



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-39**

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

PRINCIPAL DEPUTIES

Dominic Holzhaus  
Anne C. Lattime  
Monte H. Machit  
J. Charles Parkin

DEPUTIES

C. Geoffrey Allred  
Gary J. Anderson  
Richard F. Anthony  
Amy R. Burton  
Christina L. Checel  
Randall C. Fudge  
Charles M. Gale  
Barbara J. McTigue  
Barry M. Meyers  
Cristyl Meyers  
Howard D. Russell  
Tiffani L. Shin  
Linda Trang  
Theodore B. Zinger

June 2, 2009

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Declare ordinance repealing Long Beach Municipal Code Section 10.58.030 related to Pedestrian Angle of Crossing read the first time and laid over to the next regular meeting of the City Council for final reading (Citywide).

DISCUSSION

Section 10.58.030 of the Long Beach Municipal Code provides that no pedestrian shall cross a roadway at any place, other than by a route at right angles to the curb, or by the shortest route to the opposite curb, except in a marked crosswalk, and except at intersections where pedestrian traffic is controlled by a scramble-system automatic signal.


California courts have ruled this type of street crossing regulation by municipalities to be unconstitutional on the grounds that pedestrian street crossing is an area of law occupied by the state.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By   
GARY ANDERSON  
Deputy City Attorney

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY REPEALING SECTION 10.58.030  
RELATING TO PEDESTRIAN ANGLE OF CROSSING

WHEREAS, Section 10.58.030 of the Long Beach Municipal Code provides that no pedestrian shall cross a roadway at any place, other than by a route at right angles to the curb, or by the shortest route to the opposite curb, except in a marked crosswalk, and except at intersections where pedestrian traffic is controlled by a scramble-system automatic signal; and

WHEREAS, California courts have ruled this type of street crossing regulation by municipalities to be unconstitutional on the grounds that pedestrian street crossing is an area of law occupied by the state;

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

Section 1. Section 10.58.030 of the Long Beach Municipal Code is hereby repealed.

Section 2. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

///  
///  
///  
///  
///  
///  
///  
///

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_ by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664