

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)

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)

3.80.429.1 - 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)

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 5.72 - ENTERTAINMENT AND SIMILAR ACTIVITIES

2.110 - 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)

5.72.130 - 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)

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))

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)

18.04.010 - Permits required.

- A. Building permits. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remodel, move, remove, improve, convert or demolish any building or part of a building or structure, or change the character or occupancy or use of any building or structure, or part of a building or structure, in the City without first obtaining a permit covering such work from the Building Official.

A single combined permit may be issued for the construction of any one- or two-family dwelling and related accessory building and structure, or additions or alterations thereto, which includes all building, electrical, plumbing, heating, ventilating and air conditioning work.

- B. Grading permits. No person, firm or corporation shall commence or perform any grading, and no person shall import or export any earth materials to or from any grading site, without first having obtained a permit therefore from the Building Official. Any grading project involving more than one hundred (100) cubic yards of excavation and involving an excavation in excess of five (5) feet in vertical depth at its deepest point measured from the original ground surface shall be done by a State of California licensed contractor who is licensed to perform the work described herein. A separate permit shall be required for each grading site. One (1) permit may include the entire grading operation at that site, however.

- C. Electrical permits. No new electrical installation shall be made nor any alteration or addition performed to any existing wiring, nor shall any wiring for the placing or installation of any electric light, power or heating device, or any apparatus which generates, transmits, transforms or utilizes electricity operating at a voltage exceeding twenty-five (25) volts between conductors or capable of supplying more than fifty (50) watts, be made without first obtaining an electrical permit. A separate permit shall be obtained for the electrical wiring or installation in each separate building or structure.

EXCEPTION: A separate electrical permit shall not be required for any electrical work involving a one- or two-family dwelling and related accessory building or structure for which a combined permit has been obtained pursuant to Subsection 18.04.010.A.

- D. Plumbing permits. No person, firm or corporation shall construct, install or alter any plumbing, water piping, gas piping, water heater, water heater vents, water treating equipment, or any appliance or device regulated by this title without obtaining a plumbing permit approving the proposed quality and character of workmanship and materials. Where a building is demolished or removed from its site, a permit and inspection is required to verify that the building sewer, water and gas service is properly capped to the satisfaction of the Building Official. A separate permit shall be obtained for the plumbing installation in each separate building or structure.

EXCEPTION: A separate plumbing permit shall not be required for any plumbing work involving a one- or two-family dwelling and related accessory building or structure for which a combined permit has been obtained pursuant to Subsection 18.04.010.A.

E.

Mechanical permits. No person, firm or corporation shall install, alter, reconstruct or repair any heating, ventilating, cooling, or refrigeration equipment unless a permit therefore has been obtained from the Building Official except as otherwise provided in this title. A permit shall be obtained for all heating, ventilating, cooling, or refrigeration equipment, moved with, or installed in, any relocated building. A separate permit shall be obtained for the equipment installed in each separate building or structure.

EXCEPTION: A separate mechanical permit shall not be required for any mechanical work involving a one- or two-family dwelling and related accessory building or structure for which a combined permit has been obtained pursuant to Subsection 18.04.010.A.

F. Temporary permits. Before commencing the construction of any work for temporary structures or uses including but not limited to, reviewing stands, bleachers, tents, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work, and other miscellaneous structures, a temporary permit authorizing such work shall be obtained therefore from the Building Official. Temporary permit may be restricted in the following conditions:

1. Application for permit. Except for canopies or fences used for the protection of the public around and in conjunction with construction work, application for permit shall be filed with and approved by the Building Official prior to the construction, erection or operation of any device, structure, or any work regulated by this title for temporary structure or use.
2. Time limit. Such construction shall be occupied or used only for the period set forth in Subsection 18.04.060.A.
3. Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this title as necessary to ensure public health, safety and general welfare. Such temporary structures and temporary uses need not comply with the type of construction or fire-resistive time periods required by this title.
4. Temporary power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the California Electrical Code adopted in Chapter 18.42.
5. Inspection. Notwithstanding Chapter 18.07 to the contrary, request for inspection must be received at least five (5) days prior to public use or occupancy.
6. Removal after expiration. All temporary construction or installations shall be demolished or removed within five (5) days after the expiration of the permit.
7. Termination of approval. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

3. Other permits.

1. Other permits must be obtained as required pursuant to any other provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

2. No person, firm or corporation shall construct any signs and billboards without first obtaining a permit covering such work from the Building Official.

No person, firm or corporation shall hang, suspend or otherwise affix any sign, street banner, pole banner, flag, pennant or street decoration on any street light pole, traffic signal pole or over and above any street unless a permit to do so is first obtained from the City Manager. Permits issued pursuant to this section shall be in accordance with the provisions of Chapter 16.55 of Title 16, the City's policy on City sponsorship, corporate recognition and advertising, as adopted on July 23, 1996, as amended from time to time, and any guidelines that may from time to time be approved by the City Council.

