

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING LONG BEACH  
MUNICIPAL CODE SECTION 5.71, RELATING TO  
PUBLICLY ACCESSIBLE EXTERIOR PAY TELEPHONES

Section 1. The Long Beach Municipal Code is hereby amended by  
amending Chapter 5.71 to read as follows:

Chapter 5.71

PUBLICLY ACCESSIBLE EXTERIOR PAY TELEPHONES

5.71.010 Definitions.

A. "City Manager" shall mean the City Manager of the City of Long  
Beach or his or her designee.

B. "Publicly Accessible Exterior Pay Telephones" ("PAT") shall mean  
an exterior pay telephone including any pay telephone enclosure or other  
structure surrounding the "PAT" located on public property or on private  
property if the private property is open or accessible to the public, into which  
money may be deposited, or through which a credit card or telephone credit  
card number may be entered, for purposes of obtaining a telecommunications  
link to communicate with another who receives the communication by  
telephone or pager.

C. The "PAT Operator" shall mean any person[s] or entity authorized  
to sell, lease, install or otherwise contract for the sale, use, maintenance or  
installation of a PAT.

D. "Unimproved Property" shall mean any vacant lot, land, parcel, or

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

1 other real property that lacks any building or structure.

2 E. "Vacant Building", for the purpose of this Chapter, shall mean any  
3 roofed structure built for the support, shelter or enclosure of persons, animals,  
4 chattel or property of any kind which has not been used for a period of three  
5 (3) or more months.

6 F. "Property Owner", for the purpose of this Chapter, shall mean the  
7 owner of record on any such parcel of real property as designated on the  
8 County Assessor's tax roll, or a holder of a subsequently recorded deed to the  
9 property.

10 5.71.020 Publicly Accessible Exterior Pay Telephones; exterior pay  
11 telephone permit required.

12 No PAT shall be permitted in the City unless located completely within  
13 an enclosed building space unless a valid exterior pay telephone permit is  
14 first obtained for each PAT by the PAT Operator with the written consent of  
15 the Property Owner and according to the provisions of this Chapter. A new  
16 exterior pay telephone permit shall be required for any change or transfer of  
17 ownership of the PAT, or relocation of the PAT. The permit may be issued by  
18 the City Manager only after payment of fee[s] established by resolution of the  
19 City Council adopted pursuant to Section 5.04.040. All PAT's shall be  
20 removed within fifteen (15) days of expiration or revocation of the business  
21 license, or revocation of the exterior pay telephone permit of the PAT  
22 Operator.

23 5.71.030 Permit required for existing Publicly Accessible Exterior Pay  
24 Telephones.

25 A permit shall be required for any PAT installed on any improved  
26 property outside of a building as of the effective date of this Section. Any  
27 PAT which was lawfully installed on any improved property outside of a  
28 building as of the effective date of this Section which does not comply in

1 whole or in part with the requirements of this Chapter shall be removed or  
2 otherwise brought into full compliance within one (1) year of the effective date  
3 of this Section. For those PAT's lawfully installed on any improved property  
4 outside of a building which cannot be brought into compliance because they  
5 do not meet the requirements of this Chapter, the use may be extended for  
6 only one (1) additional one (1) year period of time (not to exceed two (2)  
7 years), to be determined by the City Manager upon a showing by the PAT  
8 Operator that such extension is reasonably necessary to permit the PAT  
9 Operator adequate time to amortize or otherwise recover any long term  
10 investment in the PAT operation.

11 Any request for an extension of the amortization period must be made  
12 in writing by the owner of the PAT to the City Manager by filing a request in  
13 writing with the Commercial Services Bureau of the Department of Financial  
14 Management no later than ninety (90) days prior to the end of the initial one  
15 (1) year period provided for in this Section.

16 If no permit is obtained as required by this Section, the City may  
17 remove or cause to be removed such PAT, and the City's reasonable costs of  
18 removal shall be a personal obligation of the owner of such PAT, payable to  
19 the City on demand.

20 5.71.040 Permit application.

21 An application for an exterior pay telephone permit shall be filed in  
22 compliance with Chapter 5.04 and shall at a minimum contain the following  
23 information:

- 24 A. A site plan showing the location of the proposed PATs;
- 25 B. An elevation of the proposed PAT design, including lighting, colors,  
26 design, and enclosure configuration;
- 27 C. The name, address, and telephone numbers of the PAT operator,  
28 of the property owner where the PAT will be located, the business owners, if

1 applicable, and the name, address, and telephone number of the proposed  
2 vending company responsible for installation, maintenance, and billing of the  
3 proposed PAT;

4 D. Such other information as required by the City Manager.

5 5.17.050 Prohibited locations.

6 A. No PAT shall be installed, located or maintained on a Vacant  
7 Building, Unimproved Property, or property upon which exists a Vacant  
8 Building;

9 B. No PAT shall be installed, located or maintained on any private  
10 property or any public right-of-way adjacent thereto, that has a premises  
11 licensed for the sale of alcoholic beverages (other than beer or wine);

12 C. No PAT shall be installed, located or maintained at a location  
13 where use from a vehicle is possible which would cause the vehicle to stand  
14 in a driveway or aisle in a parking lot or in the right-of-way;

15 D. No PAT shall be installed, located or maintained within five (5) feet  
16 of any area used for vehicular ingress or egress or an aisle way or parking  
17 area for vehicular travel;

18 E. No PAT shall be installed, located or maintained within five (5) feet  
19 of the entrance or exit to any structure, a crosswalk, a bus shelter, a fire exit  
20 or escape, a mail box, parking meter, traffic control box, fire hydrant or that  
21 otherwise blocks or restricts free passage of pedestrians or vehicles;

22 F. No PAT shall be installed, located or maintained on any property or  
23 at any location that has been determined by the City Manager to create a  
24 nuisance based upon prior actual use;

25 G. A PAT shall not be located within a required landscape area and  
26 access to the PAT shall not require walking in or standing on any required  
27 landscaped area;

28 H. A PAT shall not be located on or encroach over any public property

1 or right-of-way unless an occupancy permit is first obtained as required by  
2 Title 14 of this Code;

3 I. No PAT shall be installed which utilizes an electrical supply unless  
4 an electrical permit is first obtained as required by Title 18 of this Code;

5 J. No PAT shall be located such that its installation or use interferes  
6 with any operation of the legally established use of the property or other land  
7 use requirements such as emergency fire exits or parking;

8 K. No PAT shall be installed in such a manner that would require or  
9 allow the user of the PAT to stand or otherwise be located in the public right  
10 of way. Any existing PAT which is located or maintained in violation of  
11 Subsection (A) shall be removed within thirty (30) days after the effective date  
12 of this ordinance.

13 L. No PAT shall be installed within five (5) feet of any premises  
14 property line.

15 5.71.060 Minimum standards for a publicly accessible exterior pay  
16 telephone permit.

17 Installation, operation, and maintenance of PAT's shall be in  
18 accordance with all applicable codes, laws, rules, regulations, and statutes  
19 including the City's General Plan, any applicable specific plans, the local  
20 coastal program, and all zoning regulations of the applicable district and the  
21 following minimum standards:

22 A. The PAT Operator shall have a valid City business license;

23 B. The PAT Operator shall have written consent of the current  
24 Property Owner for the placement of the PAT. Said written consent shall be  
25 provided to the City at the time the application for a permit is filed;

26 C. No PAT shall be installed in violation of the provisions of the  
27 Americans with Disabilities Act or equivalent California disability access  
28 regulations;

1 D. All PAT's shall have the following operating features at all times:

2 1. Display of a valid City permit identification number;

3 2. Display of PAT Operator identification;

4 E. All PAT's shall be maintained in a clean, neat, damage-free, and  
5 unless otherwise required, operable manner at all times;

6 F. Installation and operation of PAT's shall at all times be maintained  
7 in accordance with all applicable requirements of the California Public Utilities  
8 Commission and the Federal Communications Commission;

9 G. Lighting shall be provided and permanently maintained for all  
10 PAT's to ensure that any user of the PAT can be clearly visible to nearby  
11 traffic, pedestrians, or public areas and that the level of light will be a  
12 minimum of one (1) foot candle measured not less than two (2) feet from the  
13 base of the instrument. Such lighting shall be directed away or screened from  
14 any adjacent residential uses;

15 H. PAT's shall, at all times, have posted on the pay phone a clearly  
16 visible number to call for consumer rights information, complaints and other  
17 information related to consumer protection, or as otherwise required by law or  
18 other regulatory agencies, or as required by the City Manager;

19 I. Any other feature, signage, or information as required by the City  
20 Manager.

21 5.71.070 Operating conditions.

22 The City Manager may impose any and all additional conditions as  
23 may be reasonably required to maintain the public health, safety and welfare  
24 of the community, including, but not limited to, the following:

25 A. A requirement that the PAT be located in close proximity to the  
26 place of business so that the PAT is clearly visible to the interior of the  
27 adjacent business or businesses;

28 B. Restrictions relating to the telephone style/mounting or mounting

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

configuration;

C. Restrictions to prevent the use of pagers or beepers or the use of electronic wiring, not telephone wire, for electronic connections;

D. A restriction rendering the PAT incapable of receiving incoming calls;

E. A requirement that PATs shall be either a so-called "smart phone" equipped with a built in computer or a "smart line" phone having the capability of making the telephone inoperative for designated periods of time;

F. A requirement to provide lists to the City upon request of each outgoing call as to the number called, its duration, and the date and time of the call;

G. A requirement that each PAT be equipped with a built-in volume control and a key pad that prevents the use of pagers or beepers;

H. Requirements limiting the hours of PAT operation together with appropriate signage related to said hours of operation;

I. A requirement to install a timer or manual switch that would allow the property owner or operator of the location of the PAT to control the functionality of the PAT remotely;

J. A requirement to provide suitable trash receptacles adjacent to the PAT;

K. A requirement to program the PAT so that said PAT may not be used or operated other than during the hours of operation specifically permitted.

L. Limiting the hours of operation of the PAT, except that 911 service shall be operable at all times;

M. Relocating the PAT to a different location on the property as approved by the City Manager;

N. Rendering of the PAT inoperable for a period to be determined by

1 the City Manager;

2 O. Relocating the PAT inside the business;

3 P. Blocking of all incoming calls.

4 5.71.080 Public nuisance.

5 Any PAT which is used as an instrumentality for or contributes  
6 substantially by its presences to any of the following conditions is hereby  
7 declared to be a public nuisance:

8 A. Selling or giving away controlled substances (as defined in Division  
9 10 of the California Health and Safety Code);

10 B. Soliciting, agreeing to engage in, or engaging in an act of  
11 prostitution; or other criminal activity;

12 C. Consumption of alcoholic beverages on nearby outdoor public or  
13 private property except where outdoor consumption of alcoholic beverages is  
14 specifically authorized pursuant to a license issued by the Department of  
15 Alcoholic Beverage Control;

16 D. Loitering on nearby public or private property;

17 E. Excessive noise;

18 F. Disturbance of the peace, public drunkenness, harassment of  
19 passerby, gambling, public urination or lewd conduct.

20 As used in this Section, "loitering" shall mean standing, sitting, lying or  
21 remaining on any property under such circumstances that a reasonable  
22 person would conclude that the person who remains on the property does not  
23 have a purpose connected with the usual and ordinary use to which such  
24 property is put, does not have a bona fide intent to exercise a constitutional  
25 right, and is causing public inconvenience or annoyance.

26 5.71.090 Abatement generally.

27 Whenever the City Manager or designee determines that any PAT  
28 constitutes a public nuisance, the City Manager may commence proceedings



1 to either suspend or revoke the permit or impose one (1) or more of the  
2 operating conditions set forth in Section 5.71.070, as appropriate.

3 5.71.100 PAT permit - Suspension or revocation - Hearing.

4 A. No permit issued pursuant to the provisions of this Chapter shall be  
5 suspended or revoked until after a hearing is held by the City Manager,  
6 relating to such suspension or revocation, notice of which hearing shall be  
7 given in writing to the permittee and served at least ten (10) days prior to the  
8 date of the hearing thereon. Such service shall be upon the holder of such  
9 permit or his/her manager or agent, which notice shall state the ground of  
10 suspension or revocation and shall also state the time when, and the place  
11 where, such hearing will be held. The notice shall be served upon the holder  
12 of the permit by mailing a copy of the notice, postage fully prepaid, addressed  
13 to the permittee at the address set forth in the permit application at least ten  
14 (10) days prior to the date of the hearing.

15 B. Any permit revoked pursuant to the provisions of this Chapter shall  
16 be surrendered by the permittee to the City Manager who shall transmit it to  
17 the business license section of the Department of Financial Management.  
18 The PAT shall be surrendered within ten (10) days or other time frame as  
19 may be designated by the City Manager or the City Council.

20 5.71.110 PAT permit - Suspension or revocation - Appeal.

21 A. Any applicant for a permit, pursuant to this Chapter, whose  
22 application for such permit has been denied by the City Manager, or any  
23 permittee whose permit has been suspended or revoked by the City Manager,  
24 may, within ten (10) days after such denial, suspension or revocation, appeal  
25 to the City Council pursuant to the provisions of Section 5.06.030. The  
26 disposition of the appeal by the City Council shall be final;

27 B. When an appeal is filed, the order of suspension or revocation shall  
28 be stayed pending the determination of the appeal by the City Council. The

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

suspension or revocation shall be dissolved immediately if the decision of the City Council reverses the decision made by the City Manager.

5.71.120 Removal of publicly accessible exterior pay telephones.

If any PAT permit is cancelled, suspended, or revoked, and the PAT is not removed by the Property Owner or PAT Operator within the time period designated by the City Manager, the PAT shall be deemed a public nuisance and the abatement of said nuisance will be accomplished by either City forces or private contractor, and the City Manager is expressly authorized to enter the premises for such purpose. Upon failure to claim the PAT and pay the expenses of removal and storage within thirty (30) days after removal, the PAT will be discarded or will be sold if determined to have value. The Property Owner or PAT Operator, as appropriate, shall be liable for the City's costs incurred in the removal and storage of such PAT, and said costs may constitute a lien upon said property until paid.

5.71.130 Additional remedies.

In addition to any other remedy set forth in this Chapter, the City Manager or designee may cause the issuance of an administrative citation for any violation of this Chapter in accordance with Chapter 9.65 of this Code.

//  
//

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

Section 2. I hereby certify that the foregoing ordinance was adopted by the  
City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2012, by the  
following vote:

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

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

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING LONG BEACH  
MUNICIPAL CODE SECTION 5.71, RELATING TO  
PUBLICLY ACCESSIBLE EXTERIOR PAY TELEPHONES

Section 1. The Long Beach Municipal Code is hereby amended by  
amending Chapter 5.71 to read as follows:

Chapter 5.71

PUBLICLY ACCESSIBLE EXTERIOR PAY TELEPHONES

5.71.010 Definitions.

A. ~~“City Manager” Director~~ shall mean the City Manager ~~Director of~~  
~~Financial Management~~ of the City of Long Beach or his or her designee.

B. ~~“Chief of Police” shall mean the Chief of Police of the City of Long~~  
~~Beach or his or her designee.~~

BG. “Publicly Accessible Exterior Pay Telephones” (“PAT”) shall mean  
an exterior pay telephone including any pay telephone enclosure or other  
structure surrounding the “PAT” located on public property or on private  
property if the private property is open or accessible to the public, into which  
money may be deposited, or through which a credit card or telephone credit  
card number may be entered, for purposes of obtaining a telecommunications  
link to communicate with another who receives the communication by  
telephone or pager.

CD. The “PAT Operator” shall mean any person[s] or entity authorized  
to sell, lease, install or otherwise contract for the sale, use, maintenance or

1 installation of a PAT.

2 DE. "Unimproved Property" shall mean any vacant lot, land, parcel, or  
3 other real property that lacks any building or structure.

4 EF. "Vacant Building", for the purpose of this Chapter, shall mean any  
5 roofed structure built for the support, shelter or enclosure of persons, animals,  
6 chattel or property of any kind which has not been used for a period of three  
7 (3) or more months.

8 EG. "Property Owner", for the purpose of this Chapter, shall mean the  
9 owner of record on any such parcel of real property as designated on the  
10 County Assessor's tax roll, or a holder of a subsequently recorded deed to the  
11 property.

12 5.71.020 ~~5.71.070~~ Publicly Accessible Exterior Pay Telephones; exterior  
13 pay telephone permit required.

14 No PAT shall be permitted in the City unless located completely within  
15 an enclosed building space ~~or~~ unless a valid exterior pay telephone permit is  
16 first obtained for each PAT by the PAT Operator with the written consent of  
17 the Property Owner and according to the provisions of this Chapter. A new  
18 exterior pay telephone permit shall be required for any change or transfer of  
19 ownership of the PAT, or relocation of the PAT. The permit may be issued by  
20 the City Manager ~~Director~~ only after payment of fee[s] established by  
21 resolution of the City Council adopted pursuant to Section 5.04.040. All  
22 PAT's shall be removed within fifteen (15) days of expiration or revocation of  
23 the Business License, or revocation of the exterior pay telephone permit of  
24 the PAT Operator.

25 5.71.030 ~~5.71.100~~ Permit required for existing Publicly Accessible  
26 Exterior Pay Telephones.

27 A permit shall be required for any PAT ~~lawfully~~ installed on any  
28 improved property outside of a building as of the effective date of this Section.

1 Such permit shall be obtained no later than ~~two (2)~~ years after the effective  
2 date of this Section. Any PAT which was lawfully installed on any improved  
3 property outside of a building as of the effective date of this Section which  
4 does not comply in whole or in part with the requirements of this Chapter shall  
5 be removed or otherwise brought into full compliance within ~~two (2)~~ one (1)  
6 years of the effective date of this Section. For those PAT's lawfully installed  
7 on any improved property outside of a building which cannot be brought into  
8 compliance because they do not meet the requirements of this Chapter, the  
9 use may be extended for only one (1) additional one year period of time (not  
10 to exceed ~~two (2) years~~ one (1) year), to be determined by the City Manager  
11 ~~Director~~ upon a showing by the PAT Operator that such extension is  
12 reasonably necessary to permit the PAT Operator adequate time to amortize  
13 or otherwise recover any long term investment in the PAT operation.

14 Any request for an extension of the ~~two (2) year~~ amortization period  
15 must be made in writing by the owner of the PAT to the ~~Director~~ City Manager  
16 by filing a request in writing with the Commercial Services Bureau of the  
17 Department of Financial Management no later than ninety (90) days prior to  
18 the end of the initial one (1) ~~two (2)~~ year period provided for in this Section.

19 If no permit is obtained as required by this Section, the City may  
20 remove or cause to be removed such PAT, and the City's reasonable costs of  
21 removal shall be a personal obligation of the owner of such PAT, payable to  
22 the City on demand.

23 5.71.040 ~~5.71.080~~ Permit application.

24 An application for an exterior pay telephone permit shall be filed in  
25 compliance with Chapter 5.04 and shall at a minimum contain the following  
26 information:

27 A. A site plan showing the location of the proposed PATs;

28 B. An elevation of the proposed PAT design, including lighting, colors,

1 design, and enclosure configuration;

2 C. The name, address, and telephone numbers of the PAT operator,  
3 of the property owner where the PAT will be located, the business owners, if  
4 applicable, and the name, address, and telephone number of the proposed  
5 vending company responsible for installation, maintenance, and billing of the  
6 proposed PAT;

7 D. Such other information as required by the City Manager.

8 5.17.050 5.71.020 Prohibited locations.

9 A. No PAT shall be installed, located or maintained on a Vacant  
10 Building, Unimproved Property, or property upon which exists a Vacant  
11 Building;

12 B. No PAT shall be installed, located or maintained on any private  
13 property or any public right-of-way adjacent thereto, that has a premises  
14 licensed for the sale of alcoholic beverages (other than beer or wine);

15 C. No PAT shall be installed, located or maintained at a location  
16 where use from a vehicle is possible which would cause the vehicle to stand  
17 in a driveway or aisle in a parking lot or in the right-of-way;

18 D. No PAT shall be installed, located or maintained within five (5) feet  
19 of any area used for vehicular ingress or egress or an aisle way or parking  
20 area for vehicular travel;

21 E. No PAT shall be installed, located or maintained within five (5) feet  
22 of the entrance or exit to any structure, a crosswalk, a bus shelter, a fire exit  
23 or escape, a mail box, parking meter, traffic control box, fire hydrant or that  
24 otherwise blocks or restricts free passage of pedestrians or vehicles;

25 F. No PAT shall be installed, located or maintained on any property or  
26 at any location that has been determined by the City Manager to create a  
27 nuisance based upon prior actual use;

28 G. A PAT shall not be located within a required landscape area and

1 access to the PAT shall not require walking in or standing on any required  
2 landscaped area;

3 H. A PAT shall not be located on or encroach over any public property  
4 or right-of-way unless an occupancy permit is first obtained as required by  
5 Title 14 of this Code;

6 I. No PAT shall be installed which utilizes an electrical supply unless  
7 an electrical permit is first obtained as required by Title 18 of this Code;

8 J. No PAT shall be located such that its installation or use interferes  
9 with any operation of the legally established use of the property or other land  
10 use requirements such as emergency fire exits or parking;

11 K. No PAT shall be installed in such a manner that would require or  
12 allow the user of the PAT to stand or otherwise be located in the public right  
13 of way. Any existing PAT which is located or maintained in violation of  
14 Subsection (A) shall be removed within thirty (30) days after the effective date  
15 of this ordinance.

16 L. No PAT shall be installed within five (5) feet of any premises  
17 property line.

18 5.71.060 5.71.090 Minimum standards for a publicly accessible exterior pay  
19 telephone permit.

20 Installation, operation, and maintenance of PAT's shall be in  
21 accordance with all applicable codes, laws, rules, regulations, and statutes  
22 including the City's gGeneral pPlan, any applicable specific plans, the local  
23 coastal program, and all zoning regulations of the applicable district and the  
24 following minimum standards:

25 A. The PAT Operator shall have a valid City business license;

26 B. ~~That~~ the PAT Operator shall have ~~has the~~ written consent of the  
27 current Property Owner for the placement of the PAT, ~~exterior pay telephone.~~  
28 Said written consent shall be provided to the City at the time the application



1        for a permit is filed;

2                    C. No PAT shall be installed in violation of the provisions of the  
3        Americans with Disabilities Act or equivalent California disability access  
4        regulations;

5                    D.H. All PAT's shall have the following operating features at all times:

- 6                    1. Display of ~~an a~~ valid City permit identification number;  
7                    2. Display of PAT Operator identification;<sub>;</sub>

8                    E.I. All PAT's shall be maintained in a clean, neat, damage-free, and  
9        unless otherwise required, operable manner at all times;<sub>;</sub>

10                   ~~J. No PAT shall be located such that its installation or use interferes~~  
11        ~~with any operation of the legally established use of the property or other land~~  
12        ~~use requirements such as emergency fire exits or parking.~~

13                   F.K. Installation and operation of PAT's shall at all times be  
14        maintained in accordance with all applicable requirements of the California  
15        Public Utilities Commission and the Federal Communications Commission;<sub>;</sub>

16                   G.L. Lighting shall be provided and permanently maintained for all  
17        PAT's to ensure that any user of the PAT can be clearly visible to nearby  
18        traffic, pedestrians, or public areas and that the level of light will be a  
19        minimum of one (1) foot candle measured not less than two (2) feet from the  
20        base of the instrument. Such lighting shall be directed away or screened from  
21        any adjacent residential uses;<sub>;</sub>

22                   H.M. PAT's shall, at all times, have posted on the pay phone a clearly  
23        visible number to call for consumer rights information, complaints and other  
24        information related to consumer protection, or as otherwise required by law or  
25        other regulatory agencies, or as required by the ~~Director~~ City Manager;<sub>;</sub>

26                   I.N. Any other feature, signage, or information as required by the City  
27        Manager. ~~PAT's shall at all times, have posted on the pay phone a valid~~  
28        ~~permit issued by the City of Long Beach.~~

1        5.71.070        Operating conditions.

2                    The City Manager may impose any and all additional conditions as  
3        may be reasonably required to maintain the public health, safety and welfare  
4        of the community, including, but not limited to, the following:

5                    A. A requirement that the PAT be located in close proximity to the  
6        place of business so that the PAT is clearly visible to the interior of the  
7        adjacent business or businesses;

8                    B. Restrictions relating to the telephone style/mounting or mounting  
9        configuration;

10                   C. Restrictions to prevent the use of pagers or beepers or the use of  
11        electronic wiring, not telephone wire, for electronic connections;

12                   D. A restriction rendering the PAT incapable of receiving incoming  
13        calls;

14                   E. A requirement that PATs shall be either a so-called "smart phone"  
15        equipped with a built in computer or a "smart line" phone having the capability  
16        of making the telephone inoperative for designated periods of time;

17                   F. A requirement to provide lists to the City upon request of each  
18        outgoing call as to the number called, its duration, and the date and time of  
19        the call;

20                   G. A requirement that each PAT be equipped with a built-in volume  
21        control and a key pad that prevents the use of pagers or beepers;

22                   H. Requirements limiting the hours of PAT operation together with  
23        appropriate signage related to said hours of operation;

24                   I. A requirement to install a timer or manual switch that would allow  
25        the property owner or operator of the location of the PAT to control the  
26        functionality of the PAT remotely;

27                   J. A requirement to provide suitable trash receptacles adjacent to the  
28        PAT;

1                   K. A requirement to program the PAT so that said PAT may not be  
2                   used or operated other than during the hours of operation specifically  
3                   permitted.

4                   L. Limiting the hours of operation of the PAT, except that 911 service  
5                   shall be operable at all times;

6                   M. Relocating the PAT to a different location on the property as  
7                   approved by the City Manager;

8                   N. Rendering of the PAT inoperable for a period to be determined by  
9                   the City Manager;

10                  O. Relocating the PAT inside the business;

11                  P. Blocking of all incoming calls.

12                  5.71.080 5.71.030 Public nuisance.

13                  Any PAT which is used as an instrumentality for or contributes  
14                  substantially by its presences to any of the following conditions is hereby  
15                  declared to be a public nuisance:

16                  A. Selling or giving away controlled substances (as defined in Division  
17                  10 of the California Health and Safety Code);

18                  B. Soliciting, agreeing to engage in, or engaging in an act of  
19                  prostitution; or other criminal activity;

20                  C. Consumption of alcoholic beverages on nearby outdoor public or  
21                  private property except where outdoor consumption of alcoholic beverages is  
22                  specifically authorized pursuant to a license issued by the Department of  
23                  Alcoholic Beverage Control;

24                  D. Loitering on nearby public or private property;

25                  E. Excessive noise;

26                  F. Disturbance of the peace, public drunkenness, harassment of  
27                  passerby, gambling, public urination or lewd conduct.

28                  As used in this Section, "loitering" shall mean standing, sitting, lying or

1 remaining on any property under such circumstances that a reasonable  
2 person would conclude that the person who remains on the property does not  
3 have a purpose connected with the usual and ordinary use to which such  
4 property is put, does not have a bona fide intent to exercise a constitutional  
5 right, and is causing public inconvenience or annoyance.

6 5.71.090 ~~5.71.040~~ Abatement generally.

7 ~~A. Whenever the City Manager or designee Chief of Police determines~~  
8 ~~that any PAT constitutes a public nuisance, as defined in Sections 5.71.020,~~  
9 ~~5.71.030 or 21.15.1870 of this Code, the City Manager Director may~~  
10 ~~commence proceedings to either suspend or revoke the permit or impose one~~  
11 ~~(1) or more of the operating conditions set forth in Section 5.71.070, as~~  
12 ~~appropriate.~~

13 ~~B. No proceedings to abate a public nuisance defined in Sections~~  
14 ~~5.71.020, 5.71.030 or 21.15.1870 shall be commenced unless the Director~~  
15 ~~first has made a reasonable effort to work with the Property Owner where the~~  
16 ~~PAT is located or the PAT Operator to eliminate the conditions described in~~  
17 ~~Sections 5.71.020, 5.71.030 or 21.15.1870 by voluntary measures, such as:~~

- 18 ~~1. Limiting the hours of operation of the PAT, except that 911~~  
19 ~~service shall be operable at all times;~~
- 20 ~~2. Relocating the PAT to a different location on the property as~~  
21 ~~approved by the Director;~~
- 22 ~~3. Rendering of the PAT inoperable for a period to be~~  
23 ~~determined by the Director;~~
- 24 ~~4. Relocating the PAT inside the business;~~
- 25 ~~5. Blocking of incoming calls;~~
- 26 ~~6. Other operating restrictions or modifications to the above~~  
27 ~~may be required by the Director as necessary to address regulatory or~~  
28 ~~technological changes or other public nuisance issues that may develop.~~

1            5.71.100 ~~5.71.150~~. PAT permit - Suspension or revocation - Hearing.

2            A. No permit issued pursuant to the provisions of this Chapter shall be  
3            suspended or revoked until after a hearing is held by the City Manager,  
4            ~~Director~~, relating to such suspension or revocation, notice of which hearing  
5            shall be given in writing to the permittee and served at least ten (10) days  
6            prior to the date of the hearing thereon. ~~;~~ Such service shall be upon the  
7            holder of such permit or his/her manager or agent, which notice shall state the  
8            ground of suspension or revocation and shall also state the time when, and  
9            the place where, such hearing will be held. The notice shall be served upon  
10           the holder of the permit ~~by delivering the same to the person, his/her~~  
11           ~~manager or agent, or to any person in charge of, or employed in the place of~~  
12           ~~business of the holder, or, if the person has no place of business, then, at~~  
13           ~~his/her place of residence, or by leaving the notice at the place of business or~~  
14           ~~residence of the person with some person of suitable age and discretion. In~~  
15           ~~the event the holder of the permit cannot be found and the service of the~~  
16           ~~notice cannot be made upon him/her in the manner provided, then a copy of~~  
17           ~~the notice shall be mailed, by mailing a copy of the notice, postage fully~~  
18           prepaid, addressed to the permittee at the address set forth in the permit  
19           application ~~his/her place of business or residence at least ten (10) days prior~~  
20           to the date of the hearing.

21           ~~B. When an appeal is filed, the order of suspension or revocation shall~~  
22           ~~be stayed pending the determination of the appeal by the City Council. The~~  
23           ~~suspension or revocation shall be dissolved immediately if the decision of the~~  
24           ~~City Council reverses the decision made by the Director.~~

25           B.C. Any permit revoked pursuant to the provisions of this Chapter  
26           shall be surrendered by the permittee to the City Manager~~Director~~ who shall  
27           transmit it to the business license section of the Department of Financial  
28           Management. The PAT shall be surrendered ~~removed pursuant to Section~~

1           5.71.110 within ten (10) -days or other time frame as may be designated by  
2           the City Manager ~~Director~~ or the City Council.

3           ~~5.71.130 PAT permit Suspension or revocation Grounds.~~

4           ~~The following shall constitute grounds for suspension and revocation of~~  
5           ~~a PAT permit.~~

6           ~~A. Any of the grounds set forth in Section 5.06.020.~~

7           ~~B. The violation of any of the provisions of this Chapter or of any PAT~~  
8           ~~standards and regulations prescribed by the Director pursuant to this Chapter.~~

9           ~~5.71.140. PAT system permit Suspension or revocation~~

10          ~~Authority.~~

11          ~~Any PAT permit issued under this Chapter may be suspended or~~  
12          ~~revoked by the Director for the grounds listed in this Section.~~

13          5.71.110 ~~5.71.160~~ PAT permit - Suspension or revocation - Appeal.

14           A. Any applicant for a permit, pursuant to which may be required  
15           ~~under this Chapter, whose application for such permit has been denied by the~~  
16           ~~City Manager, Director, or any permittee whose permit has been suspended~~  
17           ~~or revoked by the City Manager, Director, may, within ten (10) days after such~~  
18           ~~denial, suspension or revocation, appeal to the City Council pursuant to the~~  
19           ~~provisions of Section 5.06.030. The disposition of the appeal by the City~~  
20           ~~Council shall be final.~~

21           B. When an appeal is filed, the order of suspension or revocation shall  
22           be stayed pending the determination of the appeal by the City Council. The  
23           suspension or revocation shall be dissolved immediately if the decision of the  
24           City Council reverses the decision made by the City Manager.

25          ~~5.71.050 Replacement prohibited.~~

26          ~~If the permit to be revoked is one defined in Section 5.71.030, the~~  
27          ~~hearing notice required shall specify that the revocation shall consist of~~  
28          ~~removal of the PAT and that no PAT shall be installed on the same parcel, or~~

1 on any contiguous parcel owned by the same Property Owner for a period of  
2 one (1) year from the date of removal.

3 ~~5.71.120 PAT permit Cancellation or denial.~~

4 ~~A. The Director may cancel a PAT permit pursuant to the provisions of~~  
5 ~~Section 5.06.025.~~

6 ~~B. The Director may deny an application for a PAT for not conforming~~  
7 ~~to the standards and requirements of this Chapter or for the grounds~~  
8 ~~prescribed in Chapters 5.04 or 5.06 of this Code.~~

9 ~~5.71.060 List of abated locations.~~

10 ~~The Director shall maintain and make available upon request a list of~~  
11 ~~locations where installation of PAT's is prohibited pursuant to Section~~  
12 ~~5.71.050.~~

13 5.71.120 5.71.140 Removal of publicly accessible exterior pay telephones.

14 If any PAT permit is cancelled, suspended, or revoked, as provided for  
15 in Sections 5.71.120, 5.71.130, 5.71.140 and 5.71.150, and the PAT is not  
16 removed by the Property Owner or PAT Operator within the time period  
17 designated by the ~~Director~~City Manager, the PAT shall be deemed a public  
18 nuisance and the abatement of said nuisance will be accomplished by either  
19 City forces or private contractor, and the ~~Director~~City Manager is expressly  
20 authorized to enter the premises for such purpose. Upon failure to claim the  
21 PAT and pay the expenses of removal and storage within thirty (30) days  
22 after removal, the PAT will be discarded or will be sold if determined to have  
23 value. The Property Owner or PAT Operator, as appropriate, shall be liable  
24 for the City's costs incurred in the removal and storage of such PAT, and said  
25 costs may constitute a lien upon said property until paid.

26 5.71.130 Additional remedies.

27 In addition to any other remedy set forth in this Chapter, the City  
28 Manager or designee may cause the issuance of an administrative citation for

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

any violation of this Chapter in accordance with Chapter 9.65 of this Code.

Section 2. I hereby certify that the foregoing ordinance 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

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor