



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-28**

ROBERT E. SHANNON  
City Attorney

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Howard D. Russell  
Tiffany L. Shin  
Linda Trang  
Theodore B. Zinger

August 24, 2010

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 14.14.010, and Subsections 14.14.020.D and 14.14.045.B, all relating to public walkways occupancy permits, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION:

Pursuant to your request on August 3, 2010, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

  
LINDA TRANG  
Deputy City Attorney

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14.14.010 Definitions.

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

"Minor modification of an existing permit" means a reconfiguration of the area occupied with no change to the total square footage occupied, a change in the use of the area occupied which otherwise complies with all applicable laws and regulations, or a change in the materials or equipment used within the area occupied ~~or a change in the hours or days of use deemed by the director of public works to be negligible.~~ "Minor modification of an existing permit" does not include any increase to the total square footage occupied,

1 unless the dDirector of pPublic wWorks deems such change to be negligible.

2

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

6

7 "Public property" means all eCity property, including "public walkways", as defined in this  
8 eChapter, and public rights-of-way, and the underlayment or foundation thereof, and  
9 public improvements thereon, including landscaping on or in such property.

10

11 "Public walkways" means all or any portion of territory within the eCity set apart and  
12 designated for the use of the public as a thoroughfare for travel, and including alley, the  
13 sidewalks, the center and the side plots thereof.

14 14.14.020 General requirements.

15 D. Permits for occupancy may contain restrictions for hours of the day or days of the  
16 week during which the obstruction may occupy a public walkway, as determined by the  
17 eCity eCouncil, except that minor modifications or as determined or modified by the  
18 Director of Public Works in his discretion with respect to an existing permit. may be made  
19 by the director of public works

20 14.14.045 Public walkways dining permits and entertainment permits.

21 B. Permits to occupy a portion of the public walkway for the purposes of dining or  
22 entertainment may contain restrictions for hours of the day or days of the week during  
23 which dining or entertainment may occur on the public walkway, as determined by the  
24 eCity eCouncil. Minor or as determined or modified by the Director of Public Works in his  
25 discretion with respect modifications to these standards may be made by the director of  
26 public works to an existing permit in good standing.

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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 SECTION 14.14.010,  
AND SUBSECTIONS 14.14.020.D AND 14.14.045.B, 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:

"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  
occupancy permit that has been issued by the City Council and is compliant  
with all laws and regulations, including the terms and conditions attached to

1 that permit. "Existing permit in good standing" does not include a permit the  
2 term of which has expired prior to the submission of a completed application  
3 for renewal, including all required documentation.

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

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

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

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

23

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

26 D. Permits for occupancy may contain restrictions for hours of the  
27 day or days of the week during which the obstruction may occupy a public  
28 walkway, as determined by the City Council or as determined or modified by

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1 the Director of Public Works in his discretion with respect to an existing  
2 permit.

3

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

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

12

13 Section 4. The City Clerk shall certify to the passage of this ordinance by  
14 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
15 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
16 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: \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

\_\_\_\_\_  
Mayor