EXCEPTION: The above provisions shall not apply to any sign or advertising matter lettered upon the surface of any awning, provided the awning is securely attached to a building and is not less than seven (7) feet above the sidewalk level immediately below.

3. No person, firm or corporation shall commence house moving in the City without first obtaining a permit covering such work from the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.09 - VIOLATIONS

.09.010 - General.

It shall be unlawful for any person, firm or corporation to:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment in the City regulated by this title, or cause same to be done, in conflict with or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of any building, structure or equipment that was unlawful at the time it was erected, constructed, altered, extended, repaired, moved, removed, demolished or occupied and which would be unlawful under this title if completed after the effective date of this title shall constitute a continuing violation of this title.
2. Grade, excavate or fill any land in the City regulated by this title, or cause same to be done, in conflict with or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
3. Install, alter, repair, replace, add to, relocate, use or maintain electrical systems, equipments, appliances, fixtures, fittings and appurtenances thereto in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of electrical installation that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.
4. Use or maintain any plumbing, gas piping or water piping or to use, occupy or maintain any building, structure or premises containing any plumbing, gas piping or water piping in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of plumbing or plumbing installation that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.
5. Erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, cooling, or refrigeration equipment in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of mechanical equipment that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.

The permissive provisions of this title shall not be presumed to waive any limitations imposed by any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.020 - Notice of violation.

Pursuant to Section 18.03.020, the Building Official is authorized to serve a notice of violation or order on the person, firm or corporation responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State; or in violation of a permit or certificate issued under the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Such notice or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.030 - Prosecution of violation.

If the notice of violation or order is not complied with promptly or within the time limit specified therein, the Building Official is authorized to request the legal Council of the City to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State or of the order or direction made pursuant thereto.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.040 - Violation penalties.

Any person, firm or corporation who violates the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this title, shall be subject to penalties as prescribed by law.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.050 - Violation for obtaining permit without owner's consent.

Every person, firm or corporation who knowingly and willfully procures a permit without the consent of the owner of record of the property for which the permit is issued, or such person's, firm's or corporation's agent, may be guilty of a misdemeanor as determined by the legal council of the City.

EXCEPTION: This section shall not apply to permits obtained pursuant to and in compliance with an order of a court of law or a governmental agency.

ORD-13-0024, § 1(exh. A), 2013)

18.09.060 - Making false statement.

Any person, firm or corporation who willfully or knowingly, with the intent to deceive, makes a false statement or representation, or knowingly fails to disclose a material fact in any documentation required by the Building Official to ascertain facts relative to this title, including any oral or written evidence presented, may be guilty of a misdemeanor as determine by the legal Council of the City. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this title whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information supplied, or in violation of any provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

For the purposes of this section, a "person" includes any person who is a registered special inspector, a structural inspector, a certified welder or a certified licensed contractor. The term "writing" shall include, but is not limited to, forms, applications, approvals, reports or certifications required by the Building Official. Every violation of this title may be punishable as a misdemeanor as determine by the legal council of the City.

ORD-13-0024, § 1(exh. A), 2013)

18.09.070 - Unpermitted structures.

No person, firm or corporation shall own, use, occupy or maintain any "unpermitted structure." For the purpose of this title, "unpermitted structure" shall be defined as any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, remodeled, moved, removed, improved, converted or demolished at any point in time, without the required permit(s) having first been obtained from the Building Official, pursuant to Section 18.04.010.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.080 - Validity of approval.

A. Approval not a violation of title. Approval as a result of a plan examination or an inspection shall not be construed to be an approval of a violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto. Plan examinations or inspections presuming to give authority to violate or cancel the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto shall not be valid. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this title, municipal code or other ordinances of the City or laws and statutes of the State.

B. Correction of errors. The issuance of a permit based upon approved construction documents shall not prevent the Building Official from thereafter requiring the correction of errors on the construction documents or from preventing construction being carried on thereunder when in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

(ORD-13-0024, § 1(exh. A), 2013)

DIVISION VI. - REVOCATIONS

.21.601 - Revocations.

Except as otherwise provided, upon determination that there has been a violation of the terms or conditions or lawful requirements or provisions of any permit or approval provided by this Title, the Zoning Administrator shall schedule a public hearing before the City Council, Planning Commission or Zoning Administrator, whichever granted the permit or approval, to determine if the permit or approval should be revoked.

(Ord. C-6533 § 1 (part), 1988)

21.21.605 - Procedures for revocation.

- A. At the hearing the Zoning Administrator shall present evidence of the violation.
- B. If the hearing body or Hearing Officer finds that the conditions have been violated and that the property owner has not made a good faith effort to comply, the permit or approval shall be revoked.
- C. The property owner shall have the same right of appeal as would have been applicable if the initial application had been denied by the person or body granting the permit.

