

ORDINANCE NO. C-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTION (B) OF SECTION 14.20.010, BY ADDING SUBSECTIONS (B)(1), (C)(1), (C)(2), AND (E)(1) TO SECTION 14.20.010, AND BY ADDING SECTION 14.20.110, ALL RELATING TO NEWSRACKS

WHEREAS, the City Council finds that Belmont Shore is a unique part of Long Beach, containing features which attract visitors from all over Long Beach and surrounding cities, and

WHEREAS, both residents and visitors contribute to both pedestrian and vehicular traffic in Belmont Shore, and

WHEREAS, both residents and visitors enjoy using the sidewalks of Second Street in Belmont Shore, and

WHEREAS, a pilot program initiated in 1997 to regulate the appearance and location of newsracks has improved the appearance of the sidewalk area as well as the overall appearance of Second Street, and

WHEREAS, the pilot program improved pedestrian and traffic safety on Second Street by maintaining clearer sight lines for both pedestrians and drivers.

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

Section 1. Section 14.20.010 (B) of the Long Beach Municipal Code is amended to read as follows:

(B). "Newsrack" means any self-service box or container installed

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

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or located in the public right-of-way and intended to be used for the distribution of printed material. A newsrack may be a single unit or a publication container which rests on or is affixed to the uppermost surface of a newsrack base.

Sec. 2. Section 14.20.010 (B)(1) is added to the Long Beach Municipal Code to read as follows:

(B)(1). "Newsrack base" means a pedestal or other device on which a publication container rests or is affixed.

Sec. 3. Section 14.20.010 (C)(1) is added to the Long Beach Municipal Code to read as follows:

(C)(1). "Pilot Program Area" means Second Street between the centerline of Livingston Avenue and the easterly line of Bayshore Avenue, including the intersecting cross streets between those westerly and easterly limits, from Second Street to the nearest intersecting alley or street line, both northerly and southerly of Second Street.

Sec. 4. Section 14.20.010 (C)(2) is added to the Long Beach Municipal Code to read as follows:

(C)(2). "Publication container" means a box or dispenser for the distribution of printed material.

Sec. 5. Section 14.20.010 (E)(1) is added to the Long Beach Municipal Code to read as follows:

(E)(1). "Standard Pilot Program Newsrack" means a product similar to the publication container and newsrack base manufactured by the K-Jack Engineering Company, model series 50, or approved equal

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publication container and newsrack base. The standard pilot program project newsrack shall be painted a color equivalent to K-Jack Engineering Company's "Valley Blue" (stock color number 3312). A standard pilot program newsrack shall have a flat top surface and shall not exceed forty-eight inches (48") in height, twenty-five inches (25") in depth (perpendicular to the curbline) or twenty-five inches (25") in width (parallel to the curbline). Nonconforming colors shall be limited to the display areas provided on the front and back of the standard pilot program newsrack.

Sec. 6. Section 14.20.110 is added to the Long Beach Municipal Code to read as follows:

Section 14.20.110. Pilot Program Area newsracks.

The following additional requirements shall apply in the Pilot Program Area.

A. All newsracks within the Pilot Program Area, as defined in Section 14.20.010 of this Chapter, must be Standard Pilot Program Newsracks or an approved equivalent.

B. The City Engineer shall maintain and make available for inspection a list of newsracks determined to be approved equal products of the Standard Pilot Program Newsrack.

C. For the purposes of determining how many newsracks may be attached to one another or placed adjacent to one another, the following shall apply:

1. Each unit consisting of one (1) publication container and one (1) newsrack base, or incorporating both functions in one (1) unit, shall be considered one (1) newsrack.
2. Two (2) publication containers stacked vertically and

1 sharing one (1) newsrack base shall be considered one newsrack.

2 3. If two (2) or more publication containers are joined
3 horizontally, each publication container shall be considered to be one
4 newsrack.

5 D. Newsracks within the Pilot Program Area which do not
6 conform to the requirements of this Section at any time after one
7 hundred eighty (180) days following the effective date of this Section
8 shall be subject to the enforcement provisions of this Chapter.

9 E. Notwithstanding other references in this Municipal Code to the
10 prohibition of the fastening of equipment or structures to the public right-
11 of-way, newsracks within the Pilot Program area must be bolted to the
12 sidewalk pursuant to the requirements and under the direction of the
13 City Engineer.

14 F. In the event of a conflict between the requirements of this
15 Section and the general requirements for newsracks contained
16 elsewhere in this Chapter, this Section shall control in the Pilot Program
17 Area.

18 G. This section shall cease to be of any effect on July 1, 2005
19 unless extended.

20
21 Sec. 7. If any portion of this ordinance is held to be invalid, illegal, or
22 unconstitutional by a court of competent jurisdiction, such decision shall not affect the
23 validity of the remaining portions of this ordinance.

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25 Sec. 8. The City Clerk shall certify to the passage of this ordinance by
26 the City Council of the City of Long Beach and cause it to be posted in three
27 conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first
28 day after it is approved by the Mayor.

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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

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