

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTION 14.14.010, AND SUBSECTIONS 14.14.020.D AND 14.14.045.B; AND BY ADDING SECTION 14.14.110, ALL RELATING TO PUBLIC WALKWAYS OCCUPANCY PERMITS

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

Section 1. Section 14.14.010 of the Long Beach Municipal Code is amended to read as follows:

"Belmont Shore area" means both sides of Second Street from Livingston Drive to Bay Shore Avenue.

"Dining" means the consumption of food or beverage.

"Downtown area" means the area bounded northerly by the centerline of Tenth Street; westerly by the centerline of Maine Avenue north of First Street, and the centerline of Golden Avenue south of First Street and the centerline of Golden Shore and its southerly prolongation; easterly by the centerline of Lime Avenue north of First Street and the centerline of Alamitos Avenue and its southerly prolongation south of First Street; southerly by the mean high tide line of the Pacific Ocean and its prolongation across the entrance to Pacific Terrace Harbor and Queens Way Landing boat basin.

"Existing permit" means a public walkways occupancy permit that has been issued by the City Council.

"Existing permit in good standing" means a public walkways

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1 occupancy permit that has been issued by the City Council and is compliant  
2 with all laws and regulations, including the terms and conditions attached to  
3 that permit. "Existing permit in good standing" does not include a permit the  
4 term of which has expired prior to the submission of a completed application  
5 for renewal, including all required documentation.

6 "Minor modification of an existing permit" means a reconfiguration of  
7 the area occupied with no change to the total square footage occupied, a  
8 change in the use of the area occupied which otherwise complies with all  
9 applicable laws and regulations, or a change in the materials or equipment  
10 used within the area occupied. "Minor modification of an existing permit"  
11 does not include any increase to the total square footage occupied, unless  
12 the Director of Public Works deems such change to be negligible.

13 "Obstruction" means any temporary or permanent structure or  
14 stationary object, including, but not limited to, signs, displays, barriers,  
15 furniture, plants or plant containers, musical equipment, or merchandise  
16 placed on a public walkway.

17 "Public property" means all City property, including "public  
18 walkways", as defined in this Chapter, and public rights-of-way, and the  
19 underlayment or foundation thereof, and public improvements thereon,  
20 including landscaping on or in such property.

21 "Public walkways" means all or any portion of territory within the City  
22 set apart and designated for the use of the public as a thoroughfare for  
23 travel, and including alley, the sidewalks, the center and the side plots  
24 thereof.

25  
26 Section 2. Subsection 14.14.020.D of the Long Beach Municipal Code is  
27 amended to read as follows:

28 D. Permits for occupancy may contain restrictions for hours of the

1 day or days of the week during which the obstruction may occupy a public  
2 walkway as determined by the City Council, or as determined or modified by  
3 the Director of Public Works in his discretion with respect to an existing  
4 permit for public walkway occupancy in the Belmont Shore area only.

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6 Section 3. Subsection 14.14.045.B of the Long Beach Municipal Code is  
7 amended to read as follows:

8 B. Permits to occupy a portion of the public walkway for the  
9 purposes of dining or entertainment may contain restrictions for hours of the  
10 day or days of the week during which dining or entertainment may occur on  
11 the public walkway as determined by the City Council, or as determined or  
12 modified by the Director of Public Works in his discretion with respect to an  
13 existing permit in good standing for public walkway occupancy in the  
14 Belmont Shore area only.

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16 Section 4. Section 14.14.110 is added to the Long Beach Municipal  
17 Code to read as follows:

18 14.14.110 Appeal – City Council.

19 Except for minor modifications to an existing permit, any other  
20 determination or modification to an existing permit made by the Director of  
21 Public Works may be appealed to the City Council within ten (10) calendar  
22 days from the date of such determination or modification in the manner  
23 provided in this Section.

24 A. The request for appeal shall be in writing, shall set forth the  
25 specific ground(s) on which it is based and shall be submitted to the Director  
26 of Public Works.

27 B. If the appeal is made by a permittee involving such permittee's  
28 existing permit, such appeal shall be accompanied by an appeal deposit in

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an amount determined by the City Council by resolution. For appeals made by any person other than the permittee, there shall be no required appeal deposit.

C. The City Council shall conduct a hearing on the appeal or refer the matter to a hearing officer, pursuant to Chapter 2.93 of this Code, within sixty (60) business days from the date the completed request for appeal was received by the Director of Public Works, except where good cause exists to extend this period. The appellant shall be given at least ten (10) business days written notice of such hearing. The hearing and rules of evidence shall be conducted pursuant to Chapter 2.93 of this Code. The determination of the City Council on the appeal shall be final.

Section 5. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) 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 \_\_\_\_\_, 20\_\_, by the following vote:

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

\_\_\_\_\_  
Mayor