



CITY OF LONG BEACH

ORD-17

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard 6th Floor • Long Beach, CA 90802 • (562) 570-6845 • Fax (562) 570-5836

February 8, 2011

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare Ordinance amending Long Beach Municipal Code Sections 14.36.010, 14.36.020 and 14.36.050, all relating to house numbers on curbs read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

On May 13, 2008, the City Council concurred in the recommendation of the Public Safety Committee to request the City Attorney to review the Ordinance regarding issuing permits to individuals and organizations to paint house numbers on curbs. These amendments were to ensure that the public is protected and to determine whether the responsibility to issue permits should be handled by the Department of Financial Management's (FM) Business License Section.

In response to the recommendation, the City Attorney's Office has drafted the attached amended Ordinance based on the concerns raised by the Public Safety Committee, as well as input from the Police Department (LBPD) and FM. Upon adoption of the amended Ordinance, FM will provide information to the public through various Citywide communication resources, such as press releases, utility bill inserts, and posting information on the City's website.

Applications will be handled by the FM Business License Section, located on the 4th floor, in the City's Permit Center to ensure a business-friendly process for applicants seeking curb painting permits. The Ordinance has been amended to reflect the change that FM will handle the duties of administrative processing, which includes the issuance of a business license and the permit processing, while LBPD will handle all background investigations. LBPD has revised their background check process and will be able to provide information to FM within ten business days for each applicant's background investigation. FM will be responsible for collecting and processing all applicable fees from curb painting applicants.

Tax exempt non-profit charitable organizations will be required to show proof of their non-profit status upon applying and will be charged a nominal non-profit solicitation fee per the established fee resolution set by City Council and, upon verification, will be exempt from all other fees. Non-profit organizations that are not able to provide proof of their charitable status will still be required to pay all fees listed on the attached consolidated fee schedule.

This letter was reviewed by Deputy City Attorney Linda Trang on January 18, 2011 and Budget Management Officer Victoria Bell on January 14, 2011.

TIMING CONSIDERATIONS

City Council action on this matter is requested on February 8, 2011.

FISCAL IMPACT

There is no fiscal impact or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



WILLIAM YEOMANS
INTERIM DIRECTOR OF FINANCIAL MANAGEMENT



JIM MCDONNELL
CHIEF OF POLICE

WY:JM:ES:PH
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ATTACHMENTS: EXHIBIT A –MAY 13, 2008 COUNCIL AGENDA ITEM No. C-2
EXHIBIT B –FEE SCHEDULE
ORDINANCE

APPROVED:



PATRICK H. WEST
CITY MANAGER



City of Long Beach
Working Together to Serve

EXHIBIT A
Memorandum

~~**C-2**~~

Date: May 13, 2008
To: Honorable Mayor and City Council
From: Councilmember Val Lerch, Chair, Public Safety Committee
Subject: **ISSUANCE OF PERMITS TO PAINT HOUSE NUMBERS ON CURBS**

The Public Safety Committee, at its meeting held May 6, 2008, considered communications relative to the above subject.

It is the recommendation of the Public Safety Committee that the City Council concur in the recommendation to request the City Attorney to review ordinance regarding issuing permits to individuals or organizations to paint house numbers on curbs for possible amendments:

- 1) To insure that public safety is protected; and
- 2) To determine whether the responsibility to issue permits should be handled by Financial Management's Business License Division or the Police Department.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

Councilmember Val Lerch, Chair

Prepared by:
Gloria Harper



Date: May 6, 2008
To: Patrick H. West, City Manager
From: Anthony W. Batts, Chief of Police *AWB*
For: **Members of the Public Safety Committee**
Subject: Recommendations Regarding Procedures For Issuing Permits To Paint House Numbers On Curbs

DISCUSSION

At the City Council Meeting of November 20, 2007, Fifth District Councilwoman Schipske discussed a number of complaints from residents involving people painting curbs and soliciting money without proper permits. She offered several recommendations for revising the current curb painting permit procedures to increase public safety, especially for elderly residents of the City. After discussion between the City Council and additional input from residents, the issue was referred to the Public Safety Committee for further study. The following is offered for the committee's consideration.

