



1 unlawful weapons or ammunition on real property in the City of Long Beach; and

2 WHEREAS, the City Council now desires to expand the City's ability to  
3 deter and respond to nuisance activity related to unlawful weapons or ammunition on  
4 real property.

5 NOW, THEREFORE, the City Council of the City of Long Beach  
6 ordains as follows:

7 Section 1. Chapter 9.17 is added to the Long Beach Municipal  
8 Code to read as follows:

9 Chapter 9.17

10 UNLAWFUL WEAPONS OR AMMUNITION ON REAL PROPERTY ABATEMENT

11  
12 9.17.010 Purpose.

13 The purpose of this Chapter is to promote public health, safety, and  
14 welfare by allowing the City Attorney to abate the nuisance caused by illegal  
15 conduct involving unlawful weapons or ammunition on real property.

16  
17 9.17.015 Additional enforcement remedies.

18 The procedures provided for in this Chapter shall be cumulative and in  
19 addition to any other procedure or legal remedy provided for in this Code or  
20 by State law for the abatement of nuisance related activities or conditions.

21 Nothing in this Chapter shall be deemed to prevent the City from  
22 commencing a civil or criminal proceeding to abate a nuisance under  
23 applicable Civil, Penal, or Municipal Code provisions as an alternative to the  
24 proceedings set forth in this Chapter.

25  
26 9.17.020 Definitions.

27 A. "Unlawful weapons or ammunition purpose" means the illegal  
28 use, manufacture, causing to be manufactured, importation, possession,

1 possession for sale, sale, furnishing, or giving away of any of the following:

2 1. A firearm, as defined in Subdivision (a) of Section 16520  
3 of the Penal Code.

4 2. Any ammunition, as defined in Subdivision (b) of Section  
5 16150 of the Penal Code or in Section 16650 or 16660 of the Penal Code.

6 3. Any assault weapon, as defined in Section 30510 or  
7 30515 of the Penal Code.

8 4. Any .50 BMG rifle, as defined in Section 30530 of the  
9 Penal Code.

10 5. Any tear gas weapon, as defined in Section 17250 of the  
11 Penal Code.

12  
13 9.17.030 Illegal weapons or ammunition on real property nuisance  
14 abatement.

15 A. The City Attorney may file an action for unlawful detainer  
16 against any person who is in violation of the nuisance or illegal purpose  
17 provisions of Subdivision 4 of Section 1161 of the California Code of Civil  
18 Procedure, with respect to the illegal weapons or ammunition on real property  
19 purpose.

20 B. The unlawful detainer action shall be based upon an arrest  
21 report or other report by a law enforcement agency, documenting an illegal  
22 weapons or ammunition on real property offense observed by a police officer.

23 C. The City Attorney shall utilize the procedures set forth in  
24 Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the  
25 California Code of Civil Procedure for filing an unlawful detainer action,  
26 except that in cases filed under this Section, the following also shall apply:

27 1. Prior to filing an action pursuant to this Section, the City  
28 Attorney shall give thirty (30) calendar days written notice to the property

1 owner, requiring the property owner to file an unlawful detainer action for the  
2 removal of the person who is in violation of the nuisance or illegal purpose  
3 provisions of Subdivision 4 of Section 1161 of the Code of Civil Procedure  
4 with respect to the illegal weapons or ammunition on real property.

5 2. The notice to the property owner shall inform the  
6 property owner of a violation of the nuisance or illegal purpose provisions of  
7 Subdivision 4 of Section 1161 of the Code of Civil Procedure and an  
8 advisement to the property owner of the optional assignment provision  
9 contained in Subparagraphs (D) through (F) below.

10 3. The notice to the tenant shall, in at least 14-point bold  
11 type, and provided in English and as translated in all of the languages  
12 identified in Subdivision (b) of Section 1632 of the Civil Code, meet the  
13 following requirements:

14 The notice shall contain the following language:

15 “(Date)

16 (Name of tenant)

17 (Address of tenant)

18 Re: Long Beach Municipal Code Chapter 9.17

19 Dear (name of tenant):

20 This letter is to inform you that an eviction action may soon be filed in  
21 court against you for suspected illegal weapons or ammunition on real  
22 property activity. Long Beach Municipal Code Chapter 9.17, in accordance  
23 with State law, provides for the eviction of persons engaging in such conduct,  
24 as described below.

25 Long Beach Police Department records indicate that you, (name of  
26 arrestee), were arrested on (date) for violations of (list violations) at (address  
27 of property). A letter has been sent to the property owner(s) advising of your  
28 arrest and the requirements of the City’s law, as well as the landlord’s option

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to assign the unlawful detainer action to the City Attorney's Office.

A list of legal assistance providers is provided below. Please note, this list is not exclusive and is provided for your information only; the City Attorney's Office does not endorse or recommend any of the listed agencies.

Sincerely,

(Name of Deputy City Attorney)

Deputy City Attorney

Notice to Tenant: This notice is not a notice of eviction. You should call the City Attorney at (562) 570-2200 or a legal assistance provider to stop the eviction action if any of the following is applicable:

- (1) You are not the person named in this notice;
- (2) The person named in the notice does not live with you;
- (3) The person named in the notice has permanently moved;
- (4) You do not know the person named in the notice;
- (5) You want to request that only the person involved in the nuisance be evicted, allowing the other residents to stay; or

(6) You have any other legal defense or legal reason to stop the eviction action. A list of legal assistance providers is attached to this notice. Some provide free legal assistance if you are eligible.”

4. The respective notices shall be given in writing and served upon the owner and the tenant either by personal delivery or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the owner at the address known to the City, or as shown on the last equalized assessment roll, if not known. Separate notice of not less than thirty (30) calendar days and documentation shall be provided to the tenant in accordance with this Subdivision. Service by mail shall be deemed to be completed at the time of deposit in the United States mail. Proof of giving the notice may be made by a declaration signed under penalty of perjury by any

1 City employee that shows service in conformity with this Section.

2 D. The property owner shall, within thirty (30) calendar days of the  
3 mailing of the written notice, either provide the City Attorney with all relevant  
4 information pertaining to the unlawful detainer case, or provide a written  
5 explanation setting forth any safety-related reasons for noncompliance, and  
6 an assignment to the City Attorney of the right to bring an unlawful detainer  
7 action against the tenant.

8 E. The assignment shall be on a form provided by the City  
9 Attorney and may contain a provision for costs of investigation, discovery,  
10 and reasonable attorney's fees, in an amount not to exceed six hundred  
11 dollars (\$600). An additional fee payable to the Los Angeles County Sheriff  
12 for lock-out services may be required.

13 F. If the City Attorney accepts the assignment of the right of the  
14 owner to bring the unlawful detainer action, the owner shall retain all other  
15 rights and duties, including the handling of the tenant's personal property,  
16 following issuance of the writ of possession and its delivery to and execution  
17 by the appropriate agency.

18 G. Upon the failure of the owner to file an action pursuant to this  
19 Section, or to respond to the City Attorney as provided in Subparagraph (D),  
20 or having filed an action, if the owner fails to prosecute it diligently and in  
21 good faith, the City Attorney may file and prosecute the action, and join the  
22 owner as a defendant in the action. This action shall have precedence over  
23 any similar proceeding thereafter brought by the owner, or to one previously  
24 brought by the owner and not prosecuted diligently and in good faith. Service  
25 of the summons and complaint upon the defendant owner shall be in  
26 accordance with Sections 415.10 - 415.50 of the Code of Civil Procedure.

27 H. If a jury or court finds the defendant tenant guilty of unlawful  
28 detainer in a case filed pursuant to Subparagraph (G), the City Attorney may

1 be awarded costs, including the costs of investigation and discovery and  
2 reasonable attorney's fees. These costs shall be assessed against the  
3 defendant owner, to whom notice was directed pursuant to Subparagraph  
4 (C)(1), and once an abstract of judgment is recorded, it shall constitute a lien  
5 on the subject real property.

6 I. This Section shall not prevent a tenant from receiving relief  
7 against a forfeiture of a lease pursuant to Section 1179 of the Code of Civil  
8 Procedure.

9 J. In any proceeding brought under this Section, the Court may,  
10 upon a showing of good cause, issue a partial eviction ordering the removal  
11 of any person, including, but not limited to, members of the tenant's  
12 household if the Court finds that the person has engaged in the activities  
13 described in Subparagraph (A). Persons removed pursuant to this Section  
14 may be permanently barred from returning to or reentering any portion of the  
15 entire premises. The Court may further order as an express condition of the  
16 tenancy that the remaining tenants shall not give permission to or invite any  
17 person who has been removed pursuant to this Subparagraph to return to or  
18 reenter any portion of the entire premises.

19 K. Notwithstanding Subdivision (b) of Section 68097.2 of the  
20 Government Code, the City may waive all or part of the costs incurred in  
21 furnishing the testimony of a peace officer in an unlawful detainer action  
22 brought pursuant to this Section.

23  
24 9.17.050 Severability.

25 If any provision of this Chapter, or the application thereof to any  
26 person or circumstance, is held invalid, that invalidity shall not affect any  
27 other provision or application of this Chapter that can be given effect without  
28 the invalid provision or application; and to this end, the provisions or

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 applications of this Chapter are severable.

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Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council 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 October 13, 2015, by the following vote:

Ayes: Councilmembers: Gonzalez, Lowenthal, Price, Supernaw,  
Mungo, Andrews, Uranga, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Richardson.

Maia del L. Garcia  
City Clerk

Approved: 10/15/15  
(Date)

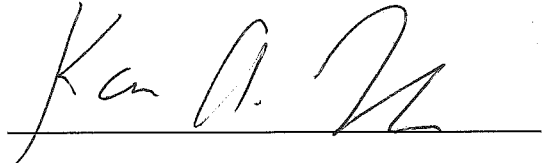
[Signature]  
Mayor



AFFIDAVIT OF POSTING

STATE OF CALIFORNIA ) ss  
COUNTY OF LOS ANGELES )  
CITY OF LONG BEACH )

Karen Moore being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 14th day of October, 2015, I posted three true and correct copies of Ordinance No. ORD-15-0027 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the City Clerk Department.

  
\_\_\_\_\_

Subscribed and sworn to before me  
this 14th day of October, 2015.

  
\_\_\_\_\_  
CITY CLERK