

OFFICE OF THE CITY ATTORNEY

Long Beach, California



CHARLES PARKIN City Attorney

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July 22, 2014

HONORABLE MAYOR AND CITY COUNCIL City of Long Beach California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 5.46.060, relating to the public distribution of handbills or other printed or written matter or merchandise, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Due to recent changes in the law, the City cannot limit freedom of expression by prohibiting the distribution of handbills or other printed or written materials in public places. As a result, Long Beach Municipal Code Section 5.46.060 is unconstitutional. Amending the ordinance is a preemptive measure to ensure consistency with current law as the existing ordinance has not yet been challenged in court.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

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KENDRA L. CĂRNEY Deputy City Attorney

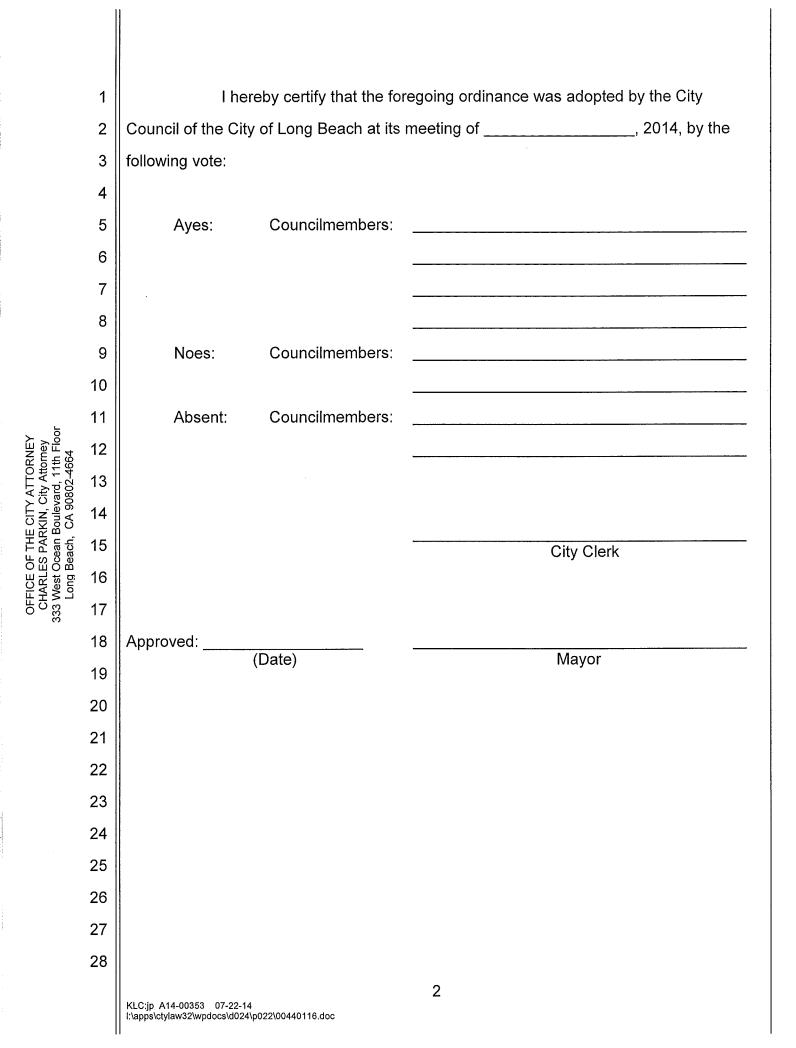
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DEPUTIES

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OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach, CA 90802-4664	1	ORDINANCE NO.
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	3	AN ORDINANCE OF THE CITY COUNCIL OF THE
	4	CITY OF LONG BEACH AMENDING THE LONG BEACH
	5	MUNICIPAL CODE BY AMENDING SECTION 5.46.060
	6	RELATING TO PUBLIC POSTING PROHIBITED
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	8	The City Council of the City of Long Beach ordains as follows:
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	10	Section 1. Section 5.46.060 of the Long Beach Municipal Code is
	11	amended to read as follows:
	12	5.46.060 Public posting prohibited.
	13	No person shall post notices on public property without a permit from the
	14	Public Works Department.
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	16	Section 2. The City Clerk shall certify to the passage of this ordinance by
	17	the City Council and cause it to be posted in three (3) conspicuous places in the City of
	18	Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
	19	Mayor.
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1	REDLINE
2	5.46.060 Public distribution posting prohibited.
3	
4	No person shall post notices on public property without a permit from the Public
5	Works Department. Except for the sale or distribution of newspapers, no person
6	as principal, agent, employee, or otherwise shall solicit, whether verbally, written
7	or otherwise, for any business, profession, trade, transportation line, excursion or
8	any other purpose, in person, or by personally selling, offering for sale, or
9	distributing any tickets, cards, handbills or other printed or written matter or
10	merchandise in or upon any public street, alley, sidewalk, way, pier, wharf or other
11	public place, or in or on any vehicle in any such place in the City, except as may
12	be lawfully permitted under Chapter 5.66 of this Title 5. No person shall post
13	notices on public property including street signs, lampposts, etc., without a permit
14	from the Public Works Department.
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