The procedure for issuing curb-painting permits was substantially revised in 2003, to give greater effect to the requirements of Chapter 14.36 LBMC. Typical resident complaints involve aggressive solicitations for money and fraudulent charitable appeals, as well as vandalism of public and private property, assault and possible casing for burglaries.

As revised, the current procedure fully addresses each and every concern presently raised by the City Council and specifically incorporates each of the four recommendations set forth by Councilwoman Schipske in her memorandum dated November 20, 2007(attached). The enhanced procedures have not been burdensome to either the Police Department or the affected Council Offices.

Curb painting permits are issued by the Chief of Police only upon payment of proper fees, background investigations of all painters/solicitors and approval of proposed notices. The current fee for the permit is \$125 for a three-month permit. This fee, originally established by Council Resolution # C-23583 in 1983, is actually reflective of the current cost of processing the permit applications.

While the Fee Resolution provides a waiver for tax-exempt nonprofit organizations, most neighborhood associations are not tax exempt nonprofit organizations and, therefore, do not qualify for the fee exemption. Commercial (for-profit) painters are also required to pay the permit fee, plus the quarterly business tax.

It is the policy of the Vice Investigations Section to provide notifications to the Communications Division, affected Patrol Divisions and Council Offices whenever curb painting permits have been issued so that the permits could be verified after hours and on weekends. The revised procedure contains the same notification requirements and additionally requires the permittee to pick up the approved permit from the Administrative Sergeant at the affected patrol division.

In addition to permit identification cards (with photos) for each painter and solicitor, the newly designed permit/written authorization form was intended to provide greater information to residents regarding the permitted person/organization and the specific parameters of the approval. It should be noted that the Police Department has not issued any permits to paint numbers on curbs since 2002, which could account for why this information has not reached the residents and Councilmembers have never been notified of a permit being issued in their district(s).

Without exception, curb painters that have operated in the City of Long Beach within the past five years have done so without the proper permits. This has occurred, not due to failings of the current permitting system, but rather due to a lack of public awareness of the permit requirements and a consequent lack of enforcement.

As with most public safety issues, resolving the bandit curb painter problem will require the active participation of an informed community. Once residents know that permits, along with written permission to paint the curbs are required, and that permits must be conspicuously displayed, they will know to call the Police whenever they encounter "bandits." Calls-for-service will prompt increased enforcement activity, which will, in turn, provide an effective deterrent to further bandit activity.

With this in mind, the Community Relations Division will begin producing public safety fliers for distribution at safety tables at various community events. We will also publish an information piece in the monthly "Crime Watch" newsletter.

TIMING CONSIDERATIONS

None.

FISCAL IMPACT

The costs involved in producing safety fliers to distribute at Neighborhood Watch meetings and safety tables are nominal and already a budgeted program expense within the Community Relations Division of the Police Department. Similarly, publication of information, either on the utility bill or in the monthly newsletter "The Wave," which is already included in the utility billing, would not result in any additional cost to the City.

IT IS RECOMMENDED THAT THE COMMITTEE:

Concur with the alternate proposal to increase enforcement of existing regulatory requirements by way of a public education campaign, which can be accomplished by publishing articles in community newsletters and distributing safety fliers at Neighborhood Watch meetings and other community events. Additional efforts could include disseminating information in the monthly utility statements.

APPROVED:


fr PATRICK H. WEST
CITY MANAGER



City of Long Beach
Working Together to Serve

Office of Gerrie Schipske
Councilwoman, Fifth District
Memorandum

R-24

Date: November 20 2007

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske *GS*

Subject: AGENDA ITEM: Report to Council Districts Regarding Permits Issues for Painting of House Numbers on City Curbs

BACKGROUND

City Municipal Code Chapter 14.36 establishes a process by which permits are issued to persons and organizations for the painting of house numbers on curbs. The permit is to be issued by the Chief of Police and those who paint house numbers must conform with the uniform standards set out in the code.

Unfortunately, residents report that individuals come to their door and inform them that they have painted their house number on the curb and would like a donation for the service even though the residents' permission had not been sought prior to the painting. Alternatively, others report that they pay a fee only to find that the curb has not been painted or painted correctly.

Currently, there isn't a fee charged for obtaining the permit to paint house numbers on city curbs, so permits are easily obtained. The Code does allow the City Council to set a permit fee if it chooses to do so.

RECOMENDATION

It is recommended that a number of procedures be put in place to assure residents that individuals or organizations offering to paint house numbers are authorized to perform the work and that it is performed correctly.

These procedures include:

1. The Police Department shall notify Council offices whenever a permit is issued for house number painting so that the Council office can confirm with residents that the permit is appropriate.
2. The permit issued should be distinctive and readily identifiable and displayed by the individual or organization requesting to paint the house numbers and shown to residents.
3. Residents should have to give written permission to have their house numbers painted and individuals and organizations performing the service must provide the written permission to the City if asked to do so.

HONORABLE MAYOR AND CITY COUNCIL

Report to Council Districts Regarding Permits Issues for Painting of House Numbers on City Curbs

Councilwoman Gerrie Schipske, Fifth District

November 20, 2007

Page 2

4. Residents should be given written information on the permit number, the organization performing the service and a phone number in the Police Department where residents can call if they are not satisfied with the house number painting.

EXHIBIT B

CITY OF LONG BEACH BUSINESS LICENSE PRORATED FEE SCHEDULE

Term of License	12 Months	9 Months	6 Months	3 Months
Base Fee*	\$320.70	\$240.52	\$160.35	\$80.18
Per Employee Fee *(Including Owner)	\$16.65	\$12.48	\$8.33	\$4.16

CURB PAINTING PROPOSED FEE

FEE NAME	FEE CHARGE	CHARGE PER	FUND
Curb Painting Application/Processing Fee	\$200	Permit	General
Non-Profit Application/Processing Fee	\$50	Permit	General

*Fees could increase or decrease at any depending on Council Approval.

REDLINE

14.36.010 Permitted when.

A. Subject to the uniform standards provided in this eChapter, and after obtaining a permit from the chief of police, property owners may paint, stencil or otherwise mark their house number on the curb adjacent to their property.

B. Any business or Ppersons (other than the property owners) who paints, stencils or otherwise marks the house numbers of others must also obtain a permit from the chief of policeDirector of Financial Management and comply with the uniform standards of this eChapter.

C. No such permit shall be issued until the applicant has satisfied the following requirements:

1. The applicant shall make an application on forms provided by the Director of Financial Management and shall be accompanied by the payment of the applicable fees as prescribed by resolution of the City Council.

2. The applicant shall file with the Director of Financial Management, and shall procure and maintain in full force and effect during the term of the permit, a policy of public liability insurance, as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040. The insurance policy shall name the City as insured or additional insured with the permittee, and shall insure the City, its boards and commissions, and their officials, employees and agents against all claims arising out of or in connection with the issuance of the permit or the operation of the applicant or his agents pursuant to the permit.

3. Charitable organizations desiring to paint, stencil or otherwise mark house numbers on curbs of others must obtain a permit to

1 make charitable solicitations pursuant to Chapter 5.28.

2
3 14.36.020 Permit procedure.

4 A. Any business or persons desiring to paint, stencil or otherwise
5 mark house numbers on curbs of others shall obtain a written permit by
6 filing an application on forms provided by the with the chief of police on a
7 form provided by the city Director of Financial Management. The
8 application shall require contain the following information:

9 1. Name and address of applicant and all persons performing work
10 under the provisions of this Chapter;

11 2. Date of application;

12 3. Name of sponsoring organization, if any, whether nonprofit,
13 charitable or otherwise;

14 4. Name and telephone number of responsible adult representing
15 the organization; and

16 5. Precise description of area to be covered under permit; and

17 6. Such other or further information deemed pertinent by the
18 Director of Financial Management.

19 B. ~~The chief of police has discretionary authority to deny a permit in~~
20 ~~the interest of the public health, safety or welfare; and a permit shall be~~
21 ~~valid for a period of ninety (90) days after issuance~~Any change in any
22 information in the application must be submitted to the Director of
23 Financial Management immediately after the change has occurred.

24 C. ~~A record of the issued permits shall be maintained and appropriate~~
25 ~~designations shall be made on a map so that house numbers are not~~
26 ~~repainted more than once every twelve (12) months~~On receipt of the
27 application, the Director of Financial Management shall refer it to the
28 Police Department for background investigation. The Chief of Police or

1 his/her designee shall provide his/her recommendation regarding the
2 approval or denial of a permit with the Director of Financial Management
3 within ten (10) business days after the application for a permit is filed,
4 except where circumstances beyond the control of the City justifiably delay
5 such response. Upon the recommendation of the Chief of Police for
6 approval and issuance of a permit, the Director of Financial Management
7 may approve the application for the permit, provided that the applicant has
8 met all conditions, if any, imposed by the Police Department, has complied
9 with all applicable provisions of this Chapter, and has paid the applicable
10 permit fees and license tax required pursuant to Chapter 3.80.

11 D. All permits issued under the provisions of this Chapter shall expire
12 on the thirty-first (31st) day of December following the date on which the
13 permit was issued; however, such permits may be renewed by the
14 Director of Financial Management upon application of the permittee,
15 provided the Director of Financial Management determines that the
16 permittee, during the prior permit period, has operated in conformity with
17 the provisions of this Chapter and that permittee is capable of such
18 continued operation in the succeeding permit period. Notwithstanding the
19 foregoing, failure to comply with any of the provisions of this Chapter,
20 including any conditions attached to the permit at the time of approval, will
21 constitute grounds for suspension, denial, or revocation of the
22 permit.~~Every applicant shall be provided with a copy of the uniform~~
23 ~~standards provided in this chapter and a sketch of the numbering~~
24 ~~standards.~~

25 E. No fee shall be charged for a permit unless authorized by a
26 resolution of the eCity eCouncil. In establishing a fee schedule by
27 resolution pursuant to this sSubsection 14.36.020.E., the eCity eCouncil
28 may create exemptions from such fees, in whole or in part, for such

1 charitable organizations lawfully operating within the eCity as may be
2 defined in and by the resolution.

3
4 14.36.050 General restrictions.

5 A.____-In order to assure a reasonable quality of workmanship, the
6 minimum age for persons doing the work shall be ~~fourteen (14) years (or~~
7 ~~enrollment in the ninth grade)~~eighteen (18) years and graduation from
8 high school.

9 B.____Before starting work in the area described in the permit, the
10 workers operating under the provisions of this Chapter shall give written
11 notice to all residents in the area of their intent to paint, stencil or
12 otherwise mark house numbers. This written notice shall include the
13 following information:

14 1.____The name, address and telephone number of the
15 organization or person doing the work;

16 2.____ If the organization or person doing the work is soliciting
17 donations, this written notice shall include A a statement advising the
18 resident that the such organization or person is permitted to solicit a
19 donations for the work done butand thata such donations isare not
20 required and are only voluntary; or if the organization or person doing the
21 work is soliciting payment for the work, this written notice shall include the
22 fixed payment amount and a statement advising the resident that such
23 organization or person is permitted to request payment for work completed
24 with the owner's prior written approval required by Subsection
25 14.36.050.C; and

26 3.____A statement that this written notice is for information only
27 and the work is not required, sponsored, endorsed or guaranteed by the
28 eCity;

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4.—The form of written notice required by this ~~§~~Subsection 14.36.050.B shall, prior to its being given to residents, be submitted to the ~~chief of police~~ Director of Financial Management, as part of the permit application, for review by the ~~e~~City as to form and content.

C.—No house number shall be painted, stenciled or otherwise marked on any curb by any person until that person has obtained a permit pursuant to this ~~§~~Chapter, and has obtained ~~and filed with the chief of police~~ written approval ~~of~~ from the owner of the property for the painting, stenciling or other marking of the house number on the curb of that property. The permittee shall keep and maintain such written approval for up to three (3) years after completion of the work and shall be made available for inspection on demand of the Director of Financial Management.

D. No person shall fail to keep a copy of such permit upon his person and available for inspection at all times while performing such work, and no person shall represent in any way to the owner or occupant of the premises in question or to any other person that the painting of such numbers upon curbs or elsewhere is required by any law, rule or regulation.

1 ORDINANCE NO.
2

3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY AMENDING SECTIONS 14.36.010,
6 14.36.020 AND 14.36.050, ALL RELATING TO HOUSE
7 NUMBERS ON CURBS
8

9 The City Council of the City of Long Beach ordains as follows:
10

11 Section 1. Section 14.36.010 of the Long Beach Municipal Code is
12 hereby amended to read as follows:

13 14.36.010 Permitted when.

14 A. Subject to the uniform standards provided in this Chapter,
15 property owners may paint, stencil or otherwise mark their house number
16 on the curb adjacent to their property.

17 B. Any business or person (other than the property owners) who
18 paints, stencils or otherwise marks the house numbers of others must
19 obtain a permit from the Director of Financial Management and comply with
20 the uniform standards of this Chapter.

21 C. No such permit shall be issued until the applicant has satisfied
22 the following requirements:

23 1. The applicant shall make an application on forms
24 provided by the Director of Financial Management and shall be
25 accompanied by the payment of the applicable fees as prescribed by
26 resolution of the City Council.

27 2. The applicant shall file with the Director of Financial
28 Management, and shall procure and maintain in full force and effect during

1 the term of the permit, a policy of public liability insurance, as prescribed in
2 regulations issued by the City Manager pursuant to Section 2.84.040. The
3 insurance policy shall name the City as insured or additional insured with
4 the permittee, and shall insure the City, its boards and commissions, and
5 their officials, employees and agents against all claims arising out of or in
6 connection with the issuance of the permit or the operation of the applicant
7 or his agents pursuant to the permit.

8 3. Charitable organizations desiring to paint, stencil or
9 otherwise mark house numbers on curbs of others must obtain a permit to
10 make charitable solicitations pursuant to Chapter 5.28.

11
12 Section 2. Section 14.36.020 of the Long Beach Municipal Code is
13 hereby amended to read as follows:

14 14.36.020 Permit procedure.

15 A. Any business or person desiring to paint, stencil or otherwise
16 mark house numbers on curbs of others shall obtain a written permit by
17 filing an application on forms provided by the Director of Financial
18 Management. The application shall require the following information:

- 19 1. Name and address of applicant and all persons
20 performing work under the provisions of this Chapter;
- 21 2. Date of application;
- 22 3. Name of sponsoring organization, if any, whether
23 nonprofit, charitable or otherwise;
- 24 4. Name and telephone number of responsible adult
25 representing the organization;
- 26 5. Precise description of area to be covered under permit;
27 and
- 28 6. Such other or further information deemed pertinent by

1 the Director of Financial Management.

2 B. Any change in any information in the application must be
3 submitted to the Director of Financial Management immediately after the
4 change has occurred.

5 C. On receipt of the application, the Director of Financial
6 Management shall refer it to the Police Department for background
7 investigation. The Chief of Police or his/her designee shall provide his/her
8 recommendation regarding the approval or denial of a permit with the
9 Director of Financial Management within ten (10) business days after the
10 application for a permit is filed, except where circumstances beyond the
11 control of the City justifiably delay such response. Upon the
12 recommendation of the Chief of Police for approval and issuance of a
13 permit, the Director of Financial Management may approve the application
14 for the permit, provided that the applicant has met all conditions, if any,
15 imposed by the Police Department, has complied with all applicable
16 provisions of this Chapter, and has paid the applicable permit fees and
17 license tax required pursuant to Chapter 3.80.

18 D. All permits issued under the provisions of this Chapter shall
19 expire on the thirty-first (31st) day of December following the date on which
20 the permit was issued; however, such permits may be renewed by the
21 Director of Financial Management upon application of the permittee,
22 provided the Director of Financial Management determines that the
23 permittee, during the prior permit period, has operated in conformity with
24 the provisions of this Chapter and that permittee is capable of such
25 continued operation in the succeeding permit period. Notwithstanding the
26 foregoing, failure to comply with any of the provisions of this Chapter,
27 including any conditions attached to the permit at the time of approval, will
28 constitute grounds for suspension, denial, or revocation of the permit.

1 E. No fee shall be charged for a permit unless authorized by a
2 resolution of the City Council. In establishing a fee schedule by resolution
3 pursuant to this Subsection 14.36.020.E, the City Council may create
4 exemptions from such fees, in whole or in part, for such charitable
5 organizations lawfully operating within the City as may be defined in and by
6 the resolution.

7
8 Section 3. Section 14.36.050 of the Long Beach Municipal Code is
9 hereby amended to read as follows:

10 14.36.050 General restrictions.

11 A. In order to assure a reasonable quality of workmanship, the
12 minimum age for persons doing the work shall be eighteen (18) years and
13 graduation from high school.

14 B. Before starting work in the area described in the permit, the
15 workers operating under the provisions of this Chapter shall give written
16 notice to all residents in the area of their intent to paint, stencil or otherwise
17 mark house numbers. This written notice shall include the following
18 information:

19 1. The name, address and telephone number of the
20 organization or person doing the work;

21 2. If the organization or person doing the work is soliciting
22 donations, this written notice shall include a statement advising the resident
23 that such organization or person is permitted to solicit donations and that
24 such donations are not required and are only voluntary; or if the
25 organization or person doing the work is soliciting payment for the work, this
26 written notice shall include the fixed payment amount and a statement
27 advising the resident that such organization or person is permitted to
28 request payment for work completed with the owner's prior written approval

1 required by Subsection 14.36.050.C; and

2 3. A statement that this written notice is for information
3 only and the work is not required, sponsored, endorsed or guaranteed by
4 the City.

5 4. The form of written notice required by this Subsection
6 14.36.050.B shall, prior to it being given to residents, be submitted to the
7 Director of Financial Management, as part of the permit application, for
8 review by the City as to form and content.

9 C. No house number shall be painted, stenciled or otherwise
10 marked on any curb by any person until that person has obtained a permit
11 pursuant to this Chapter, and has obtained written approval from the owner
12 of the property for the painting, stenciling or other marking of the house
13 number on the curb of that property. The permittee shall keep and maintain
14 such written approval for up to three (3) years after completion of the work
15 and shall be made available for inspection on demand of the Director of
16 Financial Management.

17 D. No person shall fail to keep a copy of such permit upon his
18 person and available for inspection at all times while performing such work,
19 and no person shall represent in any way to the owner or occupant of the
20 premises in question or to any other person that the painting of such
21 numbers upon curbs or elsewhere is required by any law, rule or regulation.

22
23 Section 4. The City Clerk shall certify to the passage of this ordinance by
24 the City Council and cause it to be posted in three (3) conspicuous places in the City of
25 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
26 Mayor.

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

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

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor