

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 ORDINANCE NO. ORD-11-0012

2  
3 AN ORDINANCE OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH AMENDING THE LONG BEACH  
5 MUNICIPAL CODE BY AMENDING SUBSECTIONS  
6 3.90.020.A, 9.37.090.B, 9.65.060.D.4, AND 9.65.140.A  
7 RELATING TO UPDATING SECTION REFERENCES TO  
8 TITLE 18 AND UPDATING CHAPTER 9.65  
9 (ADMINISTRATIVE CITATIONS) RELATING TO  
10 ALLOWING DELINQUENT FEES TO ACCRUE INTEREST  
11 WHERE ADMINISTRATIVE CITATIONS HAVE BEEN  
12 ISSUED

13  
14 WHEREAS, with the recent reorganization of Title 18 of the Long Beach  
15 Municipal Code, certain other sections in the Code need to be updated to correspond to  
16 the proper Title 18 code sections and California Building Code sections; and

17 WHEREAS, Title 8 and Title 18 of the Long Beach Municipal Code impose  
18 liens due to non-payment and charge interest at the rate of twelve percent (12%) per  
19 annum until paid, and in an effort to standardize collection processes in the City, Chapter  
20 9.65 needs to be amended to clarify that any delinquent fines assessed under that  
21 Chapter which result in the filing of a lien would also bear interest at the rate of twelve  
22 (12%) per annum until paid;

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

25 Section 1. Subsection 3.90.020.A of the Long Beach Municipal Code is  
26 amended to read as follows:

27 A. There shall be added to each fee imposed or  
28 authorized by the provisions of Titles 12, 14, 18, 20 and 21 of this Code;

1 and Part 12.01 of the rules, regulations, and charges governing potable  
2 water, reclaimed water, sewer service, and the emergency water  
3 conservation plan adopted by the Long Beach Board of Water  
4 Commissioners, a surcharge in an amount as set forth in the schedule of  
5 fees and charges established by City Council resolution of such fee.

6  
7 Exception. The surcharge shall not apply to the fees or charges provided  
8 in Chapters 18.17, 18.18, 18.19, 18.22, and 18.23 of this Code; and  
9 Sections 18.20.150, 21.60.650 and 21.61.070 of this Code.

10  
11 Section 2. Subsection 9.37.090.B of the Long Beach Municipal Code is  
12 amended to read as follows:

13 B. The violation of any provisions of the latest edition of  
14 the California Building Standards Code ("Title 24 of the California Codes  
15 of Regulations") that have been adopted, as amended, by the City:

- 16 1. California Building Code;
- 17 2. California Residential Code;
- 18 3. California Electrical Code;
- 19 4. California Mechanical Code;
- 20 5. California Plumbing Code;
- 21 6. California Energy Code;
- 22 7. California Historical Building Code;
- 23 8. California Fire Code;
- 24 9. California Existing Building;
- 25 10. California Green Building Standards Code;
- 26 11. Uniform Housing Code.

27 //

28 //

1                   Section 3.    Subsection 9.65.060.D.4 of the Long Beach Municipal Code is  
2 amended to read as follows:

3                               4.    A fine for each violation of Municipal Code,  
4                   Section 21.41.170 illegal garage conversions, 18.02.050 for dangerous  
5                   buildings, 18.08.010 for certificates of occupancy, 18.09.010 for failure to  
6                   comply with Title 18, and/or Subsection 21.31.245.C unlawful dwelling  
7                   units, in an amount established by the City Council by resolution; and  
8

9                   Section 4.    Section 9.65.140.A of the Long Beach Municipal Code is  
10 amended to read as follows:

11                               A.    The failure of the cited party to pay a civil fine or late  
12                   penalty in a timely manner may result in the imposition of a special  
13                   assessment and/or lien against the real property on which the violation  
14                   occurred, after which the amount so determined shall bear interest at the  
15                   rate of twelve percent (12%) per annum until paid, and/or filing of an action  
16                   with the Small Claims Court for recovery of the fine and late penalty. The  
17                   only issue to be adjudicated by the Small Claims Court shall be whether or  
18                   not the fines and possible late fees were paid. A cited party may only  
19                   obtain judicial review of the validity of the citation by first requesting and  
20                   participating in an administrative hearing before a hearing officer. In the  
21                   small claims court action, the City may also recover its costs, according to  
22                   proof.  
23

24                   Section 5.    The City Clerk shall certify to the passage of this ordinance by  
25                   the City Council and cause it to be posted in three (3) conspicuous places in the City of  
26                   Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
27                   Mayor.

28    ///

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of June 14, 2011, by the following vote:


Ayes: Councilmembers: Garcia, O'Donnell, Schipske, Andrews,  
Johnson, Gabelich, Neal, Lowenthal.

Noes: Councilmembers: None.

Absent: Councilmembers: DeLong.

  
\_\_\_\_\_  
City Clerk

Approved: 6/22/11  
(Date)

  
\_\_\_\_\_  
Mayor