

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH CONFERRING UPON AND DELEGATING TO THE BOARD OF HARBOR COMMISSIONERS THE AUTHORITY TO ENFORCE STATUTES AND ORDINANCES, TO ARREST AND TO PREPARE, ISSUE, AND DELIVER WRITTEN NOTICES TO APPEAR INSIDE THE CITY OF LONG BEACH HARBOR DISTRICT, INCLUDING AT THE MARK BIXBY MEMORIAL BICYCLE-PEDESTRIAN PATH, AT THE PORT ADMINISTRATION BUILDING AND THE ASSOCIATED UNDERGROUND PARKING STRUCTURE, AND AT OTHER SPECIFIC PREMISES OUTSIDE THE HARBOR DISTRICT

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

WHEREAS, the Harbor Department is headquartered at 415 W. Ocean Boulevard in Long Beach ("Port Administration Building"), which is part of the Civic Center Plaza, and has an associated underground parking structure ("parking structure"); and

WHEREAS, the City of Long Beach, a municipal corporation acting by and through its Board of Harbor Commissioners, has recently completed construction of the Mark Bixby Memorial Bicycle-Pedestrian Path, a Class 1 Bike Path; and

WHEREAS, pursuant to Section 1203(d) of the Long Beach City Charter, the Long Beach Board of Harbor Commissioners has the power and duty on behalf of the City to control and have jurisdiction of the Harbor District and "to make and enforce in the Harbor

OFFICE OF THE CITY ATTORNEY  
 DAWN MCINTOSH, City Attorney  
 411 W. Ocean Boulevard, 9th Floor  
 Long Beach, CA 90802

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

1 District general rules and regulations, to the extent that may be necessary or requisite for  
2 port purposes and harbor development, and in carrying out the powers elsewhere vested  
3 in the Commission”; and

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

9 WHEREAS, the Board of Harbor Commissioners adopted Ordinance No.  
10 HD-1903 amending and restating the authority of designated security officers of the Harbor  
11 Department Security Division to enforce statutes and ordinances, to arrest and to prepare,  
12 issue and deliver written Notices to Appear within the Harbor District of the City of Long  
13 Beach; and

14 WHEREAS, the Board of Harbor Commissioners adopted Ordinance No.  
15 HD-2305, which conveys authority to designated officers of the Harbor Department  
16 Security Division to enforce statutes and ordinances, to arrest and to prepare, issue and  
17 deliver written Notices to Appear outside of the Harbor District at the Port Administration  
18 Building and the associated parking structure, in addition to several other areas at the Civic  
19 Center Plaza; and

20 WHEREAS, the Board of Harbor Commissioners adopted Ordinance No.  
21 HD-2397, which amended Ordinance No. HD-1903 and Ordinance No. HD-2305, to  
22 authorize designated officers of the Harbor Department Security Division to have additional  
23 authority to enforce statutes and ordinances, to arrest and to prepare, issue and deliver  
24 written Notices to Appear within the Harbor District and at the Port Administration Building  
25 and the associated parking structure; and

26 WHEREAS, the Board of Harbor Commissioners desires to amend and  
27 restate the authorities adopted in Ordinances Nos. HD-1903, HD-2305, and HD-2397; and

28

1           WHEREAS, the Board of Harbor Commissioners desires the assistance of  
2 the Harbor Department Security Division to enforce statutes and ordinances, and to arrest  
3 and to prepare, issue and deliver written notices to appear within the Harbor District,  
4 including at those portions of the Mark Bixby Memorial Bicycle-Pedestrian Path including  
5 its Ocean Boulevard, Pico Boulevard and Terminal Island approaches.

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

8           Section 1.    The City Council of the City of Long Beach (“City Council”),  
9 pursuant to Section 1204 of the Charter of the City of Long Beach, confers upon and  
10 delegates to the Board of Harbor Commissioners the ability to amend and restate  
11 Ordinances Nos. HD-1903, HD-2305, and HD-2397, as they may be amended, restated,  
12 or replaced from time to time, to allow the Director of Security, the Chief Port Security  
13 Officer and Security Officers of the Harbor Department Security Division (“Harbor Patrol  
14 Officers”) to have clearly defined authority to enforce statutes and ordinances, to arrest,  
15 and to prepare, issue and deliver written notices to appear at the following areas: within  
16 the Harbor District (including those portions of the Mark Bixby Memorial Bicycle-Pedestrian  
17 Path, including its Ocean Boulevard, Pico Boulevard and Terminal Island approaches);  
18 within the Port Administration Building and the associated underground parking structure  
19 (including Loading Docks and Ramps); at the Central Utility Plant and Utility Yard; and  
20 within the City Council Chambers and Shared Rooms at City Hall when used for Harbor  
21 Department business.

22           Section 2.   The delegation of powers and duties provided for herein shall  
23 become operative upon adoption: (i) of a resolution of the Board of Harbor Commissioners  
24 approving and accepting the powers and duties so conferred and delegated; and (ii) of a  
25 Board of Harbor Commissioners ordinance amending and restating Ordinances Nos. HD-  
26 1903, HD-2305, and HD-2397, granting the following authorities to Harbor Patrol Officers:

27  
28

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

A. Within the Harbor District.

Within the Harbor District (including those portions of the Mark Bixby Memorial Bicycle-Pedestrian Path, including its Ocean Boulevard, Pico Boulevard and Terminal Island approaches, the authority to enforce the following provisions and the authority, pursuant to California Penal Code Section 836.5, to arrest persons and to prepare, issue and deliver to any arrested person a written Notice to Appear in court and to release such person from custody upon receiving from such person his or her written promise to appear in court for any violation of any provision enumerated herein:

1. California Vehicle Code Sections 4464 (altered license plates); 5202 (period of display); 10852 (breaking or removing vehicle parts); 12500(a)-(d) (unlawful to drive unless properly licensed); 14601(a), 14601.2(a), 14601.3(a), 14601.4(a), 14601.5(a) (driving on a suspended license); 14603 (violation of restricted license); 14606(a) (employing unlicensed drivers); 20002(a) (duty after accident); 21100 (local rules and regulations); 21100.3 (disobeying traffic instructions); 21113(a) (public grounds); 21211(B) (no parking in bike lane), 21453(a), (b), (c) (red light); 21460 (double yellow lines); 21461 (failure to obey sign or signal); 21464 (interference with traffic devices); 21708 (fire hoses); 21712 (unlawful riding and towing); 21960 (restricting use of freeways by pedestrians and bicyclists), 21961 (restricting pedestrians' crossing of roadways to crosswalks), 22102 (U-Turn in a Business District); 22450 (stop signs); 22500(a)-(i) and (k)-(l) (stopping, standing and parking prohibitions); 22502(a) (curb parking); 22502(B) (parking the wrong way), 22507.8 (improperly parking in spaces designated for persons with disabilities), 22511 (electric vehicles), 22511.1 (electric vehicles not charging), 22511.8 (parking for persons with disabilities), 22514 (fire hydrants); 22515 (unattended

1 vehicles); 22516 (locked vehicles); 22520 (parking on a freeway), 22521  
2 (parking upon or near a railroad track); 22522 (parking near sidewalk  
3 access ramps); 22523(b) (abandoning vehicles); 22651(a)-(h) and (j)(s)  
4 (removal of vehicle); 22651.5 (vehicle alarm sound over 45 minutes);  
5 22652 (removal of vehicles improperly parked in spaces designated for  
6 persons with disabilities), 22654 (removal of vehicle violating 22500 or  
7 22504); 22669 (removal of abandoned or dismantled vehicle); 23110(a)  
8 (throwing substances at vehicles); 23112(a), (b) (dumping on highway);  
9 23113(a) (removal of material from highway); 23114 (spilling loads);  
10 23220(drinking while driving); 23222 (opened alcoholic beverages); 31614  
11 (transportation of explosives); and 38320(A) (littering and environmental  
12 protection); and

13 2. California Penal Code Sections 148 (resisting public  
14 officer); 148.2 (interfering with firefighter or emergency rescue personnel);  
15 372 (maintaining a nuisance); 374.3 (dumping of waste on roads); 403  
16 (disrupting a public meeting); 415 (disturbing the peace); 484 (theft); 537  
17 (defrauding an innkeeper); 554 (property that may be posted); 555 (entry  
18 upon posted property); 556 (placing advertising signs on posted property);  
19 588(b) (removing authorized barrier); 594 (vandalism); 602 (trespass); 647(f)  
20 (disorderly conduct);

21 3. California Business and Professions Code Section  
22 22435.2 (shopping carts);

