



OFFICE OF THE CITY ATTORNEY

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ORD-41

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City Attorney

November 1, 2022

GARY J. ANDERSON
Assistant City Attorney

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Assistant City Attorney

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare an Ordinance of the City Council of the City of Long Beach amending the Long Beach Municipal Code by amending Section 16.16.140 relating to Prohibiting Adults Not Accompanying Children Ages 12 and Under From Park Playgrounds, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to City Manager's request, we have prepared the attached Ordinance amending Section 16.16.140 of the Long Beach Municipal Code.

Section 16.16.140 currently prohibits adults that are not accompanying children under the age of 12 from "Kids Zones", also known as park playgrounds in the City of Long Beach ("City"). Signage in City park playgrounds provide that park playground equipment is for the use of children ages 5 to 12. In order to remain consistent with the manufacture's recommended ages for use of playground equipment and existing operational practice at City park playgrounds, this ordinance amends the applicable age group in Section 16.16.140 to include 12-year-olds.

Section 16.16.140(A) would be amended to prohibit adults not accompanying children ages 12 and under from park playgrounds, known as "Kids Zones".

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

CHARLES PARKIN, City Attorney

A handwritten signature in black ink, appearing to read 'Anita Lakhani', with a horizontal line extending from the end.

By: Anita Lakhani
Deputy City Attorney

AL:kad
A21-02434

ATTACHMENT: CITY COUNCIL ORDINANCE

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 16.16.140
RELATING TO PROHIBITING ADULTS NOT
ACCOMPANYING CHILDREN AGES 12 AND UNDER FROM
PARK PLAYGROUNDS

WHEREAS, City of Long Beach ("City") adopted Ordinance No. ORD-22-0014 on May 10, 2022 to establish "Kids Zones" which prohibit adults not accompanying children under the age of 12 from park playgrounds; and

WHEREAS, safe outdoor spaces are vital to the healthy development of children, as they provide exercise and recreation areas, emotional and social enrichment opportunities, and promote community use of public green spaces; and

WHEREAS, in playground design, everything from the height of the structure to the type of surfacing used is based on guidelines that reflect use by toddlers and children aged 2 to 5 and/or 5 to 12 years old; and

WHEREAS, adult use of playground equipment can result in structural damage that may lead to safety hazards for the children who use the equipment after them; and

WHEREAS, residents of the City have reported adults misusing public playground spaces by engaging in other activities that discourage proper use by children and their guardians; and

WHEREAS, given the recent upticks in vandalism and damage, and resident concerns about the safety and availability of the City's playgrounds to children, it is necessary for the City to continue to promote measures for safe outdoor spaces; and

WHEREAS, City's current "Kids Zones" at park playgrounds prohibit adults

1 not accompanying children under the age of 12 from being present, which sought to ensure
2 the City's playground equipment and play areas specifically designed for children remain
3 safe and available spaces for use by children of the aforementioned age groups; and

4 WHEREAS, kids zones would be easily identifiable and enforceable with
5 signage identifying the zone area; and

6 WHEREAS, kids zones would not cover other non-playground public spaces
7 in parks, including, but not limited to, benches, fields, and restrooms; and

8 WHEREAS, in establishing Ordinance No. ORD-22-0014, City followed suit
9 of other jurisdictions in California, New York, Oregon, Colorado, and Florida, in an effort to
10 preserve such spaces and equipment for children for which they were intended; and

11 WHEREAS, City signage in park playgrounds provide that such equipment
12 is for the use of children ages 5 to 12; and

13 WHEREAS, City desires to include children of the age of 12 to Section
14 16.16.140 in order to be consistent with the manufacturer's recommendations for
15 appropriate use of playground equipment and current operational practices at park
16 playgrounds;

17 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
18 follows:

19
20 Section 1. Section 16.16.140 of the Long Beach Municipal Code is hereby
21 amended to read as follows:

22 16.16.140 Park Playgrounds - Adults not accompanying children ages 12 and
23 under prohibited.

24 A. No adult shall be present on any City park playground unless
25 the adult is accompanying a child or children age 12 and under, lawfully under
26 their custody or control, including a parent or guardian, babysitter, caretaker
27 or other designee of a parent or guardian having sole or joint supervisory
28 responsibility over the child, using such playground.

B. "Park playground" or "playground" for purposes of this Section means any park area which has been designated by the Department of Parks, Recreation and Marine Director, or designee, as a "Kids Zone", and on which clear and visible signage has been posted providing notice of such "Kids Zone" status and the prohibition in Subsection A.

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 (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.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2022, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

16.16.140 – Park Playgrounds—Adults not accompanying children ~~under the age of ages~~12 ~~and under~~ prohibited.

(a) No adult shall be present on any City park playground unless the adult is accompanying a child or children ~~under the age of 12~~age 12 and under, lawfully under their custody or control, including a parent or guardian, babysitter, caretaker or other designee of a parent or guardian having sole or joint supervisory responsibility over the child, using such playground.

(b) "Park playground" or "playground" for purposes of this ~~s~~Section means any park area which has been designated by the Department of Parks, Recreation and Marine Director, or designee, as a "Kids Zone", and on which clear and visible signage has been posted providing notice of such "Kids Zone" status and the prohibition in ~~S~~Subsection A.