ORDINANCE NO. ORD-18-0020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING SECTION 14.04.015 RELATING TO WORK WITHIN OR ON A PUBLIC STREET OR RIGHT-OF-WAY, OBSTRUCTION OF A PUBLIC STREET OR RIGHT-OF-WAY

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 14.04.015 is added to the Long Beach Municipal Code to read as follows:

14.04.015 Work within or on a public street or right-of-way, obstruction of a public street or right-of-way – permit required, regulations, penalties for non-compliance.

A. Definitions.

1. “Activity or Work Permissible within a Public Street” is defined as any work or activity permitted by this Code, or authorized by the Director of Public Works.

2. “Emergency Work” is defined as immediate and unplanned action that must be taken to alleviate a hazardous condition, which represents an immediate threat to life, health, safety, or property. This includes continuous efforts to effect the restoration of interrupted utility services (electrical, water, gas, wastewater and telecommunications).

3. “Peak Hour Construction and Right-of-Way Obstruction Regulations” is defined as all regulations contained in this Section that control and limit all construction and obstruction activity in the public right-
of-way during "Peak Traffic Hours".

4. "Peak Traffic Hours" is defined as Monday through Friday, 6:00 a.m. to 8:30 a.m. and 3:30 p.m. to 6:30 p.m.

5. "Street Classifications Subject to Work Hour Restrictions" is defined as major and secondary highways, or collector streets, as designated in the transportation element of the general plan.

6. "Temporary Street Closure" is defined as the temporary restriction of all vehicular traffic for construction purposes authorized by a valid permit, and an approved "Traffic Management Plan."

7. "Traffic Lane Closure" is defined as any activity within the public street (from curb-line to curb-line), or in an alley, which reduces the usable width to the point where one or more lanes of traffic cannot move safely and efficiently.

8. "Traffic Management Plan" is defined as a plan that addresses traffic control requirements in a construction area, and along detour routes. The operation of a Traffic Management Plan is affected by the project's construction phasing, construction schedules, and work area required by the contractor, and shall be consistent with the contractor's project requirements, provided by the Department of Public Works.

9. "Worksite Traffic Conditions" is defined as those physical conditions, including signage, signal devices, operation of equipment, and conduct of workers (which are required by law), permit and plans to provide adequate street space, and accommodate traffic demands, particularly during peak traffic hours.

B. Permit required. No person shall effect a Traffic Lane Closure, perform work within or on any Public Street or public right-of-way, or obstruct any Public Street or public right-of-way for any reason without first applying for and obtaining a permit from the Bureau of Engineering.
person or entity requesting the permit shall pay all applicable permit fees for
the issuance of “SI”, Excavation, Maintenance Hole, Sewer, Excavation “E”
and Excavation Utility permits for work in the public right-of-way or any
permit issued by the Bureau of Street Services for obstruction of the public
right-of-way.

1. Prohibition on work or obstructions during peak traffic
hours. Notwithstanding any other provision of this Code, no person or
entity shall effect a “Traffic Lane Closure,” perform work within or on any
public street or right-of-way or in any manner obstruct a public street or
right-of-way on those “Street Classifications Subject to Work Hour
Restrictions” during “Peak Traffic Hours,” all as defined above.

2. Exemption from work or obstruction prohibition during
peak traffic hours.
   a. “Emergency Work” as defined above shall be
      exempt from the prohibition on work or obstruction of public streets or
      rights-of-way during “Peak Traffic Hours” if the party performing the
      emergency work obtains approval from the Department of Public Works
      prior to the work being initiated in the right-of-way and obtains a permit
      within forty-eight (48) hours of beginning the emergency work.
   b. If a party desires to have a non-emergency
      public right-of-way construction project or other “Traffic Lane Closure”
      exempted from the prohibition on work or obstruction of public streets or
      rights-of-way during “Peak Traffic Hours,” the party shall submit the request
      with its permit application to the appropriate City permitting agency along
      with a “Traffic Management Plan.” If the “Traffic Management Plan” is
      approved by the City for work during “Peak Traffic Hours,” the project is
      exempt.

3. Fee for processing applications for exemption from
work or obstruction prohibition during Peak Hours. A fee for processing each request submitted pursuant to the provisions of Paragraphs B pf Subdivision 2 of this Subsection shall be established by City Council resolution.

C. Application for permit. Any application for a permit under this Section shall include the following information:

1. The name, address and telephone number of the applicant and the person responsible for the work or obstruction of the public street or right-of-way;

2. The name, location and area of the street for which the permit is desire; and

3. A description of the work to be done within the public street or right-of-way and an explanation of why the proposed obstruction of the public street or right-of-way is necessary.

D. Penalties for non-compliance.

1. Administrative penalties.

   a. The failure to obtain a permit pursuant to this Section, the failure to abide by the “Peak Hour Construction and Public Right-of-Way Obstruction Regulations” contained in this Section, the failure to comply with “Worksite Traffic Conditions” or the violation of any special condition or requirement of a valid construction permit issued pursuant to the Long Beach Municipal Code, shall subject the violator to administrative penalties as set forth in Chapter 9.65 of this Code, in an amount established by City Council resolution.

   b. Any administrative penalty issued pursuant to this Section shall be governed by the provisions set forth in Section 9.65.060 of the Long Beach Municipal Code.

2. Criminal prosecution for multiple violations. Four (4) or
more administrative citations issued to the same person or entity within
twelve (12) months may constitute a misdemeanor under the City of Long
Beach's Municipal Code, may subject the violator to prosecution by the City
of Long Beach and may subject the violator to other potential criminal
penalties as allowed by law.

Section 2. The City Clerk shall certify to the passage of this ordinance by
the City Council and cause it to be posted in three (3) conspicuous places in the City of
Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
Mayor.

I hereby certify that the foregoing ordinance was adopted by the City
Council of the City of Long Beach at its meeting of August 7, 2018, by the following vote:

Ayes: Councilmembers: Gonzalez, Price, Supernaw,
Mungo, Andrews, Uranga,
Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Pearce, Richardson.
STATE OF CALIFORNIA ) ss
COUNTY OF LOS ANGELES )
CITY OF LONG BEACH )

Samantha Vargas Rios being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 8th day of August 2018, I posted three true and correct copies of Ordinance No. ORD-18-0020 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

Subscribed and sworn to before me this 8th day of August, 2018.

CITY CLERK