine into, upon, along or across any public street.

(Prior code § 7534.5)

14.24.040 - Unnecessary noise.

No person shall allow the ringing of engine bells and the blowing of engine whistles when not in motion and unnecessarily.

(Prior code § 7534.6)

14.24.050 - Freight car switching hours.

No person shall switch any freight car or freight cars except between the hours of 7:00 a.m. and 11:00 a.m. of any day; provided, that the provisions of this Section shall not apply to the switching of freight cars in any industrial district.

(Prior code § 7534.7)

14.24.060 - Crossing signal resolution—Authorized.

Whenever, in the opinion of the Council, the public safety or welfare may require the stationing of flagmen or the placing of automatic warning signals or signal bells in, at or upon any street or streets crossed by the tracks of any railroad company or companies, the Council may adopt a resolution of

necessity finding and determining that the public safety and welfare so require the stationing of such flagmen or the placing of such automatic warning signals or signal bells designating the streets crossed by the tracks of the railroad company or companies and in, at or which the flagmen are to be stationed or the automatic warning signals or signal bells are to be placed, naming the railroad company or companies the tracks of which cross the streets mentioned, describing generally the number, type and location of automatic warning signals or signal bells to be placed or the number of flagmen to be stationed at each such crossing and the hours during which the flagmen shall be maintained, and fixing a day and hour not less than fifteen (15) days from the date of the adoption of the resolution at which the railroad company or companies may appear before the Council and show cause why the Council should not order the stationing of the flagmen or the placing of the automatic warning signals or signal bells. Any number of streets and any number of railroad companies may be included in the same resolution.

(Prior code § 7534.8)

14.24.070 - Crossing signal resolution—Copy service.

A certified copy of the resolution of necessity shall be served upon each of the railroad companies named therein in the same manner as the service of a summons, at least five (5) days prior to the date set therein at which the railroad company or companies may appear and show cause.

(Prior code § 7534.9)

14.24.080 - Crossing signal resolution—Appeal hearing.

At the day and hour mentioned in the resolution of necessity, the railroad company or companies may appear before the Council and show cause, if they have any, why the Council should not order the stationing of flagmen or the placing of automatic warning signals or signal bells as described in the resolution of necessity. At such time the Council shall hear the railroad company or companies and all persons interested therein.

(Prior code § 7534.10)

14.24.090 - Crossing signal resolution—Compliance—Order.

If upon the hearing provided for in the resolution of necessity, or at any time to which the same may be continued, the Council finds and determines, by order entered upon its minutes, that the cause shown by the railroad company or companies, or any persons interested therein, if any, is not sufficient and that the stationing of the flagmen or the placing of the automatic warning signals or signal bells or any part thereof should be ordered, then, at any time within ninety (90) days thereafter, the Council may adopt a resolution ordering the railroad company or companies named in the resolution of necessity to station flagmen or place automatic warning signals or signal bells or any part thereof at the street crossings in accordance with the requirements of the resolution of necessity.

(Prior code § 7534.11)

14.24.100 - Crossing signal resolution—Compliance—Time limit.

A certified copy of the resolution ordering shall be served upon each of the railroad companies named in the resolution of necessity in the same manner as the service of a summons, and thereafter the railroad company or companies shall station the flagmen within fifteen (15) days after the service of the certified copy of the resolution ordering, or shall commence, within the fifteen (15) days, and thereafter diligently prosecute to completion, the placing of the automatic warning signals or signal bells, as the case may be.

(Prior code § 7534.12)

CHAPTER 14.28 - TREES AND SHRUBS

FOOTNOTE(S):

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State Law reference— Provisions on the planting of trees along public streets, Str. and H.C. § 22000 et seq.

14.28.010 - Definitions.

The following words, as used in this Chapter, have the significance attached to them in this Section, unless the context clearly requires a different meaning:

A. "Director of Public Works" or "Director" means the person having control of the Public Works Department of the City or his designated representative.

B. "Groundcover" means grass, turf, or perennial plants that normally grow horizontally so as to conceal the ground surface, and that do not exceed eight inches (8") in height, and that will tolerate light pedestrian traffic.

C. "Maintain" means to prune, spray, brace, stake, treat for disease or injury, or perform other work to promote the life, growth, health or beauty of trees or shrubs, but does not include the watering or fertilizing of such plants.

