



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-26**

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Howard D. Russell  
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December 12, 2006

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to declare ordinance amending Chapter 10.28 of the Long Beach Municipal Code exempting holders of certain license plates from parking meter fees read the first time and laid over to the next regular meeting of the City Council for final reading.

DISCUSSION

Pursuant to your request of October 24, 2006, this office has prepared and submits the above-described ordinance for your consideration.


The amendment is shown in Attachment "A".

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By   
LISA PESKAY MALMSTEN  
Deputy City Attorney

LPM:bg  
Enclosure  
06-05579  
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ATTACHMENT "A"

10.28.010 Definitions.

A. "Alternate form of payment" means any lawful form of payment, including but not limited to, tokens, prepaid cards, debit cards, credit cards that a parking meter is equipped to accept as payment for occupying a parking space.

B. "Metered parking space" means a parking space within a parking meter zone or metered parking area or lot.

C. "Multi-space parking meter," also known as a pay station or pay and display machine, means a device which records paid parking time, or accepts payment and dispenses a proof of payment ticket for more than one parking space. If not located immediately adjacent to the parking space it regulates, a multi-space parking meter will be marked or labeled to identify the spaces it regulates.

D. "Parking meter" means any device which, upon the deposit of payment, registers the time that a vehicle is parked in a metered parking space, or which generates proof of payment for parking in a metered parking space for a specified time period or for a specific number of minutes. "Parking meter" includes a multi-space parking meter.

E. "Proof of payment ticket" means a paper slip or ticket dispensed from a multi-space parking meter for the sole purpose of being displayed as proof of payment for the occupancy of a metered parking space. For the purposes of this chapter, "proof of payment ticket" does not include a credit card receipt or debit card receipt.

F. "Single-space parking meter" means a device located adjacent to a metered parking space which device records paid parking time or accepts payment for parking time for one parking space.

1                   G. "Veteran's License Plate" means a currently-valid vehicle license  
2 plate issued by the State of California to a person who is one of the  
3 following: Medal of Honor recipient, Legion of Valor recipient, Pearl Harbor  
4 survivor, Purple Heart recipient or former prisoners of war. The term  
5 includes a license plate issued by another state indicating a similar status.  
6

7                   10.28.020. Installation of Metered Parking Spaces and Parking Meters.

8                   A. Council may authorize the city traffic engineer to establish metered  
9 parking spaces within parking meter zones and parking areas or lots, each  
10 of which spaces shall be of sufficient size to permit the parking or standing  
11 of one vehicle.

12                  B. The City Traffic Engineer shall post signs, or place lines or marks  
13 on the curb, street or other area about or alongside of each parking meter to  
14 designate the parking space for which the meter is to be used.

15                  C. To regulate parking and collect parking revenues, the city traffic  
16 engineer is further authorized to place a parking meter, as defined in this  
17 chapter, which registers the time that a vehicle is parked in a metered  
18 parking space or which generates proof of payment for parking in a metered  
19 parking space for a specified time period or for a specific number of minutes.

20                  D. Nothing in this section is intended to limit the authority of the city  
21 traffic engineer to establish green restricted-time parking zones or yellow  
22 loading zones.

23  
24                   10.28.030 Operation of Parking Meters.

25                  A. A parking meter may accept United States currency in the form of  
26 coins or paper currency, or accept alternate forms of payment including, but  
27 not limited to, prepaid cards, debit cards or credit cards. If not located  
28 immediately adjacent to the parking space it regulates, it will be marked or

1 labeled to identify the space for which it accepts payment. Parking meters  
2 will operate in one of two ways:

3 1. Measure, in minutes, the period of time during which the  
4 vehicle may park in a parking meter space without violating the provisions of  
5 this chapter or any ordinance regulating parking upon the street or other area  
6 on which the parking meter is established. Such a parking meter shall be  
7 constructed so that it will, upon the expiration of the period of time,  
8 commencing with the deposit and acceptance of payment, and ending with  
9 the expiration of the period of time that the parking or standing of a vehicle  
10 in the space is permitted, display a flag sign, alphanumeric display or other  
11 signal which will indicate that the permitted time for the parking of the  
12 vehicle, has expired.

13 2. Dispense a proof of payment ticket. Such proof of payment  
14 ticket must be attached to the driver's side front window with the expiration  
15 time and date readily visible from outside the vehicle in order to be valid.

16  
17 10.28.040 Parking method.

