

ORDINANCE NO. ORD-22-0038

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2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH CONFERRING UPON AND
5 DELEGATING TO THE BOARD OF HARBOR
6 COMMISSIONERS THE AUTHORITY TO ENFORCE
7 STATUTES AND ORDINANCES, TO ARREST AND TO
8 PREPARE, ISSUE, AND DELIVER WRITTEN NOTICES TO
9 APPEAR WITHIN THE CITY OF LONG BEACH HARBOR
10 DISTRICT AND AT SPECIFIC PREMISES OUTSIDE THE
11 HARBOR DISTRICT
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13 WHEREAS, Section 1204 of the Charter of the City of Long Beach empowers
14 the City Council, by ordinance, to confer upon and delegate to the Board of Harbor
15 Commissioners such additional powers and duties which the City Council deems
16 necessary or convenient to carry out the general purposes of such Board, subject to the
17 approval of such delegation by the Board; and

18 WHEREAS, Section 1203(b) of the Long Beach City Charter provides the
19 Long Beach Board of Harbor Commissioners the power and duty for and on behalf of the
20 City to operate publicly owned facilities incident to the operation of the Long Beach Harbor
21 District ("Harbor District"), both inside and outside of the Harbor District; and

22 WHEREAS, the Harbor Department is headquartered at 415 W. Ocean
23 Boulevard in Long Beach ("Port Administration Building"), and has an associated
24 underground parking structure ("parking structure") that primarily serves the Harbor
25 Commissioners, Harbor Department staff and executive management, and Harbor
26 Department visitors; and

27 WHEREAS, pursuant to Section 1203(d) of the Long Beach City Charter, the
28 Long Beach Board of Harbor Commissioners has the power and duty on behalf of the City

1 to control and have jurisdiction of the Harbor District and “to make and enforce in the Harbor
2 District general rules and regulations, to the extent that may be necessary or requisite for
3 port purposes and harbor development, and in carrying out the powers elsewhere vested
4 in the Commission”; and

5 WHEREAS, Section 1203(t) of the Long Beach City Charter provides that the
6 Long Beach Board of Harbor Commissioners has the power and duty “[t]o adopt and
7 enforce such ordinances, orders, regulations, and practices as are necessary for the proper
8 administration and discharge of its duties and powers, or for the management and
9 government of the Harbor District and its facilities”; and

10 WHEREAS, the Board of Harbor Commissioners has adopted Ordinance No.
11 HD-1903 amending and restating the authority of the Harbor Department Director of
12 Security, the Chief Port Security Officer, and Harbor Patrol Officers to enforce statutes and
13 ordinances, to arrest and to prepare, issue and deliver written Notices to Appear within the
14 Harbor District of the City of Long Beach, and Ordinance No. HD-2305 which conveys the
15 same authorities outside of the Harbor District at the Building and the parking structure, in
16 addition to several other areas at the Civic Center Plaza; and

17 WHEREAS, the Board of Harbor Commissioners desires the assistance of
18 the Harbor Department Security Division to properly secure and patrol the parking
19 structure;

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

22 Section 1. The City Council of the City of Long Beach (“City Council”),
23 pursuant to Section 1204 of the Charter of the City of Long Beach, confers upon and
24 delegates to the Board of Harbor Commissioners the ability to amend Ordinance No. HD-
25 1903, as it may be amended or replaced from time to time, to allow the Harbor Department
26 Director of Security, the Chief Port Security Officer, and Harbor Patrol Officers to have
27 clearly defined authority to enforce certain statutes and
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1 ordinances, to arrest, and to prepare, issue and deliver written notices to appear within the
2 Harbor District, at the Port Administration Building, and at the parking structure.

3 Section 2. The delegation of powers and duties provided for herein shall
4 become operative upon adoption: (i) of a resolution of the Board of Harbor Commissioners
5 approving and accepting the powers and duties so conferred and delegated; and (ii) of a
6 Board of Harbor Commissioners ordinance amending Ordinance No. HD-1903 granting the
7 following authorities to the Harbor Department Director of Security, the Chief Port Security
8 Officer, and Harbor Patrol Officers:

9 A. Within the Harbor District, at the Port Administration Building,
10 and at the parking structure (including the loading docks or ramps), the
11 authority to enforce the following provisions and the authority, pursuant to
12 California Penal Code Section 836.5, to arrest persons and to prepare, issue
13 and deliver to any arrested person a written Notice to Appear in court and to
14 release such person from custody upon receiving from him his written
15 promise to appear in court for any violation of any provision enumerated
16 herein:

17 1. California Vehicle Code Sections 21211(B) (no parking
18 in bike lane), 21960 (restricting use of freeways by pedestrians and
19 bicyclists), 21961 (restricting pedestrians' crossing of roadways to
20 crosswalks), 22500(L) (parking front of curb cut out access ramp), 22502(B)
21 (parking the wrong way), 22507.8 (improperly parking in spaces designated
22 for persons with disabilities), 22511 (electric vehicles), 22511.1 (electric
23 vehicles not charging), 22511.8 (parking for persons with disabilities), 22520
24 (parking on a freeway), 22652 (removal of vehicles improperly parked in
25 spaces designated for persons with disabilities), and 38320(A) (littering and
26 environmental protection); and

27 2. California Penal Code Section 537 (defrauding an
28 innkeeper); and

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3. Long Beach Municipal Code Sections 5.60 (special event permit required), 6.16.100 (dog leash required), 6.16.110 (dog noise prohibited), 6.16.200 (removal required), 8.60.120 (illegal dumping prohibited), 8.76.010(g) (illegal park/private property), 8.76.010(q) (parking near empty building), 8.76.010(r) (parking on empty lot), 8.76.010(t) (commercial vehicle on private property), 9.25.010 (misdemeanor to urinate or defecate in public), 9.30.030 (public expectoration), 9.30.050 (obstructing public passage), 9.42.010 (trespassing prohibited), 9.42.060 (entering on posted property prohibited), 9.42.110 (camping prohibited in certain areas), 10.04.050 (parking control checker), 10.22.080 (vehicle for sale), 10.22.090 (no parking peddlers), 10.22.110 (parking in fire lane), 10.22.120 (no parking temporary), 10.22.140 (street sweeping), 10.22.160 (private property/posted no parking), 10.24.010 (parking within lines), 10.24.050 (prohibited parking), 10.24.078 (oversized vehicle), 10.24.090 (limited time parking), 10.26.030 (parking in alley), 10.34.020 (disabled PKG streets and public lots), 10.38.110 (truck parked over two hours), 10.40.010 (commercial vehicle parked off truck route), 10.48.060 (bicycle path use), 10.48.070 (riding on sidewalks), 10.58.040 (walking on roadway prohibited), 10.64.030 (traffic direction compliance), and 14.04.010 (obstructing free passage).

B. Arrests which require booking of the offender are to be handled and processed by the Long Beach Police Department.

Section 3. The City Clerk shall certify to the passage of this ordinance by 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.

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1 I hereby certify that the foregoing ordinance was adopted by the City Council
2 of the City of Long Beach at its meeting of December 6, 2022, by the
3 following vote:

4 Ayes: Councilmembers: Allen, Price, Supernaw, Mungo, Saro,
5 Austin.
6 _____
7 _____

8 Noes: Councilmembers: None.
9 _____

10 Absent: Councilmembers: Zendejas, Uranga, Richardson.
11 _____

12 Recusal(s): Councilmembers: None.
13 _____

14 M. De La Hoya
15 _____
16 City Clerk

17 Approved: 12/12/22
18 _____
19 (Date)

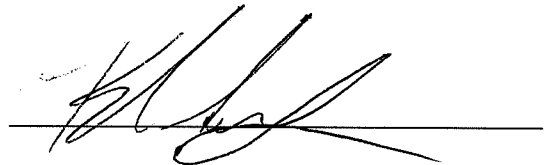
20 [Signature]
21 _____
22 Mayor

23 OFFICE OF THE CITY ATTORNEY
24 CHARLES PARKIN, City Attorney
25 411 W. Ocean Boulevard, 9th Floor
26 Long Beach, CA 90802

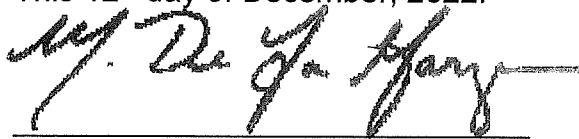
AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Kyle Smith being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 12th day of December 2022, I posted three true and correct copies of Ordinance Nos. ORD-22-0035, ORD-22-0036, ORD-22-0037, ORD-22-0038, and ORD-22-0039 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

A handwritten signature in black ink, appearing to read 'K. Smith', is written over a horizontal line.

Subscribed and sworn to before me
This 12th day of December, 2022.

A handwritten signature in black ink, appearing to read 'M. De la Haza', is written over a horizontal line.

CITY CLERK