

ORDINANCE NO. C-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING CHAPTER 14.08 AND BY REPEALING CHAPTER 14.06, RELATING TO EXCAVATIONS, STREET IMPROVEMENTS AND TEMPORARY OCCUPATION OF RIGHTS OF WAY

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

Section 1. Chapter 14.08 of the Long Beach Municipal Code is amended to read as follows:

Chapter 14.08

I. General Provisions

14.08.010 Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

A. "Applicant" means any person who applies for a permit under this Chapter.

B. "City" means the City of Long Beach, California, acting by and through the City Council.

C. "Contractor" means a person who, for a fixed sum, price, fee percentage or compensation other than wages, undertakes or offers to undertake or purports to have the capacity to construct, alter, repair, add to, improve or install surface improvements to streets or any part thereof, or makes or commences to make any excavation in or under the surface of any right-of-way for the installation, repair, or removal of any pipe,

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1 conduit, duct or tunnel in the right-of-way.

2 D. "Facilities" means pipes, pipelines, conduits, ducts, tunnels,
3 poles, pole lines, cables, wires, vaults, traps, manholes, appliances,
4 attachments and appurtenances used in connection therewith, for the
5 purpose of the transmission, transportation or conveyance of any liquid or
6 gaseous substance or substances, steam, air, electrical energy, or for
7 communication purposes, or for the purpose of providing housing or
8 protection for interior lines used, intended to be, or capable of being used
9 for such purpose or purposes.

10 E. "Permit" means the document issued to an applicant by the City
11 under this Chapter, and includes any amendment or supplement to any
12 such permit

13 F. "Permittee" means any person to whom a permit has been
14 granted and issued under the terms of this Chapter.

15 G. "Person" means an individual, a receiver, a trustee, a
16 copartnership, a joint venture, a firm, an unincorporated association, a
17 syndicate, a club, a society, a trust, a private corporation, a limited liability
18 company, a public corporation, a municipal corporation, a county, a state,
19 a national government, a municipal, county, state or federal agency, board
20 or commission, a water district, a utility district, a political subdivision, a
21 school district, a drainage, irrigation, levee, replenishment, reclamation or
22 conservation district, and a flood control district, whether acting for
23 himself/herself/itself or in any representative capacity.

24 H. "Right-of-Way" means any easement or land owned by the City
25 and used or designated for use as a street, parkway, alley, utility corridor,
26 walkway, promenade, or bike path, and the surfaces thereof.

27 I. "Improvements" means the repair, modification, alteration,
28 removal, or addition of facilities including but not limited to grading,

1 paving, curbs, gutters, sidewalks, driveways, landscaping, street lighting,
2 traffic signals, stairs, fences, walls, and any other work in the right-of-way.

3 II. Permits

4 14.08.020 Public Works Permit-Required.

5 No person shall make any excavation or improvements in, on, or
6 under the surface of any right-of-way and no person shall use or occupy
7 the right-of-way with a temporary occupancy consisting of any structure,
8 container, materials, equipment, vehicles, or construction signs related to
9 work on private property without first obtaining a permit from the City
10 Engineer authorizing such person to make such excavation, improvement,
11 or temporary occupancy. This Section shall not be applicable to
12 excavations performed pursuant to contracts awarded for such work by
13 the Board of Harbor Commissioners, or any activity for which a permit has
14 been granted pursuant to Chapter 5.60 of this Code.

15 14.08.030 Public Works Permit-Application.

16 A. A person desiring to make an excavation, improvement, or to
17 occupy temporarily a right-of-way under this Chapter shall complete and
18 file an application with the City Engineer on the City's application form,
19 which application shall contain the name and street address of the
20 applicant and shall describe in detail the excavation, improvement, or
21 temporary occupancy to be made and the purpose of the excavation,
22 improvement or temporary occupancy.

23 B. The application for excavation or improvements shall include
24 seven (7) copies of a plan showing the proposed location of the
25 excavation or improvements and the dimensions thereof, together with
26 such other details as the City Engineer may require on such plan. The
27 plan shall be drawn to a scale of not more than forty feet (40') to the inch
28 and all copies thereof shall be to this scale. In addition, the application

1 shall include evidence that the applicant is either:

- 2 1. Under contract with the City for the excavation or
3 improvement or;
- 4 2. Authorized by law or a valid franchise to use the right-of-
5 way for which an excavation or improvement is being requested; or
- 6 3. Authorized by a pipeline permit issued under Chapter
7 15.44 of this Code to use the right-of-way for which an excavation or
8 improvement is being requested; or
- 9 4. Required to construct the excavation or improvement in
10 conjunction with a building permit issued under Chapter 18.12 of this
11 Code or a conditional use permit issued under Chapter 21.25 of this
12 Code.
- 13 5. All plans submitted with an application for an excavation
14 permit relating to any hazardous liquid facilities shall be signed by a
15 registered civil and/or mechanical engineer and shall be accompanied by
16 a certification, signed by the engineer, that all facilities are in compliance
17 with either the federal Hazardous Liquid Pipeline Safety Act of 1979 and
18 its amendments, the California Pipeline Safety Act of 1981 and its
19 amendments, or the City of Long Beach hazardous liquid pipeline
20 ordinance and its amendments, whichever one applies.
- 21 6. The applicant shall provide any additional information
22 which the City Engineer may deem necessary.
- 23 7. The application and permit shall be signed by the
24 applicant or the authorized agent of the applicant. Any person signing the
25 application and permit as an agent shall furnish written authorization
26 signed by the applicant designating the person as an authorized agent for
27 such purpose.

28 14.08.040 Public Works Permit-Fees.

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A. Every applicant for a permit under this Chapter shall, when the application is filed, pay to the City a fee established by resolution of the City Council. If, at any time, the City Engineer determines that the original fee paid by the applicant is not sufficient to recover costs accrued by the City, then the City Engineer may, at his discretion, require that an additional fee be paid in an amount sufficient to recover said costs.

B. The holder of a valid franchise or permit, with the approval of the City Engineer, may pay pipeline permit and inspection fees on a monthly basis. The City Engineer shall bill the holder each month for the fees accrued during the preceding month.

14.08.050 Public Works Permit-Deposit or Bond.

A. Unless the City Engineer has authorized the permittee to perform the resurfacing or repair of the surface of any highway which may be removed in part or damaged by excavation, fill or temporary occupancy pursuant to a permit issued under this Chapter, the permittee shall deposit with the City the estimated cost of resurfacing or repairing the surface of the highway which may be damaged or destroyed.

B. To ensure compliance with conditions established in the permit, the City Engineer may require that the permittee furnish a surety bond, cash deposit, or letter of credit. All bonds shall comply with regulations issued by the City pursuant to Section 2.84.030 and shall be in an amount equal to twice the estimated cost of performing the work provided, however, that the minimum amount of such bond shall not be less than One Thousand Dollars (\$1,000.00), and the minimum duration of the bond shall not be less than one (1) year. The condition of such bond shall be that the permittee will perform the work authorized by any permit issued pursuant to this Code in a good and workmanlike manner and to the satisfaction of the City Engineer.

1 14.08.060 Public Works Permit-Issuance.

2 If the applicant complies in all respects with this Chapter and with
3 all other applicable laws, rules, regulations and ordinances of the City,
4 and pays the fees and deposits required by this Chapter, and said permit
5 is not being sought for excavation in a right-of-way that has been
6 constructed, reconstructed, or resurfaced within the previous sixty (60)
7 months or slurry sealed within the previous twenty-four (24) months, then
8 the City Engineer shall issue the permit.

9 However, permits for excavation in a right-of-way that has
10 undergone construction, reconstruction or resurfacing within the previous
11 sixty (60) months or slurry sealed within the previous twenty-four (24)
12 months and are not for an emergency repair or a new service connection
13 to an underground utility shall be deemed discretionary and subject to the
14 approval of the City Council.

15 The City Council may authorize a discretionary permit under the
16 following criteria:

17 A. The applicant can demonstrate that the permit for excavation in
18 a right-of-way is immediately required for the general health, safety, and
19 welfare of the City and, as such, cannot be delayed until the sixty (60)
20 month or the twenty-four (24) month period, described above, has
21 expired; and

22 B. The applicant can demonstrate that alternatives to excavating in
23 the right-of-way, such as alternative routing or construction methods,
24 including boring or excavation of the parkway, are not possible.

25 14.08.070 Public Works Permit-Failure to Obtain.

26 A. If a person begins excavation, the construction of any
27 improvement, or occupies the right-of-way prior to obtaining a permit, the
28 fee to obtain a permit shall be double the fee prescribed in Section

1 14.08.040, as a penalty for the failure to obtain a permit as required
2 herein.

