

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

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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

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:

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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.
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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.

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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

ORDINANCE NO. HD- 1903

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Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
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Telephone (562) 570-2200

AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS AMENDING AND RESTATING THE AUTHORITY OF DESIGNATED SECURITY OFFICERS OF THE HARBOR DEPARTMENT SECURITY DIVISION TO ENFORCE STATUTES AND ORDINANCES, TO ARREST AND TO PREPARE, ISSUE AND DELIVER WRITTEN NOTICES TO APPEAR, AND MAKING A DETERMINATION RELATING THERETO

WHEREAS, the Executive Director of the Long Beach Harbor Department has determined that it is necessary for the Director of Security, Chief Port Security Officer and Security Officers of the Harbor Department Security Division to have clearly defined authority to enforce statutes and ordinances, to arrest, and to prepare, issue and deliver written Notices to Appear within the Harbor District of the City of Long Beach ("City"); and

WHEREAS, this authority is defined and updated by ordinance from time to time; and

WHEREAS, the Director of Planning of the Long Beach Harbor Department has determined, in a review of the applicability of the California Environmental Quality Act (CEQA) to said amended and restated grant of enforcement authority, that such grant will not result in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and that, pursuant to the provisions of the California Environmental Quality Act (CEQA) and the State Guidelines implementing CEQA, such grant is not subject to the provisions of CEQA.

NOW, THEREFORE, the Board of Harbor Commissioners of the City of

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1 Long Beach ordains as follows:

2 Section 1. The Board hereby finds and determines that the following
3 grant of authority will not result in a direct physical change in the environment or a
4 reasonably foreseeable indirect physical change in the environment and is therefore not
5 subject to the provisions of the California Environmental Quality Act.

6 Sec. 2. The Board hereby finds and determines that those employees of
7 the Harbor Department, holding the positions of Director of Security, Chief Port Security
8 Officer and Security Officer, employed in the Harbor Department Security Division, are
9 hereby authorized to enforce the following provisions within the Harbor District and are
10 authorized, pursuant to California Penal Code Section 836.5, to arrest persons and to
11 prepare, issue and deliver to any arrested person a written Notice to Appear in court
12 and to release such person from custody upon receiving from him his written promise to
13 appear in court for any violation or violations of any provisions enumerated herein:

14 California Vehicle Code Sections 4464 (altered license plates); 5202
15 (period of display); 10852 (breaking or removing vehicle parts); 12500(a), (b), (c), (d)
16 (unlawful to drive unless properly licensed); 14601(a), 14601.2(a), 14601.3(a),
17 14601.4(a), 14601.5(a) (driving on a suspended license); 14603 (violation of restricted
18 license); 14606(a) (employing unlicensed drivers); 20002(a) (duty after accident); 21100
19 (local rules and regulations); 21100.3 (disobeying traffic instructions); 21113(a) (public
20 grounds); 21453(a), (b), (c) (red light); 21460 (double yellow lines); 21461 (failure to
21 obey sign or signal); 21464 (interference with traffic devices); 21708 (fire hoses); 21712
22 (unlawful riding and towing); 22102 (U-Turn in a Business District); 22450 (stop signs);
23 22500(a), (b), (c), (d), (e), (f), (g), (h), (i), (k) (stopping, standing and parking
24 prohibitions); 22502(a) (curb parking); 22507.8 (parking in spaces for disabled
25 persons); 22514 (fire hydrants); 22515 (unattended vehicles); 22516 (locked vehicles);
26 22521 (parking upon or near a railroad track); 22522 (parking near sidewalk access
27 ramps); 22523(b) (abandoning vehicles); 22651(a), (b), (c), (d), (e), (f), (g), (h), (j), (k),
28 (l), (m), (n), (o), (p), (q), (r), (s) (removal of vehicle); 22651.5 (vehicle alarm sound over

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1 45 minutes); 22652 (removal from handicapped space or blue zone); 22654 (removal of
2 vehicle violating 22500 or 22504); 22669 (removal of abandoned or dismantled
3 vehicle); 23110(a) (throwing substances at vehicles); 23112(a), (b) (dumping on
4 highway); 23113(a) (removal of material from highway); 23114 (spilling loads); 23220
5 (drinking while driving); 23222 (opened alcoholic beverages); 31614 (transportation of
6 explosives);

7 California Penal Code Sections 148 (resisting public officer); 148.2
8 (interfering with firefighter or emergency rescue personnel); 372 (maintaining a
9 nuisance); 374.3 (dumping of waste on roads); 403 (disrupting a public meeting); 415
10 (disturbing the peace); 484 (theft); 554 (property that may be posted); 555 (entry upon
11 posted property); 556 (placing advertising signs on posted property); 588(b) (removing
12 authorized barrier); 594 (vandalism); 602 (trespass); 647(f) (disorderly conduct);

