

CHAPTER 9.65 - ADMINISTRATIVE CITATIONS AND PENALTIES⁽¹¹⁾

Footnotes:

-- (11) --

Editor's note— ORD-09-0022 § 6 adopted Aug. 4, 2009, amended Ch. 9.65 in its entirety to read as herein set out. Former Ch. 9.658, §§ 9.65.010—9.65-200 pertained to similar subject matter and derived from ORD-05-0001, § 2, 2005; ORD-06-0012, § 6, 2006; and ORD-07-0047, §§ 1, 2, 2007.

9.65.010 - Legislative findings and statement of purpose.

- A. Enforcement of the Long Beach Municipal Code throughout the City is an important public service. Code enforcement is vital to the protection of the public's health, safety, welfare and quality of life. The City Council recognizes that a comprehensive code enforcement system that uses a combination of administrative and judicial remedies helps to gain compliance with Code regulations.
- B. The overburdening of the criminal court system has necessitated the alternative use of an administrative citation program to more effectively adjudicate the majority of nuisance related Code violations. An administrative citation program and the establishment of appropriate fines are intended to act as a reasonable deterrent in preventing violations of the Long Beach Municipal Code.
- C. The City Council hereby finds that there is a need for an alternative method of enforcement of the Municipal Code in accordance with the City's constitutional police power. The City Council further finds that an appropriate method of enforcement is the imposition of administrative penalties as independently authorized by both California Constitution Article XI, Section 7, and Government Code, Section 53069.4.
- D. The procedures established in this Chapter shall be in addition to any criminal, civil or other legal remedy established by law for violation of the Municipal Code.
- E. The City Council hereby finds and determines that enforcement of the Long Beach Municipal Code pursuant to the City's police power is a matter of public health, safety and welfare and serves important public purposes. The City of Long Beach adopts this administrative citation and penalty program in order to achieve the following goals and objectives:
 - 1. To protect the public health, safety and welfare of the citizens of the City.
 - 2. To gain compliance with the Municipal Code in a timely and efficient manner.
 - 3. To provide for an administrative process to appeal the imposition of administrative citations and fines.
 - 4. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the Municipal Code.
 - 5. To avoid and/or minimize the expense and delay of enforcement in the civil or criminal justice system.
- F. Use of this Chapter shall be at the sole discretion of the City, subject to Subsection D of this Section.

(ORD-09-0022 § 6, 2009)

9.65.020 - Definitions.

- A. "Canopy structure" means and includes freestanding exterior shade structures that consist of a cover made from canvas, fabric, plastic, rubber, nylon, acetate or other pliable material that is fitted over a freestanding metal frame.
- B. "Cited party" means a legally responsible person who has been issued an administrative citation.
- C. "City" means the City of Long Beach.
- D. "Continuing violation" means any condition or activity in violation of the Municipal Code that continues beyond the date given in the administrative citation to correct the violation.
- E. "Correction period" means that period of time in which responsible persons are required to correct or otherwise remedy the violation(s)
- F. "Enforcement officer" shall mean any officer or employee of the City designated with the authority to enforce the applicable provisions of the Long Beach Municipal Code.
- G. "Hearing Officer" means an individual who has been designated by the City Manager to adjudicate administrative citation appeals.
- H. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- I. "Inoperative vehicle" shall include:
 - 1. Any vehicle, by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power, which is not currently and validly registered for operation or use on the streets and highways in the State as required under the provisions of the California Vehicle Code; or
 - 2. Any motor vehicle which currently is incapable of being driven under its own motor power; or
 - 3. Any nonmotor vehicle which currently is incapable of being moved or drawn.
- J. "Lot" means an area of land, parcel or tract, whether improved or unimproved, the boundaries of which have been established in conformance with the State Subdivision Map Act, and which has either been recorded via a final tract map or certificate of compliance on record with the Los Angeles County Recorder.
- K. "Lot cleaning levy" means all computed expenses incurred by the City in removal of weeds and/or debris, from any lot, and shall consist of processing fees, incidental enforcement costs, including, but not limited to, actual expenses for weeds and/or debris removal charged to the cited party.
- L. "Responsible person" means any individual who is the owner, partial owner, or occupant of real property, last registered owner and/or legal owner of a vehicle, the holder or the agent of the holder of any permit or entitlement, or the party or agent of a party to any agreement covered by this Chapter; or the owner or authorized agent of any business, company or entity subject to this Chapter, who creates, commits or maintains a violation subject to the enforcement provisions of this Chapter.
- M. "Vehicle removal levy" means all computed expenses incurred by the City in the removal of inoperative vehicle(s) from public or private property within the City, and shall consist of processing fees, incidental enforcement costs, including, but not limited to, land and vehicle title search information, and actual expenses incurred for inoperative vehicle removal, impoundment or disposal.
- N. "Weeds" and/or "debris" means and includes all bushes, vines, trees, grass or other vegetation, whether cultivated or uncultivated, and whether dead or growing, and all refuse, trash and rubbish of any kind or description, or wood, asphalt, concrete or similar materials, tin cans, parts of machinery, implements and automobiles, any of which cause unpleasant or noxious odors, or which are, or may become, a refuge or breeding place for insect and vermin, or which conceal or are capable of concealing filth and other unsanitary conditions, or which are, or are capable of becoming, a fire or other hazard to the use and occupancy of property, or which obstruct or hinder the use of any public street, sidewalk, alley or way.

(ORD-09-0022 § 6, 2009)

9.65.030 - Weed abatement activity.

It shall be the duty of all responsible persons to at all times keep lots clean and free from weeds and/or debris.

(ORD-09-0022 § 6, 2009)

9.65.040 - Inoperative vehicle activity.

It shall be the duty of responsible persons to prevent accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof, except for those vehicles or parts thereof exempted pursuant to Long Beach Municipal Code, Section 10.46.030.

(ORD-09-0022 § 6, 2009)

9.65.050 - Prohibited canopy structure.

Canopy structure as defined in Subsection 9.65.020.A may not:

- A. Be located in residential front or side yard setback areas, or driveway areas used for automobile parking;
- B. Have a setback of less than four feet (4') from the side and rear property lines;
- C. Be maintained in a manner that is defective, unsightly or in a condition of deterioration; or
- D. Be greater than ten feet (10') in height.

(ORD-09-0022 § 6, 2009)

9.65.060 - Issuance of administrative citation.

- A. Any responsible person who violates any provision of Titles 3, 5, 8, 9, 10, 14, 18 and 21, or Chapter 2.63, of the Long Beach Municipal Code may be issued an administrative citation, pursuant to this Chapter, by an enforcement officer designated to issue such citations.
- B. Each and every day a violation exists constitutes a separate and distinct offense.
- C. A civil fine shall be assessed by means of an administrative citation issued by the enforcement officer and shall be payable directly to the City of Long Beach.
- D. Fines shall be assessed for Code violations committed by the same responsible person as follows:
 - 1. A fine for each initial violation, in an amount established by the City Council by resolution;
 - 2. A fine for each instance of a second violation of the same Code section within one (1) year from the date of the first violation, in an amount established by the City Council by resolution;
 - 3. A fine for each additional violation of the same Code section within one (1) year from the date of the first violation, in an amount established by the City Council by resolution;
 - 4. A fine for each violation of Municipal Code, Section 21.41.170 illegal garage conversions, 18.02.050 for dangerous buildings, 18.08.010 for certificates of occupancy, 18.09.010 for failure to comply with Title 18, and/or Subsection 21.31.245.C unlawful dwelling units, in an amount established by the City Council by resolution; and

5. A fine for each violation of Municipal Code, Section 21.51.227 relating to illegal automotive work, in an amount established by the City Council by resolution.

(ORD-15-0038 § 2, 2015; ORD-11-0012 § 3, 2011; ORD-09-0022 § 6, 2009)

9.65.070 - Service procedures.

An administrative citation on a form approved by the City Manager may be served upon any responsible person by an enforcement officer in the following manner:

- A. Personal service. In any case where an administrative citation is issued:
 1. The enforcement officer shall attempt to locate and personally serve the responsible person(s) and obtain the signature of the responsible person(s) on the administrative citation;
 2. If the responsible person(s) refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or any subsequent proceedings.
- B. Service of citation by posting notice. If the enforcement officer does not succeed in personally serving a responsible person(s):
 1. The enforcement officer shall post the administrative citation or duplicate thereof in a conspicuous place on the lot where the violation(s) exists or has occurred, and such posting shall be deemed effective service;
 2. Any posted notice shall be photographed on the date of posting by the enforcement officer, and a proof of service of the notice shall be made by declaration of the enforcement officer effecting the service.
- C. Service of citation by mail. If the enforcement officer does not succeed in personally serving a responsible person(s), in addition to posting notice:
 1. The administrative citation or duplicate thereof shall be mailed to the responsible person(s) at his or her residence or place of business by depositing the same in the United States Mail, postage prepaid as first class mail;
 2. A proof of service of the notice shall be made by declaration of the enforcement officer effecting the service.

(ORD-09-0022 § 6, 2009)

9.65.080 - Contents of notice.

Each administrative citation shall contain the following information:

- A. The date of service of the citation and the date, time, address or description of the location where the violation(s) was observed.
- B. The Code section(s) and condition(s) violated and a description of the violation(s)
- C. An order to the responsible person(s) to correct the violation(s) no later than the specified correction date.
- D. An explanation of the consequences of failure to correct the violation(s) in a timely manner.
- E. The amount of the fine for the violation(s).
- F. An explanation of how the fine shall be paid and the fine payment due date.

- G. Notice of the right to appeal the citation, the time within which the citation may be appealed and the place to obtain a request for hearing form to appeal the administrative citation.
- H. The name and signature of the enforcement officer and, if obtained, the signature(s) of the responsible person(s).

(ORD-09-0022 § 6, 2009)

9.65.090 - Satisfaction of administrative citation.

Upon service of an administrative citation, the cited party shall do the following:

- A. Remedy the violation(s) no later than thirty (30) days from the date of issuance of the citation as specified on the administrative citation. Correcting the violation(s) shall not excuse or discharge payment of the fine.
- B. Pay the fine no later than thirty (30) days from the date of issuance of the citation as specified on the administrative citation. Payment of a fine shall not excuse or discharge the failure to correct the violation(s), nor shall it bar further enforcement action by the City. Late charges shall be imposed for fine payments made after the fine payment due date. The late charge shall be calculated at a rate of twenty-five percent (25%) of the fine, and will be imposed in addition to any outstanding fine.

(ORD-09-0022 § 6, 2009)

9.65.100 - Appeal of administrative citation.

