

ORDINANCE NO. ORD-09-0037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING ORDINANCE NO. ORD-09-0009 RELATING TO THE TEMPORARY LIMITATION ON SMOKING LOUNGES; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Section 1. Section 5 of Ordinance No. ORD-09-0009, adopted on April 14, 2009, is amended to read as follows:

Section 5. Prohibition – “Smoking Lounges.” During the one (1) year interim period, and additional one (1) year interim period to April 14, 2011, no application shall be approved for a permit or business license for the development or operation of new smoking lounges citywide.

Section 2. Declaration of Urgency. This ordinance is an emergency measure, and it is urgently required for the reason that, pending completion of the necessary planning study, and a determination relative to the potential need to amend the Zoning or Building regulations of the City, it is necessary to temporarily prohibit development or operation of new smoking lounges that might be inconsistent with the pending revisions to the Zoning or Building regulations of the City being considered during the interim period.

Section 3. This ordinance is an emergency ordinance duly adopted by the City Council on December 15, 2009, by a vote of at least five (5) of its members and shall take effect immediately. The City Clerk shall certify to a separate roll

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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1 call and vote on the question of the emergency of this ordinance and to its passage by  
2 the vote of five members of the City Council of the City of Long Beach, and cause the  
3 same to be posted in three conspicuous places in the City of Long Beach.

4 Section 4. This ordinance shall also be adopted by the City Council as a  
5 regular ordinance, to the end that in the event of any defect or invalidity in connection  
6 with the adoption of this ordinance as an emergency ordinance, the same shall,  
7 nevertheless, be and become effective on the thirty-first day after it is approved by the  
8 Mayor.

9 Section 5. The City Clerk shall certify to the passage of this ordinance by  
10 the City Council of the City of Long Beach and shall cause the same to be posted in three  
11 (3) conspicuous places in the City of Long Beach.

12 I hereby certify that on a separate roll call and vote which was taken by the  
13 City Council of the City of Long Beach upon the question of emergency of this ordinance  
14 at its meeting of December 15, 2009, the ordinance was declared to be an  
15 emergency by the following vote:

16	Ayes:	Councilmembers:	<u>Garcia, Lowenthal, DeLong,</u>
17			<u>O'Donnell, Schipske, Andrews,</u>
18			<u>Reyes Uranga, Gabelich, Lerch.</u>
19	Noes:	Councilmembers:	<u>None.</u>
20			<u></u>
21	Absent:	Councilmembers:	<u>None.</u>
22			<u></u>

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I further certify that on December 15, 2009, upon a roll call and  
vote on first reading of the ordinance, it was adopted by the City Council of the City of  
Long Beach by the following vote:

Ayes:	Councilmembers:	<u>Garcia, Lowenthal, DeLong,</u>
		<u>O'Donnell, Schipske, Andrews,</u>
		<u>Reyes Uranga, Gabelich, Lerch.</u>
Noes:	Councilmembers:	<u>None.</u>
		<u></u>
Absent:	Councilmembers:	<u>None.</u>
		<u></u>

I further certify that the foregoing ordinance was thereafter adopted on final  
reading by the City Council of the City of Long Beach at its meeting of  
, 20, by the following vote:

Ayes:	Councilmembers:	<u></u>
		<u></u>
		<u></u>
Noes:	Councilmembers:	<u></u>
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Absent:	Councilmembers:	<u></u>
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Clerk

Approved:   
(Date)

Mayor