3 B. The payment of the penalty shall not relieve such person from
4 fully complying with this Chapter in the execution of the work, or from
5 penalties prescribed herein.

6 14.08.080 Public Works Permit-Defective Work.

7 If improvements are made under a permit and do not comply with
8 the specifications and this Chapter, the City Engineer shall notify the
9 person to whom the permit was granted and identify the defect or failure
10 and the person shall, within a period of five (5) days after the service of
11 the notice, proceed with reasonable diligence to remedy the defect or
12 failure. If the person does not comply with the requirements of the notice,
13 the City Engineer may order the improvements removed at the expense of
14 the permittee and the permittee shall promptly reimburse the City for the
15 cost of removal.

16 14.08.090 Default.

17 A. If a permittee fails to comply with this Chapter, the City may
18 notify the permittee in writing of the failure and identify the time within
19 which the failure must be remedied. If the permittee fails or refuses to
20 remedy the failure within the period of time stated in the notice, the City
21 Engineer may revoke the permit and correct the failure. The permittee
22 shall promptly reimburse the City for any expense incurred by the City in
23 correcting the failure. If the permittee continues work after the permit has
24 been revoked and if the City files suit to restrain the permittee or
25 otherwise enforce this Chapter, then the permittee shall reimburse the
26 City for its reasonable costs and expenses in connection therewith,
27 including attorney's fees and court costs.

28 B. Any structure, materials, barricade, vehicle or other object

1 placed in the right-of-way in violation of this Chapter may be removed and
2 stored in any convenient place by the City Engineer or City officer or
3 employee designated by him/her. If it is removed, the City will notify the
4 owner thereof, in writing, within three (3) working days after its removal. If
5 the owner fails to claim the items and pay the expenses of removal and
6 storage within thirty (30) days after removal, the items shall be deemed to
7 be unclaimed property in possession of the Police Department and may
8 be disposed of pursuant to Chapter 2.78 of this Code.

9 14.08.100 Liability Insurance.

10 Permittee shall secure and maintain, during the life of the permit,
11 commercial general liability insurance as described in regulations issued
12 by the City pursuant to Section 2.84.030.

13 14.08.110 Exemption from fees, bonds and deposits.

14 If improvements or excavations are made under this Chapter by or
15 for a municipal corporation, a county, a state, the federal government, a
16 county, state or federal agency, board or commission, a drainage,
17 irrigation, levee, replenishment, reclamation or water district, or a
18 conservation or flood control district, then no fees or deposits shall be
19 required prior to the issuance of the permit.

20 14.08.120 Public Works Permit-Terms and Conditions.

21 A. A permit shall be subject to the following conditions:

22 1. The permit shall be kept at the site of the work and shall
23 be shown on demand to a City representative.

24 2. Permittee shall comply with California Government Code
25 Section 4216 and following. Markings made pursuant to such Code
26 Sections shall not be made more than fourteen (14) calendar days prior to
27 commencement of work and all markings shall be removed within two (2)
28 months after the date markings are no longer needed or completion of the

1 work, whichever occurs first.

2 3. The permit is nontransferable.

3 4. Improvements that will be maintained by the permittee
4 may require the execution a maintenance agreement with the City by the
5 permittee.

6 5. For excavations or improvements, the City Engineer may
7 revoke the permit unless the work begins within sixty (60) days after the
8 issuance of the permit and is diligently performed to completion in the sole
9 opinion of the City Engineer.

10 6. Permittee shall defend, indemnify and hold harmless the
11 City, its officials and employees from and against all liability, loss,
12 damage, demands, causes of action, proceedings, fines, penalties, costs,
13 and expenses including attorney's fees arising in any way from permittee's
14 work under the permit and, furthermore, permittee shall obtain the
15 commercial general liability insurance required in regulations issued by
16 the City pursuant to Section 2.84.030.

17 7. Permittee shall, at permittee's sole expense, within ten
18 (10) days after receipt of written notification from the City Engineer to do
19 so, remove any improvement or facilities or, with the prior approval of the
20 City Engineer, relocate them to a site designated by the City Engineer if at
21 any time the improvement or facilities interfere with the use, repair,
22 improvement, widening, change in grade, or relocation of any right-of-way
23 or highway, or interfere with the construction of any subway, viaduct or
24 other underground conduit or structure of any kind.