18 Except as required elsewhere in this code or by state law, any vehicle  
19 parked or standing in any metered parking space shall be parked or stand  
20 within the lines marked on the street or other area for such parking space as  
21 provided hereinafter, with the front end of the car facing the direction of traffic  
22 in the adjacent driving lane. No person shall park or stand any vehicle  
23 across any such line or mark or park the vehicle in such way that it will not  
24 be within the area so designated by the signs, lines or markings.

25  
26 10.28.050 Payment for metered parking space.

27 A. No person shall park, stand, or stop any vehicle in any metered  
28 parking space during a period for which a parking time limit is applicable to

1 the space without making payment for the use of such space as posted. The  
2 provisions of this section shall not be applicable during those hours when a  
3 parking time limitation is not imposed, nor shall it apply to a vehicle  
4 displaying a valid Veteran's License Plate.

5 B. For the purposes of this chapter, payment is evidenced in one of two  
6 ways either: 1) the parking meter which regulates the metered parking space  
7 displays one or more minutes of paid time or 2) a proof of payment ticket is attached  
8 to the vehicle as specified in Section 10.28.090 (C) with the expiration time and date  
9 readily visible from outside the vehicle on the street side.

10 C. Where a single-space parking meter is installed, if the parking  
11 meter is inoperable for any reason, the time limits posted shall be enforced  
12 during the hours of operation for parking meters, as posted.

13 D. Where a multi-space parking meter is installed, if that multi-space  
14 parking meter is inoperable for any reason, the person seeking to purchase  
15 a proof of payment ticket must purchase proof of payment from the next  
16 closest multi-space parking meter. If there is no other operational multi-space  
17 meter within one block in any direction without crossing a street, or no other  
18 operational multi-space meter within the same parking lot, the time limits  
19 posted shall be enforced during the hours of operation for parking meters,  
20 as posted.

21  
22 10.28.060. Unlawful to occupy a metered parking space without paying for  
23 parking.

24 A. No person shall park a vehicle in any parking space without paying  
25 for parking, except during such time immediately after the original occupancy  
26 as is necessary as to deposit payment into a parking meter and if purchasing  
27 a proof of payment ticket at a multi-space parking meter, to return to the  
28 vehicle to display such ticket.

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B. No person shall stop or park any vehicle in any parking meter space beyond the time permitted by this chapter for the parking of vehicles in the block or other area in which the parking meter space is situated; provided, however, this section shall not apply within the hours during which free parking is permitted in this chapter nor shall it apply to a vehicle displaying a valid Veteran's License Plate.

C. Unless stated otherwise on the parking meter and the proof of parking ticket, nothing in this section is intended to prevent a person who has purchased a proof of parking ticket from parking in more than one location within the same parking meter zone, so long as the paid time, as evidenced on the proof of parking ticket, has not been exceeded.

10.28.070 Unlawful to use or possess a proof of parking ticket purchased by another.

When a person has purchased a proof of payment ticket and has affixed that ticket to a vehicle, it is thereafter unlawful for any other person to remove that ticket, to be in possession of that ticket, or to display that ticket on another vehicle.

10.28.075 Unlawful to extend time limits.

No person shall, by depositing additional payment in a parking meter, extend the time for stopping, parking or standing any vehicle beyond the time permitted by this chapter for parking vehicles within a metered parking space when the vehicle has occupied that space for a consecutive number of minutes equal to or in excess of the legal time parking limit.

10.28.080 Prohibited use of parking meter.

A. No person shall deposit in any parking meter any defaced or bent

1 coin, or any slug, device or substitute for the required coin or coins or paper  
2 currency of the United States or acceptable alternate form of payment.

3 B. No person shall direct or insert any card, object, substance or  
4 device in, upon, or at a parking meter as a means to avoid, or in lieu of,  
5 making lawful payment for parking as required by this chapter.

6 C. No person shall deface, injure, tamper with, open or willfully break,  
7 destroy or impair the usefulness of any parking meter by any means.

8  
9 10.28.090 Evidence of payment.

10 A. Single-space meters. The parking or standing of any vehicle in  
11 a parking space, at which space the parking meter displays a sign, flag,  
12 alphanumeric display or signal indicating illegal or expired parking, during  
13 hours in which parking meters are operational, shall constitute a prima  
14 facie presumption that the vehicle has been parked or allowed to stand in  
15 such space for a period longer than permitted by this chapter.