13 California Business and Professions Code 22435.2 (shopping carts);

14 Long Beach Municipal Code Sections 2.03.140 (disturbing public
15 meeting); 5.52 (junk regulation); 8.08.140 (water vessel rat shields); 9.22.010 (public
16 consumption of alcohol); 9.42.100 (operating vehicles on private property); 10.08.030
17 (traffic control devices); 10.18.040 (living in vehicles); 10.22.020 (parkways and
18 sidewalks); 10.22.030 (storing vehicles on streets prohibited); 10.22.130 (seventy-two
19 hour parking limit); 10.22.150 (repairing vehicles on streets); 10.24.030 (stopping or
20 parking prohibited); 10.24.050 (parking prohibited); 10.24.090 (limited time parking);
21 10.24.130 (parking space markings); 10.26.010 (yellow, white or green curb markings);
22 10.26.020 (red curb markings); 18.48.010 (discharge of fireworks); and

23 Long Beach Harbor Department Ordinance No. HD-1357, Tariff No.

24 4: Those Tariff items enumerated in Tariff Items 904 (misdemeanors), 906 (infractions)
25 and 908 (infractions), as such Items 904, 906 and 908 are now worded or may in the
26 future be amended.

27 Sec. 3. Nothing in this Ordinance is intended to operate either in addition
28 to or in contravention of Part 2, Title 3, Chapter 4.5, of the California Penal Code which

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1 expressly designates those persons who are classified as peace officers. Further,
2 nothing in this Ordinance is intended to or shall operate to change or shall have the
3 effect of changing the status of the officers and employees authorized to act pursuant
4 to this Ordinance from public or miscellaneous officers and employees to individual
5 peace officers or safety members or classes of peace officers or safety members for
6 purposes of retirement, workmen's compensation or similar injury or death benefits or
7 any other employee benefit or benefits to which said employee would not have been
8 entitled as a public employee prior to the adoption of this Ordinance.

9 Sec. 4. The City of Los Angeles and the City of Long Beach have entered
10 into an "Automatic Aid/Initial Action Agreement For Exchange Of Police Protection
11 Services" (Long Beach City Agreement No. 25468; Harbor Department Document No.
12 HD-5972) for approximately one hundred sixty-four (164) acres of land in the City of Los
13 Angeles adjacent to the boundary between the Cities north of Cerritos Channel and
14 south of Anaheim Street. Said land is owned by the City of Long Beach and under the
15 jurisdiction and control of this Board. By virtue of said Agreement and this Ordinance,
16 the Director of Security, Chief Port Security Officer and the Security Officers are hereby
17 authorized to carry out the obligations as defined herein within the boundaries of the
18 area described in paragraph 2 of said Agreement No. 25468/HD-5972. For ease of
19 reference such area is described in Exhibit "A" and depicted on Exhibit "B" attached to
20 this Ordinance.

21 Sec. 5. Ordinance Nos. HD-1295, HD-1306, HD-1401 and HD-1758 are
22 hereby superseded and repealed by this ordinance. However, such repeal shall not be
23 construed as abating any matters now pending under or by virtue of Ordinance No.
24 HD-1295, as amended by Ordinance Nos. HD-1306, HD-1401 and HD-1758, or as
25 discontinuing, abating, modifying, or altering any matter accruing or to accrue or
26 affecting any person, firm, or corporation under any section or provision existing at the
27 time of the passage of this ordinance.

28 Sec. 6. It is the intention of the Board of Harbor Commissioners of the

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1 City of Long Beach that this ordinance and every provision hereof shall be considered
2 separable; and the invalidity of any section, clause, or provision, or part or portion of
3 any section, clause or provision of this ordinance shall not affect the validity of any
4 other portion of this ordinance.

5 Sec. 7. This ordinance shall be signed by the President or Vice President
6 of the Board and attested to by the Secretary. The Secretary shall certify to the
7 passage of this ordinance by the Board, shall cause the same to be posted in three (3)
8 conspicuous places in the City of Long Beach, and shall cause a certified copy of this

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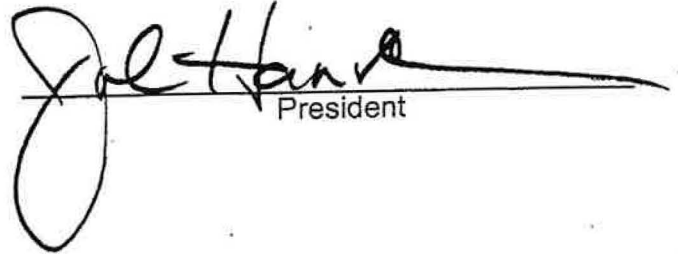
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1 ordinance to be filed forthwith with the City Clerk. This ordinance shall take effect on
2 the 31st day after its final passage.

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4 
5 President

6 ATTEST:

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8 
9 Secretary

10 I hereby certify that the foregoing ordinance was adopted by the Board of
11 Harbor Commissioners of the City of Long Beach at its meeting of January 20,
12 2004 by the following vote:

13
14 Ayes: Commissioners: Cordero, Hankla, Topsy-Elvord, Calhoun,
15 Hancock

16 Noes: Commissioners: _____

17 Absent: Commissioners: _____

18 Not Voting: Commissioners: _____

19
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21 Secretary

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27 Robert E. Shannon
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27 DH:dmp
12/18/03
28 S-13\SECURITY.ORD

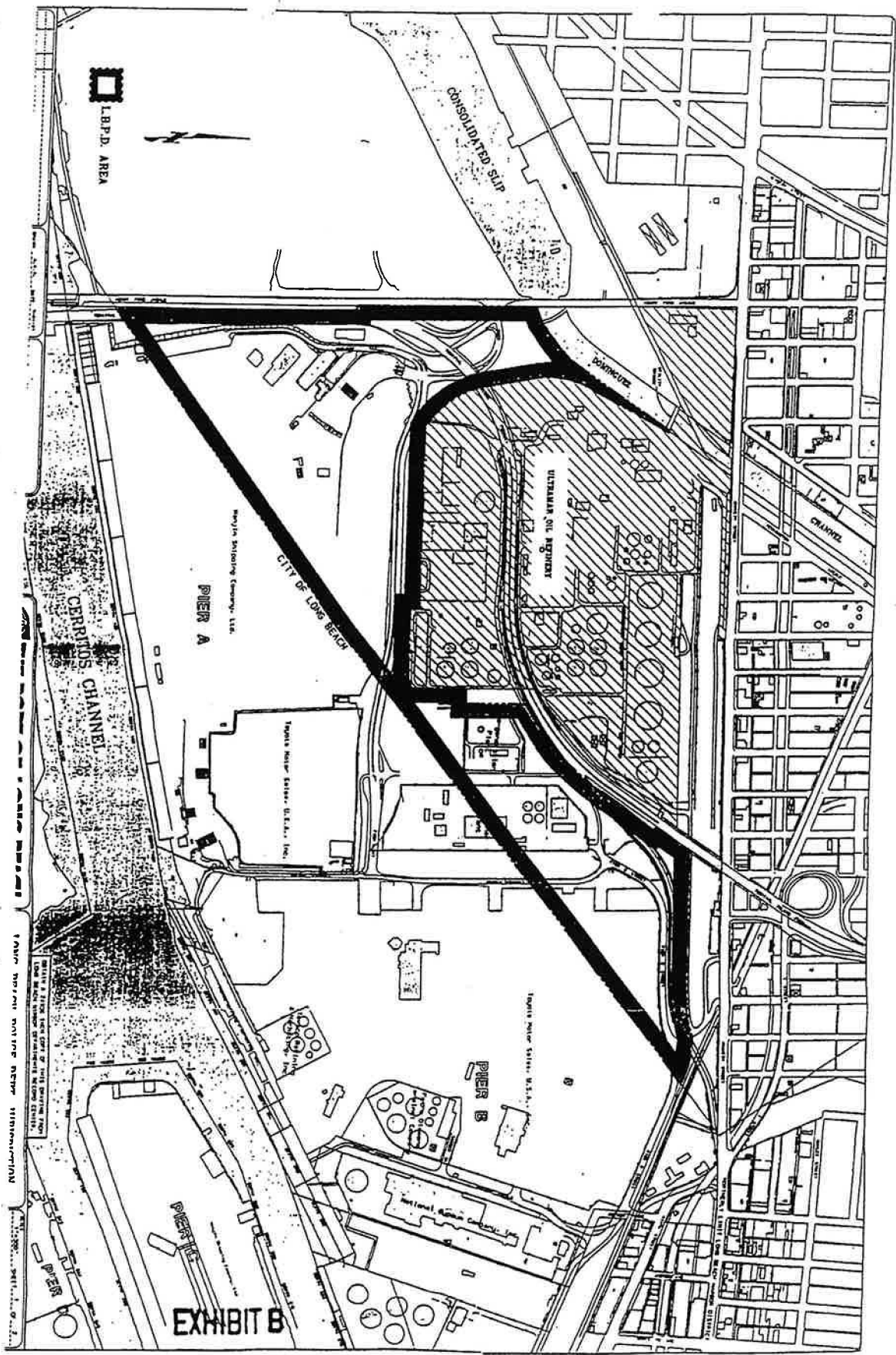
EXHIBIT "A"

LBPD jurisdiction within City of Los Angeles

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4 Beginning at the intersection of the Los Angeles - Long Beach
5 mutual city boundary and the western edge of the Terminal Island
6 Freeway, north along the western edge of the freeway, as delineated
7 by fencing and freeway retaining wall; then at the north end of
8 such wall west to the eastern edge of Henry Ford Avenue; then north
9 along the east edge of Henry Ford Avenue to the top of the
10 southeastern channel embankment of Dominguez Channel; then
11 northeasterly along the top of slope to the first (southerly)
12 utility bridge crossing Dominguez Channel; then east to the
13 retaining wall and fencing of the Ultramar refinery; then along the
14 western, southern and eastern fence of the refinery, including the
15 refinery parking lot; then northerly along the prolongation of the
16 parking lot fence line across Pier B Street to the southeastern
17 boundary of the Terminal Island Freeway; then along such freeway
18 boundary to the south edge of the Mead railroad yard; then east
19 along the south edge of the railroad yard and the prolongation of
20 such line to the City boundary; then southwest along the city
21 boundary to the point of beginning.

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22
23 Long Beach P.D. shall be the primary law enforcement authority
24 within such area, and Los Angeles P.D. shall be the primary law
25 enforcement authority northerly and westerly of such area.
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LAB/D AREA

CONSOLIDATED SLIP

CITY OF LONG BEACH

ULTRAMARINE OIL REFINERY

PIER A

PIER B

CERRITOS CHANNEL

EXHIBIT B

DRAWN IN FIELD FROM THE COPY OF THIS DRAWING FROM THE OFFICE OF THE DISTRICT ATTORNEY, LOS ANGELES, CALIF. 1951.

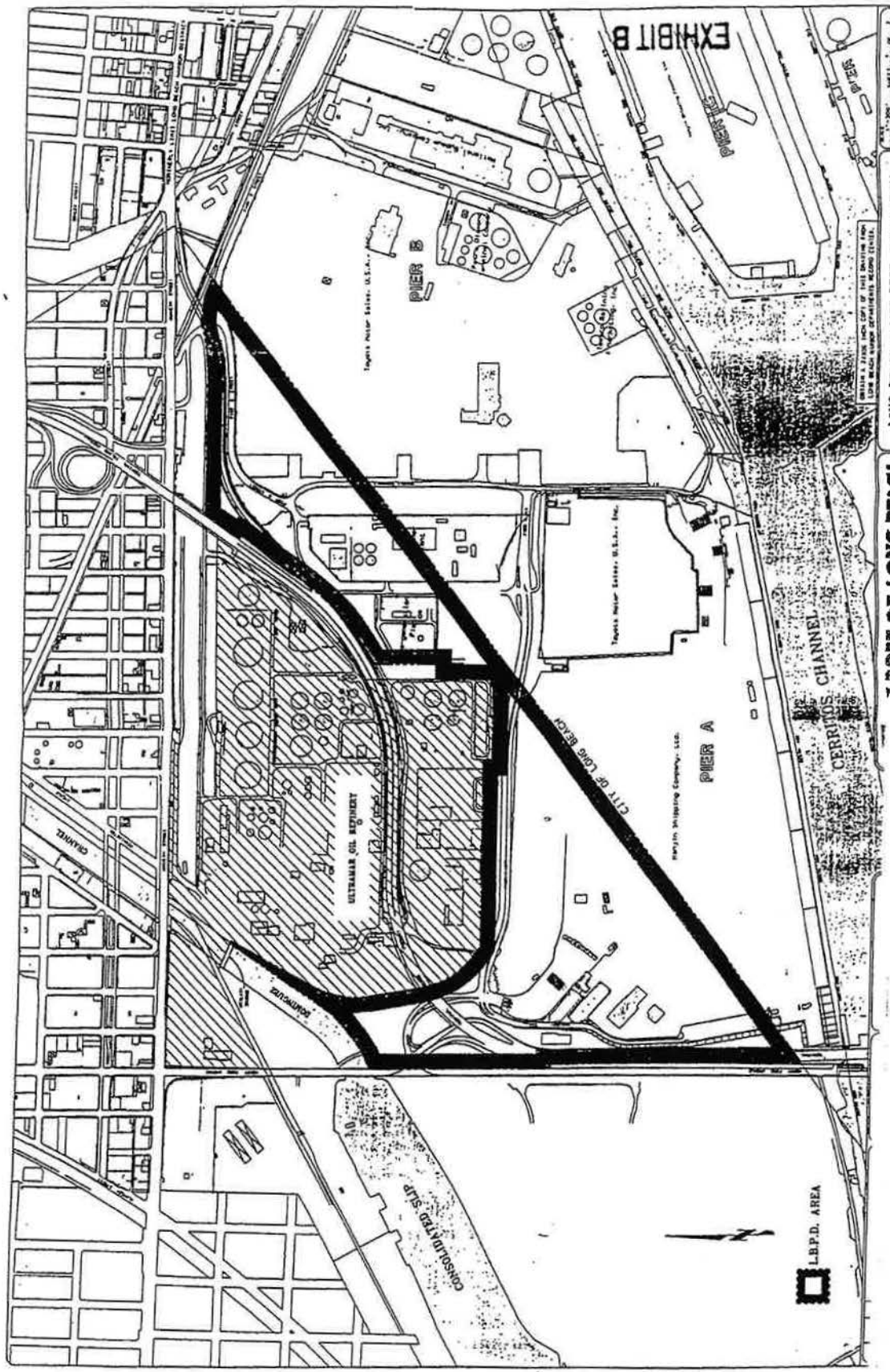


EXHIBIT B

Imports Motor Sales, U.S.A., Inc.

Imports Motor Sales, U.S.A., Inc.

ULTRAMAR OIL REFINERY

Imports Shipping Company, Ltd.

PIER A

TERRACON CHANNEL

PIER B

Imports Motor Sales, U.S.A., Inc.

LONG BEACH POLICE DEPT. JURISDICTION

L.B.P.D. AREA

CITY OF LOS ANGELES

CITY OF LONG BEACH

GRANVILLE

KENNEDY



OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

ORDINANCE NO. HD- 2305

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3 AN ORDINANCE OF THE BOARD OF HARBOR
4 COMMISSIONERS OF THE CITY OF LONG BEACH
5 AMENDING ORDINANCE NO. HD-1903 TO PROVIDE FOR
6 THE AUTHORITY OF DESIGNATED SECURITY
7 OFFICERS OF THE HARBOR DEPARTMENT SECURITY
8 DIVISION TO ENFORCE STATUTES AND ORDINANCES,
9 TO ARREST AND TO PREPARE, ISSUE AND DELIVER
10 WRITTEN NOTICES TO APPEAR AT 415 W. OCEAN
11 BOULEVARD IN LONG BEACH, THE NEW CITY HALL
12 WITH COUNCIL CHAMBERS AND THE UNDERGROUND
13 PARKING STRUCTURE, WHICH ARE ALL PART OF THE
14 NEW CIVIC CENTER PLAZA; MAKING CERTAIN
15 FINDINGS AND DETERMINATIONS RELATING THERETO;
16 DECLARING THE URGENCY THEREOF AND PROVIDING
17 THAT THIS ORDINANCE SHALL TAKE PLACE
18 IMMEDIATELY
19

20 WHEREAS, the Executive Director of the Long Beach Harbor Department
21 has determined that it is necessary for the Director of Security, Chief Port Security Officer
22 and Security Officers of the Harbor Department Security Division to have clearly defined
23 authority to enforce statutes and ordinances, to arrest, and to prepare, issue and deliver
24 written Notices to Appear at the office building at 415 W. Ocean Boulevard in Long Beach
25 ("Building"), the underground parking structure beneath the Building ("parking structure"),
26 the Central Utility Plant and Utility Yard for the Civic Center, and the Council Chambers
27 and shared spaces in City Hall when used for Harbor Department business; and

28 WHEREAS, Ordinance No. HD-1903 currently provides for this authority

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 within the Harbor District of the City of Long Beach ("City");

2 WHEREAS, pursuant to Ordinance No. ORD-19-0012, the City Council of
3 the City of Long Beach conferred upon and delegated to the Board of Harbor
4 Commissioners the ability to amend Ordinance No. HD-1903, as it may be amended or
5 replaced from time to time, to allow the Director of Security, the Chief Port Security
6 Officer and Security Officers of the Harbor Department Security Division to have clearly
7 defined authority to enforce statutes and ordinances, to arrest, and to prepare, issue and
8 deliver written Notices to Appear within the Building, parking structure, Central Utility
9 Plant and Utility Yard, and Council Chambers and shared spaces at the City Hall when
10 used for Harbor Department business; and

11 WHEREAS, pursuant to Resolution No. HD- 2960 , the Board of Harbor
12 Commissioners of the City of Long Beach approved the conferred and delegated powers
13 as set forth in Ordinance No. ORD-19-0012; and

14 WHEREAS, the Director of Environmental Planning of the Long Beach
15 Harbor Department has determined, in a review of the applicability of the California
16 Environmental Quality Act ("CEQA") to said amended grant of enforcement authority, that
17 such grant will not result in a direct physical change in the environment or a reasonably
18 foreseeable indirect physical change in the environment and that, pursuant to the
19 provisions of CEQA and the State Guidelines implementing CEQA, such grant is not
20 subject to the provisions of CEQA.

21 NOW, THEREFORE, the Board of Harbor Commissioners of the City of
22 Long Beach ordains as follows:

23 Section 1. The Board hereby finds and determines that the following grant
24 of authority will not result in a direct physical change in the environment or a reasonably
25 foreseeable indirect physical change in the environment and is therefore not subject to
26 the provisions of CEQA.

27 Sec. 2. The Board hereby finds and determines that those employees of
28 the Harbor Department Security Division holding the positions of Director of Security,

1 Chief Port Security Officer and Security Officer (collectively, "Harbor Patrol Officers"), are
2 hereby authorized to enforce the following provisions within the Building, parking
3 structure (including loading docks and ramps), Central Utility Plant and Utility Yard, and
4 Council Chambers and shared spaces at the City Hall when used for Harbor Department
5 business, and are authorized, pursuant to California Penal Code Section 836.5, to arrest
6 persons and to prepare, issue and deliver to any arrested person a written Notice to
7 Appear in court and to release such person from custody upon receiving from him his
8 written promise to appear in court for any violation or violations of any provisions
9 enumerated herein:

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

17 Long Beach Municipal Code Sections 2.03.140 (disturbing public
18 meeting); 9.22.010 (public consumption of alcohol); and 18.48.730
19 (discharge of fireworks).

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

22 Sec. 3. The Board finds and determines that the Harbor Patrol Officers are
23 authorized, pursuant to California Penal Code Section 836.5 and California Vehicle Code
24 Section 21100, to ensure access to the parking structure at the Magnolia Boulevard
25 entrances is limited to authorized persons and vehicles and to direct traffic on Magnolia
26 Boulevard when necessary to allow the safe egress of vehicles. The authority granted
27 pursuant to this subsection shall not include the authority to arrest persons or to issue a
28 Notice to Appear in court.

1 Sec. 4. Harbor Patrol Officers working at the Building, City Hall, Council
2 Chambers, Central Utility Plant and Utility Yard, or parking structure will travel to and
3 from work in their personal vehicles, unarmed and out of uniform.

4 Sec. 5. Nothing in this ordinance is intended to operate either in addition to
5 or in contravention of Part 2, Title 3, Chapter 4.5, of the California Penal Code which
6 expressly designates those persons who are classified as peace officers. Further,
7 nothing in this ordinance is intended to or shall operate to change or shall have the effect
8 of changing the status of the officers and employees authorized to act pursuant to this
9 ordinance from public or miscellaneous officers and employees to individual peace
10 officers or safety members or classes of peace officers or safety members for purposes
11 of retirement, workmen's compensation or similar injury or death benefits or any other
12 employee benefit or benefits to which said employee would not have been entitled as a
13 public employee prior to the adoption of this ordinance.

14 Sec. 6. Except as set forth in this ordinance, Ordinance No. HD-1903
15 remains unchanged and in full force and effect.

16 Sec. 7. It is the intention of the Board of Harbor Commissioners of the City
17 of Long Beach that this ordinance and every provision hereof shall be considered
18 separable; and the invalidity of any section, clause, or provision, or part or portion of any
19 section, clause or provision of this ordinance shall not affect the validity of any other
20 portion of this ordinance.

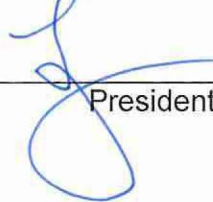
21 Sec. 8. This ordinance is an emergency measure which shall take effect
22 immediately. This ordinance is urgently required because the Harbor Patrol Officers
23 need to be in place by July 1, 2019 at the Building, City Hall, Council Chambers, Central
24 Utility Plant and Utility Yard, and parking structure to be prepared for the expected move
25 date of July 12, 2019 of Harbor Department employees to the Building, and to learn and
26 otherwise respond to the systems at the Building, City Hall, Council Chambers, Central
27 Utility Plant and Utility Yard, and parking structure prior to said expected move date.


28 Sec. 9. This ordinance is an emergency ordinance duly adopted by the

OFFICE OF THE CITY ATTORNEY
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1 Board on June 24, 2019, by a vote of at least three (3) members and shall take effect
2 immediately. The Secretary shall certify to a separate roll call and vote on the question of
3 the emergency of this ordinance and to its passage by the vote of three members, and
4 cause the same to be posted in three (3) conspicuous places in the City of Long Beach.


5 Sec. 10. This ordinance shall also be adopted by the Board as a regular
6 ordinance, to the end that in the event of any defect or invalidity in connection with the
7 adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, be
8 and become effective on the thirty-first day after its final passage.

9
10 

President
11 ATTEST:
12 

Secretary

13
14 I hereby certify that on a separate roll call and vote which was taken by the
15 Board of Harbor Commissioners of the City of Long Beach upon the question of the
16 emergency of this ordinance at its meeting of June 24, 2019, the ordinance was declared
17 to be an emergency by the following vote:

18 Ayes: Commissioners: Egoscue, Lowenthal, Colonna, Bynum
19 _____
20 Noes: Commissioners: _____
21 Absent: Commissioners: Guzman
22 _____
23 Not Voting: Commissioners: _____
24 

Secretary

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

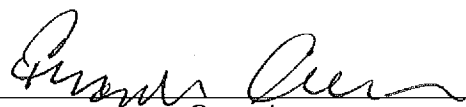
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I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the Board of Harbor Commissioners of the City of Long Beach by the following vote:

Ayes: Commissioners: Egoscue, Lowenthal, Colonna, Bynum

Noes: Commissioners: _____
Absent: Commissioners: Guzman

Not Voting: Commissioners: _____

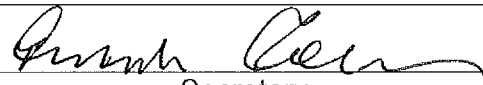


Secretary

I further certify that the foregoing ordinance was adopted by the Board of Harbor Commissioners of the City of Long Beach as a regular ordinance at its meeting of July 8, 2019 by the following vote:

Ayes: Commissioners: Egoscue, Lowenthal, Colonna, Bynum
Guzman

Noes: Commissioners: _____
Absent: Commissioners: _____
Not Voting: Commissioners: _____



Secretary

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

ORDINANCE NO. HD- 2397

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2
3 AN ORDINANCE OF THE BOARD OF HARBOR
4 COMMISSIONERS OF THE CITY OF LONG BEACH
5 AMENDING ORDINANCE NO. HD-1903 TO PROVIDE FOR
6 THE AUTHORITY OF THE HARBOR DEPARTMENT
7 DIRECTOR OF SECURITY, CHIEF PORT SECURITY
8 OFFICER, AND HARBOR PATROL OFFICERS TO
9 ENFORCE STATUTES AND ORDINANCES, AND TO
10 ARREST AND TO PREPARE, ISSUE AND DELIVER
11 WRITTEN NOTICES TO APPEAR WITHIN THE CITY OF
12 LONG BEACH HARBOR DISTRICT AND AT SPECIFIC
13 PREMISES OUTSIDE THE HARBOR DISTRICT; MAKING
14 CERTAIN FINDINGS AND DETERMINATIONS RELATING
15 THERETO.
16

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

20 WHEREAS, the Executive Director of the Long Beach Harbor Department
21 has determined that it is necessary for its Director of Security, Chief Port Security Officer
22 and Harbor Patrol Officers to have clearly defined authority to enforce certain statutes and
23 ordinances, to arrest, and to prepare, issue and deliver written Notices to Appear within
24 the City of Long Beach Harbor District ("Harbor District"), at the Port Administration
25 Building, and at the parking structure; and

26 WHEREAS, pursuant to Ordinance No. ORD-22-0038, the City Council of
27 the City of Long Beach conferred upon and delegated to the Board of Harbor
28 Commissioners the ability to amend Ordinance No. HD-1903, as it may be amended or

1 replaced from time to time, to allow the Harbor Department Director of Security, the Chief
2 Port Security Officer, and Harbor Patrol Officers to have clearly defined authority to enforce
3 certain statutes and ordinances, to arrest, and to prepare, issue and deliver written Notices
4 to Appear within the Harbor District, at the Port Administration Building, and at the parking
5 structure; and

6 WHEREAS, pursuant to Resolution No. HD-3117, the Board of Harbor
7 Commissioners of the City of Long Beach approved the conferred and delegated powers
8 as set forth in Ordinance No. HD-2397; and

9 WHEREAS, the Director of Environmental Planning of the Long Beach
10 Harbor Department has determined, in a review of the applicability of the California
11 Environmental Quality Act ("CEQA") to said amended grant of enforcement authority, that
12 such grant will not result in a direct physical change in the environment or a reasonably
13 foreseeable indirect physical change in the environment and that, pursuant to the
14 provisions of CEQA and the State Guidelines implementing CEQA, such grant is not
15 subject to the provisions of CEQA.

16 NOW, THEREFORE, the Board of Harbor Commissioners of the City of Long
17 Beach ordains as follows:

18 Sec. 1. The Board hereby finds and determines that the following grant of
19 authority will not result in a direct physical change in the environment or a reasonably
20 foreseeable indirect physical change in the environment and is therefore not subject to the
21 provisions of CEQA.

22 Sec. 2. The Board hereby finds and determines that the Harbor Department
23 Director of Security, Chief Port Security Officer and Harbor Patrol Officers are hereby
24 authorized to enforce the following provisions within the Harbor District, at the Port
25 Administration Building, and within the parking structure (including loading docks and
26 ramps), and are authorized, pursuant to California Penal Code Section 836.5, to arrest
27 persons and to prepare, issue and deliver to any arrested person a written Notice to Appear
28 in court and to release such person from custody upon receiving from him his written

1 promise to appear in court for any violation or violations of any provisions enumerated
2 herein:

3 California Vehicle Code Sections 21211(B) (no parking in bike lane),
4 21960 (restricting use of freeways by pedestrians and bicyclists), 21961
5 (restricting pedestrians' crossing of roadways to crosswalks), 22500(L)
6 (parking front of curb cut out access ramp), 22502(B) (parking the wrong
7 way), 22507.8 (improperly parking in spaces designated for persons with
8 disabilities), 22511 (electric vehicles), 22511.1 (electric vehicles not
9 charging), 22511.8 (parking for persons with disabilities), 22520 (parking on
10 a freeway), 22652 (removal of vehicles improperly parked in spaces
11 designated for persons with disabilities), and 38320(A) (littering and
12 environmental protection); and

13 California Penal Code Section 537 (defrauding an innkeeper); and

14 Long Beach Municipal Code Sections 5.60 (special event permit
15 required), 6.16.100 (dog leash required), 6.16.110 (dog noise prohibited),
16 6.16.200 (removal required), 8.60.120 (illegal dumping prohibited),
17 8.76.010(g) (illegal park/private property), 8.76.010(q) (parking near empty
18 building), 8.76.010(r) (parking on empty lot), 8.76.010(t) (commercial
19 vehicle on private property), 9.25.010 (misdemeanor to urinate or defecate
20 in public), 9.30.030 (public expectoration), 9.30.050 (obstructing public
21 passage), 9.42.010 (trespassing prohibited), 9.42.060 (entering on posted
22 property prohibited), 9.42.110 (camping prohibited in certain areas),
23 10.04.050 (parking control checker), 10.22.080 (vehicle for sale), 10.22.090
24 (no parking peddlers), 10.22.110 (parking in fire lane), 10.22.120 (no
25 parking temporary), 10.22.140 (street sweeping), 10.22.160 (private
26 property/posted no parking), 10.24.010 (parking within lines), 10.24.050
27 (prohibited parking), 10.24.078 (oversized vehicle), 10.24.090 (limited time
28 parking), 10.26.030 (parking in alley), 10.34.020 (disabled PKG streets and

1 public lots), 10.38.110 (truck parked over two hours), 10.40.010
2 (commercial vehicle parked off truck route), 10.48.060 (bicycle path use),
3 10.48.070 (riding on sidewalks), 10.58.040 (walking on roadway prohibited),
4 10.64.030 (traffic direction compliance), and 14.04.010 (obstructing free
5 passage).

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

8 Sec. 3. Nothing in this ordinance is intended to operate either in addition to
9 or in contravention of Part 2, Title 3, Chapter 4.5, of the California Penal Code which
10 expressly designates those persons who are classified as peace officers. Further, nothing
11 in this ordinance is intended to or shall operate to change or shall have the effect of
12 changing the status of the officers and employees authorized to act pursuant to this
13 ordinance from public or miscellaneous officers and employees to individual peace officers
14 or safety members or classes of peace officers or safety members for purposes of
15 retirement, workmen's compensation or similar injury or death benefits or any other
16 employee benefit or benefits to which said employee would not have been entitled as a
17 public employee prior to the adoption of this ordinance.

18 Sec. 4. Except as set forth in this ordinance, Ordinance No. HD-1903 (as
19 amended by Ord. No. HD-2305) remains unchanged and in full force and effect.

20 Sec. 5. It is the intention of the Board of Harbor Commissioners of the City
21 of Long Beach that this ordinance and every provision hereof shall be considered
22 separable; and the invalidity of any section, clause, or provision, or part or portion of any
23 section, clause or provision of this ordinance shall not affect the validity of any other portion
24 of this ordinance.

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Sec. 6. This ordinance shall be signed by the President or Vice President of the Board and attested to by the Secretary. The Secretary shall certify to the passage of this ordinance by the Board, shall cause the same to be posted in three (3) conspicuous places in the City of Long Beach, and shall cause a certified copy of this ordinance to be filed forthwith with the City Clerk. This ordinance shall take effect on the 31st day after its final passage.



President

ATTEST:


Secretary

I hereby certify that the foregoing ordinance was adopted by the Board of Harbor Commissioners of the City of Long Beach at its meeting of January 9, 2023, 2022, by the following vote:

Ayes: Commissioners: Colonna, Olvera, Weisman

Noes: Commissioners: None

Absent: Commissioners: Neal, Lowenthal

Not Voting: Commissioners: None



Secretary