(Ord. C-6533 § 1 (part), 1988)

21.15.1870 - Nuisance.

"Nuisance" means anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

(Ord. C-6533 § 1 (part), 1988)

DIVISION II. - CONDITIONAL USE PERMITS

21.25.201 - Purpose.

- A. **Purpose.** The City recognizes that certain types of land use, due to the nature of the use, require individual review. Such review shall determine whether the type of use proposed, or the location of that use, is compatible with surrounding uses, or, through the imposition of development conditions, can be made compatible with surrounding uses. This Division establishes procedures for this review.

(Ord. C-6533 § 1 (part), 1988)

21.25.203 - Application.

Notwithstanding the provisions of Section 21.21.201 (Application), the right to apply for a conditional use permit shall be limited to affected property owners or their agents. Applications for conditional use permits may be submitted only for those uses specified as conditional uses in the applicable zone district. If the proposed project does not comply with an applicable development standards, a separate standards variance application shall also be required.

(Ord. C-6533 § 1 (part), 1988)

21.25.205 - Jurisdiction.

- A. **Planning Commission.** The Planning Commission shall consider all applications for conditional use permits, except as set forth in Subsection 21.25.205.B., below. The decision of the Planning Commission shall be final unless the decision is appealed to the City Council.
- B. **Exceptions.** Applications for the minor expansion of an existing conditional use shall be considered by the Zoning Administrator in accordance with the procedures for an administrative use permit as set forth in Division IV of this Chapter. Such minor expansion is limited to twenty-five percent (25%) of the existing use and five thousand (5,000) square feet of building area. Any expansion exceeding this limit shall be considered a new conditional use and shall be subject to the fees and procedures established for a new conditional use. This exception does not apply to the sale of alcoholic beverages (on-premises or off-premises).

(Ord. C-6533 § 1 (part), 1988)

21.25.206 - Required findings.

The following findings must be analyzed, made and adopted before any action is taken to approve or deny the subject permit and must be incorporated into the record of the proceedings relating to such approval or denial:

- A. The approval is consistent with and carries out the General Plan, any applicable specific plans such as the local coastal program and all zoning regulations of the applicable district;
- B. The proposed use will not be detrimental to the surrounding community including public health, safety or general welfare, environmental quality or quality of life;
- C. The approval is in compliance with the special conditions for specific conditional uses, as listed in Chapter 21.52; and
- D. The related development approval, if applicable, is consistent with the green building standards for public and private development, as listed in Section 21.45.400.

(ORD-09-0013, § 1, 2009; Ord. C-7032 § 8, 1992; Ord. C-6533 § 1 (part), 1988)

21.25.207 - Timely action.

The Zoning Administrator shall set the matter for public hearing within sixty (60) days of receiving a completed application.

(Ord. C-6533 § 1 (part), 1988)

21.25.209 - Waiver of required conditions.

Conditions required by Division II of Chapter 21.52 may be waived but only if the waiver of those conditions will not conflict with other required findings, provided that conditions necessary for the protection of public health, safety and welfare may not be waived under any circumstances.

(Ord. C-6533 § 1 (part), 1988)

21.25.211 - Posting of conditions.

All conditions pertaining to the operation of the use shall be permanently posted, on a form provided by the Director of Planning and Building, at a location clearly visible to the public utilizing the facility. This provision shall apply to all facilities for which a conditional use permit has been issued since May 4, 1979. All uses previously approved shall come into compliance with this requirement within sixty (60) days of being notified of the need to comply.

(Ord. C-6595 § 24, 1989)

21.25.212 - Annual reinspection.

All projects for which a conditional use permit is approved shall be required to undergo an annual reinspection to verify compliance with the conditions of approval. The property owner shall be required to pay an annual fee to the City as established by the City Council to cover the costs of the reinspection program.

CHAPTER 21.21 - ADMINISTRATIVE PROCEDURES

DIVISION I. - HEARING BODIES

21.21.101 - Hearings—General.

This Chapter is intended to establish administrative procedures for all types of matters, permits and approvals for which action is provided in this Title 21. Public hearings shall be conducted in connection with each of the procedures so established by such hearing bodies and officers as are indicated in Table 21-1.

(Ord. C-6533 § 1 (part), 1988)

21.21.105 - Hearing bodies.