25 B. Either when the permit is issued or at any time thereafter until
26 the completion of work or end of the temporary occupancy, the City
27 Engineer may require additional conditions as he finds reasonably
28 necessary for the protection of the right-of-way or highway, for the

1 prevention of undue interference with traffic, or to assure the safety of
2 persons using the right-of-way or highway.

3 14.08.130 Refusal to issue authorized.

4 The City Engineer may refuse to issue a permit for improvements,
5 excavation, or temporary occupancy in the right-of-way if the applicant has
6 previously failed or refused to comply with this Chapter or if the
7 excavation, improvement, or temporary occupancy will endanger the
8 health and welfare of the residents of the area where the work will be
9 performed.

10 14.08.140 Public Works Permit-Construction Standard.

11 All improvements shall be performed to the satisfaction of the City
12 Engineer and in accordance with the Standard Specifications for Public
13 Works Construction, current edition, approved plans, and with this
14 Chapter.

15 III. Construction Standards

16 14.08.150 Removal of materials and debris.

17 Any person performing or causing to be performed any work under
18 this Chapter shall remove or cause to be removed from the site of any
19 excavation or improvements all debris and excess materials within three
20 (3) days after the completion of the work.

21 14.08.160 Inspection.

22 At least two (2) working days prior to beginning work or temporary
23 occupancy, permittee shall notify the City Engineer by giving permittee's
24 name, permit number, type of work, starting date, time of construction,
25 name of permittee's representative at the site and the underground
26 service alert ticket number. After work begins, permittee shall notify the
27 City inspector of the daily work in progress and the type of inspection
28 required. Failure to contact the City Engineer or his representative or the

1 use of unacceptable materials or unacceptable work shall result in a stop
2 construction notice being issued. Work shall not resume until corrections
3 have been made.

4 14.08.170 Subsurface installations-Depths.

5 No person shall install any conduit, duct or tunnel in any right-of-
6 way at a distance of less than two and one-half feet below established
7 grade of the gutter of a public right-of-way or install any main pipe or
8 service pipe in any public right-of-way at a distance of less than three feet
9 below established grade of the gutter of the public right-of-way, or install
10 any hazardous liquid main pipe or service pipe in any right-of-way at a
11 depth less than that required by applicable federal and state regulations,
12 except manholes, culverts, and catch basins, provided that where, by
13 reason of the construction of any tunnel, storm drain, structure, pipe,
14 conduit, or other subsurface structures, it is not possible to make such
15 installation at such distances below the established grade of the gutter of
16 the right-of-way, then the City Engineer may, at his discretion, upon
17 satisfactory showing of necessity or the public benefit, grant a special
18 permit for the installation at a distance of less than two and one-half feet
19 or three feet below the established grade of the gutter of the right-of-way
20 or the surface of such other public place.

21 14.08.180 Backfill-Standards.

22 All excavations shall be backfilled in a manner satisfactory to the
23 City Engineer and in accordance with the Standard Specifications for
24 Public Works Construction, current edition. If, at any time, the backfill fails
25 and creates an unsafe condition, the City Engineer shall notify permittee
26 of the failure and permittee shall repair the failure, at his/her/its own
27 expense, to the satisfaction of the City Engineer.

28 14.08.190 Backfill-Temporary road surface.

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Whenever the pavement or surfacing is not immediately replaced, the surface of the backfill shall conform to the level of the adjoining street surface and shall be compacted so that it is hard and smooth enough to be safe for traffic to travel any legal rate of speed. If required by the City Engineer, permittee shall cover the backfilled area with temporary surfacing.

14.08.200 Right-of-way surface replacement.

The surface of the right-of-way shall be replaced under the direction and supervision of the City Engineer at the sole cost and expense of the permittee, who shall maintain the surface for one (1) year after the date of completion of the work. If permittee fails to maintain the surface during said one-year period, the City Engineer may give to permittee a written notice specifying the manner in which the permittee has failed to maintain the surface and the work necessary to be performed to restore the surface. Permittee shall have five (5) days after notice is given to restore or repair the surface and, if permittee fails or refuses to do so, the City Engineer, if he deems it advisable, shall have the right to perform the restoration or repair. Permittee shall be liable for the actual cost of the work plus twenty-five percent for City's administration and overhead, and shall promptly pay these charges to the City on receipt of a statement from the City. All work shall be done in accordance with the requirements provided in the Standard Specifications for Public Works Construction, current edition.

14.08.210 Backfill-Responsibility.

Permittee shall maintain the surface of the backfill safe for vehicular traffic and pedestrian travel until the pavement or surfacing has been replaced and accepted by the City Engineer, and be liable for all accidents which occur to vehicles or pedestrians at the site of the

1 excavation, until the pavement or resurfacing has been replaced. If it is
2 impractical to maintain the surface of the backfill in a safe condition for
3 traffic, then permittee shall maintain barriers and red lights around it until
4 the pavement or surfacing has been replaced.

5 14.08.220 Safe crossings to be maintained.

6 Permittee making any excavation shall maintain safe crossings for
7 vehicles and pedestrian traffic at all street intersections and safe
8 crossings for pedestrians at intervals not to exceed six hundred (600) feet.
9 If any excavation is made across a public street, at least one safe
10 crossing shall be maintained at all times for vehicles and pedestrians. All
11 materials excavated from the site shall be laid compactly along the side of
12 the trench and kept trimmed to cause as little inconvenience as possible
13 to public travel. If the right-of-way is not wide enough to hold the
14 excavated material without using part of an adjacent right-of-way,
15 permittee shall erect and maintain a tight board fence on and along the
16 sidewalk and keep a passage at least three (3) feet wide open and along
17 the right-of-way. The excavation shall be performed in such a manner so
18 that it does not interfere with access to fire stations and fire hydrants.
19 Materials or obstructions shall not be placed within fifteen (15) feet of fire
20 hydrants. Passageways leading to fire escapes or firefighting equipment
21 shall be kept free from piles of materials or other obstructions.

22 14.08.230 Gutters and watercourses.

23 Permittee shall keep and maintain all gutters free and unobstructed
24 for the full depth of the adjacent curb and for at least one foot in width
25 from the face of the curb at the gutter line. When a gutter crosses an
26 intersecting street, an adequate waterway shall be provided and
27 maintained at all times. Permittee shall also provide for the flow of any
28 watercourse intercepted during the excavation and shall restore the

1 watercourse to the same condition that existed prior to the excavation, or
2 shall make other provisions for waterflow as the City Engineer may direct.

3 14.08.240 Plan to conform to actual installation.

4 Every person owning, using, controlling or having an interest in any
5 facilities in a right-of-way, except a service pipe or pipes, shall file in the
6 office of the City Engineer, within sixty (60) days after the completion of
7 installation of the facilities, a corrected record plan drawn to scale of not
8 more than forty (40) feet to the inch, showing the facilities provided,
9 however, that if the plan filed with the City Engineer at the time the permit
10 is issued is correct in every detail, permittee may make a notation to that
11 effect on the plan, and the plan shall constitute compliance with this
12 Section.

13 Final acceptance by the City Engineer for the work performed
14 under the permit is dependent on full compliance with this Section.

15 14.08.250 Abandonment of facilities.

16 Whenever facilities (except a service pipe or pipes) located under
17 the surface of any right-of-way or the use of the facilities is abandoned or
18 removed, the person owning, using, controlling or having any interest
19 therein shall, within sixty (60) days after such abandonment, file in the
20 office of the City Engineer a plan giving in detail the location of the
21 facilities that were abandoned.

22 14.08.260 Repair of ruptured oil and gas lines.

23 Whenever facilities used for the transportation of oil, gasoline, gas
24 or other petroleum products rupture in such a manner that the contents
25 escape, the person maintaining or using the facilities shall immediately
26 make repairs to insure future safe operation of the facilities in accordance
27 with Section 15.44.140 of this Code. If the office of the City Engineer is
28 closed when the break occurs, such person may make an excavation in

1 the right-of-way to repair the facilities without first obtaining a permit from
2 the City Engineer. Any person making an excavation under these
3 circumstances shall apply for a permit not later than 10:00 a.m. on the first
4 day the office of the City Engineer is open following the rupture. When
5 the facilities are near a leaking facility, the person maintaining such
6 facilities shall uncover them for inspection if required to do so by the City
7 Engineer.

8 14.08.270 Temporary occupancy standards.

9 Any temporary occupancy of a right-of-way subject to this Chapter
10 shall meet the following requirements:

11 A. The maximum width of the temporary occupancy including
12 contents shall be eight (8) feet, unless otherwise approved by the City
13 Engineer in accordance with this Chapter;

14 B. The temporary occupancy shall not be located in a manner
15 which interferes with the flow of traffic;

16 C. Proper warning devices shall be provided for the temporary
17 occupancy, to the satisfaction of the City Engineer.

18 D. The temporary occupancy shall be kept in good repair, free of
19 graffiti, and in a safe and sanitary condition;

20 E. Temporary occupancy shall be located in a manner which does
21 not interfere with visibility, vehicular mobility, or access to facilities.

22 Locations shall be determined by the City Engineer at the time of
23 application;

24 F. Permits will be issued for a period not to exceed ninety (90)
25 days. On expiration, a new permit must be obtained on the basis of a new
26 application.

27 14.08.280 Warning lights and barricades.

28 A permittee shall keep and maintain barriers at each end of

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1 excavations, at such places as may be necessary along the excavation,
2 and at the site of the improvements or temporary occupancy. Permittee
3 shall place and maintain signs or barriers with letters not less than three
4 (3) inches high, which state the name of the permittee. Permittee shall
5 also place and maintain lights at ends of the excavation and at a distance
6 of not more than fifty (50) feet along the line thereof. For improvements
7 and temporary occupancy, permittee shall place and maintain such lights
8 as necessary to warn the public. Permittee shall maintain the lights until
9 the excavation has been entirely refilled or until the improvements or
10 temporary occupancy has been completed. Any lighting required by this
11 Section shall be operated between sunset and sunrise of the next day. If
12 permittee fails to place and maintain such barricades and lights the City
13 may place and maintain such barricades and lights and permittee shall
14 promptly reimburse the City in the manner provided in Chapter 14.12.

15 14.08.290 Relocation of existing interferences.

16 Permittee shall move and relocate all interferences, including trees,
17 poles, street lighting systems, parking meters, sewers, storm drain
18 appurtenances and culverts located within the area of work which will
19 interfere with the facilities, at the permittee's expense. Permittee shall
20 obtain consent of the owner of the interference for the removal or
21 relocation and shall furnish to the City Engineer satisfactory evidence of
22 all necessary arrangements for removal or relocation of the interference
23 prior to the issuance of the permit.

24 14.08.300 Basement appurtenances.

25 No person shall construct or place a freight elevator or windows for
26 basement lighting in the sidewalk area back of the established curblines of
27 the street provided, however, that existing freight elevators and window
28 lights may be repaired or replaced if, in the opinion of the City Engineer,

1 such freight elevators and window lights do not constitute a hazard to the
2 public.

3 14.08.310 Plans.

4 A. Plans shall be prepared for right-of-way improvements
5 whenever, in the opinion of the City Engineer, such plans are necessary
6 for the proper construction and supervision of the work.

7 B. When such plans are necessary, they may be prepared, at the
8 option of the City Engineer, by a qualified licensed engineer employed by
9 the applicant. Plans submitted by the licensed engineer must first be
10 approved by the City Engineer before a permit is issued and work is
11 started. The City Engineer may specify the type and quality of material on
12 which the plans are drawn, the size of the sheets, the scale of the
13 drawings, the size and wording of the title, the information to be shown on
14 the plans, and all other details, including specifications, in connection
15 therewith. All plans for the work shall become the property of the City and
16 shall be filed in the office of the City Engineer. When the qualified
17 licensed engineer submits the required plans, he/she shall pay to the City
18 a processing fee in an amount prescribed by the City Council by
19 resolution.

20 14.08.320 Work stoppage authorized.

21 Whenever the City Engineer finds that any improvement or
22 excavation is being constructed contrary to or in violation of this Code or if
23 it comes to the attention of the City Engineer that any work under a permit
24 is dangerous, unsafe or a menace to life, health or property, the City
25 Engineer shall order the work to be immediately stopped or shall order the
26 alteration of any dangerous or unsafe condition. Such order shall be in
27 writing and shall specify the manner in which the work is dangerous,
28 unsafe or a menace to life, health or property. After receipt of the order

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the permittee shall not continue with any improvement or excavation until the work has been made to comply with this Chapter and with the instructions given by the City Engineer.

Sec. 2. 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.

Sec. 3. Chapter 14.06 of the Long Beach Municipal Code is hereby repealed in its entirety.

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