D. "Recommended tree" means a tree designated or determined by the Director of Public Works to be the best suited to plant in a given location due to certain desirable characteristics of appearance, growth, root structure and adaptability to local conditions.

E. "Shrub" means and includes any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground level up.

F. "Tree" means and includes any woody plant, normally having one (1) stem or trunk, bearing the foliage or crown well above ground level to heights of sixteen feet (16') or more upon maturity.

(Ord. C-7642 § 1, 1999: prior code § 7510)

14.28.020 - Planting.

The Director of Public Works shall regulate and control the planting or removal of trees planted along any City street. The Director shall designate the species, kind, number, spacing and method of planting.

No tree shall be planted closer than twenty-five feet (25') to another tree, or closer than fifteen feet (15') to any utility pole or light standard, or nearer than five feet (5') to any fire hydrant, water meter or gas meter, or closer than twenty feet (20') from the curb radius centers of any street intersection. No tree shall be planted in a planting strip which is less than thirty inches (30") in width between the sidewalk and curb, except that upon the approval of the Director of Public Works recommended trees designated by him may be planted in a planting strip between the sidewalk and curb which is less than thirty inches (30") in width but more than twenty-four inches (24") in width.

(Ord. C-7642 § 2, 1999: prior code § 7510.1)

14.28.030 - Maintenance—Public Works Department duties.

A. The Public Works Department will, except for watering and fertilizing, maintain, plant and remove all recommended trees planted along City streets. Trees planted along walks, lanes, or on City property, other than a public street right-of-way, will be maintained by the Public Works Department according to their classification, except that trees planted along alleys will not be maintained but will be removed when such trees are determined by the Director of Public Works to be a hazard or a public nuisance.

B. Trees planted along City streets shall be pruned to give a clearance of not less than twelve feet (12') over sidewalks and not less than sixteen feet (16') over streets as the size of the tree permits.

(Ord. C-7642 § 3, 1999: prior code § 7510.2)

14.28.040 - Maintenance—Permission required.

No person shall perform any maintenance except for watering or fertilizing on any tree planted along a City street or on any other City property except under emergency conditions and upon the written approval of the Director of Public Works. A person determined by the Director to be qualified may perform such special maintenance on such trees as the Director may approve.

(Ord. C-7642 § 4, 1999: prior code § 7510.3)

14.28.050 - Planting or removing—Conformance required.

No person shall plant, cut, trim, mutilate, prune, injure, remove, or in any way impair the growth of any tree growing in, on, or along any City street, or cause or permit the same to be done except as provided in this Chapter.

(Prior code § 7510.4)

14.28.060 - Planting or removing—Permit required.

No person may plant, cut, trim, prune, remove, or in any way interfere with the natural growth of any tree planted along City streets or on other City property without having first obtained a permit from the Director of Public Works to do such work. The Director may require any or all of the work approved by him to be performed under the supervision of the Public Works Department.

(Ord. C-7642 § 5, 1999: prior code § 7510.5)

14.28.070 - Open space around trunk.

No person shall place, or cause to be placed, any stone, cement or other substance about any tree planted along any street or on other City-owned property which shall impede the free entrance of water or air to the roots of the tree without leaving any open space of ground around the trunk of the tree of not less than eighteen inches (18") clearance all around.

(Prior code § 7510.6)

14.28.080 - Harmful substances prohibited.

No person shall deface, mutilate or attach or place any rope, wire, sign, poster, handbill or other thing to or on any tree growing along any City street or public place, or to cause any wire charged with electricity to come in contact with such tree; provided further, no person shall allow any brine, oil, liquid dye, salt or other substances injurious or harmful to plant life to lie, leak, flow, drip into or onto, or to come into contact with, the tree or the soil about the base of such plant.

(Prior code § 7510.7)

14.28.090 - Plantings in parking strip.

A. No person shall plant, or cause to be planted, any tree, shrub, plant or groundcover in the area between the sidewalk and curb, except as provided in this Chapter. Grass, turf or other groundcover plantings shall be permitted; provided, that such plantings shall not be allowed to attach themselves to or ascend the trunk of any tree. Planting, cutting, mowing, watering, fertilizing and all other maintenance of grass, turf or other groundcover in such parking strips will be performed by the adjacent property owner, subject to the restrictions in this Chapter.

