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ORDINANCE NO. C- 7923

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2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY AMENDING SUBSECTION (B) OF
6 SECTION 14.20.010, BY ADDING SUBSECTIONS (B)(1),
7 (C)(1), (C)(2), AND (E)(1) TO SECTION 14.20.010, AND BY
8 ADDING SECTION 14.20.110, ALL RELATING TO
9 NEWSRACKS
10

11 WHEREAS, the City Council finds that Belmont Shore is a unique part of
12 Long Beach, containing features which attract visitors from all over Long Beach and
13 surrounding cities, and

14 WHEREAS, both residents and visitors contribute to both pedestrian
15 and vehicular traffic in Belmont Shore, and

16 WHEREAS, both residents and visitors enjoy using the sidewalks of
17 Second Street in Belmont Shore, and

18 WHEREAS, a pilot program initiated in 1997 to regulate the appearance
19 and location of newsracks has improved the appearance of the sidewalk area as well
20 as the overall appearance of Second Street, and

21 WHEREAS, the pilot program improved pedestrian and traffic safety on
22 Second Street by maintaining clearer sight lines for both pedestrians and drivers.
23

24 NOW THEREFORE, the City Council of the City of Long Beach ordains
25 as follows:

26 Section 1. Section 14.20.010 (B) of the Long Beach Municipal Code is
27 amended to read as follows:

28 (B). "Newsrack" means any self-service box or container installed

1 or located in the public right-of-way and intended to be used for the
2 distribution of printed material. A newsrack may be a single unit or a
3 publication container which rests on or is affixed to the uppermost
4 surface of a newsrack base.

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6 Sec. 2. Section 14.20.010 (B)(1) is added to the Long Beach Municipal
7 Code to read as follows:

8 (B)(1). "Newsrack base" means a pedestal or other device on
9 which a publication container rests or is affixed.

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11 Sec. 3. Section 14.20.010 (C)(1) is added to the Long Beach Municipal
12 Code to read as follows:

13 (C)(1). "Pilot Program Area" means Second Street between the
14 centerline of Livingston Avenue and the easterly line of Bayshore
15 Avenue, including the intersecting cross streets between those westerly
16 and easterly limits, from Second Street to the nearest intersecting alley
17 or street line, both northerly and southerly of Second Street.

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19 Sec. 4. Section 14.20.010 (C)(2) is added to the Long Beach Municipal
20 Code to read as follows:

21 (C)(2). "Publication container" means a box or dispenser for the
22 distribution of printed material.

23
24 Sec. 5. Section 14.20.010 (E)(1) is added to the Long Beach Municipal
25 Code to read as follows:

26 (E)(1). "Standard Pilot Program Newsrack" means a product
27 similar to the publication container and newsrack base manufactured by
28 the K-Jack Engineering Company, model series 50, or approved equal

1 publication container and newsrack base. The standard pilot program
2 project newsrack shall be painted a color equivalent to K-Jack
3 Engineering Company's "Valley Blue" (stock color number 3312). A
4 standard pilot program newsrack shall have a flat top surface and shall
5 not exceed forty-eight inches (48") in height, twenty-five inches (25") in
6 depth (perpendicular to the curblines) or twenty-five inches (25") in width
7 (parallel to the curblines). Nonconforming colors shall be limited to the
8 display areas provided on the front and back of the standard pilot
9 program newsrack.

10
11 Sec. 6. Section 14.20.110 is added to the Long Beach Municipal Code
12 to read as follows:

13 Section 14.20.110. Pilot Program Area newsracks.

14 The following additional requirements shall apply in the Pilot
15 Program Area.

16 A. All newsracks within the Pilot Program Area, as defined in
17 Section 14.20.010 of this Chapter, must be Standard Pilot Program
18 Newsracks or an approved equivalent.

19 B. The City Engineer shall maintain and make available for
20 inspection a list of newsracks determined to be approved equal products
21 of the Standard Pilot Program Newsrack.

22 C. For the purposes of determining how many newsracks may be
23 attached to one another or placed adjacent to one another, the following
24 shall apply:

25 1. Each unit consisting of one (1) publication container
26 and one (1) newsrack base, or incorporating both functions in one (1)
27 unit, shall be considered one (1) newsrack.

28 2. Two (2) publication containers stacked vertically and

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sharing one (1) newsrack base shall be considered one newsrack.

3. If two (2) or more publication containers are joined horizontally, each publication container shall be considered to be one newsrack.

D. Newsracks within the Pilot Program Area which do not conform to the requirements of this Section at any time after one hundred eighty (180) days following the effective date of this Section shall be subject to the enforcement provisions of this Chapter.

E. Notwithstanding other references in this Municipal Code to the prohibition of the fastening of equipment or structures to the public right-of-way, newsracks within the Pilot Program area must be bolted to the sidewalk pursuant to the requirements and under the direction of the City Engineer.

F. In the event of a conflict between the requirements of this Section and the general requirements for newsracks contained elsewhere in this Chapter, this Section shall control in the Pilot Program Area.

G. This section shall cease to be of any effect on July 1, 2005 unless extended.

Sec. 7. If any portion of this ordinance is held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec. 8. 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 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.

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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 May 18, 2004, by the following vote:

Ayes: Councilmembers: Lowenthal, Baker, Colonna,
Carroll, Kell, Richardson,
Reyes Uranga, Webb, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

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City Clerk

Approved: 5-20-04
(Date)



Mayor

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