



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-22

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

May 8, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending Chapter 16.16 of the Long Beach Municipal Code by amending Subsection 16.16.010(K), relating to the overnight parking program read the first time and laid over the next regular meeting of the City Council for final reading.

DISCUSSION :

Pursuant to request of April 6, 2007, this office has prepared and submits the above-described ordinance for your consideration.

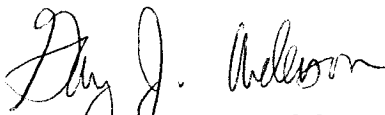
The amendment is shown in Attachment "A."

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By 
GARY J. ANDERSON
Deputy City Attorney

GJA:ikm
Enclosure
07-01660

PRINCIPAL DEPUTIES

Barbara D. de Jong
Dominic Holzhaus
Belinda R. Mayes
J. Charles Parkin

DEPUTIES

Gary J. Anderson
Richard F. Anthony
Christina L. Checel
Alysha P. Choi
Lori A. Conway
Randall C. Fudge
Charles M. Gale
Monte H. Machit
Anne C. Lattime
Lisa Peskay Malmsten
Barry M. Meyers
Cristyl Meyers
Howard D. Russell
Tiffani L. Shin

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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 K OF SECTION 16.16.010
RELATED TO THE OVERNIGHT PARKING PROGRAM

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

Section. 1. Subsection K of Section 16.16.010 of the Long Beach Municipal
Code is amended to read as follows:

K. Remain or stay, or store personal belongings, between the
hours of ten o'clock (10:00) P.M. and one hour before sunrise at any
public park, public beach, public building or enclosure or public
amphitheater or plaza. However, the Director of Parks, Recreation and
Marine, in consultation with the Chief of Police, is authorized to alter hours
of closing temporarily at any public park, public beach, beach and marina
parking lot, public building or enclosure, or public amphitheater or plaza in
the interest of public safety, health, or welfare, and no person shall remain
or stay while any of the foregoing facilities are closed by the director. This
subsection shall not apply to any person attending an activity, program,
concession or special event, or the parking of a vehicle overnight, for
which a city permit has been issued;

Section 2: The City Clerk shall certify to the passage of this Ordinance by
the City Council and cause it to be posted in three conspicuous places in the City of
Long Beach, and it shall take effect on the thirty-first day after it is approved by the
Mayor.

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
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Long Beach, CA 90802-4664

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I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2007, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor

GJA:lm
5/8/07
07-01660

ATTACHMENT "A"

16.16.010 Prohibited acts.

No person shall do any of the acts hereafter enumerated within the limits of any public park, public beach, beach area parking lot, bicycle path, public building or enclosure, or public amphitheater or plaza:

A. Lead or turn loose any animal. Except on bicycle paths, public beaches or public school grounds, this subsection shall not apply to dogs when led by a leash no more than eight feet (8') in length;

B. Cut, break, injure, deface, remove, or disturb any tree, shrub, plant, flower, fence, monument, or other structure, or store personal belongings in areas designated by the director of parks, recreation and marine. The director of parks, recreation and marine is authorized to place and maintain or cause to be placed and maintained proper signs designating the areas where such storage is prohibited;

C. Swim, bathe, wade in, or pollute any water fountain, pond, lake, or stream except in those places designated by the director of parks, recreation and marine for that purpose. The director of parks, recreation and marine is authorized to place and maintain or cause to be placed and maintained proper signs designating the prohibited activities;

D. Make or kindle any fire except in a permanent or portable enclosure installed or maintained by the city for that purpose;

E. Camp, except in areas designated by the director of parks, recreation and marine for that purpose. The director of parks, recreation and marine is authorized to place or maintain or cause to be placed and maintained proper signs designating permitted camping areas. As used in this section, "camping" means residing in or using a park or beach for living accommodation purposes, as exemplified by remaining for prolonged or repetitious periods of time not associated with ordinary

1 recreational use of a park or beach with one's personal possessions
2 (including, but not limited to, clothing, sleeping bags, bedrolls, blankets,
3 sheets, luggage, backpacks, kitchen utensils, cookware, and similar
4 material), sleeping or making preparations to sleep, storing personal
5 belongings as above defined, regularly cooking or consuming meals, or
6 living in a parked vehicle. These activities constitute camping when it
7 reasonably appears, in light of all the circumstances, that a person(s) is
8 using a park or beach as a living accommodation regardless of their intent
9 or the nature of any other activities in which they might also be engaging;

10 F. Distribute, post or display any handbills, notices, papers, or any
11 other advertising matter of any description, or offer or solicit for sale
12 advertising or real estate;

13 G. Play or engage in any game except in those places designated
14 for that purpose;

15 H. Throw or deposit any bottles, tin cans, broken glass, papers,
16 clothes, iron or any rubbish or refuse except in the receptacles furnished
17 for that purpose;

18 I. Play any musical instrument or any electrically amplified music in
19 a manner which will disturb the peace and quiet of any neighborhood or
20 person;

21 J. Ride upon or in any paddleboard, bellyboard, raft, canoe, float, or
22 inflatable or rigid watercraft of any type upon any body of water, either
23 temporary or permanent, within any public park without first having
24 obtained a permit from the director of parks, recreation and marine;

25 K. Remain or stay, or store personal belongings, between the hours
26 of ten o'clock (10:00) P.M. and one hour before sunrise at any public park,
27 public beach, public building or enclosure or public amphitheater or plaza.
28 However, the director of parks, recreation and marine, in consultation with

1 the chief of police, is authorized to alter hours of closing temporarily at any
2 public park, public beach, beach and marina parking lot, public building or
3 enclosure, or public amphitheater or plaza in the interest of public safety,
4 health, or welfare, and no person shall remain or stay while any of the
5 foregoing facilities are closed by the director. This subsection shall not
6 apply to any person attending an activity, program, concession or special
7 event, or the parking of a vehicle overnight, for which a city permit has
8 been issued;

9 L. Leave any kite board control line laying on the beach when the
10 parasail kite is not in use. Control lines should be secured in such a
11 manner so as not to create an obstruction for any city equipment or
12 vehicles, or for patrons of the beach;

13 M. Flying a kite within one hundred feet (100') of the bike path;

14 N. Allowing kite control lines to cross the bike path while flying a
15 kite;

16 O. Notwithstanding the provisions of subsection 16.16.010.K:

17 1. The beach from the easterly portion of Belmont Pier to the
18 westerly portion of the Belmont pool building shall be open between the
19 hours of ten o'clock (10:00) P.M. and twelve o'clock (12:00) midnight.

20 2. Walking, jogging, or fishing (by members of the public
21 having on their possession a valid California fishing license) shall be
22 allowed on the wet sand of all beaches between the hours of ten o'clock
23 (10:00) P.M. and twelve o'clock (12:00) midnight. "Wet sand" shall be
24 defined, for the purpose of this section, as that portion of the beach that is
25 wet as a result of the wash of the waves or tidal action. Individuals may go
26 to or come from the wet sand, for one of the purposes allowed, between
27 the hours of ten o'clock (10:00) P.M. and twelve o'clock (12:00) midnight
28 by the most direct route available at any given location;

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P. On the Fourth of July, beaches and beach parking lots shall be closed from twelve o'clock (12:00) midnight to one hour before sunrise;

Q. For holidays not enumerated in this section or for special events for which a permit has been issued pursuant to chapter 5.60 of this code, the director of parks, recreation and marine, in consultation with the chief of police, may adjust the hours of operation of beach or beach parking lots so that they may be used until twelve o'clock (12:00) midnight on such occasions;

R. Smoking shall be banned on city beaches, the beach bike path and city beach launch ramps as more specifically set forth in chapter 8.68 of this code.