16 B. Multi-space meters. The parking or standing of any motor  
17 vehicle in a metered parking space regulated by a multi-space parking  
18 meter which vehicle does not display a proof of parking ticket attached  
19 vehicle as set forth in subsection (~~C of this section~~) below, shall constitute  
20 a prima facie presumption that the vehicle has been parked or allowed to  
21 stand in such a space for a period longer than permitted by this chapter.

22 C. Proof of payment shall be displayed as follows, with the  
23 expiration time and date readily visible from outside the vehicle:

24 1. For vehicles without side windows, attached to the  
25 dashboard of the vehicle adjacent to the vehicle identification number  
26 ("VIN").

27 2. For motorcycles, attached to the headlight and readily  
28 visible from the adjacent driving lane.

1                   3. For all other vehicles, attached to the inside of the front  
2 side window of the vehicle on the side closest to the adjacent driving lane.

3                   D. The provisions of this section shall not apply to a vehicle  
4 displaying a current Veteran's License Plate.

5  
6 10.28.100 Purpose of compensation.

7                   The payment required to be made by depositing money or an  
8 alternate form of payment into a parking meter as provided in this chapter  
9 are declared to be necessary to compensate the city for the expense  
10 incurred in furnishing facilities, equipment, supervision and regulation  
11 required by such parking, and is found to be a reasonable fee for the  
12 privilege, voluntarily exercised by owners, operators, managers or drivers  
13 of vehicles, of parking the vehicles within the parking spaces, in  
14 conformity with the provisions of this chapter.

15  
16 10.28.110 Payment collection.

17                   All payments made to or deposited in any parking meter shall be  
18 collected regularly by a person designated by the city manager.

19  
20 10.28.120 Demonstration program– Multi-space meters.

21                   As a demonstration program, multi-space parking meters shall be  
22 installed on Bay Street west of Pine Avenue and on Pine Avenue north of  
23 Bay Street for a three-month trial period, to expire July 30, 2006. After that  
24 date, parking meters in all parking meter zones may be either single-  
25 space meters or multi-space meters, as designated by the city traffic  
26 engineer.



ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING CHAPTER 10.28 OF  
THE LONG BEACH MUNICIPAL CODE EXEMPTING  
HOLDERS OF CERTAIN LICENSE PLATES FROM  
PARKING METER FEES

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

Section. 1. Chapter 10.28 of the Long Beach Municipal Code is  
amended to read as follows:

10.28.010. Definitions.

A. "Alternate form of payment" means any lawful form of payment, including but not limited to, tokens, prepaid cards, debit cards, credit cards that a parking meter is equipped to accept as payment for occupying a parking space.

B. "Metered parking space" means a parking space within a parking meter zone or metered parking area or lot.

C. "Multi-space parking meter," also known as a pay station or pay and display machine, means a device which records paid parking time, or accepts payment and dispenses a proof of payment ticket for more than one parking space. If not located immediately adjacent to the parking space it regulates, a multi-space parking meter will be marked or labeled to identify the spaces it regulates.

D. "Parking meter" means any device which, upon the deposit of payment, registers the time that a vehicle is parked in a metered parking space, or which generates proof of payment for parking in a metered

1 parking space for a specified time period or for a specific number of  
2 minutes. "Parking meter" includes a multi-space parking meter.

3 E. "Proof of payment ticket" means a paper slip or ticket  
4 dispensed from a multi-space parking meter for the sole purpose of being  
5 displayed as proof of payment for the occupancy of a metered parking  
6 space. For the purposes of this chapter, "proof of payment ticket" does  
7 not include a credit card receipt or debit card receipt.

8 F. "Single-space parking meter" means a device located adjacent  
9 to a metered parking space which device records paid parking time or  
10 accepts payment for parking time for one parking space.

11 G. "Veteran's License Plate" means a currently-valid vehicle  
12 license plate issued by the State of California to a person who is one of  
13 the following: Medal of Honor recipient, Legion of Valor recipient, Pearl  
14 Harbor survivor, Purple Heart recipient or former prisoners of war. The  
15 term includes a license plate issued by another state indicating a similar  
16 status.

17  
18 10.28.020. Installation of Metered Parking Spaces and Parking Meters.

19 A. Council may authorize the city traffic engineer to establish  
20 metered parking spaces within parking meter zones and parking areas or  
21 lots, each of which spaces shall be of sufficient size to permit the parking  
22 or standing of one vehicle.

23 B. The City Traffic Engineer shall post signs, or place lines or  
24 marks on the curb, street or other area about or alongside of each  
25 parking meter to designate the parking space for which the meter is to be  
26 used.

27 C. To regulate parking and collect parking revenues, the city  
28 traffic engineer is further authorized to place a parking meter, as defined

1 in this chapter, which registers the time that a vehicle is parked in a  
2 metered parking space or which generates proof of payment for parking  
3 in a metered parking space for a specified time period or for a specific  
4 number of minutes.

5 D. Nothing in this section is intended to limit the authority of the  
6 city traffic engineer to establish green restricted-time parking zones or  
7 yellow loading zones.

8  
9 10.28.030 Operation of Parking Meters.

10 A. A parking meter may accept United States currency in the form  
11 of coins or paper currency, or accept alternate forms of payment  
12 including, but not limited to, prepaid cards, debit cards or credit cards. If  
13 not located immediately adjacent to the parking space it regulates, it will  
14 be marked or labeled to identify the space for which it accepts payment.  
15 Parking meters will operate in one of two ways:

16 1. Measure, in minutes, the period of time during which the  
17 vehicle may park in a parking meter space without violating the  
18 provisions of this chapter or any ordinance regulating parking upon the  
19 street or other area on which the parking meter is established. Such a  
20 parking meter shall be constructed so that it will, upon the expiration of  
21 the period of time, commencing with the deposit and acceptance of  
22 payment, and ending with the expiration of the period of time that the  
23 parking or standing of a vehicle in the space is permitted, display a flag  
24 sign, alphanumeric display or other signal which will indicate that the  
25 permitted time for the parking of the vehicle, has expired.

26 2. Dispense a proof of payment ticket. Such proof of  
27 payment ticket must be attached to the driver's side front window with the  
28 expiration time and date readily visible from outside the vehicle in order

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to be valid.

10.28.040 Parking method.

Except as required elsewhere in this code or by state law, any vehicle parked or standing in any metered parking space shall be parked or stand within the lines marked on the street or other area for such parking space as provided hereinafter, with the front end of the car facing the direction of traffic in the adjacent driving lane. No person shall park or stand any vehicle across any such line or mark or park the vehicle in such way that it will not be within the area so designated by the signs, lines or markings.

10.28.050 Payment for metered parking space.

A. No person shall park, stand, or stop any vehicle in any metered parking space during a period for which a parking time limit is applicable to the space without making payment for the use of such space as posted. The provisions of this section shall not be applicable during those hours when a parking time limitation is not imposed, nor shall it apply to a vehicle displaying a valid Veteran's License Plate.

B. For the purposes of this chapter, payment is evidenced in one of two ways either: 1) the parking meter which regulates the metered parking space displays one or more minutes of paid time or 2) a proof of payment ticket is attached to the vehicle as specified in Section 10.28.090 (C) with the expiration time and date readily visible from outside the vehicle on the street side.

C. Where a single-space parking meter is installed, if the parking meter is inoperable for any reason, the time limits posted shall be enforced during the hours of operation for parking meters, as posted.

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D. Where a multi-space parking meter is installed, if that multi-space parking meter is inoperable for any reason, the person seeking to purchase a proof of payment ticket must purchase proof of payment from the next closest multi-space parking meter. If there is no other operational multi-space meter within one block in any direction without crossing a street, or no other operational multi-space meter within the same parking lot, the time limits posted shall be enforced during the hours of operation for parking meters, as posted.

10.28.060. Unlawful to occupy a metered parking space without paying for parking.

A. No person shall park a vehicle in any parking space without paying for parking, except during such time immediately after the original occupancy as is necessary as to deposit payment into a parking meter and if purchasing a proof of payment ticket at a multi-space parking meter, to return to the vehicle to display such ticket.

B. No person shall stop or park any vehicle in any parking meter space beyond the time permitted by this chapter for the parking of vehicles in the block or other area in which the parking meter space is situated; provided, however, this section shall not apply within the hours during which free parking is permitted in this chapter nor shall it apply to a vehicle displaying a valid Veteran's License Plate.

C. Unless stated otherwise on the parking meter and the proof of parking ticket, nothing in this section is intended to prevent a person who has purchased a proof of parking ticket from parking in more than one location within the same parking meter zone, so long as the paid time, as evidenced on the proof of parking ticket, has not been exceeded.

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1 10.28.070 Unlawful to use or possess a proof of parking ticket purchased by  
2 another.

3 When a person has purchased a proof of payment ticket and has  
4 affixed that ticket to a vehicle, it is thereafter unlawful for any other  
5 person to remove that ticket, to be in possession of that ticket, or to  
6 display that ticket on another vehicle.

7  
8 10.28.075 Unlawful to extend time limits.

9 No person shall, by depositing additional payment in a parking  
10 meter, extend the time for stopping, parking or standing any vehicle  
11 beyond the time permitted by this chapter for parking vehicles within a  
12 metered parking space when the vehicle has occupied that space for a  
13 consecutive number of minutes equal to or in excess of the legal time  
14 parking limit.

15  
16 10.28.080 Prohibited use of parking meter.

17 A. No person shall deposit in any parking meter any defaced or  
18 bent coin, or any slug, device or substitute for the required coin or coins  
19 or paper currency of the United States or acceptable alternate form of  
20 payment.

21 B. No person shall direct or insert any card, object, substance or  
22 device in, upon, or at a parking meter as a means to avoid, or in lieu of,  
23 making lawful payment for parking as required by this chapter.

24 C. No person shall deface, injure, tamper with, open or willfully  
25 break, destroy or impair the usefulness of any parking meter by any  
26 means.

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1 10.28.090 Evidence of payment.

2 A. Single-space meters. The parking or standing of any vehicle in  
3 a parking space, at which space the parking meter displays a sign, flag,  
4 alphanumeric display or signal indicating illegal or expired parking, during  
5 hours in which parking meters are operational, shall constitute a prima  
6 facie presumption that the vehicle has been parked or allowed to stand in  
7 such space for a period longer than permitted by this chapter.

8 B. Multi-space meters. The parking or standing of any motor  
9 vehicle in a metered parking space regulated by a multi-space parking  
10 meter which vehicle does not display a proof of parking ticket attached  
11 vehicle as set forth in subsection (C) below, shall constitute a prima facie  
12 presumption that the vehicle has been parked or allowed to stand in such  
13 a space for a period longer than permitted by this chapter.

14 C. Proof of payment shall be displayed as follows, with the  
15 expiration time and date readily visible from outside the vehicle:

16 1. For vehicles without side windows, attached to the  
17 dashboard of the vehicle adjacent to the vehicle identification number  
18 ("VIN").

19 2. For motorcycles, attached to the headlight and readily  
20 visible from the adjacent driving lane.

21 3. For all other vehicles, attached to the inside of the front  
22 side window of the vehicle on the side closest to the adjacent driving  
23 lane.

24 D. The provisions of this section shall not apply to a vehicle  
25 displaying a current Veteran's License Plate.

26  
27 10.28.100 Purpose of compensation.

28 The payment required to be made by depositing money or an

1 alternate form of payment into a parking meter as provided in this chapter  
2 are declared to be necessary to compensate the city for the expense  
3 incurred in furnishing facilities, equipment, supervision and regulation  
4 required by such parking, and is found to be a reasonable fee for the  
5 privilege, voluntarily exercised by owners, operators, managers or drivers  
6 of vehicles, of parking the vehicles within the parking spaces, in  
7 conformity with the provisions of this chapter.  
8

9 10.28.110 Payment collection.

10 All payments made to or deposited in any parking meter shall be  
11 collected regularly by a person designated by the city manager.  
12

13 10.28.120 Demonstration program– Multi-space meters.

14 As a demonstration program, multi-space parking meters shall be  
15 installed on Bay Street west of Pine Avenue and on Pine Avenue north of  
16 Bay Street for a three-month trial period, to expire July 30, 2006. After  
17 that date, parking meters in all parking meter zones may be either single-  
18 space meters or multi-space meters, as designated by the city traffic  
19 engineer.  
20

21 Sec. 2. The City Clerk shall certify to the passage of this ordinance by  
22 the City Council of the City of Long Beach and cause it to be posted in three  
23 conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first  
24 day after it is approved by the Mayor.

25 I hereby certify that the foregoing ordinance was adopted by the City  
26 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2006, by

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Robert E. Shannon  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
Telephone (562) 570-2200

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the following vote:

Ayes: Councilmembers:

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Noes: Councilmembers:

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Absent: Councilmembers:

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City Clerk

Approved: \_\_\_\_\_  
(Date)

Mayor

LPM:bg  
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