



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-31

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December 2, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Section 14.20.220 relating to the Naples Island newsrack pilot program read the first time and laid over to the next regular meeting of the City Council for final reading.

DISCUSSION:

Pursuant to your request on November 11, 2008, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

Amy R. Burton
Deputy City Attorney

REDLINE

14.20.220 Naples Island pilot program area - Additional requirements.

A. The Naples Island pilot program area consists of both sides of Second Street from The Toledo to Appian Way.

B. In addition to the requirements set forth in Sections 14.20.010 through 14.20.100 of this Chapter, the following additional requirements shall apply in the Naples Island pilot program area:

1. All newsracks within the Naples Island pilot program area:

a. Shall be K-Jack flat top model or an approved equal, and shall be mounted on a single pedestal;

b. Shall be limited to no more than two (2) groups of three (3) within forty-five (45) linear feet of the sidewalk; and

c. Each group of newsracks shall be separated by at least five (5) feet.

2. The City Engineer shall maintain and make available for inspection a list of newsracks determined to be approved equal products of the standard pilot program newsrack.

3. Newsracks within the pilot program area which do not conform to the requirements of this Section at any time shall be subject to the enforcement provisions of this chapter.

4. Notwithstanding other references in this code to the prohibition of the fastening of equipment or structures to the public right-of-way, newsracks within the Naples Island pilot program area must be bolted to the sidewalk pursuant to the requirements and under the direction of the City Engineer. Where the sidewalk is composed of shallow pavers on a sand base, newsracks shall not be bolted, but shall be placed on a self-supporting platform, all to the satisfaction of the City Engineer.

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5. In the event of a conflict between the requirements of this Section and the general requirements for newsracks contained elsewhere in this Chapter, this Section shall control the Naples Island pilot program area.

C. This Section shall cease to be of any effect on December 31, 2009, unless extended.

1 Second Street from The Toledo to Appian Way.

2 B. In addition to the requirements set forth in Sections 14.20.010
3 through 14.20.100 of this Chapter, the following additional requirements shall
4 apply in the Naples Island pilot program area:

5 1. All newsracks within the Naples Island pilot program area:

6 a. Shall be K-Jack flat top model or an approved equal,
7 and shall be mounted on a single pedestal;

8 b. Shall be limited to no more than two (2) groups of three
9 (3) within forty-five (45) linear feet of the sidewalk; and

10 c. Each group of newsracks shall be separated by at least
11 five (5) feet.

12 2. The City Engineer shall maintain and make available for
13 inspection a list of newsracks determined to be approved equal products of the
14 standard pilot program newsrack.

15 3. Newsracks within the pilot program area which do not conform
16 to the requirements of this Section at any time shall be subject to the enforcement
17 provisions of this chapter.

18 4. Notwithstanding other references in this code to the
19 prohibition of the fastening of equipment or structures to the public right-of-way,
20 newsracks within the Naples Island pilot program area must be bolted to the
21 sidewalk pursuant to the requirements and under the direction of the City
22 Engineer. Where the sidewalk is composed of shallow pavers on a sand base,
23 newsracks shall not be bolted, but shall be placed on a self-supporting platform, all
24 to the satisfaction of the City Engineer.

25 5. In the event of a conflict between the requirements of this
26 Section and the general requirements for newsracks contained elsewhere in this
27 Chapter, this Section shall control the Naples Island pilot program area.

28 C. This Section shall cease to be of any effect on December 31, 2009,

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unless extended.

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

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor