



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-23

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

PRINCIPAL DEPUTIES

Barbara D. de Jong
Dominic Holzhaus
Belinda R. Mayes

DEPUTIES

Gary J. Anderson
Richard F. Anthony
Christina L. Checel
Alysha Park Choi
Randall C. Fudge
Charles M. Gale
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Lisa Peskay Malmsten
Barry M. Meyers
Cristyl Meyers
J. Charles Parkin
Howard D. Russell
Tiffani L. Shin

October 3, 2006

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code, Subsection 14.20.210 relating to the downtown newsracks 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 of September 5, 2006, this office has prepared and submits the above-described ordinance for your consideration.


The amendment is shown in Attachment "A".

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By 
LISA PESKAY MALMSTEN
Deputy City Attorney

LPM:bg
Enclosure
06-04816

ATTACHMENT "A"

14.20.210 Downtown pilot program area.

A. The downtown pilot program area consists of both sides of Pine Avenue between Ocean Boulevard and Seventh Street, and both sides of Ocean Boulevard between Golden Avenue and Shoreline Drive.

B. In addition to the requirements set forth in sections 14.20.010 through 14.20.100 above, the following additional requirements shall apply in the downtown pilot program area:

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

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

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

4. Newsracks within the pilot program area which do not conform to the requirements of this section shall be subject to the

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enforcement provisions of this chapter.

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 section and the general requirements for newsracks contained elsewhere in this chapter, this section shall control in the downtown pilot program area.

C. This section shall cease to be of any effect on ~~July 1, 2006~~ July 1, 2007, unless extended.

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Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SUBSECTION
14.20.210, RELATING TO THE DOWNTOWN AREA
NEWSRACKS PILOT PROGRAM

WHEREAS, the regulation of the placement and maintenance of newsracks
is a matter of concern for the City Council of the City of Long Beach; and

WHEREAS, the City Council finds that the downtown area is a unique part
of Long Beach, containing features which attract visitors from all over Long Beach and
surrounding cities; and

WHEREAS, residents, visitors and commercial activity contribute to both
pedestrian and vehicular traffic in that area; and

WHEREAS, a prior pilot program initiated in 2004 to regulate the
appearance and location of newsracks has improved the appearance of the areas and
has improved pedestrian and traffic safety by maintaining clearer sight lines for both
pedestrians and drivers, and should be continued; and

WHEREAS, that Program has been successful and should be continued
for an additional year;

NOW, THEREFORE, the City Council of the City of Long Beach ordains as
follows:

Section 1. Subsection 14.20.210 of the Long Beach Municipal Code is
amended to read as follows:

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1 14.20.210 Downtown pilot program area.

2 A. The downtown pilot program area consists of both sides of Pine
3 Avenue between Ocean Boulevard and Seventh Street, and both sides of
4 Ocean Boulevard between Golden Avenue and Shoreline Drive.

5 B. In addition to the requirements set forth in sections 14.20.010
6 through 14.20.100 above, the following additional requirements shall apply
7 in the downtown pilot program area:

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

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

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

26 4. Newsracks within the pilot program area which do not
27 conform to the requirements of this Section shall be subject to the
28 enforcement provisions of this Chapter.

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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 section and the general requirements for newsracks contained elsewhere in this chapter, this section shall control in the downtown pilot program area.

C. This section shall cease to be of any effect on July 1, 2007, unless extended.

Sec. 2. The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach 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 _____, 2006, by

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Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

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the following vote:

Ayes: Councilmembers:

Noes: Councilmembers:

Absent: Councilmembers:

City Clerk

Approved: _____
(Date)

Mayor

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