- A. Any recipient of an administrative citation may appeal said citation by completing a written request for hearing form, obtained as directed on the citation, and returning it to the department, indicated on the citation, within thirty (30) calendar days from the date the administrative citation is served or deemed to have been served, together with a deposit in the total amount of the fine and any late charges.
- B. A failure to file a timely appeal of the administrative citation shall be deemed a waiver of the right to appeal and to seek judicial review.

(ORD-09-0022 § 6, 2009)

9.65.110 - Appeal hardship waiver.

- A. Any person who intends to appeal the administrative citation and who is financially unable to make the advance deposit as required in Section 9.65.100 may request an advance deposit hardship waiver by completing a written deposit waiver form obtained as directed on the citation.
- B. The deposit waiver request form shall be filed together with the appeal in the department indicated on the citation within thirty (30) calendar days from the date the administrative citation is served or deemed to have been served.
- C. The deposit requirement as described in Subsection 9.65.100.A shall be stayed unless or until the Director of the department indicated on the citation, or his/her designee, makes a determination regarding the waiver request.
- D. The Director of the department indicated on the citation, or his/her designee, may waive the requirement of an advance deposit only if the cited party submits to the Director, or his/her designee, a statement under penalty of perjury, together with any supporting documents or materials, demonstrating to the satisfaction of the Director, or his/her designee, the cited party's actual financial inability to deposit with the City the full amount of the fine and late charge(s) in advance of the hearing.

- E. If the Director of the department indicated on the citation, or his/her designee, declines to issue a waiver, the cited party shall remit the full deposit to the City within ten (10) calendar days of the date of that decision or thirty (30) calendar days from the date the administrative citation is served or deemed to have been served, whichever is later.
- F. The Director of the department indicated on the citation, or his/her designee, shall issue a written determination listing the reasons for his/her determination to issue or not issue the hardship waiver. The written determination shall be final.
- G. The written determination of the Director, or his/her designee, shall be served personally or by first class mail, postage prepaid, upon the cited party who applied for the hardship waiver.

(ORD-09-0022 § 6, 2009)

9.65.120 - Hearing procedure.

- A. No hearing to appeal an administrative citation shall be held unless and until a request for hearing form has been completed and submitted, as indicated on the citation, and the deposit has been paid, or a hardship waiver has been issued.
- B. A hearing before the Hearing Officer shall be set for a date not sooner than fifteen (15) calendar days and not more than sixty (60) calendar days from the date the request for hearing is completed and submitted in accordance with the provisions of this Chapter. The cited party requesting the hearing shall be notified in writing of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.
- C. The Hearing Officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the cited party has created, committed, or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify, if the Hearing Officer determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer in accordance with the fundamentals of due process. The Hearing Officer may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present his/her case as is allowed to the City.
- D. The cited party contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation. The City's case shall be presented by any person designated by the City Manager. The appellant and City may be represented by counsel.
- E. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust administrative remedies.
- F. The administrative citation and any additional documents prepared by the City in connection with the violation(s) may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.
- G. If the enforcement officer or his/her designee submits any additional documents concerning the administrative citation to the Hearing Officer for consideration at the hearing, then, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.
- H. The Hearing Officer may continue the hearing or request additional information from the enforcement officer, his/her designee or the appellant prior to issuing a written decision.

(ORD-09-0022 § 6, 2009)

9.65.130 - Hearing Officer's decision.

- A. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within fifteen (15) business days of the hearing. The decision of the Hearing Officer shall be final.
- B. If the Hearing Officer denies the appeal, then the deposit shall be retained by the City.
- C. If the Hearing Officer grants the appeal, then the City shall refund the deposit within thirty (30) business days from the date of the final written decision.
- D. The appellant and City shall each be served with a copy of the Hearing Officer's written decision.

(ORD-09-0022 § 6, 2009)

9.65.140 - Failure to pay fines.

- A. The failure of the cited party to pay a civil fine or late penalty in a timely manner may result in the imposition of a special assessment and/or lien against the real property on which the violation occurred, after which the amount so determined shall bear interest at the rate of twelve percent (12%) per annum until paid, and/or filing of an action with the Small Claims Court for recovery of the fine and late penalty. The only issue to be adjudicated by the Small Claims Court shall be whether or not the fines and possible late fees were paid. A cited party may only obtain judicial review of the validity of the citation by first requesting and participating in an administrative hearing before a Hearing Officer. In the Small Claims Court action, the City may also recover its costs, according to proof.
- B. The City may also refuse to issue, extend or renew to any cited party who has unpaid delinquent fines, interest, penalties, liens or assessments, any City permit, license, entitlement or other City approval pertaining to the lot that is the subject of the fine and administrative citation.
- C. Any permit, license, entitlement or land use approval issued by the City may be subject to suspension or revocation of the permit, license, entitlement, or land use approval in accordance with the procedures set forth in this Title 9 and Titles 3, 5, 6, 8, 10, 14, 18 and 21 of the Long Beach Municipal Code if any unpaid fine, interest or penalties remain delinquent for a period of more than thirty (30) days.

(ORD-11-0012 § 4, 2011; ORD-09-0022 § 6, 2009)

9.65.150 - Failure to remedy weed abatement activity.

In the event a responsible person(s) is cited for violation of weed abatement, pursuant to Section 9.65.030 of this Chapter, and fails to correct the violation within the specified correction period, and also fails to file a timely appeal of the administrative citation as set forth in Section 9.65.100 of this Chapter, in addition to fine(s), late charges, and consequences resulting from failure to pay fines as defined in this Chapter, a lot cleaning levy shall also be imposed. A lot cleaning levy payment notice shall be served upon the cited party in the same manner as provided for service of the administrative citation set forth in Section 9.65.070 of this Chapter.

(ORD-09-0022 § 6, 2009)

9.65.160 - Failure to remedy inoperative vehicle activity.

In the event a responsible person(s) is cited for violation of inoperative vehicles pursuant to Section 9.65.040 of this Chapter, and fails to correct the violation within the specified period and also fails to file a timely appeal of the administrative citation as set forth in Section 9.65.100 of this Chapter, in addition to fine(s), late charges, and consequences resulting from failure to pay fines as defined in this Chapter, a vehicle removal levy shall also be imposed. A vehicle removal levy payment notice shall be served upon

the cited party in the same manner as provided for service of the administrative citation set forth in Section 9.65.070 of this Chapter.

(ORD-09-0022 § 6, 2009)

9.65.170 - Appeal of lot cleaning and inoperative vehicle levy.

- A. Any recipient of lot cleaning or inoperative vehicle levy payment notice may appeal the reasonableness of the computed charges by completing a levy hearing request form and returning it to the department indicated on the administrative levy notice within fifteen (15) calendar days from the date the levy notice was served, together with a deposit in the total amount of the administrative citation fine, late charges and levy.
- B. A hearing on the appeal shall be set for a date that is not sooner than fifteen (15) calendar days and not more than sixty (60) calendar days from the date that the request for hearing is completed and submitted in accordance with the provisions of this Chapter. The person requesting the hearing shall be notified in writing of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.
- C. The Hearing Officer shall only consider evidence that is relevant to whether the costs used to compute the levy are reasonably related to abatement costs incurred by the City. Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the Hearing Officer determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer in accordance with the fundamentals of due process. The Hearing Officer may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present its case as is allowed the City.
- D. The cited party contesting the reasonableness of the levy shall be given the opportunity to testify and present witnesses and evidence concerning the computed cost. The appellant and City may be represented by counsel.
- E. The administrative citation and any additional documents prepared by the City in connection with the levy may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.
- F. In the event additional documents concerning the levy are provided to the Hearing Officer for consideration, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.
- G. The Hearing Officer may continue the hearing or request additional information from the City or the appellant prior to issuing a written decision.
- H. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within fifteen (15) business days of the hearing.
- I. The appellant and the City shall each be served by mail with a copy of the Hearing Officer's written decision.
- J. If the Hearing Officer determines that the levy was properly computed, and should be upheld as reasonable, then the entire deposit with the City shall be retained by the City.
- K. In the event the Hearing Officer determines the levy, or any portion thereof, to be unreasonable, then that amount shall be refunded within fifteen (15) business days of the date of the written determination.
- L. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the entire deposit and a failure to exhaust administrative remedies.
- M. A failure to file a timely appeal shall be deemed a waiver of the right to appeal the levy.

(ORD-09-0022 § 6, 2009)

9.65.180 - Dismissal of citation.

The enforcement officer, with the approval of the Director from the department indicated on the citation, or his/her designee, may dismiss an administrative citation at any time if it is determined to have been issued in error, in which event any deposit will be refunded.

(ORD-09-0022 § 6, 2009)

9.65.190 - Right to judicial review.

- A. Either the City or the appellant aggrieved by a decision of a Hearing Officer on an administrative citation or levy, may obtain review of the decision by filing a petition for review with the Los Angeles Superior Court in accordance with the time lines and provisions as set forth in California Government Code, Section 53069.4(b). Said procedure shall be available for all judicial review under this Chapter, notwithstanding that the term or condition being enforced pursuant to this Chapter may not be a matter covered by Section 53069.4(a). Judicial review of a citation shall not be available unless all administrative remedies have been exhausted as provided in this Chapter.
- B. Failure to receive any notice specified in this Chapter does not affect the validity of proceedings conducted hereunder.

(ORD-09-0022 § 6, 2009)

9.65.200 - Recovery of Code enforcement abatement costs.

The administrative citation process described in this Chapter does not preclude the City from recovering any other Code violation or nuisance abatement costs incurred by the City in performing its Code enforcement efforts.

(ORD-09-0022 § 6, 2009)

8.76.010 - Prohibited uses.

It is a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that any of the following conditions are found to exist thereon and it is a public nuisance for any person causing the following conditions on any premises:

- A. Buildings which are abandoned, boarded up, partially destroyed, or left for unreasonably long periods of time in a state of partial construction, provided that any unfinished building or structure which has been in the course of construction three (3) years or more, and where the appearance and other conditions of said unfinished building or structure are such that the unfinished structure substantially detracts from the appearance of the immediate neighborhood or reduces the value of property in the immediate neighborhood or is a nuisance, shall be deemed and presumed to have been left for an unreasonably long period of time in the sense of this Subsection;
- B. Any building on which the condition of the paint or roof covering has become so deteriorated as to permit decay, discoloration, excessive checking, cracking or warping so as to render the building unsightly or in a state of disrepair;
- C. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;
- D. Overgrown vegetation, cultivated or uncultivated, which is likely to harbor rats, vermin or other nuisances or which causes detriment to neighboring properties or property values;
- E. Dead, decayed, diseased or hazardous trees, weeds and debris constituting unsightly appearance, dangerous to public safety and welfare, or detrimental to neighboring properties or property values;
- F. Any chattel stored in a residential yard or court in a manner that the item is not shielded totally or in part from view from a public right-of-way by a six foot (6') high solid fence, wall, gate or equivalent screen.

For the purposes of this Subsection:

"Chattel" means any tangible, movable, personal property whatsoever including, but not limited to, building materials, household furniture, appliances, or motor vehicle parts, but not including duly licensed operable vehicles or recreational vehicles, nor boats, camper shells or off-the-road vehicles mounted thereon.

"Court" means any open, unoccupied area, other than a yard on the same lot with a building or buildings, bounded on two (2) or more sides by such building or buildings.

"Recreational vehicle" means a vehicle for the conveyance and/or shelter of persons or goods for purposes of leisure-time activities; a motor home, travel trailer, van, truck camper, camping trailer, boat, or off-the-road vehicle. Recreational vehicles shall not include vehicles designed and intended for commercial use which are converted to a recreational use, such as airplanes, buses, moving vans or semitrailers, nor recreational vehicles used for economic gain, nor chattel.

"Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway or upon water, excepting a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.

"Yard" means any open space, other than a court, adjacent to any lot line, unobstructed from the ground to the sky;

- G. Any vehicle, recreational vehicle or boat parked or stored in a manner not permitted by the zoning regulations set forth in Title 21;
- H. Any attractive nuisance dangerous to children in the form of abandoned or broken equipment, hazardous pools, ponds, excavations or neglected machinery;
- I. Broken or discarded furniture and household equipment remaining in front yard areas and side yard areas of corner lots for unreasonable periods and causing damage or detriment to neighboring property;
- J. Clothesline in front yard areas and in side yard areas of corner lots;
- K. Trash and garbage cans permanently stored in front or side yards and visible from public streets;
- L. Packing boxes and other debris stored in yards and visible from public streets

for unreasonable periods and causing detriment to neighboring property;

- M. Property maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes substantial depreciation of the property values of surrounding properties or is materially detrimental to properties and improvements;
- N. Any wall, fence or hedge maintained in such condition of deterioration, unapproved materials or disrepair as to constitute a hazard to persons or property or to cause depreciation in the value of any adjacent or nearby property.
- O. Any wrecked vehicles (including vehicles with noticeably dented or rusted body parts) or fully or partially disassembled vehicles (including vehicles without hoods, fenders, body panels, headlights, trunk lids, wheels, windows or windshields) when parked overnight on a residential, commercial or industrial use site (except licensed vehicle impound yards or junkyards) and visible from the public right-of-way or residential district;
- P. Any commercial or industrial use sites with uncleaned grease spots on paved surfaces, oil or grease stains on buildings, walls or fences, an accumulation of dirt, grime or litter, any paved areas maintained in a condition of deterioration or disrepair or any excessive accumulation of weeds;
- Q. Any boat, vehicle, trailer, camper or parts thereof which is stored or parked on a lot containing an unoccupied or vacant building;
- R. Any boat, vehicle, trailer, camper or parts thereof which is stored or parked on a vacant lot, when the lot is not improved to meet the zoning regulations for a residential, commercial or industrial storage or parking lot;
- S. Any vacant building secured in a manner not fully complying with the provisions of Sections 8.76.015 or 8.76.017;
- T. No commercial vehicle over seven feet (7'), six inches (6") high, including any load thereon, or exceeding a maximum weight of three (3) tons, shall be stored or parked on any residentially zoned lot within the City. During daylight hours, such commercial vehicles conducting business on residentially zoned lots may park for a reasonable time while any construction, reconstruction or repair work is in progress.

(ORD-16-0028 § 2, 2016; Ord. C-7665 §§ 1, 2, 1999; Ord. C-7660 § 1, 1999; Ord. C-6345 § 1, 1987; Ord. C-6288 § 1, 1986; Ord. C-6192 § 1, 1985; Ord. C-6161 § 1, 1985; Ord. C-6099 §§ 2, 3, 1984; Ord. C-5995 § 9, 1983; Ord. C-5834 § 1, 1982; Ord. C-5354 § 1 (part), 1977; Ord. C-5225 § 1 (part), 1975; prior code § 4611.10)

18.45.030 - Add UHC Chapter 17—Prohibited uses and maintenance.

Chapter 17 is added to the 1997 Edition of the Uniform Housing Code to read as follows:

Chapter 17

PROHIBITED USES AND MAINTENANCE

SECTION 1701—PROHIBITED USES

- A. Cooking. It shall be unlawful for any person to cook or prepare food or to permit another person to cook or prepare food in any bath, shower, slop sink, toilet room, water closet compartment, any room not designed and intended to be used as a kitchen, or in any other portion of a building in which the cooking or preparation of food is detrimental to the health of the occupants or the proper sanitation of the building.
- B. Sleeping. It shall be unlawful for any person to use or to permit another person to use any of the following portions of a building for sleeping purposes:
 - 1. Kitchen, hallway, water closet, bath, cellar, shower compartment or slop sink room.
 - 2. Any other room or place which does not comply with the provisions of this code as a sleeping room or in which sleeping is dangerous to life or health.

SECTION 1702 - MAINTENANCE AND REPAIR

- A. Maintenance. Every building shall be maintained in good repair.
- B. Roof. The roof of every building shall be kept watertight and all storm or casual water shall be properly drained and conveyed from the roof to a storm drain or street gutter in accordance with other applicable provisions of this Chapter.
- C. Drainage. All portions of a lot about a building, including the yards, areaways, vent shafts, court and passageways, shall be graded and drained to efficiently carry the water away from the building.
- D. Surfacing. If the Building Official finds it necessary for the protection of the health and safety of the occupants, or for the proper sanitation of a dwelling, apartment house or hotel, it may require that the yards, areaways, vent shafts, court, passageways, or other parts of the lot surrounding the building be graveled, or properly paved and surfaced with concrete, asphalt or similar materials.
- E.

Painting of room walls and ceilings. The walls and ceilings of every room in a dwelling, apartment house or hotel shall be finished, sealed, coated or covered in an approved manner. Approved materials shall be applied as often as may be necessary to maintain the walls and ceilings in a clean and sanitary condition.

- F. Painting of court and shaft walls. Unless built of light-colored materials, the walls of courts and shafts shall be painted in a light color, or shall be whitewashed. The paint or whitewash shall be applied as often as may be necessary to maintain the walls in a light color.
- G. Wallpaper. Not more than two (2) thicknesses of wallpaper shall be placed upon any wall, partition, or ceiling of any room in any dwelling, apartment house or hotel. If any wall, partition, or ceiling with two (2) thicknesses of wallpaper in any such room is to be repapered, the old wallpaper shall first be removed. Any wallpaper which has become loose or dilapidated shall be removed and the surface repapered, calcimined or painted.
- H. Painting of wallpaper. Paint or calcimine over wallpaper is permissible if the plaster under the wallpaper is in good condition.
- I. Screening. Whenever necessary for the health of the occupants, or for the proper sanitation or cleanliness of any building, acceptable mosquito screening shall be provided for each exterior door, window, or other opening in the exterior walls of the buildings.
- J. Garbage receptacle compartment. Every residential building shall be provided with facilities adequate for the storing of all garbage and waste, either within an approved compartment or receptacles. These facilities shall be maintained in a clean and sanitary condition.
- K. Fences. All fences shall be maintained in good repair and shall be kept straight, uniform and structurally sound. Wooden fences shall be either painted or stained or otherwise treated or sealed in an approved manner to prevent their becoming a nuisance from weathering or deterioration.
- L. Sanitation. Each room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door carpet, rug, matting, window curtain, water closet, compartment, or room, toilet room, bathroom, slop sink room, washroom, plumbing fixtures, drain, roof, closet, cellar, basement, yard, court, lot and the premises of every building shall be kept in every part clean, sanitary, and free from

all accumulation of debris, abandoned or inoperable motor vehicles and vehicle parts, filth, rubbish, garbage, rodents, insects and other vermin, excessive vegetation and other offensive matter.

- M. Dangerous articles. No article that is dangerous or detrimental to life or to the health of the occupants, including any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any other material that may create a fire hazard, shall be kept, stored or handled in any part of a dwelling, apartment house or hotel, or on the lot on which such building is located.
- N. Caretaker. A janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are sixteen (16) or more apartments, of every hotel in which there are twelve (12) or more guest rooms, unless the owner of any such apartment house or hotel resides upon said premises. If the owner does not reside upon the premises of any apartment house in which there are more than four (4) but less than sixteen (16) apartments, a notice stating the owner's name and address or the name and address of his or her agent in charge of the apartment house shall be posted in a conspicuous place on the premises.
- O. Bedding. In every apartment house or hotel, every part of every bed, including mattress, sheets, blankets, and bedding, shall be kept in a clean, dry and sanitary condition, free from filth, urine or other foul matters, and from the infection of lice, bedbugs or other insects. The bed linen of a bed in a hotel shall be changed at least as often as a new guest occupies the bed.

(ORD-16-0026 § 1(Exh. A), 2016)

18.45.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this Chapter the 1997 Edition of the Uniform Housing Code (herein referred to as the "Uniform Housing Code"). Adoption and enforcement of the Uniform Housing Code is mandated through the State Housing Law pursuant to Section 17960, Part 1.5, Division 13, of the California Health and Safety Code. Section 17922 of the California Health and Safety Code requires the adoption of the latest edition of the Uniform Housing Code. The Uniform Housing Code was adopted by the California Department of Housing and Community Development as provided for in Section 32, Article 5, Subchapter 1, Division 1, of Title 25 of the California Code of Regulations. The provisions of the Uniform Housing Code were developed by the International Conference of Building Official. The following chapters of the Uniform Housing Code are deleted: Chapters 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16.

The adoption of the Uniform Housing Code is subject to the changes, amendments and modifications to said code as provided in this Chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Housing Code. A copy of the Uniform Housing Code, printed as code in book form, shall be on file in the Office of the City Clerk.

(ORD-16-0026 § 1(Exh. A), 2016)

18.40.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this Chapter the 2016 Edition of the California Building Code (herein referred to as the "California Building Code"). The California Building Code is Part 2 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part is based on the provisions of the 2015 Edition of the International Building Code (herein referred to as the "International Building Code") as developed by the International Code Council with necessary California amendments. The following appendices of the California Building Code are included: Appendices C, H, and I. The following sections, chapters or appendices of the California Building Code are deleted: Sections 101 through 116 of Chapter 1, Division II; and Appendices A, B, D, E, F, G, J, K, L and M.

The adoption of the California Building Code is subject to the changes, amendments and modifications to said code as provided in this Chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Building Code. A copy of the California Building Code, printed as code in book form, shall be on file in the Office of the City Clerk.

(ORD-16-0026 § 1(Exh. A), 2016)

18.41.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this Chapter the 2016 Edition of the California Residential Code (herein referred to as the "California Residential Code"). The California Residential Code is Part 2.5 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part is based on the provisions of the 2015 Edition of the International Residential Code (herein referred to as the "International Residential Code") as developed by the International Code Council with necessary California amendments. The following sections, chapters, parts or appendices of the California Residential Code are deleted: Sections R101 through R114 of Chapter 1, Division II; Section R319 of Chapter 3; Chapters 11 through 43, Parts IV through VIII; and Appendices A through W.

The adoption of the "California Residential Code" is subject to the changes, amendments and modifications to said code as provided in this Chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Residential Code. A copy of the California Residential Code, printed as code in book form, shall be on file in the Office of the City Clerk.

(ORD-16-0026 § 1(Exh. A), 2016)

Call summary for: 11/01/2018 - 01/31/2019

Output for: 11086

Click on heading to change sort order.

Call# IncName	Pri	Type	Darea	RD	Unit	From	To	Location
[11/06/18]								
#L183100016	3	22500E	1	271	1A7	00:09	00:36	255 BONITO AV, CLB
#L183101706	3	22500E	1	271	1C8	20:52	21:33	255 BONITO AV, CLB
[11/21/18]								
#L183250268	3	PKR	1	271	1A8	05:54	06:12	255 BONITO AV, CLB
[11/22/18]								
#L183260508	3	PKR	1	271	1B68	09:54	10:04	255 BONITO AV, CLB
[11/25/18]								
#L183291333	3	PKR	1	271	5T10	21:03	22:21	255 BONITO AV, CLB
[11/27/18]								
#L183310646	3	PKR	1	271		10:04	10:08	255 BONITO AV, CLB
[11/30/18]								
#L183341634	3	PKR	1	271	1A91	21:10	23:17	255 BONITO AV, CLB
[12/07/18]								
* #L183410273	2	NEIGHB	1	271	1A38	05:52	06:13	255 BONITO AV, CLB
* #L183410841	2	NEIGHB	1	271	1B8	12:13	12:29	255 BONITO AV #P, CLB
[12/12/18]								
#L183460261	3	MUSIC	1	271	1A8	05:16	05:43	255 BONITO AV, CLB
#L183460295	3	MUSIC	1	271	1A8	05:58	07:10	255 BONITO AV, CLB
[12/13/18]								
* #L183471630	2	5150	1	271		19:36	19:39	255 BONITO AV, CLB
* #L183471633	2P	5150	1	271	1C8	19:39	20:11	255 BONITO AV #P, CLB
[12/17/18]								
* #L183510129	2	DISPUT	1	271	1A8	02:21	02:44	255 BONITO AV #D, CLB
#L183511738	3	PKR	1	271	1A68	22:14	23:01	255 BONITO AV, CLB
[12/18/18]								
#L183521640	3	PKR	1	271	1C68	20:17	20:37	255 BONITO AV, CLB
[12/20/18]								
#L183541715	3	PKR	1	271	5T10	21:40	23:02	255 BONITO AV, CLB
[12/28/18]								
#L183621441	3	PKR	1	271	1C38	19:25	19:59	255 BONITO AV, CLB
[12/30/18]								
* #L183640421	2	647F	1	271	1B78	07:40	07:59	255 BONITO AV, CLB
[12/31/18]								
#L183651507	3	PKR	1	271	1C68	21:57	22:09	255 BONITO AV, CLB
[1/02/19]								
#L190021424	3	PKR	1	271	1C8	19:10	19:42	255 BONITO AV, CLB
[1/03/19]								
#L190031497	3	PKR	1	271	1C8	21:00	22:01	255 BONITO AV, CLB

	[1/05/19]								
	#L190051573	3	PKR	1	271	1A38	22:58	23:10	255 BONITO AV, CLB
	[1/06/19]								
*	#L190060843	2	NEIGHB	1	271	1B8	13:30	13:41	255 BONITO AV, CLB
	[1/07/19]								
*	#L190070370	2	5150	1	271	1A38	07:17	07:31	255 BONITO AV #P, CLB
	[1/08/19]								
Y	#L190080743	2	5150	1	271	MET2	12:27	12:56	255 BONITO AV #P, CLB
X	#L190080926	2	NEIGHB	1	271	1B8	14:10	15:27	255 BONITO AV #H, CLB
	[1/09/19]								
	#L190091539	3	PKR	1	271	1C8	19:12	20:03	255 BONITO AV, CLB
	[1/12/19]								
	#L190121410	3	PKR	1	271	1C7	21:52	22:16	255 BONITO AV, CLB
	[1/15/19]								
	#L190150187	3	22500E	1	271	1A92	04:55	05:37	255 BONITO AV, CLB
	[1/17/19]								
*	#L190171355	2	5150	1	271	1C78	18:27	18:55	255 BONITO AV #P, CLB
	[1/20/19]								
	#L190201373	3	PKR	1	271	1C38	21:09	21:24	255 BONITO AV, CLB
	[1/21/19]								
	#L190211536	3	PKR	1	271	1C93	19:45	21:50	255 BONITO AV, CLB
	[1/30/19]								
*	#L190300396	2	NEIGHB	1	271	1B68	07:18	07:55	255 BONITO AV #P, CLB
	#L190301725	3	PKR	1	271	1C36	21:10	21:37	255 BONITO AV, CLB
	[1/31/19]								
Y	#L190310298	2	NEIGHB	1	271	1A8	06:23	07:45	255 BONITO AV #P, CLB
X	#L190310687	3	415	1	271	1B78	10:17	10:47	255 BONITO AV #P, CLB

18.03.020 - Duties and powers of the Building Official.

- A. General. The Building Official is hereby authorized and directed to enforce the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State and to make all plan examinations and inspections pursuant to the provisions of each such regulation. The Building Official shall also perform such other duties relating to the functions of the Department as may be required of him or her by general law, or by ordinance. For such purpose, the Building Official shall have the powers of a police officer. Any order of the City requiring alterations or repairs to any building shall be issued only by authorization of the Building Official. The Building Official shall have the authority to render interpretations of this title and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this title. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this title, municipal code or other ordinances of the City or laws and statutes of the State.
- B. Applications and permits. The Building Official shall receive applications, examine construction documents and issue permits for the erection, addition, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
- C. Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Every such notice or order shall be in writing, addressed to the owner, agent or person responsible for the structure or premises in which such violations or unsafe condition exists and shall specify the date or time when such notice or order shall be complied with, which time shall allow a reasonable period in which such notice or order can be complied with by the person, firm or corporation receiving such notice or order in the judgment of the Building Official. No person, firm or corporation shall refuse, fail or neglect to comply with any such notice or order issued by the Building Official.
- D.

Inspections. The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspection shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

- E. Identification. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this title.
- F. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this title, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

When the Building Official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as provided in this Section, to properly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this title.

- G. Authority to require exposure of work. Whenever any work on which called inspections are required as enumerated in Chapter 18.07 is covered or concealed by additional work without first having been inspected, the work shall be exposed for inspection upon written notice by the Building Official. The work of exposing and recovering shall not entail expense to the City.
- H.

Authority to stop work. Whenever any construction work is being done contrary to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State enforced by the Building Official, the Building Official shall have the authority to issue a written notice to the responsible party to stop work on that portion of the work on which the violation has occurred. The notice shall state the nature of the violation and no work shall be done on that portion until the violation has been rectified and approval obtained from the Building Official.

- I. Authority to stop use or occupancy. Whenever any portion of a building is loaded in excess for which it was constructed, or it houses a use or occupancy other than that for which it was constructed, or is determined to be an unsafe building or structure pursuant to Chapter 18.20, or there is an encroachment upon any required court, yard or easement, the Building Official shall have the authority to order by written notice that such violation be discontinued.

The written notice shall state the nature of the violations and shall fix a time for the abatement thereof. If the violations have not been abated by the expiration of the fixed time, the Certificate of Occupancy shall thereupon be canceled.

- J. Authority to disconnect electrical service. Whenever any electrical installation regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State is found to be defective, the Building Official shall have the authority to disconnect or to order the discontinuance of electrical service to such installation until the installation has been made safe, and any person, firm, corporation, political subdivision or governmental agency ordered to discontinue such electrical service shall do so within twenty-four (24) hours or as determined by the Building Official after the receipt of such notice and shall not reconnect such service or allow the same to be reconnected until notified to do so by the Building Official.
- K. Authority to disconnect utilities. Whenever any mechanical installation regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State is found to be defective that may pose an immediate hazard to life or property, the Building Official shall have the authority to disconnect or to order the discontinuance of fuel-gas utility service, or energy supplies, to the building, structure, premises or equipment in case of emergency. The Building Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect

prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter and shall not reconnect such service or allow the same to be reconnected until such installation has been made safe and was notified to do so by the Building Official.

- L. Authority to condemn equipment. Whenever any equipment regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State has become hazardous to life, health, or property, the Building Official shall have the authority to condemn equipment when such equipment cannot be restored to a condition of safety or be dismantled or removed from its present location. The Building Official shall provide written notice to the owner or occupant of the building, structure, premises or equipment of such order and shall fix a time limit for compliance. No person shall use or maintain the defective equipment after receiving such notice.
- M. Authority to discontinue supply gas or water. Whenever any unsanitary conditions exist or that any construction or work regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State is dangerous, unsafe, unsanitary or a menace to life, health or property or is in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, the Building Official, upon determining such information to be fact, shall have the authority to order any person, firm or corporation using or maintaining any such condition, or responsible for the use or maintenance thereof, to discontinue the use or the maintenance thereof or to repair, alter, change, remove or demolish the same as the Building Official may consider necessary for the proper protection of life, health or property; and in the case of any gas piping, gas appliance or water piping and any water using fixture or device, may order any person, firm or corporation supplying gas or water to such piping, appliance, fixture or device to discontinue supplying gas or water thereto until such piping, appliance, fixture or device is made safe to life, health and property.
- N. Authority to modify grading operation. The Building Official is authorized to require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

(ORD-16-0026 § 1(Exh. A), 2016)