23 4. Long Beach Municipal Code Sections 2.03.140  
24 (disturbing public meeting); 5.52 junk regulation); 5.60 (special event permit  
25 required), 6.16.100 (dog leash required), 6.16.110 (dog noise prohibited),  
26 6.16.200 (removal required), 8.08.140 (water vessel rat shields); 8.60.120  
27 (illegal dumping prohibited), 8.76.010(g) (illegal park/private property),  
28 8.76.010(q) (parking near empty building), 8.76.010(r) (parking on empty lot),

1 8.76.010(t) (commercial vehicle on private property), 9.22.010 (public  
2 consumption of alcohol); 9.25.010 (misdemeanor to urinate or defecate in  
3 public), 9.30.050 (obstructing public passage), 9.42.010 (trespassing  
4 prohibited), 9.42.060 (entering on posted property prohibited), 9.42.100  
5 (operating vehicles on private property); 9.42.110 (camping prohibited in  
6 certain areas), 10.04.050 (parking control checker), 10.0.8.030 (traffic control  
7 devices); 10.18.040 (living in vehicles); 10.22.020 (parkways and sidewalks);  
8 10.22.030 (storing vehicles on streets prohibited); 10.22.080 (vehicle for  
9 sale), 10.22.090 (no parking peddlers), 10.22.110 (parking in fire lane),  
10 10.22.120 (no parking temporary), 10.22.130 (seventy-two hour parking  
11 limit); 10.22.140 (street sweeping), 10.22,150 (repairing vehicles on streets);  
12 10.22.160 (private property/posted no parking), 10.24.010 (parking within  
13 lines), 10.24.030 (stopping or parking prohibited); 10.24.050 (prohibited  
14 parking), 10.24.078 (oversized vehicle), 10.24.090 (limited time parking),  
15 10.24.130 (parking space markings); 10.26.010 (yellow, white or green curb  
16 markings); 10.26.020 (red curb markings); 10.26.030 (parking in alley),  
17 10.34.020 (disabled PKG streets and public lots), 10.38.110 (truck parked  
18 over two hours), 10.40.010 (commercial vehicle parked off truck route),  
19 10.48.060 (bicycle path use), 10.48.070 (riding on sidewalks), 10.51.050  
20 (prohibited areas for electronically motorized boards), 10.52.040 (prohibited  
21 areas for rollerskating), 10.54.040 (prohibited areas for skateboarding),  
22 10.58.040 (walking on roadway prohibited), 10.64.030 (traffic direction  
23 compliance), and 14.04.010 (obstructing free passage); 18.48.010  
24 (discharge of fireworks).

25 5. Long Beach Harbor Department Tariff No. 004, Items  
26 904 (misdemeanors), 906 (infractions) and 908 (infractions), as such Items  
27 are now stated or as amended in the future.

28

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

B. Within the Port Administration Building, its Associated Underground Parking Structure, the Central Utility Plant and Utility Yard, Council Chambers, and Shared Rooms at City Hall.

Within the Port Administration Building, the associated underground parking structure (including loading docks and ramps), the Central Utility Plant and Utility Yard, Council Chambers when used for Harbor Department business, and Rooms at City Hall when used for Harbor Department business, the authority to enforce the following provisions and the authority, pursuant to California Penal Code Section 836.5, to arrest persons and to prepare, issue and deliver to any arrested person a written Notice to Appear in court and to release such person from custody upon receiving from such person his or her written promise to appear in court for any violation of any provision enumerated herein:

1. California Penal Code Sections 148 (resisting public officer); 148.2 (interfering with firefighter or emergency rescue personnel); 372 (maintaining a nuisance); 403 (disrupting a public meeting); 415 (disturbing the peace); 484 (theft); 554 (property that may be posted); 555 (entry upon posted property); 556 (placing advertising signs on posted property); 588(b) (removing authorized barrier); 594 (vandalism); 602 (trespass); 647(f) (disorderly conduct); and

2. Long Beach Municipal Code Sections 2.03.140 (disturbing public meeting); 9.22.010 (public consumption of alcohol); and 18.48.730 (discharge of fireworks). Section 3. Arrests which require booking of the offender are to be handled and processed by the Long Beach Police Department.

///  
///  
///

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

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.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2023 by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

Recusal(s): Councilmembers: \_\_\_\_\_

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

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor