

## ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY ADDING SECTION 14.04.015  
RELATING TO WORK WITHIN OR ON A PUBLIC STREET  
OR RIGHT-OF-WAY, OBSTRUCTION OF A PUBLIC  
STREET OR RIGHT-OF-WAY

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

Section 1. Section 14.04.015 is added to the Long Beach Municipal  
Code to read as follows:

14.04.015 Work within or on a public street or right-of-way, obstruction of a  
public street or right-of-way – permit required, regulations, penalties  
for non-compliance.

A. Definitions.

1. “Activity or Work Permissible within a Public Street” is  
defined as any work or activity permitted by this Code, or authorized by the  
Director of Public Works.

2. “Emergency Work” is defined as immediate and  
unplanned action that must be taken to alleviate a hazardous condition,  
which represents an immediate threat to life, health, safety, or property.  
This includes continuous efforts to effect the restoration of interrupted utility  
services (electrical, water, gas, wastewater and telecommunications).

3. “Peak Hour Construction and Right-of-Way Obstruction  
Regulations” is defined as all regulations contained in this Section that  
control and limit all construction and obstruction activity in the public right-

1 of-way during "Peak Traffic Hours".

2 4. "Peak Traffic Hours" is defined as Monday through  
3 Friday, 6:00 a.m. to 8:30 a.m. and 3:30 p.m. to 6:30 p.m.

4 5. "Street Classifications Subject to Work Hour  
5 Restrictions" is defined as major and secondary highways, or collector  
6 streets, as designated in the transportation element of the general plan.

7 6. "Temporary Street Closure" is defined as the temporary  
8 restriction of all vehicular traffic for construction purposes authorized by a  
9 valid permit, and an approved "Traffic Management Plan."

10 7. "Traffic Lane Closure" is defined as any activity within  
11 the public street (from curb-line to curb-line), or in an alley, which reduces  
12 the usable width to the point where one or more lanes of traffic cannot  
13 move safely and efficiently.

14 8. "Traffic Management Plan" is defined as a plan that  
15 addresses traffic control requirements in a construction area, and along  
16 detour routes. The operation of a Traffic Management Plan is affected by  
17 the project's construction phasing, construction schedules, and work area  
18 required by the contractor, and shall be consistent with the contractor's  
19 project requirements, provided by the Department of Public Works.

20 9. "Worksite Traffic Conditions" is defined as those  
21 physical conditions, including signage, signal devices, operation of  
22 equipment, and conduct of workers (which are required by law), permit and  
23 plans to provide adequate street space, and accommodate traffic demands,  
24 particularly during peak traffic hours.

25 B. Permit required. No person shall effect a Traffic Lane Closure,  
26 perform work within or on any Public Street or public right-of-way, or  
27 obstruct any Public Street or public right-of-way for any reason without first  
28 applying for and obtaining a permit from the Bureau of Engineering. The

1 person or entity requesting the permit shall pay all applicable permit fees for  
2 the issuance of "SI", Excavation, Maintenance Hole, Sewer, Excavation "E"  
3 and Excavation Utility permits for work in the public right-of-way or any  
4 permit issued by the Bureau of Street Services for obstruction of the public  
5 right-of-way.

6 1. Prohibition on work or obstructions during peak traffic  
7 hours. Notwithstanding any other provision of this Code, no person or  
8 entity shall effect a "Traffic Lane Closure," perform work within or on any  
9 public street or right-of-way or in any manner obstruct a public street or  
10 right-of-way on those "Street Classifications Subject to Work Hour  
11 Restrictions" during "Peak Traffic Hours," all as defined above.

12 2. Exemption from work or obstruction prohibition during  
13 peak traffic hours.

14 a. "Emergency Work" as defined above shall be  
15 exempt from the prohibition on work or obstruction of public streets or  
16 rights-of-way during "Peak Traffic Hours" if the party performing the  
17 emergency work obtains approval from the Department of Public Works  
18 prior to the work being initiated in the right-of-way and obtains a permit  
19 within forty-eight (48) hours of beginning the emergency work.

20 b. If a party desires to have a non-emergency  
21 public right-of-way construction project or other "Traffic Lane Closure"  
22 exempted from the prohibition on work or obstruction of public streets or  
23 rights-of-way during "Peak Traffic Hours," the party shall submit the request  
24 with its permit application to the appropriate City permitting agency along  
25 with a "Traffic Management Plan." If the "Traffic Management Plan" is  
26 approved by the City for work during "Peak Traffic Hours," the project is  
27 exempt.

28 3. Fee for processing applications for exemption from

1 work or obstruction prohibition during Peak Hours. A fee for processing  
2 each request submitted pursuant to the provisions of Paragraphs B pf  
3 Subdivision 2 of this Subsection shall be established by City Council  
4 resolution.

5 C. Application for permit. Any application for a permit under this  
6 Section shall include the following information:

7 1. The name, address and telephone number of the  
8 applicant and the person responsible for the work or obstruction of the  
9 public street or right-of-way;

10 2. The name, location and area of the street for which the  
11 permit is desire; and

12 3. A description of the work to be done within the public  
13 street or right-of-way and an explanation of why the proposed obstruction of  
14 the public street or right-of-way is necessary.

15 D. Penalties for non-compliance.

16 1. Administrative penalties.

17 a. The failure to obtain a permit pursuant to this  
18 Section, the failure to abide by the "Peak Hour Construction and Public  
19 Right-of-Way Obstruction Regulations" contained in this Section, the failure  
20 to comply with "Worksite Traffic Conditions" or the violation of any special  
21 condition or requirement of a valid construction permit issued pursuant to  
22 the Long Beach Municipal Code, shall subject the violator to administrative  
23 penalties as set forth in Chapter 9.65 of this Code, in an amount  
24 established by City Council resolution.

25 b. Any administrative penalty issued pursuant to  
26 this Section shall be governed by the provisions set forth in Section  
27 9.65.060 of the Long Beach Municipal Code.

28 2. Criminal prosecution for multiple violations. Four (4) or

1 more administrative citations issued to the same person or entity within  
2 twelve (12) months may constitute a misdemeanor under the City of Long  
3 Beach's Municipal Code, may subject the violator to prosecution by the City  
4 of Long Beach and may subject the violator to other potential criminal  
5 penalties as allowed by law.

6  
7 Section 2. The City Clerk shall certify to the passage of this ordinance by  
8 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
9 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
10 Mayor.

11 I hereby certify that the foregoing ordinance was adopted by the City  
12 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2018,  
13 by the following vote:

14  
15 Ayes: Councilmembers: \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18  
19 Noes: Councilmembers: \_\_\_\_\_  
20 \_\_\_\_\_

21 Absent: Councilmembers: \_\_\_\_\_  
22 \_\_\_\_\_

23  
24  
25 \_\_\_\_\_  
City Clerk

26  
27 Approved: \_\_\_\_\_  
(Date)

28 \_\_\_\_\_  
Mayor