



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-21

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

May 8, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending Chapter 16.04 of the Long Beach Municipal Code by amending Subsection A of Section 16.04.030, and by adding Subsections I through N to Section 16.04.040, all relating to Belmont Veterans' Memorial Pier read the first time and laid over the next regular meeting of the City Council for final reading.

DISCUSSION :

Pursuant to request of March 30, 2007, this office has prepared and submits the above-described ordinance for your consideration.

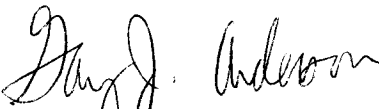
The amendment is shown in Attachment "A."

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By: 
GARY J. ANDERSON
Deputy City Attorney

GJA:ikm
Enclosure
07-01557

PRINCIPAL DEPUTIES

Barbara D. de Jong
Dominic Holzhaus
Belinda R. Mayes
J. Charles Parkin

DEPUTIES

Gary J. Anderson
Richard F. Anthony
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Alysha P. Choi
Lori A. Conway
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Barry M. Meyers
Cristyl Meyers
Howard D. Russell
Tiffani L. Shin

ATTACHMENT "A"

16.04.030 Fishing lines--Methods of casting.

A. No person shall cast, throw, or otherwise cause to be propelled any fishing line from any municipal wharf or dock or pier in either an overhead cast or side cast, ~~manner when any other person is within twenty five feet (25') of such person, and in no event in a manner or from a position which endangers the health or safety of any persons or property.~~

B. The city manager is authorized to place and maintain, or cause to be placed and maintained, signs giving notice of the contents of this section and the penalties prescribed for violation thereof.

16.04.040 Belmont Veterans' Memorial Pier--Prohibited acts.

No person shall do any of the acts enumerated in this section on the Thirty-Ninth Place Pier, also known as Belmont Veterans' Memorial Pier.

A. Ride, drive, operate or park any motorcycle, automobile, or other motorized vehicle on Belmont Veterans' Memorial Pier without a written permit to do so from the director. The director shall issue permits only for vehicles used in lease and concession servicing, for tramcar service, for the transportation of disabled or infirm pier patrons, for any vehicle necessary for the operation and maintenance of the pier, and for use in special events;

B. Operate, drive, or cause to be propelled any bicycle, nonmotorized scooter or "skateboard" (as defined in section 10.54.010) upon Belmont Veterans' Memorial Pier beyond the midpoint of the pier, as defined by the widened section of the pier approximately at the midpoint.

1 Past the midpoint, a bicycle may be walked and a skateboard may be
2 carried;

3 C. Rollerskate on Belmont Veterans' Memorial Pier beyond the
4 midpoint of the pier. To "rollerskate" is the activity for propelling oneself by
5 human power or by force of gravity on a device worn upon the feet or
6 shoes having wheels attached thereto;

7 D. Peddle, sell, or offer for sale any goods on Belmont Veterans'
8 Memorial Pier or on any of the approaches thereto, except from booths or
9 storerooms constructed thereon for such purposes, or under a written
10 permit issued by the director;

11 E. Write or mark upon, deface, break, destroy, demolish, or
12 otherwise injure Belmont Veterans' Memorial Pier or any of the buildings,
13 structures, posts, standards, seats, tables, or other equipment or things
14 constructed or placed thereon;

15 F. Break, destroy, demolish, deface, or in any manner tamper with
16 any electric bulbs, light globes, light posts, light standards, lights, wiring,
17 switchboards, switches, or other things constructed or used in connection
18 with the lighting of Belmont Veterans' Memorial Pier;

19 G. Except pursuant to the terms and conditions of a permit issued
20 by the city council, moor, dock, or make fast any vessel to the boat
21 launching structure at Belmont Veterans' Memorial Pier without having a
22 person in attendance at all times at or on the vessel qualified to operate it.
23 The person shall move the vessel immediately in the event of any
24 emergency requiring the use of the landing or at any time upon the
25 direction of the director to do so. Any vessel moored or docked or made
26 fast to the landing and which is left unattended shall be subject to removal
27 to such other place as may be ordered by the director at the expense of
28 the vessel, its agent and owner;

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H. Lead or turn loose any animal.

I. Fish, or store fishing related gear or personal belongings, in any area of the Belmont Veterans' Memorial Pier except as identified as a "Fishing Area" on the Belmont Veterans' Memorial Pier.

J. Actively utilize more than three fishing poles/lines at any time.

K. Cut bait or clean fish except in an appropriate fish cleaning station.

L. Jump or dive from the Belmont Veterans' Memorial Pier, except as part of a class supervised by the Long Beach Fire Department Safety Division.

M. Consume alcohol except in areas designated by the City as part of a restaurant/snack facility or permitted special event.

N. Take mussels from the pilings of Belmont Veterans' Memorial Pier.

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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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTION A OF SECTION 16.04.030 AND BY ADDING SUBSECTIONS I THROUGH N TO SECTION 16.04.040, ALL RELATING TO BELMONT VETERANS' MEMORIAL PIER

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

Section 1. Subsection A of Section 16.04.030 of the Long Beach Municipal Code is hereby amended to read as follows

A. No person shall cast, throw, or otherwise cause to be propelled any fishing line from any municipal wharf or dock or pier in either an overhead cast or side cast.

Section 2. Section 16.04.040 of the Long Beach Municipal Code is amended by adding Subsections I, J, K, L, M, and N to read as follows:

I. Fish, or store fishing related gear or personal belongings, in any area of the Belmont Veterans' Memorial Pier except as identified as a "Fishing Area" on the Belmont Veterans' Memorial Pier.

J. Actively utilize more than three fishing poles/lines at any time.

K. Cut bait or clean fish except in an appropriate fish cleaning station.

L. Jump or dive from the Belmont Veterans' Memorial Pier, except as part of a class supervised by the Long Beach Fire Department Safety Division.

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M. Consume alcohol except in areas designated by the City as part of a restaurant/snack facility or permitted special event.

N. Take mussels from the pilings of Belmont Veterans' Memorial Pier.

Section 3. The City Clerk shall certify to the passage of this Ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2007, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor

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