

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 14.20.050, 14.20.060, 14.20.080 AND 14.20.210, ALL RELATING TO NEWSRACKS

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

Section 1. Section 14.20.050 of the Long Beach Municipal Code is amended to read as follows:

14.20.050 Identification required.

A. Every person or other entity which places or maintains a newsrack on the streets of the City shall have his or its name, address and telephone number affixed thereto in a place where such information may be easily seen.

B. Every person or other entity which places or maintains one or more newsracks on the streets of the City shall notify the City of Long Beach Department of Public Works prior to the initial placement, or within thirty (30) days of the effective date of this ordinance as amended, providing the name of the responsible party, the name of the publication(s) to be placed, and an email address for contacting the responsible party. This email address shall only be used for notifications of required newsrack maintenance instances and changes to the Long Beach City Municipal Code regarding newsracks. Whenever names of publications are changed or added to, the City shall be notified. The City shall be notified of any change to an email point of contact within five (5)

OFFICE OF THE CITY ATTORNEY
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Long Beach, CA 90802-4664

1 business days of such change.

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3 Section 2. Section 14.20.060 of the Long Beach Municipal Code is
4 amended to read as follows:

5 14.20.060 Violation – Removal.

6 Any newsrack installed, used or maintained in violation of the
7 provisions of this Chapter may be removed and stored in any convenient
8 place by the City Manager or a City officer or employee designated by him,
9 but only upon notice first served on the owner by attaching to the newsrack
10 a written citation reciting the violation. Notice of the violation shall also be
11 transmitted by electronic mail to the electronic mail address currently on file
12 with the Director of Public Works in compliance with Section 14.20.050. If
13 the owner fails to cure the violation within five (5) business days of service
14 of violation, or if the owner fails to request a hearing as provided in Section
15 14.20.080, as to whether the newsrack is in violation of this Chapter, the
16 City Manager or his designee shall remove and store the newsrack in a
17 convenient place. Upon failure of the owner to claim the newsrack and pay
18 the expenses of removal and storage within thirty (30) days after such
19 removal, the newsrack shall be deemed to be unclaimed property in
20 possession of the Police Department and may be disposed of pursuant to
21 the provisions of Section 2.78.020. Any newsrack found in such condition to
22 present a hazard to public safety will be removed by the City Manager or his
23 designee immediately.

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25 Section 3. Section 14.20.080 of the Long Beach Municipal Code is
26 amended to read as follows:

27 14.20.080 Appeal – Director of Public Works.

28 Any owner of a newsrack alleged to be in violation of this Chapter

1 may, within five (5) business days of service of notice of violation as
2 provided in Section 14.20.060, request in writing a hearing before the
3 Director of Public Works of the City or his designee for the purpose of
4 determining whether the newsrack of the owner is in fact in violation of this
5 Chapter. The written request for hearing shall be filed with the Director of
6 Public Works within the time provided and the hearing thereon shall be
7 conducted not less than five (5), nor more than ten (10) days following the
8 date of filing the request for hearing. The Director of Public Works or his
9 designee shall notify the owner by mail of the time and place of the hearing.
10 At the conclusion of the hearing, or within five (5) days thereafter, the
11 Director of Public Works or his designee shall find and determine from the
12 facts established at the hearing whether or not the newsrack is in fact in
13 violation of this Chapter and is to be impounded. The Director of Public
14 Works or his designee shall notify the owner of his or her decision and order
15 by mail if the decision is not made at the conclusion of the hearing and in
16 the presence of the participants to the hearing.

17
18 Section 4. Section 14.20.210 of the Long Beach Municipal Code is
19 amended to read as follows

20 14.20.210 Downtown pilot program area.

21 A. Both sides of Ocean Boulevard and the area to the north up
22 to and including both sides of Tenth Street, lying on either side and/or
23 east of Golden Avenue and lying on either side of or west of Alamitos
24 Avenue, except for that area north of Fourth Street and west of Pacific
25 Avenue AND except for that area north of Fourth Street and east of Long
26 Beach Boulevard. Note that both sides of Fourth Street, Pacific Avenue
27 and Long Beach Boulevard within the above-defined limits are included
28 within the downtown pilot program area.

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

4 1. All newsracks within the downtown pilot program area
5 shall be either the K-Jack 100 flat top model or an approved equal. The
6 total height of the newsrack shall not exceed forty-eight inches (48"). The
7 City Engineer in his or her sole authority shall determine what constitutes
8 an approved equal of the items specified in this Section.

9 2. Plastic newsracks are prohibited.

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

13 4. Notwithstanding other provisions in this Section to the
14 minimum spacing required between newsracks, in the downtown pilot
15 program area, the minimum spacing between two (2) single newsracks,
16 between a single newsrack and a group of newsracks, or between two (2)
17 groups of newsracks shall be five feet (5').

18 5. Newsracks within the pilot program area which do not
19 conform to the requirements of this Section shall be subject to the
20 enforcement provisions of this Chapter.

21 6. In the event of a conflict between the requirements of
22 this Section and the general requirements for newsracks contained
23 elsewhere in this Chapter, this Section shall control the downtown pilot
24 program area.

25 C. This Section shall remain in effect until revoked by the City
26 Council.

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Section 5. The City Clerk shall certify to the passage of this Ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first 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 _____, 2011, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
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REDLINE

14.20.050 Identification required.

A. Every person or other entity which places or maintains a newsrack on the streets of the eCity shall have his or its name, address and telephone number affixed thereto in a place where such information may be easily seen.

B. Every person or other entity which places or maintains one or more newsracks on the streets of the City shall notify the City of Long Beach Department of Public Works prior to the initial placement, or within thirty (30) days of the effective date of this ordinance as amended, providing the name of the responsible party, the name of the publication(s) to be placed, and an email address for contacting the responsible party.

This email address shall only be used for notifications of required newsrack maintenance instances and changes to the Long Beach City Municipal Code regarding newsracks.

Whenever names of publications are changed or added to, the City shall be notified. The City shall be notified of any change to an email point of contact within five (5) business days of such change.

14.20.060 Violation – Removal.

Any newsrack installed, used or maintained in violation of the provisions of this Chapter may be removed and stored in any convenient place by the eCity mManager or a eCity officer or employee designated by him, but only upon notice first served on the owner by attaching to the newsrack a written citation reciting the violation. Notice of the violation shall also be transmitted by electronic mail to the electronic mail address currently on file with the Director of Public Works ~~mailed to the owner at the address affixed to the newsrack~~ in compliance with Section 14.20.050. If the owner fails to cure the violation within ~~seventy two~~ five (725) business days ~~hours~~ of service of violation, or if the owner fails to request a hearing as provided in Section 14.20.080, as to whether the newsrack is in violation of this eChapter, the eCity mManager or his designee shall remove and store

1 the newsrack in a convenient place and notify the owner thereof. Upon failure of the
2 owner to claim the newsrack and pay the expenses of removal and storage within thirty
3 (30) days after such removal, the newsrack shall be deemed to be unclaimed property in
4 possession of the pPolice dDepartment and may be disposed of pursuant to the
5 provisions of Section 2.78.020. Any newsrack found in such condition to present a
6 hazard to public safety will be removed by the City Manager or his designee immediately.
7

8 14.20.080 Appeal – Director of pPublic wWorks.

9 Any owner of a newsrack alleged to be in violation of this Chapter may, within seventy-
10 ~~two~~five (725) business days hours of service of notice of violation as provided in Section
11 14.20.060, request in writing a hearing before the dDirector of pPublic wWorks of the
12 eCity or his designee for the purpose of determining whether the newsrack of the owner
13 is in fact in violation of this eChapter. The written request for hearing shall be filed with
14 the dDirector of pPublic wWorks within the time provided and the hearing thereon shall
15 be conducted not less than five (5), nor more than ten (10) days following the date of
16 filing the request for hearing. The dDirector of pPublic wWorks or his designee shall
17 notify the owner by mail of the time and place of the hearing. At the conclusion of the
18 hearing, or within five (5) days thereafter, the dDirector of pPublic wWorks or his
19 designee shall find and determine from the facts established at the hearing whether or
20 not the newsrack is in fact in violation of this eChapter and is to be impounded. The
21 dDirector of pPublic wWorks or his designee shall notify the owner of his or her decision
22 and order by mail if the decision is not made at the conclusion of the hearing and in the
23 presence of the participants to the hearing.
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25 14.20.210 Downtown pilot program area.

26 A. ~~The downtown pilot program area consists of bBoth sides of Pine Avenue~~
27 ~~between Ocean Boulevard and Seventh Street, and both sides of Ocean Boulevard~~
28 ~~between Golden Avenue and Shoreline Drive.~~ Ocean Boulevard and the area to the north

1 up to and including both sides of Tenth Street, lying on either side and/or east of Golden
2 Avenue and lying on either side of or west of Alamitos Avenue, except for that area north
3 of Fourth Street and west of Pacific Avenue AND except for that area north of Fourth
4 Street and east of Long Beach Boulevard. Note that both sides of Fourth Street, Pacific
5 Avenue and Long Beach Boulevard within the above-defined limits, are included within
6 the downtown pilot program area.

7 B. In addition to the requirements set forth in Sections 14.20.010 through
8 14.20.100 of this eChapter, the following additional requirements shall apply in the
9 downtown pilot program area:

10 1. All newsracks within the downtown pilot program area shall be either
11 the K-Jack 100 flat top model or an approved equal, ~~and shall be mounted on a single,~~
12 ~~double or triple box tray. The box tray shall be mounted on a square column style base~~
13 ~~fixed to a flat platform with a maximum size of twenty four inches by thirty inches (24" x~~
14 ~~30") and shall be either K-Jack part number KJ-806 (known as the "Handi-Mount") or an~~
15 ~~approved equivalent. The total height of the assembly newsrack shall not exceed forty-~~
16 ~~eight inches (48"). The eCity eEngineer in his or her sole authority shall determine what~~
17 ~~constitutes an approved equal of the items specified in this sSection.~~

18 2. Plastic newsracks are prohibited.

19 23. The eCity eEngineer shall maintain and make available for inspection
20 a list of newsracks determined to be approved equal products of the standard pilot
21 program newsrack.

22 34. Notwithstanding other provisions in this sSection to the minimum
23 spacing required between newsracks, in the downtown pilot program area, the minimum
24 spacing between two (2) single newsracks, between a single newsrack and a group of
25 newsracks, or between two (2) groups of newsracks shall be five feet (5').

26 45. Newsracks within the pilot program area which do not conform to the
27 requirements of this seSection shall be subject to the enforcement provisions of this
28 eChapter.

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~~5. 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 downtown 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.~~

6. In the event of a conflict between the requirements of this sSection and the general requirements for newsracks contained elsewhere in this eChapter, this sSection shall control the downtown pilot program area.

C. This sSection shall ~~cease to be of any effect on July 1, 2007, unless extended~~ remain in effect until revoked by the City Council.