Four (4) hearing bodies or officers shall make decisions on the various procedures provided for in this Title 21 as follows:

- A. **City Council.** The City Council shall be responsible for actions indicated in Table 21-1. City Council actions on zoning amendments and rezonings are hearings and shall follow the noticing procedures set forth in this Chapter.
- B. **Planning Commission.** The Planning Commission shall be responsible for the hearings indicated in Table 21-1.
- C. **Zoning Administrator.** The Zoning Administrator is established to provide, among other things, a hearing officer to conduct public hearings as specified in Table 21-1. The Zoning Administrator shall be a Planning Officer designated by the Director of Planning and Building with the approval of the Planning Commission. In the absence of the Zoning Administrator, the Director of Planning and Building may assume the responsibilities of the Zoning Administrator or may designate a Planner III or other higher designation.
- D. **Site Plan Review Committee.** The Site Plan Review Committee shall consist of the Director of Planning and Building and two (2) planning officers designated by him/her.

(Ord. C-7247 § 1, 1994; Ord. C-6933 § 5, 1991; Ord. C-6895 § 3, 1991; Ord. C-6533 § 1 (part), 1988)

DIVISION II. - INITIATION OF PROCEDURES

21.21.201 - Application.

- A. **General.** Any procedure provided for in this Title 21, including, but not limited to, amendment of the Zoning Regulations, change of a zoning district, issuance of conditional permits, variances, administrative use permits, site plan review, classification of uses and density bonuses may be initiated by application of the owner of any real property in the City directly affected by the procedure, or his authorized agent. The Director of Planning and Building may request proof of ownership or authorization to apply prior to acceptance of any such application.
- B. **Zoning and Zoning Regulations.** An amendment to the Zoning Regulations and a change of zoning district may also be initiated by:
1. Direction by action of the City Council or the Planning Commission; or
 2. Direction of the Director of Planning and Building with the consent of the Planning Commission.
- C. **Filing Fee.** A filing fee shall accompany each application as required by Section 21.21.701.
- D. **Complete Application.** No application shall be considered complete until applicable forms are filed, the required fee is paid, and additional information as required by the Director of Planning and Building, is received. The Director of Planning and Building shall determine when an application is complete, and the determination of the Director shall be final.

(Ord. C-6533 § 1 (part), 1988)

Table 21-1

Discretionary Review Responsibilities

Type of Procedure	Responsible Hearing Body				Notice Required (d)
	SPRC	ZA	PC	CC	
Zoning regulations amendment:					
Initial hearing			X		Yes
Final decision				X	Yes
Zone change:					
Initial hearing			X		Yes
Final decision				X	Yes
Conditional use permit:					

Initial hearing			X		Yes
Appeal				X	Yes
Variance:					
Initial hearing		X	X ^(c)		Yes
Appeal			X	X ^(c)	Yes
Administrative use permit:					
Initial hearing		X	X ^(c)		Yes
Appeal			X	X ^(c)	Yes
Site plan review:					
Initial hearing	X		X ^(a)		No
Appeal			X	X ^(a)	No
Classification of uses:					
Initial hearing		X			No
Final decision			X		No
Establishment of planned development district:					
Initial hearing			X		Yes
Final decision				X	Yes
Special setback lines:					
Initial hearing			X		Yes

Final decision				X	Yes
Local coastal permit:					
Initial hearing		X	X ^(c)		Yes
Appeal ^(b)			X	X ^(c)	Yes
Bonus density (General Plan):					
Initial hearing			X		Yes
Appeal				X	Yes
Determination of applicable law:					
Initial hearing			X		Yes
Appeal				X	Yes
Interim park use permit:					
Initial hearing				X	Yes
Appeal				None	
Establishment of specific plans:					
Initial hearing			X		Yes
Final decision				X	Yes

Abbreviations: SPRC = Site Plan Review Committee; ZA = Zoning Administrator; PC = Planning Commission;
 CC = City Council

(a) Planning Commission establishes types of projects subject to Planning Commission review. Such projects can be appealed to the City Council.

(b) Also appealable to California Coastal Commission if the project site is located within the appealable area.

(c) The Zoning Administrator may refer such application to the Planning Commission for consideration. In this case, the City Council shall serve as the appeal body.

(d) See Section 21.21.302 (Noticing of hearings) for noticing requirements.

(ORD-16-0009 § 1, 2016; Ord. C-7378 § 2, 1995)

DIVISION III. - NOTICING OF HEARINGS

21.21.302 - Noticing requirements for hearings.

- A. **General.** Notice shall be given for all hearings requiring notice as set forth in Table 21-1 not less than fourteen (14) days, nor more than forty-five (45) days prior to the hearing. In addition to the notice required by this Section, the City may give notice of the hearing in any other manner it deems necessary or desirable, but, in any event, notice shall be given by the means set forth in this Section.
- B. **For Noticing of Zone Changes and Other Specified Procedures.** For noticing of a zone change, conditional use permit, standards variance, administrative use permit, planned development district, local coastal permit, special setback lines, density bonus, or any other planning or zoning matter not otherwise specifically provided for herein:
1. **Owners and Occupants.** Notice of hearing shall be mailed or delivered to the owner of the subject real property or to the owner's duly authorized agent. One (1) notice of hearing shall also be mailed or delivered to each tenant household or to each commercial tenant as applicable, of the subject real property;
 2. **Project Applicant.** Notice shall be mailed or delivered to the project applicant;
 3. **Local Agencies.** Notice of the hearing shall be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;
 4. **Surrounding Property Owners.**
 - a. (1) For residential or commercial projects, notice of the hearing shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within seven hundred and fifty feet (750') of the real property that is the subject of the hearing. Notice of hearing shall also be mailed or delivered to all tenant households or commercial tenants, as applicable, of real property that is located within seven hundred and fifty feet (750') of the residential or commercial real property that is subject to the hearing.

For all institutional or City projects, notice of the hearing shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within one thousand feet (1,000') of the real property that is the subject of the hearing. Notice of hearing shall also be mailed or delivered to all tenant households or commercial tenants, as applicable, of real property that is located within one thousand feet (1,000') of the institutional or City project real property that is subject to the hearing.

- (3) For notices on City-owned property in the Port of Long Beach and the Long Beach Airport, notices shall also be mailed and delivered to the leasehold interests on those properties. Notices sent to leaseholders shall count in determination of the twenty (20) notice minimum.
 - (4) In lieu of utilizing the assessment roll, the City may utilize records of the county assessor or tax collector which contain more recent information than the assessment roll. In no event shall less than a minimum of twenty (20) nearest property owners, or owners and leaseholders as specified above, be notified.
 - (5) Notice of the hearing shall also be mailed or delivered to resident managers of any multifamily residential rental units where the property owner is not an on-site occupant when the fact of nonoccupancy is known to the person charged with the responsibility of mailing or delivering notice.
 - (6) Measurement of the distance for notification pursuant to this Subsection shall begin at the property boundary of the real property that is the subject of the hearing.
- b. In a City-initiated zoning remapping program, if the number of owners to whom notice would be mailed or delivered pursuant to this Subsection is greater than one thousand (1,000), the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth (1/8) page in at least one (1) newspaper of general circulation within the local agency in which the proceeding is conducted at least ten (10) and not more than forty-five (45) days prior to the hearing; and

5. Posting.

- a. Notice of the hearing shall be posted at least fourteen (14) days prior to the hearing in at least three (3) public places within the boundaries of the City, including one (1) public place in the area, if any, most directly affected by the proceedings. In addition, the applicant or owner of the real property which is the subject of the hearing shall post a sign of at least thirty inches (30") by forty inches (40") on each street face of the real property that is the subject of the hearing, the content of which sign shall be subject to the prior approval of development services staff.
- b. Building height variance applicants shall erect story poles which accurately represent the full extent of the proposed structure to the satisfaction of the Director of Development Services, including decks and eaves, at least fourteen (14) calendar days prior to the first public hearing and remain in place through the end of the appeal period.

6. **Noticing of Actions in the Coastal Zone.** Additionally, when notice is required to be given for any matter in the coastal zone, in addition to any and all other notices required by this Subsection, notice shall be mailed to the California Coastal Commission and to all persons requesting notice for the individual matter or for all coastal zone hearings, and to all residents within one hundred feet (100') of the site.

C. **For noticing of a zoning ordinance amendment:**

1. **Publishing Advertisement.** Notice of the hearing shall be published pursuant to Section 6061 of the California Government Code in at least one (1) newspaper of general circulation within the City;
2. **Posting.** Notice of the hearing shall be posted at least fourteen (14) days prior to the hearing in at least three (3) public places within the boundaries of the City, including one (1) public place in the area, if any, most directly affected by the proceeding;
3. **Mailing.** Notice of the hearing shall be mailed, together with all proposed changes, additions, modifications or deletions to all City libraries and to anyone requesting such notice; and
4. **Amendments in the Coastal Zone.** For any matter in the coastal zone, in addition to any and all other notices required by this Subsection, notice shall be mailed to the California Coastal Commission and to all persons requesting notice for the individual matter or for all coastal zone hearings, and to all residents within one hundred feet (100') of the site.

D. **For Noticing of Appeals:**

1. **Responsibility for Noticing.** A notice of the public hearing on the appeal shall be mailed by the Department of Development Services for appeals to the City Planning Commission, and by the City Clerk for appeals to the City Council.

The notice shall contain the same information as the original notice except that it shall also give the appellant's name and state that the hearing is an appeal.

2. **Persons to be Noticed.** Notice of the hearing shall be mailed to the applicant and to all persons entitled to mailed notice and to any known aggrieved person, as specified in Subsection 21.21.302.B, not less than ten (10) days prior to the hearing. A person shall not be considered aggrieved for purposes of receiving this notice if the only indication of interest is the signing of a petition unless that person indicates on the petition that he wishes to receive notice.
3. **Appeals in the Coastal Zone.** For any matter in the coastal zone, in addition to any and all other notices required by this Subsection, notice shall be mailed to the California Coastal Commission and to all persons requesting notice for the individual matter or for all coastal zone hearings, and to all residents within one hundred feet (100') of the site.

(ORD-09-0016, § 1, 2009; ORD-08-0020 § 1, 2008; Ord. C-7247 § 2, 1994; Ord. C-7032 § 7, 1992; Ord. C-6589 § 1, 1989)

21.21.304 - Content of notices.

All notices shall contain, as a minimum, the following information:

- A. The applicant's name;
- B. The filing date;
- C. The case number for the project;
- D. The location of the project, including an indication of whether it is in the coastal zone;
- E. An indication of whether the project is appealable to the Coastal Commission;
- F. A description of the project;
- G. The reason for the public hearing;
- H. The date, time and place of the public hearing;
- I. The general procedures for the hearing and the receipt of public comments;
- J. The means for appeal, including an appeal to the Coastal Commission when applicable; and
- K. A statement stating substantially the following:
 "If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing".

(Ord. C-6533 § 1 (part), 1988)

21.306 - Evidence of notice.

- A. **Documentation.** When notice for any hearing is given pursuant to this Division, the following documentation shall be deemed sufficient to serve as proof that such notice was given pursuant to the requirements of law:
 - 1. **Publication.** When notice is given by publication, an affidavit of publication by the newspaper in which publication is made showing, among other things, the date or dates of publication;
 - 2. **Mailing or Delivery.** When notice is given by mailing or delivery, an affidavit or proof of mailing/delivery showing, among other things, the date or dates of mailing/delivery, the person making such mailing/delivery and the persons and entities to which mailing/delivery is made;
 - 3. **Posting.** When notice is given by posting, an affidavit or proof of posting showing, among other things, the date or dates of posting, the person making or causing such posting to be made and the location at which posting was made.
- B. **Official Files Required.** All documentation provided for in this Section shall be maintained in the official files of the hearing for which notice was given.
- C. **Failure to Provide Documentation or Receive Notice.** Failure of documentation to be prepared or maintained pursuant to this Section shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given nor shall the failure of any person or entity to receive notice given pursuant to this Division constitute grounds for any court to invalidate the actions of the City for which the notice was given.

(Ord. C-6533 § 1 (part), 1988)

DIVISION IV. - CONDUCT OF HEARINGS AND EFFECT OF ACTION

21.21.401 - Purpose and right to comment.

- A. **Purpose.** The purpose of this Division IV is to set forth procedures for the conducting of public hearings as a means of providing decision-makers with a method for receiving and considering comments on various discretionary matters considered by them under the provisions of this Title 21 prior to acting on such matters.
- B. **Right to Comment.** Prior to the public hearing, any person affected by the pending application may file with the Department of Planning and Building a written statement either supporting or objecting to the application. Any such person may also appear at a public hearing to present oral testimony.

(Ord. C-6533 § 1 (part), 1988)

21.21.402 - Action by hearing body.

- A. Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, partially approve, deny, continue or take under advisement the subject of the public hearing.
- B. Unless a matter is continued to be heard at the next regularly scheduled meeting, or taken under advisement to be heard at the next regularly scheduled meeting, the matter shall be re-noticed in accordance with Division III "Notice of Hearings".
- C. **Conditions.** Reasonable and necessary conditions on development may be attached to all decisions to ensure their consistency with the Zoning Regulations.

(ORD-08-0020 § 2, 2008; Ord. C-6533 § 1 (part), 1988)

21.21.403 - Permit denial—Reapplication.

Whenever an application has been denied and the denial becomes final, no new application for the same or similar request may be accepted within one (1) year of the denial date, unless the Zoning Administrator finds that a sufficient change in circumstances has occurred to warrant a new application.

(Ord. C-6533 § 1 (part), 1988)

21.21.404 - Continuing jurisdiction.

The Director of Planning and Building shall have continuing jurisdiction over all permits issued and approvals given under the provisions of this Title and shall be responsible for monitoring compliance with the provisions and conditions of issuance or approval.

(Ord. C-6533 § 1 (part), 1988)

21.21.405 - Modification of permits.

An approved permit, variance or other entitlement may be modified as long as the modification is found to further the purposes of the Zoning Regulations. The hearing body which granted the original approval must consider and act on the modification within sixty (60) days of receiving the modification request. If the Zoning Administrator finds that the modification will not significantly alter the original approved action, notice of hearing on the requested modification shall be given to any person or entity whom the Zoning Administrator determines was aggrieved at the original hearing. If the Zoning Administrator finds that the modification may significantly alter the original approved action, notice of hearing on the requested modification shall be given as required for an initial hearing as shown on Table 21-1. For the purposes of this Section, a significant alteration shall include, but is not limited to, a request to relocate the project to a new location other than that approved by the permit, or a request to change the size of the project as approved by the permit by more than ten percent (10%).

(Ord. C-7663 § 3, 1999; Ord. C-6533 § 1 (part), 1988)

21.21.406 - Expiration.

- A. Except as otherwise provided in the conditions of approval, every right or privilege authorized under this Title shall terminate one year after the granting of the request if the right or privilege has not been exercised in good faith within that year. The termination will take effect without further City action if a timely request for extension of time has not been made or is denied. Any interruption or cessation necessitated by fire, flood, earthquake or act of war or vandalism or cessation shall not result in the termination of the right or privilege.
- B. Upon written request received prior to the expiration of the permit, a one (1) year extension of the right or privilege may be granted by the Zoning Administrator. The request may be granted upon a finding that no substantial change of circumstances has occurred and that the extension would not be detrimental to the purpose of the Zoning Regulations. Notice of the requested extension shall be given to any person determined by the Zoning Administrator to have been aggrieved at the original hearing. Any person aggrieved by the Zoning Administrator's decision on an extension request may appeal that decision to the Planning Commission.

(Ord. C-6533 § 1 (part), 1988)

DIVISION V. - APPEALS

21.21.501 - Authorization and jurisdiction.

A. **Authorization** . Any aggrieved person may appeal a decision on any project that required a public hearing.

B. **Jurisdiction**. The Planning Commission shall have jurisdiction on appeals of interpretations made pursuant to Section 21.10.045 and decisions issued by the Zoning Administrator and Site Plan Review Committee, and the City Council shall have jurisdiction on appeals from the Planning Commission as indicated in Table 21-1. Decisions lawfully appealable to the California Coastal Commission shall be appealed to that body.

(Ord. C-7326 § 5, 1995; Ord. C-6533 § 1 (part), 1988)

21.21.502 - Time to file appeal.

An appeal must be filed within ten (10) days after the decision for which a public hearing was required is made.

(Ord. C-6533 § 1 (part), 1988)

21.21.503 - Form of filing.

All appeals shall be filed with the Department of Planning and Building on a form provided by that Department.

(Ord. C-6533 § 1 (part), 1988)

21.21.504 - Time for conducting hearing of appeals.

A public hearing on an appeal shall be held:

- A. In the case of appeals to the City Planning Commission, within sixty (60) days of the date of filing of the appeal with the Department of Planning and Building; or
- B. In the case of appeals to the City Council, within sixty (60) days of the receipt by the City Clerk from the Department of Planning and Building of the appeal filed with the Department.

(Ord. C-6533 § 1 (part), 1988)

21.21.505 - Findings on appeal.

All decisions on appeal shall address and be based upon the same conclusionary findings, if any, required to be made in the original decision from which the appeal is taken.

(Ord. C-6533 § 1 (part), 1988)

21.21.506 - Finality of appeals.

- A. **Decision Rendered.** After a decision on an appeal has been made and required findings of fact have been adopted, that decision shall be considered final and no other appeals may be made except:
1. Projects located seaward of the appealable area boundary, as defined in Section 21.25.908 (Coastal Permit—Appealable Area) of this Title, may be appealed to the California Coastal Commission; and
 2. Local coastal development permits regulated under the City's Oil Code may be appealed to the City Council.
- B. **No Appeal Filed.** After the time for filing an appeal has expired and no appeal has been filed, all decisions shall be considered final, provided that required findings of fact have been adopted.
- C. **Local Coastal Development.** Decisions on local coastal development permits seaward of the appealable area shall not be final until the procedures specified in Chapter 21.25 (Coastal Permit) are completed.
- (Ord. C-6533 § 1 (part), 1988)

21.21.507 - Appeals from Harbor Department environmental determinations.

- A. **Appellants.** Any person who appeared before the Board of Harbor Commissioners (the "Board") and objected to the Board's: (1) certification of an environmental impact report, (2) approval of a negative declaration or mitigated negative declaration, or (3) determination that a project is not subject to the California Environmental Quality Act ("CEQA") (collectively "environmental determinations"), may appeal that environmental determination to the City Council.
- B. **Time to File an Appeal.** An appeal of an environmental determination by the Board ("appeal") must be filed within ten (10) business days after the environmental determination.
- C. **Filing Fee.** No filing fee will be charged for an appeal.
- D. **Place to File.** An appeal must be filed with the City Clerk.
- E. **Contents of Appeal.** There is no required form for an appeal, but all appeals shall be in writing and shall contain the following information:
1. The name, address and telephone number of the person filing the appeal (the "appellant").
 2. All grounds for the appeal, specifying in detail why the appellant contends that the environmental determination does not comply with CEQA.
 3. Evidence that each ground for the appeal was submitted to the Board by the appellant or another person before the environmental determination.
 4. All documentation the appellant relies on in support of the appeal.
- F. **Effect of an Appeal.** The filing of an appeal will stay the effect of: (1) the environmental determination; (2) any project approval made pursuant to the environmental determination; and (3) any notice of determination; until the City Council renders a decision on the appeal.
- G. **Hearing on the Appeal.** The City Clerk shall set a hearing on the appeal on the agenda of the City Council not more than sixty (60) days from the date the appeal is filed with the City Clerk.
- H.

Notice of Hearing. The City Clerk shall provide notice of the hearing to the appellant and to the board not less than ten (10) business days before the hearing.

- I. **Conduct of the Hearing.** The appellant shall have an opportunity to present its grounds for contending that the environmental determination does not comply with CEQA and the harbor department shall have an equal opportunity for rebuttal. Any other interested persons shall be limited to three (3) minutes each to state their views on the appeal.
- J. **City Council Decision.** Following the hearing, the City Council may either: (1) deny the appeal and affirm the environmental determination; or (2) grant the appeal, set aside the environmental determination and remand to the Board.

(ORD-06-0020 § 1, 2006)

DIVISION VI. - REVOCATIONS

21.21.601 - Revocations.

Except as otherwise provided, upon determination that there has been a violation of the terms or conditions or lawful requirements or provisions of any permit or approval provided by this Title, the Zoning Administrator shall schedule a public hearing before the City Council, Planning Commission or Zoning Administrator, whichever granted the permit or approval, to determine if the permit or approval should be revoked.

(Ord. C-6533 § 1 (part), 1988)

21.21.605 - Procedures for revocation.

- A. At the hearing the Zoning Administrator shall present evidence of the violation.
- B. If the hearing body or Hearing Officer finds that the conditions have been violated and that the property owner has not made a good faith effort to comply, the permit or approval shall be revoked.
- C. The property owner shall have the same right of appeal as would have been applicable if the initial application had been denied by the person or body granting the permit.

(Ord. C-6533 § 1 (part), 1988)

DIVISION VII. - FEES

21.701 - Fees.

- A. **Fees Required.** Every person submitting an application for any procedure, entitlement, permit or approval pursuant to this Title 21 shall pay a fee as set forth in the schedule of fees for Title 21 established by City Council resolution. Required fees shall be paid at the time of filing of any application.
- B. **Purpose of Fees.** Such fees are imposed for the purpose of reimbursing the City for costs incurred in investigating and acting upon an application and for administering the provisions of this Title relating to the application.
- C. **Refund of Fees.** Fees shall not be refunded if the City has incurred costs in connection with the application, but partial and prorated refunds may be granted by the City if projects are withdrawn prior to the public hearing.

(Ord. C-6533 § 1 (part), 1988)

DIVISION VIII. - LIMITATION OF ACTIONS

21.21.801 - Exhaustion of administrative remedies.

No person shall commence or maintain any legal action under this Title 21 until that person has exhausted all administrative remedies.

(Ord. C-6533 § 1 (part), 1988)

21.21.805 - Statute of limitations.

- A. Any legal action or proceeding to attack, review, set aside, void or annul any decision or matter or proceedings provided in this Title shall be commenced within thirty (30) days after the decision becomes final; except that legal action on developments in the coastal zone taken under the provisions of Division 20, Chapter 9, Section 30000 et seq., of the Public Resources Code shall be commenced within sixty (60) days after the decision becomes final.
- B. Thereafter, all persons are barred from bringing the action or proceedings or from raising any issue of invalidity or unreasonableness of the decision.

(Ord. C-6533 § 1 (part), 1988)

.52.010 - Purpose.

The City recognizes that certain types of land use, due to the nature of the use, require individual review by the Planning Commission to determine whether the type of use proposed, or the location of that use, is compatible with, or through the imposition of reasonable conditions, can be made compatible with surrounding uses. This Chapter establishes specific conditions which shall apply to uses permitted by a permit.

(Ord. C-6533 § 1 (part), 1988)

21.52.201 - Alcoholic beverage sales uses.

The following conditions shall apply to all alcoholic beverage sales uses requiring a conditional use permit:

- A. The operator of the use shall provide parking for the use equivalent to the parking required for new construction regardless of the status of the previous use as to legal nonconforming rights;
- B. The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police;
- C. The operator of the use shall prevent loitering or other activity in the parking lot that would be a nuisance to adjacent uses and/or residential neighborhoods;
- D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premises sales use, as recommended by the State of California Alcoholic Beverage Control Board, nor with a high crime rate as reported by the Long Beach Police Department, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet floor area, and also providing fresh fruit, vegetables and meat, in addition to canned goods; and
- E. The use shall not be located within five hundred feet (500') of a public school, or public park, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet of floor area, and also providing fresh fruit, vegetables and meat in addition to canned goods.

(Ord. C-7032 § 42, 1992; Ord. C-6533 § 1 (part), 1988)