

# CITY OF LONG BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

February 15, 2005

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

SUBJECT: Ordinance Amending and Adding to the Municipal Code Related to  
Administrative Citations And Penalties (Citywide)

## DISCUSSION

On May 11, 2004, the City Council held a study session in which recommendations for the optimization of Long Beach Code Enforcement and Nuisance Abatement functions were presented by Management Partners, Inc. (MPI). Included was the recommendation to "adopt a citation-based administrative enforcement." Staff worked with MPI to analyze other cities where citation-based administrative enforcement is being used. The findings of "best practices" were forwarded to the City Attorney's office. The attached Ordinance was developed based on MPI's recommendations, staff and community input, and a review of the City of Long Beach Municipal Code.

The Ordinance states the following:

"Enforcement of the Long Beach Municipal Code throughout the City is an important public service. Code enforcement is vital to the protection of the public's health, safety and quality of life. The City Council recognizes that a comprehensive code enforcement system that uses a combination of administrative and judicial remedies helps to gain compliance with code regulations."

The proposed Ordinance establishes authority for the issuance of an administrative citation to "any person who violates any provision of the Long Beach Municipal Code of the City."

The types of violations that may result in a fine if not corrected include, but are not limited, to the following:

- Overgrown weeds and vegetation
- Trash, debris, building materials or appliances illegally stored
- Illegally parked vehicles, boats, trailers or campers
- Inoperative vehicles stored on residential property
- Garages converted to dwellings
- Unlicensed auto repair businesses
- Unpermitted, freestanding canopies
- Unpermitted or illegal business signs or banners

Fines will be issued only after the person is given proper warning and the violation is not corrected upon reinspection. The initial fine will be \$100 for the first violation, \$200 for the second violation of the same ordinance term or condition within one year, and a \$500 fine for each additional violation of the same Ordinance during that same period. In addition, a fine not exceeding \$1,000 for illegal garage conversions and \$500 for illegal automotive repair work will also be established. An illegal auto repair is defined as an unlicensed auto repair business operating in a residential area.

Individuals receiving a violation will have the right to contest the fine imposed by completing a written request for an appeal form and submitting it, along with the fine, to the City. The Board of Examiners, Appeals and Condemnation shall serve as the hearing body for all Administrative Citation appeals.

Upon approval of the Ordinance, staff proposes to implement the warning and fine procedures in pilot areas of the City. Prior to issuing any warnings or citations, staff will conduct a multi-lingual outreach and education effort. The pilot areas of the City will include the following commercial corridors and residential areas:

- Seventh Street between Atlantic Avenue and Redondo Avenue;
- Long Beach Boulevard between 47<sup>th</sup> Street and the Compton border;
- Market and South Streets between the Los Angeles River and Atlantic Avenue;
- The West Long Beach neighborhoods between Spring Street and Wardlow Road;
- The Rose Park neighborhood; and
- The Central Long Beach neighborhoods between Long Beach Boulevard and Walnut, and Pacific Coast Highway and Willow Street.

These areas were selected because code enforcement staff are pro-actively working with residents, business and property owners. The pilot areas will allow us to "test" the Citation Ordinance in a mix of commercial and residential areas. It will take two to three months to complete the initial testing process.

Once staff has determined that the multi-lingual outreach and education process is complete, and the procedures for the collection and/or appeal of the fines is fully implemented, the Ordinance will be utilized Citywide.

This item was reviewed by Deputy City Attorney Cristyl Meyers on February 3, 2005, and Budget Management Officer David Wodynski on February 4, 2005.

#### TIMING CONSIDERATIONS

City Council action is requested on February 15, 2005, to expedite the recommendations of the optimization study. Approval of the Ordinance will enable staff to increase compliance with state and municipal codes.


FISCAL IMPACT

Based on the fines generated by other municipalities who currently have administrative citation ordinances, it is anticipated that the City will generate approximately \$40,000 in revenues during the remainder of the fiscal year, and approximately \$80,000 annually, as anticipated in the Three Year Financial Strategic Plan. The revenue will accrue to the General Fund (GP) in the Department of Community Development (CD).

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Declare the Ordinance read and laid over to the next regular meeting of the City Council for final reading.

Respectfully submitted,



MELANIE S. FALLON  
DIRECTOR OF COMMUNITY DEVELOPMENT

MSF:DJT:skh

APPROVED:

*for*   
GERALD R. MILLER  
CITY MANAGER