B. Upon any violation of this Section, the Director of Public Works shall cause notice to be served upon the adjacent property owner requesting him to correct the violation. If, after seven (7) days after notice has been given, the violation has not been corrected, the Director is granted authority to provide for and enforce the removal of the violation by the Public Works Department. Costs incurred by the Public Works Department in removal or correction of the violation shall be billed to the adjacent property owner.

(Ord. C-7642 § 6, 1999; prior code § 7510.8)

14.28.100 - Protection during construction.

In the erection, alteration, construction or repairing of any building or structure, the owner thereof shall place, or cause to be placed, such guards around all nearby trees located along the street, alley, court or other public place as shall effectively prevent injury to them.

(Prior code § 7510.9)

14.28.110 - Nuisance abatement.

A. Any tree, shrub or plant located on private property infested with a disease or insects, which in the opinion of the Director of Public Works is infectious and may spread such disease or insects to other trees or shrubs in the City, shall constitute a public nuisance. The Director of Public Works shall cause notice to be served upon the property owner directing that the public nuisance be removed or abated within seven (7) days. If the public nuisance is not abated or removed within seven (7) days after notice is served, the Director is granted authority to direct public works employees to enter the property and spray, trim, prune, treat or remove all or any part of the tree or shrub determined to be infested or to otherwise abate or cause to be abated the public nuisance.

B. Any tree or shrub, growing or standing on private property in such a manner that any portion thereof interferes with utility poles, lines, wires or electroliers lawfully erected, constructed or maintained along any public street, sidewalk, or restricts the flow of traffic or visibility of such street, sidewalks or intersections thereof to any person or persons lawfully using the same, or any such tree which has become diseased or weakened in such a manner as to be dangerous to persons lawfully using the streets or sidewalks, shall constitute a public nuisance. The Director of Public Works shall cause notice to be served upon the property owner directing that the public nuisance be abated or removed within seven (7) days. If the public nuisance is not abated or removed within seven (7) days after notice is served, the Director is authorized to abate or cause to be abated the public nuisance by trimming, pruning, cutting or removing all or such portion of the tree or shrub or plant as may be necessary to eliminate such interference, obstruction or condition.

C. Whenever it is necessary for the Director of Public Works to direct the use of City employees to abate, remove, or cause to be abated or removed, public nuisances as contained in this Section, he shall determine the cost of the work performed by the City employees and bill the property owner the cost of the work performed.

(Ord. C-7642 § 7, 1999: prior code § 7510.10)

14.28.120 - Interference with enforcement prohibited.

No person shall prevent, delay or interfere with the Director of Public Works, or any of his or her assistants, in the execution or enforcement of this Chapter; provided, however, that nothing in this Section shall be construed as an attempt to prohibit a public hearing, and providing further, that any person aggrieved by any act or determination of the Director of Public Works or his or her assistants in exercise of the authority granted in this Chapter shall have the right of appeal to the City Council whose decision, after public hearing of the matter, shall be final and conclusive.

(Ord. C-7642 § 8, 1999: prior code § 7510.11)

CHAPTER 14.32 - HOUSE NUMBERING

14.32.010 - Installation authority.

The Superintendent of Building and Safety is authorized and instructed to install a system of house numbers for buildings in the City.

(Prior code § 8200)

14.32.020 - Baseline established.

Ocean Boulevard is determined to be the baseline for house numbering, and house numbers on all intersecting highways shall commence with numbers one and two at the baseline, and continue northerly and southerly, respectively, to the termini of such highways, or to the City limits, allowing as near as practicable one hundred (100) numbers to each block.

(Prior code § 8200.1)

14.32.030 - Meridian line established.

The meridian line for house numbering shall be a line running from the Pacific Ocean along the centerline of Pine Avenue to the centerline of Country Club Drive; thence in a direct line to a point in the centerline of Long Beach Boulevard two hundred feet (200') southerly of Forty-Eighth Street: and thence along the centerline of Long Beach Boulevard to the northerly City limits. House numbers on all intersecting highways shall commence with the numbers one hundred (100) and one hundred one (101) at the meridian line and continue easterly and westerly, respectively, to the termini of such highway or to the City limits allowing as near as practicable one hundred (100) numbers to the block.

(Prior code § 8200.2)

14.32.040 - Odd and even numbers.

Odd numbers shall be used on the northerly and westerly sides, and even numbers on the southerly and easterly sides of all highways. Where practicable twelve and one-half feet (12½') of street frontage shall be allowed for each number. Where necessary, fractional numbers may be used. Where numbers are required for rear designations, the house number in front thereof shall be used with letter suffixes. All highways not intersecting a base or meridian line shall be numbered in accordance with the numbering of highways parallel thereto. In any special case, such as a curved street or street not parallel either to the base line or meridian, the system may be modified in such a manner as, in the opinion of the Superintendent of Building and Safety, will best fit the conditions of such special case.

(Prior code § 8200.3)

14.32.050 - Notice to affix numbers.

The Superintendent of Building and Safety shall notify the owner or person in control of every building in the City not numbered in accordance with this Chapter of the number or numbers designated for the principal entrance or entrances thereto; and the owner or person in control of the building shall, within five (5) days after such notice, place, or cause to be placed, the number or numbers so designated

in arabic digits, each of which shall be not less than three inches (3") in height, upon the door header, doorjamb, porch post, front steps or other place near the designated entrance or entrances to the building in plain view from the highway in front thereof.

(Prior code § 8200.4)

14.32.060 - Changing numbers.

The Superintendent of Building and Safety shall have the authority to change addresses of existing buildings if:

A. The change of address is necessary to comply with the requirements of this Chapter;
B. If a change of address is requested by the owner. Each change of address initiated and requested by the owner of a building shall be accompanied by a fee as set forth in the schedule of fees and charges established by City Council resolution.

(ORD-06-0039 § 4, 2006; ORD-05-0035 § 1, 2005: prior code § 8200.5)

14.32.070 - Variance.

The City Manager, upon receipt of a written request for a variance from the house numbering requirements of this Chapter, may grant such variance with respect to unique projects or projects of communitywide significance and magnitude.

(Prior code § 8200.6)

CHAPTER 14.36 - HOUSE NUMBERS ON CURBS

14.36.010 - Permitted when.

Subject to the uniform standards provided in this Chapter and after obtaining a permit from the Chief of Police, property owners may paint their house number on the curb adjacent to their property. Persons who paint the house numbers of others must also obtain a permit from the Chief of Police and comply with the uniform standards of this Chapter.

(Ord. C-6133 § 1, 1985; Ord. C-5784 § 1 (part), 1981: prior code § 3410.10(b) (part))

14.36.020 - Permit procedure.

A. Persons desiring to paint house numbers on curbs shall obtain a written permit by filing an application with the Chief of Police on a form provided by the City. The application shall contain the following information:
   1. Name and address of applicant;
   2. Date of application;
   3. Name of sponsoring organization, if any, whether nonprofit, charitable or otherwise;
   4. Name and telephone number of responsible adult representing the organization; and
   5. Precise description of area to be covered under permit.

B. The Chief of Police has discretionary authority to deny a permit in the interest of the public health, safety or welfare; and a permit shall be valid for a period of ninety (90) days after issuance.

C. A record of the issued permits shall be maintained and appropriate designations shall be made on a map so that house numbers are not repainted more than once every twelve (12) months.

D. Every applicant shall be provided with a copy of the uniform standards provided in this Chapter and a sketch of the numbering standards.

E. No fee shall be charged for a permit unless authorized by a resolution of the City Council. In establishing a fee schedule by resolution pursuant to this Subsection 14.36.020.E, the City Council may create exemptions from such fees, in whole or in part, for such charitable organizations lawfully operating within the City as may be defined in and by the resolution.

(Ord. C 5978 § 1, 1983: Ord. C 5784 § 1 (part), 1981: prior code § 3410.10(b)(1))

14.36.030 - Uniform standards.

A. Dimensions. Numerals shall be three inches (3″) in height, approximately one and one-half inches (1½ ″) in width, and shall have a stroke width of one-half inch (½″). Spacing between numerals shall be approximately three-fourths inch (¾″). The house number shall be centered on a four inch by ten inch (4″ × 10″) rectangular background.

B. Style of numerals. Numerals shall be of a conventional design, with a vertical axis (not slanted). "Threes" shall be rounded, not flat, on top. "Fours" shall be closed at the top. "Nines" shall be inverted "sixes". "Ones" shall be a vertical line, or a vertical line with a flag not to exceed one-half inch (½″).

C. Colors. The rectangular background shall be white; numerals shall be black.

D. Materials. Paints shall be fast dry nondrip enamel, Krylon brand or equivalent.

E. Placement of markings. The house number legend shall be placed on the vertical curb face according to the following:

1. All legends shall be placed on the face of the curb. The top of the four inch by ten inch (4″ × 10″) rectangular background shall be placed not more than one-half inch (½″) below the top of the curb;
2. On interior (noncorner) lots with driveways and corner lots with driveways in the front, the legend shall be placed at a distance of five feet (5′) from the top of the driveway slope. The legend shall go on the same side of the driveway as the house; and
3. On corner lots with driveways on the side street, and on all lots with no driveway, the legend shall be placed on the curb face directly in front of the primary foot access to the house.

(Ord. C 5784 § 1 (part), 1981: prior code §§ 3410.10(b)(2)(A—E))

14.36.040 - Prohibited where.

No legends shall be placed in the following circumstances:

A. On any curb face where official City parking control markings (consisting of red, green, yellow, white or blue painting of the top and face of curb) exist;

B. Where there are multiple addresses exceeding two (2) per lot. However, when only two (2) addresses exist on a given lot, both addresses may be placed on the curb in front of the primary residence. The primary residence's address should be placed closest to the driveway, if one exists; and

C. For commercial properties except businesses on small lots where there is no possibility of confusing which address relates to which property. In no case shall shopping centers, no matter how small, be marked in such a manner.

(Ord. C 5784 § 1 (part), 1981: prior code § 3410.10(b)(2)(F))

14.36.050 - General restrictions.

A. In order to assure a reasonable quality of workmanship, the minimum age for persons doing the work shall be fourteen (14) years (or enrollment in the ninth grade).

B. Before starting work in the area described in the permit, the workers shall give written notice to all residents in the area of their intent to paint house numbers. This written notice shall include the following information:

1. The name, address and telephone number of the organization or person doing the work;
2. A statement advising the resident that the organization or person is permitted to solicit a donation for the work done but a donation is not required; and
3. A statement that this written notice is for information only and the work is not sponsored, endorsed or guaranteed by the City;
4. The form of written notice required by this Subsection 14.36.050.B shall, prior to its being given to residents, be submitted to the Chief of Police for review by the City as to form and content.

C. No house number shall be painted on any curb by any person until that person has obtained a permit pursuant to this Chapter, and has obtained and filed with the Chief of Police written approval of the owner of the property for the painting of the house number on the curb of that property.

(Ord. C 6133 § 1, 1985: Ord. C 5784 § 1 (part), 1981: prior code § 3410.10(b)(3))

CHAPTER 14.40 - SELLING OF TICKETS OF ADMISSION TO PLACES OF PUBLIC ASSEMBLAGE IN PUBLIC PLACES AND PLACES OPEN TO THE PUBLIC

14.40.010 - Definitions.

For purposes of this Chapter, the following words and phrases are defined as follows:

A. "Place of public assemblage" means every place of public amusement or entertainment, stadium, auditorium, theater, athletic field, concert hall or arena which is open to the public upon compliance with requirements of admission thereto.

B. "Place open to the public" means every place of public amusement or entertainment, stadium, auditorium, theater, athletic field, concert hall or arena and the property upon which such place is located or any other property contiguous thereto which is under the same care, management or control.

(Ord. C 6249 § 1 (part), 1986)

14.40.020 - Prohibition of sales.

A. Except as otherwise provided in this Chapter, no person in or upon any public street, sidewalk, park or other public place shall sell or resell or offer to sell or resell any ticket of admission to a place of public assemblage.

B. Except as otherwise provided in this Chapter, no person in or upon any place which is open to the public shall sell or resell or offer to sell or resell any ticket of admission to a place of public assemblage.

(Ord. C 6249 § 1 (part), 1986)

14.40.030 - Exception.

The provisions of Section 14.40.020 shall not include or apply to the sale of such tickets at or from any ticket office, booth or other similar place regularly and permanently established and maintained therefor with the express permission and authorization of the person or governmental agency in charge, care or control of the property upon or in which such office, booth or place is located.

(Ord. C 6249 § 1 (part), 1986)