



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-38**

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March 1, 2005

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HONORABLE MAYOR AND CITY COUNCILMEMBERS  
Long Beach  
California

Subject: An Ordinance of the City Council of the City of Long Beach Amending the Long Beach Municipal Code by Adding Chapter 8.59 Relating to the Fencing of Vacant Lots

DISCUSSION

Pursuant to your request of January 4, 2005, we have prepared the subject ordinance and transmit it with this letter to you for your consideration and adoption.

The proposed ordinance provides a system to keep privately owned vacant lots subject to mandatory fencing in order to keep trash and/or graffiti from accumulating on such lots. If the accumulation of debris and/or graffiti proves to be a persistent or likely problem with respect to any vacant lot located within the City, the ordinance gives the City's chief building official the authority to require the owner of such vacant lot to erect a chain link fence around the perimeter of the vacant lot.

Chapter 8.56 already prohibits the accumulation of trash and/or weeds upon private property, and Chapter 8.58 prohibits the accumulation of graffiti on private property. The proposed ordinance does not amend Chapters 8.56 and 8.58, but does supplement the City's ability to abate the nuisances prohibited by those Chapters.

The proposed ordinance requires that City staff follow specific procedures when giving notice to the property owner of the fencing requirement, and provides the property owner with an appeal procedure in the case of a dispute. Should the property owner refuse to erect a fence despite a properly noticed and final order to do so, the ordinance gives the City authority to erect a fence and place a lien upon the property for repayment of the City's costs, plus penalties.

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TIMING CONSIDERATIONS

There are no timing considerations associated with this action.

FISCAL IMPACT

There is no fiscal impact associated with this action.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Declare the attached ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

Respectfully Submitted,

ROBERT E. SHANNON, City Attorney

By

  
RICHARD F. ANTHONY  
Deputy City Attorney