



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-33

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May 22, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare ordinance amending the Long Beach Municipal Code by amending Subsection 14.20.200 (C) relating to newsracks in Belmont Shore 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 May 8, 2007, this office has prepared and submits the above-described ordinance for your consideration.

The amendment is shown in Attachment "A".

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 

J. CHARLES PARKIN, Principal Deputy

JCP:bg

ATTACHMENT "A"

14.20.200 Belmont Shore pilot program area—Additional requirements.

A. The Belmont Shore pilot program area consists of Second Street between the centerline of Livingston Avenue and the easterly line of Bay Shore Avenue, including the intersecting cross streets between those westerly and easterly limits, from Second Street to the nearest intersecting alley or street line, both northerly and southerly of Second Street.

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 Belmont Shore pilot program area:

1. The standard pilot program newsrack shall have a flat top surface and shall not exceed forty-eight inches (48") in height, twenty-five inches (25") in depth (perpendicular to the curb line) or twenty-five inches (25") in width (parallel to the curb line), either the publication container and newsrack base manufactured by the K-Jack Engineering Company, model series 50, or an approved equal publication container and newsrack base, as determined by the city engineer. The standard pilot program project newsrack shall be painted a color equivalent to K-Jack Engineering Company's "valley blue" (stock color number 3312). Nonconforming colors shall be limited to the display areas provided on the front and back of the standard pilot program newsrack.

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

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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 Belmont Shore pilot program area must be bolted to the sidewalk pursuant to the requirements and under the direction of the city engineer.

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 in the Belmont Shore pilot program area.

C. This section shall cease to be of any effect on July 1, 2007, 2008 unless extended.

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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
14.20.200 (C) RELATING TO NEWSRACKS IN BELMONT
SHORE

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

WHEREAS, both residents and visitors contribute to both pedestrian and
vehicular traffic in Belmont Shore; and

WHEREAS, both residents and visitors enjoy using the sidewalks of
Second Street in Belmont Shore; and

WHEREAS, a pilot program initiated in 1997 to regulate the appearance
and location of newsracks has improved the appearance of the sidewalk area as well as
the overall appearance of Second Street; and

WHEREAS, the pilot program improved pedestrian and traffic safety on
Second Street by maintaining clearer sight lines for both pedestrians and drivers;

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

Section 1. Subsection 14.20.200 (C) of the Long Beach Municipal Code
is amended to read in its entirety as follows:

C. This section shall cease to be of any effect on July 1, 2008 unless
extended.

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Section 2. If any portion of this ordinance is held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. 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 _____, 2007, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

JCP:abc
07-02277