



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-28

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July 22, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 5.46.060, relating to the public distribution of handbills or other printed or written matter or merchandise, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION


Due to recent changes in the law, the City cannot limit freedom of expression by prohibiting the distribution of handbills or other printed or written materials in public places. As a result, Long Beach Municipal Code Section 5.46.060 is unconstitutional. Amending the ordinance is a preemptive measure to ensure consistency with current law as the existing ordinance has not yet been challenged in court.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By 
KENDRA L. CARNEY
Deputy City Attorney

KLC/jp
A14-00353

OFFICE OF THE CITY ATTORNEY
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Long Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 5.46.060
RELATING TO PUBLIC POSTING PROHIBITED

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

Section 1. Section 5.46.060 of the Long Beach Municipal Code is amended to read as follows:

5.46.060 Public posting prohibited.

No person shall post notices on public property without a permit from the Public Works Department.

Section 2. The City Clerk shall certify to the passage of this ordinance by the 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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11-11-14 11:03:05

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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 _____, 2014, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

REDLINE

1
2 5.46.060 Public ~~distribution posting~~ prohibited.

3
4 ~~No person shall post notices on public property without a permit from the Public~~
5 ~~Works Department. Except for the sale or distribution of newspapers, no person~~
6 ~~as principal, agent, employee, or otherwise shall solicit, whether verbally, written~~
7 ~~or otherwise, for any business, profession, trade, transportation line, excursion or~~
8 ~~any other purpose, in person, or by personally selling, offering for sale, or~~
9 ~~distributing any tickets, cards, handbills or other printed or written matter or~~
10 ~~merchandise in or upon any public street, alley, sidewalk, way, pier, wharf or other~~
11 ~~public place, or in or on any vehicle in any such place in the City, except as may~~
12 ~~be lawfully permitted under Chapter 5.66 of this Title 5. No person shall post~~
13 ~~notices on public property including street signs, lampposts, etc., without a permit~~
14 ~~from the Public Works Department.~~
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