

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

ORDINANCE NO. ORD-10-0014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 1.25.020, 2.02.020, 2.87.130, 3.44.030, 5.12.170, 5.20.040, 5.24.100, SUBSECTIONS 5.28.050.A.12, 5.28.071.B, 5.28.080.D, 5.28.080.E, 6.24.020.B, SECTIONS 8.04.010, 8.12.020, SUBSECTION 8.60.089.C, SUBSECTION 8.60.091.A, SUBSECTION 8.60.093.B, SECTIONS 10.50.040, 10.50.060, 14.12.040, SUBSECTIONS 14.16.050.A.4, 16.08.720.A, AND SECTIONS 16.24.050, 16.36.040, 16.44.110, AND 16.48.050, ALL RELATED TO TRANSFERRING VARIOUS FEES FROM THE MUNICIPAL CODE TO THE MASTER FEE AND CHARGES RESOLUTION; AND AMENDING SUBSECTION 5.12.120.A RELATED TO FALSE ALARM CHARGES

The City Council of the City of Long Beach does hereby ordain as follows:

Section 1. Section 1.25.020 of the Long Beach Municipal Code is hereby amended to read as follows:

1.25.020 Filing fee.

A filing fee as determined by the City Council by resolution shall be paid to the City Clerk upon the filing of a nomination petition for any elective office of the City. In addition to said filing fee, a candidate shall submit a petition containing the signatures of twenty (20) registered voters who reside in the district in which the candidate is seeking nomination. In

1 lieu of payment of said filing fee, a candidate may submit a statement
2 under penalty of perjury that the candidate is indigent by virtue of having
3 no available funds and is unable to raise funds sufficient to pay the
4 required filing fee. Such candidate shall, in any event, submit the petition
5 containing twenty (20) signatures of registered voters in the district in
6 which the candidate is seeking nomination.

7
8 Section 2. Section 2.02.020 of the Long Beach Municipal Code is hereby
9 amended to read as follows:

10 2.02.020 Penalties.

11 Any committee or person who files an electronic copy of a
12 semiannual, preelection, supplemental preelection or amendment(s) to a
13 campaign statement required by this Chapter after the deadline imposed
14 by the California Political Reform Act (California Government Code section
15 81000 et seq.) for filing the written copy of such statement shall be liable
16 in an amount determined by the City Council by resolution per day after
17 the deadline, until the electronic copy is filed.

18
19 Section 3. Section 2.87.130 of the Long Beach Municipal Code is hereby
20 amended to read as follows:

21 2.87.130 Contract-Compliance with wage rates.

22 Any contract for public work awarded by the City Manager, the
23 Board of Water Commissioners, the General Manager of the Harbor
24 Department, or any other person authorized to award a contract for public
25 work, shall provide that the contractor must comply with the general
26 prevailing rate of per diem wages and overtime wages as set forth in the
27 aforesaid resolution or amendment thereto, and shall provide that the
28 contractor shall forfeit as a penalty to the City, a sum as determined by the

1 City Council by resolution for each craft, or laborer, workman or mechanic
2 for each day or portion thereof said laborer, workman or mechanic is paid
3 less than the specified rate for work done by him under said contract or for
4 any subcontractor under said contract.

5
6 Section 4. Section 3.44.030 of the Long Beach Municipal Code is hereby
7 amended to read as follows:

8 3.44.030 Dishonored checks.

9 Whenever any check is made payable to the City in payment of any
10 fee, rate, charge, tax, assessment, or other liability and said check is
11 returned unpaid by the maker's bank, there shall be imposed upon the
12 maker thereof a returned check charge.

13 The amount of the returned check charge, which shall not exceed
14 the City's cost of processing said check, shall be established from time to
15 time by the City Council by resolution.

16
17 Section 5. Section 5.12.170 of the Long Beach Municipal Code is hereby
18 amended to read as follows:

19 5.12.170 Alarm system permit - Suspension or revocation - Appeal.

20 Any applicant for a permit, which may be required under this
21 Chapter, whose application for such permit has been denied by the Chief
22 of Police, or any permittee whose permit has been suspended pursuant to
23 an order of suspension made by the Chief of Police, may, within ten (10)
24 days after such denial or order of suspension, appeal therefrom to the City
25 Council by filing with the Director of Financial Management a notice of
26 such appeal setting forth the decision and the grounds upon which he
27 deems himself aggrieved thereby. The applicant shall pay to the Director
28 of Financial Management at the time of filing the notice of appeal, a sum

1 as determined by the City Council by resolution as a filing fee. The
2 Director of Financial Management shall report the filing of the application
3 to the Chief of Police. The Chief of Police shall thereupon make a written
4 report to the Director of Financial Management setting forth the basis of
5 the determination denying the application for a permit or issuing the order
6 of suspension. The Director of Financial Management shall within ten (10)
7 days forward the written report to the City Council. The City Council at its
8 next regular meeting following the receipt of the written report shall set the
9 appeal for hearing to be held not less than ten (10) days nor more than
10 thirty (30) days thereafter, and the hearing may be continued for good
11 cause by the order of the City Council. The disposition of the appeal by
12 the City Council shall be final.

13
14 Section 6. Section 5.20.040 of the Long Beach Municipal Code is hereby
15 amended to read as follows:

16 5.20.040 Permit-Application-Fee.

17 Eligible organizations desiring to obtain a permit to conduct bingo
18 games in the City shall file an application in writing therefor in the office of
19 the Director of Financial Management. The application shall be
20 accompanied by a fee determined by the City Council by resolution, one-
21 half (1/2) of which is refundable if the application is denied. The issuing
22 authority shall be the Chief of Police. The permit issued shall be for a
23 term of one (1) year from the date of issuance, subject to renewal and an
24 annual fee determined by the City Council by resolution.

25
26 Section 7. Section 5.24.100 of the Long Beach Municipal Code is hereby
27 amended to read as follows:

28 5.24.100 Wrestling permit - Fee.

1 In the event the wrestling contests or exhibitions are designated in
2 the application as professional, such applicant shall pay to the Department
3 of Financial Management a permit fee determined by City Council by
4 resolution for each permit required and shall file with the Department of
5 Financial Management the original or certified copy of the permit or
6 license required and issued by the State Athletic Commission.

7
8 Section 8. Subsection 5.28.050.A.12 of the Long Beach Municipal Code is
9 hereby amended to read as follows:

10 12. Where paid solicitors are to be used, the person
11 applying for a solicitation permit shall furnish, on forms prescribed by the
12 Police Department, his photograph and fingerprints. Where the applicant
13 is a corporation or association, its president shall furnish his picture and
14 fingerprints. A fingerprint processing fee determined by the City Council
15 by resolution shall be paid to the Police Department.

16
17 Section 9. Subsection 5.28.071.B of the Long Beach Municipal Code is
18 hereby amended to read as follows:

19 B. No person shall be registered as a paid solicitor unless he
20 shall first furnish to the Police Department, on forms prescribed by the
21 department, his photograph and fingerprints. A fingerprint processing fee
22 together with a registration fee as determined by the City Council by
23 resolution shall be paid to the Police Department.

24
25 Section 10. Subsections 5.28.080.D and E of the Long Beach Municipal
26 Code is hereby amended to read as follows:

27 D. The Police Department shall collect a fee determined by the
28 City Council by resolution with each such application so filed. Each

1 promoter's registration certificate shall terminate one (1) calendar year
2 from date of issue, or upon termination or cancellation of the bond
3 required by this Chapter.

4 E. The holder of a promoter's registration certificate shall be
5 reregistered by the Police Department upon filing of an application as
6 required in this Section and upon payment of a fee and the posting of a
7 bond in the amounts as determined by the City Council by resolution
8 which shall comply with all requirements of this Section.
9

10 Section 11. Subsection 6.24.020.B of the Long Beach Municipal Code is
11 hereby amended to read as follows:

12 B. Each person desiring to keep and liberate for exercise
13 or racing such pigeons shall make a written application to, and upon forms
14 furnished by, the Health Officer. Such application shall state the name
15 and address of the applicant and the address at which the pigeons will be
16 kept and liberated. The Health Officer shall make or cause to be made an
17 investigation of the application, and if he finds that all provisions of the
18 Code have been and will be complied with, he shall issue the permit;
19 otherwise the application for permit shall be denied. Such permits shall be
20 good for one (1) year from date of issuance and shall be annually renewed
21 in the same manner as that provided for the securing of a new permit. A
22 fee as determined by the City Council by resolution shall be charged for
23 the original permit and for each renewal thereof. Such permits shall be
24 nontransferable and nonassignable.
25

26 Section 12. Section 8.04.010 of the Long Beach Municipal Code is hereby
27 amended to read as follows:

28 8.04.010 X-rays.

1 The Health Department is empowered to furnish free of charge
2 minifilm X-rays for the benefit of persons who are residents of the City and
3 who are applicants for licenses from the State Department of Social
4 Services authorizing such person to maintain or conduct an institution,
5 boarding home, day nursery or other place for the reception or care of
6 children under sixteen years of age, or to engage in the business of
7 receiving or caring for such children, or of receiving or caring for such child
8 in the absence of its parents. The Health Department may also furnish
9 such films for nonresidents of the City upon payment of a fee as
10 determined by the City Council by resolution.

11
12 Section 13. Section 8.12.020 of the Long Beach Municipal Code is hereby
13 amended to read as follows:

14 8.12.020 Registration of drug peddlers.

15 No person shall peddle or dispense any medicine or drugs within
16 the City until such person has first registered with the Health Officer, in a
17 register kept by the secretary in his office for that purpose, the name of the
18 person wishing to peddle or dispense such medicines or drugs together
19 with the names of the various medicines or drugs which they wish to
20 peddle or dispense. If the Health Officer is satisfied that the peddling or
21 dispensing of such medicines and drugs by such person does not conflict
22 with any State laws or ordinances of the City, he may issue a permit to
23 peddle and dispense the medicines and drugs named in the permit upon
24 the payment of a fee as determined by the City Council by resolution.

25 Nothing in this Chapter, however, shall apply to licensed pharmacists or
26 travelling salesmen dealing directly with physicians or pharmacists.

27
28 Section 14. Subsection 8.60.089.C of the Long Beach Municipal Code is

1 hereby amended to read as follows:

2 C. Each subsequent incident of violation described in Subsection
3 8.60.089.A shall be subject to an administrative fee as determined by the
4 City Council by resolution in addition to any other costs set forth in
5 Subsection 8.60.089.B when removing or conveying waste within the City
6 or when reported dumping waste from within the City to any disposal site.

7
8 Section 15. Subsection 8.60.091.A of the Long Beach Municipal Code is
9 hereby amended to read as follows:

10 A. Upon sale and purchase of a permitted entity, including
11 the obtaining of a majority ownership of corporate stock, a refuse
12 transportation permit shall be transferable with the written consent of the
13 Director of Public Works. The Director of Public Works shall not
14 unreasonably withhold consent to the transfer of a refuse transportation
15 permit where the applicant demonstrates that the transfer is in full
16 compliance with the provisions of this Chapter and other laws, ordinances,
17 rules or regulations generally applicable to private waste collectors
18 authorized to operate within the City and the transferee complies with all
19 provisions of this Chapter required of an applicant for a new permit. An
20 application for the transfer of a refuse transportation permit shall be
21 submitted in accordance with the requirements of Subsections 8.60.082.A
22 and 8.60.082.B. A nonrefundable fee for applying for the transfer of a
23 refuse transportation permit shall be imposed as determined by the City
24 Council by resolution to reimburse the City for the actual costs of
25 processing the application and transferring the refuse transportation
26 permit. A transferred permit shall expire at midnight of the June 30th next
27 following the date of transfer, and shall thereafter be subject to annual
28 renewal pursuant to Subsection 8.60.084.C for a period of one (1) year at

1 a time.

2

3 Section 16. Subsection 8.60.093.B of the Long Beach Municipal Code is
4 hereby amended to read as follows:

5 B. If the number of such current and valid permits falls to or
6 below thirty-five, the Director shall accept applications for the issuance of
7 additional permits, which in no event shall cause the total number of
8 outstanding permits to exceed forty (40). Should the number of qualified
9 applications cause the number to exceed forty, then the Director shall
10 determine the number of permits to be issued to qualified applicants by lot
11 as determined by him/her to be appropriate. Each application submitted
12 pursuant to this Section 8.60.093 shall be accompanied by an application
13 fee as determined by the City Council by resolution which is imposed to
14 cover the costs to the City of so-called AB 939 planning, determination of
15 legal compliance and application processing. Except for a retained
16 amount as determined by the City Council by resolution, the fee shall be
17 returned to any applicants found ineligible for issuance of a permit.

18

19 Section 17. Section 10.50.040 of the Long Beach Municipal Code is hereby
20 amended to read as follows:

21 10.50.040 Transfer of ownership.

22 Whenever any person sells, trades, disposes of, or transfers any
23 bicycle licensed pursuant to the provisions of this Chapter, he or she shall
24 endorse upon the license receipt previously issued for such bicycle a
25 written transfer of same, setting forth the name, address, and telephone
26 number of the transferee, the date of transfer, the signature of the
27 transferor, and shall deliver the license receipt, so endorsed, to the
28 licensing agency at the time of transfer. The transferee shall, within ten

1 (10) days after such transfer, apply to the licensing agency for a transfer of
2 the license receipt. A fee as determined by the City Council by resolution
3 shall be charged for the transfer of ownership.
4

5 Section 18. Section 10.50.060 of the Long Beach Municipal Code is hereby
6 amended to read as follows:

7 10.50.060 Duplicate for lost or stolen receipt or bicycle plate.

8 A. In the event that any license receipt issued pursuant to the
9 provisions of this Chapter is lost or stolen, the licensee of the bicycle shall
10 immediately notify the licensing agency, and within ten (10) days after
11 such notification shall apply to the licensing agency for a duplicate license
12 receipt, whereupon the licensing agency shall issue to the licensee a
13 duplicate license receipt, upon payment to the licensing agency of a fee as
14 determined by the City Council by resolution.

15 B. In the event that any bicycle plate issued pursuant to the
16 provisions of this Chapter is lost or stolen the licensee shall immediately
17 notify the licensing agency of the loss, and shall within ten (10) days apply
18 to the licensing agency for a new bicycle plate; whereupon the licensing
19 agency shall issue to the licensee a new bicycle plate, upon payment to
20 the licensing agency of a fee as determined by the City Council by
21 resolution.
22

23 Section 19. Section 14.12.040 of the Long Beach Municipal Code is hereby
24 amended to read as follows:

25 14.12.040 Warning device placement – Fee – Amount.

26 The person responsible for the existence of a “public nuisance” as
27 defined in this Chapter shall pay to the City a fee for the services rendered
28 under this Chapter as determined by the City Council by resolution.

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Section 20. Subsection 14.16.050.A.4 of the Long Beach Municipal Code is hereby amended to read as follows:

4. Within sixty (60) days of the impoundment of a bench, the owner of the bench may recover the bench by paying to the City an impoundment fee and storage fee as determined by the City Council by resolution for each thirty (30) days, or fraction thereof, the bench has been impounded. The fees shall apply to each bench removed, impounded, and stored.

Section 21. Subsection 16.08.720.A of the Long Beach Municipal Code is hereby amended to read as follows:

A. Any person who owns and operates a retail or wholesale establishment for the sale of bait and maintains a valid business license for the establishment (whether or not in the City) who desires to remove any molluscs, crustaceans, seaweed or other living marine organisms from pilings, floats, piers, seawalls or other harbor structures within the marinas shall obtain a bait gatherer's permit from the Director. Any such person shall pay an annual fee in advance as determined by the City Council by resolution per permit. The number of permits to be issued under this Section shall be prescribed in regulations enacted pursuant to Section 16.08.970.

Section 22. Section 16.24.050 of the Long Beach Municipal Code is hereby amended to read as follows:

16.24.050 Permit – Fee – Designated.
Permits for the use of clubhouse facilities, except when issued without charge as elsewhere provided for in this Chapter, shall be issued

1 only upon payment of a fee or fees as determined by the City Council by
2 resolution.

3
4 Section 23. Section 16.36.040 of the Long Beach Municipal Code is hereby
5 amended to read as follows:

6 16.36.040 Rental fees.

7 Every organization, auxiliary or affiliate shall, for the use of the
8 Veterans' Memorial Building or services, pay a rental fee to the City as
9 determined by the City Council by resolution.

10
11 Section 24. Section 16.44.110 of the Long Beach Municipal Code is hereby
12 amended to read as follows:

13 16.44.110 Fuel dispensing permit – Required.

14 Except as provided in this Chapter, no person shall deliver aviation
15 fuel or lubricants to, or dispense such aviation fuel or lubricants from, at or
16 upon the Airport without first securing a written permit authorized by the
17 City Council and having paid a fee as determined by the City Council by
18 resolution. This Section shall not be applicable to the delivery or
19 dispensing of aviation fuel or lubricants on property leased to any person
20 by the City if the lease authorizes the lessee to deliver or dispense
21 aviation fuel or lubricants on the leased premises.

22
23 Section 25. Section 16.48.050 of the Long Beach Municipal Code is hereby
24 amended to read as follows:

25 16.48.050 Burials and removals.

26 All graves shall be opened and closed under the supervision of the
27 Director of Parks and shall not be less than five (5) feet in depth. Only
28 one (1) interment shall be allowed in a single grave, except in case of a

1 mother and infant child, or twin children, or two children buried at the
2 same time. All interments in lots or parts of lots shall be restricted to
3 members of the family or relations of the owners thereof, except by written
4 consent of the owner and written consent of the City Engineer, such
5 consent to be filed in the office of the City Engineer, and owners of lots or
6 parts of lots shall not allow interments to be made therein for
7 remuneration, nor shall they sell any lot or part thereof in the Cemetery
8 without the written consent of the City Engineer. Terms of sale of lots or
9 parts of lots shall be cash, and no lot or part of lot shall be regarded as
10 sold until fully paid for. If parties make interments before paying in full for
11 their lots, the City reserves the right to remove the bodies to the single
12 grave allotment provided for in this Chapter, and to sell the lot or part
13 thereof to other parties, and no sale or transfer of a burial lot or part
14 thereof shall be valid until the same has been recorded in the office of the
15 City Engineer in a book kept for that purpose and a fee as determined by
16 the City Council by resolution is paid. No interment, disinterment or
17 removal shall be made in the Cemetery without an application being first
18 made to the City Engineer, together with the required fees therefor, and no
19 body shall be taken from the Cemetery without a permit for disinterment
20 and removal required by the laws of the State. The City Engineer shall
21 keep an accurate record of all removals made.

22
23 Section 26. Subsection 5.12.120.A of the Long Beach Municipal Code is
24 hereby amended to read as follows:

25 A. A service charge, prescribed by resolution of the City
26 Council, shall be charged to the permittee of a particular system for the
27 second and any subsequent false alarms in any twelve-month period. The
28 twelve-month period is measured from the date of a false alarm to the

1 preceding twelve months.

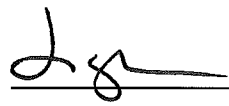
2
3 Section 27. The City Clerk shall certify to the passage of this ordinance by
4 the City Council and cause it to be posted in three (3) conspicuous places in the City of
5 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
6 Mayor.

7 I hereby certify that the foregoing ordinance was adopted by the City
8 Council of the City of Long Beach at its meeting of May 11, 2010, by the
9 following votes:

10
11 Ayes: Councilmembers: Lowenthal, DeLong, O'Donnell,
12 Schipske, Andrews, Reyes Uranga,
13 Lerch.

14
15 Noes: Councilmembers: None.

16
17 Absent: Councilmembers: Garcia, Gabelich.

18
19
20
21 
22 _____
23 City Clerk

24 Approved: 5/18/10
25 _____
26 (Date)

27
28 

Mayor

OFFICE OF THE CITY ATTORNEY
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