

ORDINANCE NO. C-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 5.28.051 SUBSECTION 5.28.071.C, 5.38.080, 5.38.090, 5.47.090, 5.50.010, SUBSECTION 5.60.080.B, 5.61.080, SUBSECTION 5.64.040.B, SUBSECTION 5.66.060.K, 5.68.200, 5.80.050, SUBSECTIONS C AND M OF SECTION 5.82.120, 5.86.120, 8.60.081, 10.60.040, SUBSECTION 14.04.050.C, 14.14.080, 14.16.080, 15.44.190, 15.44.230, 15.74.050, SUBSECTION 16.44.153.A.7, SUBSECTIONS C AND E OF SECTION 16.47.030, 18.48.340, 18.48.360 and 18.52.130; BY ADDING SECTION 2.84.030; AND BY REPEALING SECTION 5.04.080, ALL RELATING TO INSURANCE

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

Section 1. Section 5.28.051 of the Long Beach Municipal Code is amended to read as follows:

5.28.051 Solicitation Permit - Bond.

At the same time a notice of intention to solicit is filed, a person applying for a solicitation permit who intends to use paid solicitors shall file and thereafter maintain with the Police Department, if a permit is issued, a good and sufficient bond as prescribed in regulations issued by the City Manager pursuant to Section 2.84.030.

Sec. 2. Subsection 5.28.071.C of the Long Beach Municipal Code is

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1 amended to read as follows:

2 C. No person shall be so registered unless that person first files
3 with the Police Department and thereafter maintains a bond as prescribed
4 in regulations issued by the City Manager pursuant to Section 2.84.030.

5
6 Sec. 3. Section 5.38.080 of the Long Beach Municipal Code is amended
7 to read as follows:

8 5.38.080 Permit -Application - Bond.

9 Each and every person desiring to practice a profession, art or
10 business specified in Section 5.38.010 shall, at the time of making the
11 application referred to in this Chapter, file with the Police Department
12 his/her photograph and his/her fingerprints and shall leave the photograph
13 and fingerprint impressions with the Police Department as a part of the
14 records of the Police Department for the purpose of enabling the Police
15 Department to make an investigation of any complaints which may have
16 been made, if any, against the applicant at any time or place. If no
17 adverse report has been made by the Police Department as to the record
18 of the applicant, the application shall be deemed completed and a permit
19 shall be issued upon payment of the prescribed permit fee and the filing of
20 a bond as prescribed in regulations issued by the City Manager pursuant
21 to Section 2.84.030.

22
23 Sec. 4. Section 5.38.090 of the Long Beach Municipal Code is amended
24 to read as follows:

25 5.38.090 Bond-Termination.

26 On termination of liability by the surety on any bond required by
27 Section 5.38.080, the permit of the principal of the bond shall be
28 automatically revoked.

1 Sec. 5. Section 5.47.090 of the Long Beach Municipal Code is amended
2 to read as follows:

3 5.47.090 Indemnity and Insurance.

4 At all times permittee shall defend, indemnify, and hold harmless
5 the City, its officials, employees, and agents from and against all claims,
6 demands, damage, causes of action, proceedings, loss, liability, costs and
7 expenses (including reasonable attorney's fees) of any kind (collectively in
8 this Section "claim") alleging injury to or death of persons or damage to
9 property and that such injury, death or damage arises from or is
10 attributable to or caused by any of the operations of permittee. Permittee
11 shall notify the City of any claim within 10 days.

12 Permittee shall procure and maintain, at its cost, during the term of
13 the permit and any renewals thereof, insurance as prescribed in
14 regulations issued by the City Manager pursuant to Section 2.84.030.

15
16 Sec. 6. Section 5.50.010 of the Long Beach Municipal Code is amended
17 to read as follows:

18 5.50.010 House movers.

19 Every house mover licensed to do business in the City under
20 Chapter 3.80 of the Long Beach Municipal Code shall maintain insurance
21 as prescribed in regulations issued by the City Manager pursuant to
22 Section 2.84.030.

23
24 Sec. 7. Subsection 5.60.080.B of the Long Beach Municipal Code is
25 amended to read as follows:

26 B. Except for block parties, concurrent with the issuance of a permit
27 under this Chapter and as a condition precedent to the effectiveness of the
28 permit, the permittee shall procure and maintain in full force and effect during the

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1 term of the permit insurance as prescribed in regulations issued by the City
2 Manager pursuant to Section 2.84.030.

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4 Sec. 8. Section 5.61.080 of the Long Beach Municipal Code is amended
5 to read as follows:

6 5.61.080 Insurance.

7 A. The provisions of Section 5.60.080 shall apply to every permit
8 issued under this Chapter.

9 B. Every applicant/permittee shall provide insurance and bonds as
10 prescribed in regulations issued by the City Manager pursuant to Section
11 2.84.030.

12
13 Sec. 9. Subsection 5.64.040.B of the Long Beach Municipal Code is
14 amended to read as follows:

15 B. Any person desiring to conduct the business of a pawnbroker
16 shall file with the City a faithful performance bond as prescribed in
17 regulations issued by the City Manager pursuant to Section 2.84.030.

18
19 Sec. 10. Subsection 5.66.060.K of the Long Beach Municipal Code is
20 amended to read as follows:

21 K. The following indemnification and insurance shall apply for each
22 permit issued under this Section:

23 1. Each permit shall expressly provide that the
24 permittee shall defend, indemnify and hold the City, its
25 officials, employees and agents harmless from and against
26 all claims, damage, demands, causes of actions, loss,
27 liability, proceedings, costs and expenses (including
28 reasonable attorney's fees) of any kind (collectively in this

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subsection, "claim") arising from or attributable to or caused by the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permittee's activities under the permit; and the permit shall expressly state that permittee shall, at permittee's sole cost and expense, pay any settlement and satisfy any judgment rendered against the City, its officers, employees and agents resulting from permittee's activities under the permit.

Permittee shall notify the City of any claim within 10 days.

2. Concurrent with the issuance of a permit under this Section and as a condition precedent to the effectiveness of the permit, permittee shall procure and maintain in full force and effect during the term of the permit insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.030.

Sec. 11. Section 5.68.200 of the Long Beach Municipal Code is amended to read as follows:

5.68.200 Insurance.

At all times permittee shall defend, indemnify, and hold harmless the City, its officials, agents and employees from and against any and all claims, demands, damage, causes of action, proceedings, loss, liability, costs and expenses (including reasonable attorney's fees) of any kind (collectively in this Section, "claim") alleging injury to or death of persons or damage to property and that such injury, death or damage arises from or is attributable to or caused by the operations of permittee under this permit. Permittee shall notify the City of any claim within 10 days.

Every permittee shall, as a condition precedent to the operation of

1 pedicabs pursuant to permit and to the issuance of a business license
2 therefor, obtain insurance as prescribed in regulations issued by the City
3 Manager pursuant to Section 2.84.030.

4
5 Sec. 12. Section 5.80.050 of the Long Beach Municipal Code is amended
6 to read as follows:

7 5.80.050 Insurance and Indemnity.

8 A. The applicant shall file with the Director of Financial
9 Management insurance as prescribed in regulations issued by the City
10 Manager pursuant to Section 2.84.030.

11 B. The applicant shall maintain the insurance in full force and
12 effect during the time any vehicles are operated pursuant to a permit
13 issued under this Chapter. Failure to maintain such insurance shall be
14 cause for suspension and revocation of a permit pursuant to Section
15 5.80.100.

16 C. Prior to the issuance or renewal of a permit, the applicant or
17 permittee shall execute an indemnity agreement on a form provided by
18 the City which provides that, by the acceptance or use of the permit,
19 permittee shall defend, indemnify and hold harmless the City, its officials,
20 agents, and employees from and against any and all claims, demands,
21 damage, causes of action, proceedings, loss, liability, costs and expenses
22 (including reasonable attorney's fees) (collectively in this subsection
23 "claim") alleging injury to or death of persons or damage to property and
24 that such injury, death or damage arises from or is attributable to or
25 caused by the operations conducted pursuant to said permit and provides
26 that permittee shall notify the City of any claim within 10 days.

27 D. No person shall operate or permit the operation of any vehicle
28 described in this Chapter unless there is, on file, insurance as prescribed

1 in regulations issued by the City Manager pursuant to Section 2.84.030.

2
3 Sec. 13. Subsections C and M of Section 5.82.120 of the Long Beach
4 Municipal Code are amended to read as follows:

5 C. Every permittee, employee or agent who removes a vehicle
6 from private property without the knowledge or consent of the vehicle
7 owner shall cause a written inventory to be made describing the condition
8 of the vehicle. Any damage to the vehicle shall be described in this
9 inventory. In the event the permittee, employee or agent opened the
10 vehicle, the inventory shall also include a complete listing of all property
11 contained therein. A copy of this inventory shall be made available to the
12 vehicle owner.

13 M. Every tow operation shall maintain insurance as prescribed in
14 regulations issued by the City Manager pursuant to Section 2.84.030.

15
16 Sec. 14. Section 5.86.120 of the Long Beach Municipal Code is amended
17 to read as follows:

18 5.86.120 Insurance.

19 Every permittee shall, as a condition precedent to the
20 commencement of operations pursuant to the permit and to the issuance
21 of a business license therefor, obtain insurance as prescribed in the
22 regulations issued by the City Manager pursuant to Section 2.84.030.

23
24 Sec. 15. Section 8.60.081 of the Long Beach Municipal Code is amended
25 to read as follows:

26 8.60.081 Insurance.

27 The applicant for a refuse transportation permit shall provide, at the
28 time of application for the permit, and shall maintain throughout the term

1 of the permit insurance as prescribed in regulations issued by the City
2 Manager pursuant to Section 2.84.030. The permit shall not be effective
3 until the City has received proof of such insurance.

4
5 Sec. 16. Section 10.60.040 of the Long Beach Municipal Code is
6 amended to read as follows:

7 10.60.040 Insurance.

8 No school bus shall be operated unless there is in effect insurance
9 as prescribed in regulations issued by the City Manager pursuant to
10 Section 2.84.030.

11
12 Sec. 17. Subsection 14.04.050.C of the Long Beach Municipal Code is
13 amended to read as follows:

14 C. Prior to or at the time of issuance of the revocable permit the
15 permittee shall submit to the City Manager or his designee insurance as
16 prescribed in regulations issued by the City Manager pursuant to Section
17 2.84.030. The permit shall not be effective until the City has received
18 proof of such insurance.

19
20 Sec. 18. Section 14.14.080 of the Long Beach Municipal Code is
21 amended to read as follows:

22 14.14.080 Insurance.

23 A. Concurrent with the issuance of the permit, the permittee shall
24 procure and maintain, at its cost, during the term of the permit insurance
25 as prescribed in regulations issued by the City Manager pursuant to
26 Section 2.84.030.

27 B. Insurance required herein shall not be deemed to limit the
28 permittee's liability under this permit.

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C. Permittee shall keep the insurance in full force and effect during the term of any public walkway occupancy permit issued pursuant to this Chapter. No permit granted pursuant to this Chapter shall be effective until the permittee has complied with all insurance requirements.

D. Any public walkway occupancy permit so terminated may be reinstated only upon application therefor submitted and approved by the City and upon the payment of Twenty Dollars (\$20.00) per day for every day on which no insurance was provided and also upon payment of all sums due and unpaid to the City under the provisions of this Chapter, as well as full indemnification for during the uninsured period.

Sec. 19. Section 14.16.080 of the Long Beach Municipal Code is amended to read as follows:

14.16.080 Insurance.

At all times permittee shall defend, indemnify, and hold harmless the City, its officials, employees and agents from and against all claims, demands, damage, causes of action, proceedings, loss, liability, costs and expenses (including reasonable attorney's fees) of any kind (collectively in this Section "claim") alleging injury to or death of persons or damage to property and that such injury, death or damage arises from or is attributable to or caused by the installation and maintenance of any bench or benches authorized pursuant to this Chapter. Permittee shall procure and maintain, at its sole cost, during the term of the permit and any renewals thereof insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.030.

Sec. 20. Section 15.44.190 of the Long Beach Municipal Code is amended to read as follows:

1 15.44.190 Insurance and Indemnity.

2 At all times, each permittee shall defend, indemnify, and hold
3 harmless the City, its officials, employees and agents from and against all
4 claims, demands, damage, causes of action, proceedings, loss, liability,
5 costs and expenses (including reasonable attorney's fees) of any kind
6 (collectively in this Section "claim") alleging injury to or death of persons or
7 damage to property and that such injury, death or damage arises from or
8 is attributable to or caused by any of the operations of permittee.
9 Permittee shall notify the City within of any claim within 10 days.

10 Permittee shall procure and maintain, at its cost, during the term of
11 the permit and any renewals thereof, insurance as prescribed in
12 regulations issued by the City Manager pursuant to Section 2.84.030.
13 The permit shall be automatically revoked upon failure to maintain the
14 required coverage.

15
16 Sec. 20. Section 15.44.230 of the Long Beach Municipal Code is
17 amended to read as follows:

18 15.44.230 Bond or Other Security

19 At all times during the term of this permit, permittee shall keep in
20 full force and effect a bond as prescribed in regulations issued by the City
21 Manager pursuant to Section 2.84.030, or a cash deposit, irrevocable
22 letter of credit, or other negotiable securities in an amount equal to the
23 amount required for a bond.

24 Any bond, cash deposit, irrevocable letter of credit, or other
25 negotiable securities deposited with the City may be used by the City to
26 compensate it for any loss or damage resulting from permittee's failure to
27 perform to the satisfaction of the City Manager any term, covenant and
28 condition of the permit. If any part of the bond, cash deposit, irrevocable

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1 letter of credit, or other negotiable security remains unused after the City
2 has been compensated for such loss or damage, the remaining cash or
3 negotiable security shall be returned to permittee and the bond or
4 irrevocable letter of credit shall be released within ten (10) business days.
5 If the City Manager determines that no default has occurred and the City
6 has not been damaged by any of permittee's activities, then the City shall
7 endeavor to return the cash or negotiable security or to release the bond
8 or irrevocable letter of credit within ten (10) business days after such
9 determination by the City Manager and, in any event, no later than sixty
10 (60) days after the expiration of the permit. If the bond, cash, irrevocable
11 letter of credit, or negotiable securities are insufficient to compensate the
12 City for its loss due to permittee's failure to comply with any term,
13 covenant and condition of the permit, permittee shall be liable and pay for
14 any such deficiencies.

15
16 Sec. 22. Section 15.74.050 of the Long Beach Municipal Code is
17 amended to read as follows:

18 15.74.050 Indemnity and Insurance.

19 A. Grantee shall defend, indemnify and hold harmless the City, its
20 officials, employees and agents from and against all claims, demands,
21 damage, causes of action, proceedings, loss, liability, costs and expenses
22 (including reasonable attorney's fees) of any kind (collectively in this
23 Section "claim") alleging injury to or death of persons or damage to
24 property and that such injury, death or damage arises from or is
25 attributable to or caused by the activities of Grantee under the Franchise
26 Agreement.

27 B. On or before commencement of operations under the Franchise
28 Agreement and at all times during the term of the Franchise Agreement,

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Grantee shall, at its sole cost, maintain in full force and effect insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.030.

The procuring of said insurance shall not be construed as a limitation on Grantee's liability or as full performance on Grantee's part of the indemnity provisions of this Chapter.

If Grantee fails to maintain insurance, City shall, on forty-eight (48) hours notice to Grantee, have the right to procure the required insurance and Grantee shall promptly pay the cost thereof to the City. City shall also have the right to suspend the effectiveness of the Franchise Agreement during any period that Grantee fails to maintain said insurance. City may order Grantee to increase the amounts of insurance required in the Franchise Agreement after conducting a duly noticed public hearing. Increases in insurance coverage shall be based upon current prudent business practices of like enterprises involving the same or similar risks.

Sec. 23. Subsection 16.44.153.A.7 of the Long Beach Municipal Code is amended to read as follows:

7. Insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.030.

Sec. 24. Subsections C and E of Section 16.47.030 of the Long Beach Municipal Code are amended to read as follows:

C. Insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.030.

E. Proof of financial responsibility in the form of cash or a bond, as prescribed in regulations issued by the City Manager pursuant to Section 2.84.030.

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Sec. 25. Section 18.48.340 of the Long Beach Municipal Code is amended to read as follows:

18.48.340 UFC Section 77.105 amended - Insurance.

Section 77.105 of Article 77 of the Uniform Fire Code is amended to read:

Section 77.105. Before a permit required by Article 77 is issued, permittee shall provide to the Chief proof of insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.030. No insurance is required if the permittee is a public agency.

Sec. 26. Section 18.48.360 of the Long Beach Municipal Code is amended to read as follows:

18.48.360 UFC Section 78.103 amended - Insurance for fireworks display required.

Section 78.103 of Article 78 of the Uniform Fire Code is amended to read:

Section 78.103. Before a permit required by this Article is issued, permittee shall provide to the Chief proof of insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.030. No insurance is required if the permittee is a public agency.

Sec. 27. Section 18.52.130 of the Long Beach Municipal Code is amended to read as follows:

18.52.130 Bond - Posting required.

Notwithstanding anything to the contrary herein, no moving permit shall be issued unless the applicant first posts with the building official a bond or insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.030.

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1 Sec. 28. Chapter 2.84 of the Long Beach Municipal Code is amended by
2 adding Section 2.84.030 to read as follows:

3 2.84.030 Establishment of Insurance Requirements for Contracts, Leases
4 and the Like.

5 A. All contracts, agreements, letters of understanding, letter
6 agreements, memoranda of understanding, leases, permits, licenses, and
7 all other similar documents or other written agreements of any kind
8 including but not limited to purchase orders and miscellaneous terms and
9 conditions, in which the City of Long Beach, the Board of Water
10 Commissioners, the Redevelopment Agency of the City of Long Beach,
11 California, the Housing Authority of the City of Long Beach, California, and
12 the Long Beach Housing Development Company is a party shall contain
13 the requirements for insurance, bonds, and letters of credit (where such
14 letters of credit serve in lieu of or as a supplement to bonds or insurance)
15 described in regulations promulgated by the City Manager. The
16 requirements in said regulations may only be modified or waived by the
17 City's Risk Manager or, if there is no Risk Manager, then by the City
18 Manager or the City Manager's designee or by an employee or consultant
19 hired by the City to provide risk management services. If the Board of
20 Water Commissioners, the Redevelopment Agency of the City of Long
21 Beach, California, the Housing Authority of the City of Long Beach,
22 California, or the Housing Development Company obtains the services of
23 a risk manager, whether as an employee or as an independent contractor,
24 then this Section shall not apply to that entity provided that such entity
25 issues its own regulations relating to insurance requirements. Until such
26 entity promulgates its own regulations, this Section shall apply.

27 B. The regulations issued by the City Manager shall establish
28 minimum insurance requirements. Any department of the City or any of

1 the entities listed above, when negotiating a contract, agreement, letter of
2 understanding, letter agreement, memorandum of understanding, lease,
3 permit, license, or similar document, or other written agreement of any
4 kind may require higher limits, greater scope of coverage, or otherwise
5 more stringent insurance requirements than stated in the regulations.

6 The regulations issued by the City Manager may enable the City
7 Manager, or designee, to waive the insurance requirements, or any part
8 thereof, based on an assessment of risk to be insured, the availability of
9 insurance, the cost of insurance, and other objective factors commonly
10 considered in risk management.

11 C. When a bond or insurance is required by regulations issued by
12 the City Manager, the contract, agreement, letter of understanding, letter
13 agreement, memorandum of understanding, lease, permit, license, or
14 other similar document or other written agreement of any kind including
15 but not limited to purchase orders and miscellaneous terms and
16 conditions, shall not be effective until such bond or insurance has been
17 approved as to sufficiency by the City's Risk Management Bureau and
18 approved as to form by the City Attorney. If the required bond or
19 insurance becomes ineffective for any reason, then the contract,
20 agreement, letter of understanding, letter agreement, memorandum of
21 understanding, lease, permit, license, or other similar document or other
22 written agreement of any kind, including but not limited to purchase orders
23 and miscellaneous terms and conditions, shall be automatically
24 suspended until such time as a new or renewed bond or insurance is
25 provided that meets the requirements of the City Manager's regulations
26 and is approved as to sufficiency and form.

27 D. Any bond or insurance required by the administrative
28 regulations issued by the City Manager and provided to the City in

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accordance with this Section shall not be deemed to limit the liability of or to affect the indemnification from any party.

Sec. 28. Section 5.04.080 of the Long Beach Municipal Code is hereby repealed.

Sec. 29. The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) 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 _____, 2004, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor