



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-13**

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December 18, 2012

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 5.72.120.H.3; and by adding Subsections 5.72.120.S and 5.72.125.F all relating to Entertainment and Similar Activities, read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof and declaring that this ordinance shall take effect immediately. (Citywide)

DISCUSSION:

This office has prepared and now transmits for your consideration the attached ordinance.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

AMY R. WEBBER  
Deputy City Attorney

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

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTION 5.72.120.H.3; AND BY ADDING SUBSECTIONS 5.72.120.S AND 5.72.125.F ALL RELATING TO ENTERTAINMENT AND SIMILAR ACTIVITIES; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Section 1. Subsection 5.72.120.H.3 of the Long Beach Municipal Code is amended to read as follows:

H. Hearing notices.

3. Notice of the time and place of the hearing shall also be given:

a. By mail to each owner of property within three hundred feet (300') of the site of the proposed activity;

b. By mail to occupants of property within three hundred feet (300') of the site of the proposed activity;

c. By posting the property in a conspicuous location at the site of the proposed activity.

The applicant shall pay all costs of such notice in the manner prescribed by the City's Director of Financial Management.

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1                   Section 2.     Subsection 5.72.120.S is added to the Long Beach  
2 Municipal Code is to read as follows:

3                   S.     A permit's conditions may be modified by the Director of  
4 Financial Management upon a showing that the permittee has operated in  
5 violation of any of the requirements of this Chapter, the license as issued or  
6 any condition thereof. The permittee shall be notified of the modified  
7 condition in writing no less than five (5) days prior to the effective date of the  
8 modified condition. The permittee shall have the right of appeal only of the  
9 modified condition as set for the in Section 5.06.030 of the Long Beach  
10 Municipal Code. If the permittee appeals the modified condition, the  
11 modified condition shall take effect during the pendency of the appeal.

12  
13                   Section 3.     Subsection 5.72.125.F is added to the Long Beach  
14 Municipal Code is to read as follows:

15                   F.     A permit's conditions may be modified by the Director of  
16 Financial Management upon a showing that the permittee has operated in  
17 violation of any of the requirements of this Chapter, the license as issued or  
18 any condition thereof. The permittee shall be notified of the modified  
19 condition in writing no less than five (5) days prior to the effective date of the  
20 modified condition. The permittee shall have the right of appeal only of the  
21 modified condition as set for the in Section 5.06.030 of the Long Beach  
22 Municipal Code. If the permittee appeals the modified condition, the  
23 modified condition shall take effect during the pendency of the appeal.

24  
25                   Section 4.     Declaration of Urgency. This ordinance is an emergency  
26 measure, and it is urgently required for the reason that entertainment permits must be  
27 processed immediately so that business is not interrupted in the City of Long Beach,  
28 making it necessary to immediately implement the provisions of the ordinance.

1                   Section 5.    This ordinance is an emergency ordinance duly adopted by  
2 the City Council on \_\_\_\_\_, 2012, by a vote of at least five (5) of its  
3 members and shall take effect immediately. The City Clerk shall certify to a separate  
4 roll call and vote on the question of the emergency of this ordinance and to its passage  
5 by the vote of five (5) members of the City Council of the City of Long Beach, and  
6 cause the same to be posted in three conspicuous places in the City of Long Beach.

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8                   Section 6.    This ordinance shall also be adopted by the City Council as  
9 a regular ordinance, to the end that in the event of any defect or invalidity in connection  
10 with the adoption of this ordinance as an emergency ordinance, the same shall,  
11 nevertheless, be and become effective on the thirty-first day after it is approved by the  
12 Mayor.

13  
14                   Section 7.    The City Clerk shall certify to the passage of this Ordinance  
15 by the City Council and cause it to be posted in three conspicuous places in the City of  
16 Long Beach, and it shall take effect on the thirty-first day after it is approved by the  
17 Mayor.

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I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of \_\_\_\_\_, 2012, the ordinance was declared to be an emergency by the following vote:

Ayes:	Councilmembers:	_____
		_____
		_____
		_____
Noes:	Councilmembers:	_____
		_____
Absent:	Councilmembers:	_____
		_____

I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes:	Councilmembers:	_____
		_____
		_____
		_____
Noes:	Councilmembers:	_____
		_____
Absent:	Councilmembers:	_____
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I further certify that the foregoing ordinance was thereafter adopted on  
final reading of 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

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