

21.15.560 - Commercial.

"Commercial" means a category of land uses characterized by the exchange of goods and services for financial or other consideration.

(Ord. C-6533 § 1 (part), 1988)

18.08.010 - Certificate required for use or occupancy.

In order to safeguard life and limb, health, property and public welfare, no building or structure shall be used or occupied, and no change in the existing use or occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy therefore as provided in this chapter.

EXCEPTIONS:

1. Unless it is specifically required by the Building Official or other provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, no existing building or structure, or portion thereof, shall require a Certificate of Occupancy, provided:
 - a. The occupancy and use housed therein is the same for which the original building permit was issued and a final inspection approved,
 - b. Alteration or repair are minor in nature and does not affect fire life-safety or structural stability of a building or structure, or portion thereof, as determined by the Building Official, and
 - c. The occupancy or use of a building or structure, or portion thereof, housing a Group A or E occupancy and has not been discontinued for a period of more than six (6) months.
2. No structure, the architecture of which inhibits occupancy, shall require a Certificate of Occupancy.
3. Certificate of Occupancy are not required for work not in scope of this title under Section 18.01.040 or work exempt from permits under Section 18.04.020.

Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Certificates presuming to give authority to violate or cancel the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State shall not be valid.

(ORD-19-0031 § 1(Exh. A), 2019; ORD-16-0026 § 1(Exh. A), 2016)

18.09.010 - General.

It shall be unlawful for any person, firm or corporation to:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment in the City regulated by this title, or cause same to be done, in conflict with or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of any building, structure or equipment that was unlawful at the time it was erected, constructed, altered, extended, repaired, moved, removed, demolished or occupied and which would be unlawful under this title if completed after the effective date of this title shall constitute a continuing violation of this title.
2. Grade, excavate or fill any land in the City regulated by this title, or cause same to be done, in conflict with or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
3. Install, alter, repair, replace, add to, relocate, use or maintain electrical systems, equipments, appliances, fixtures, fittings and appurtenances thereto in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of electrical installation that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.
4. Use or maintain any plumbing, gas piping or water piping or to use, occupy or maintain any building, structure or premises containing any plumbing, gas piping or water piping in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of plumbing or plumbing installation that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.
5. Erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, cooling, or refrigeration equipment in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

Maintenance of mechanical equipment that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.

The permissive provisions of this title shall not be presumed to waive any limitations imposed by any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

(ORD-19-0031 § 1(Exh. A), 2019; ORD-16-0026 § 1(Exh. A), 2016)

18.02.020 - Definitions.

"Building Official" means the Superintendent of Building and Safety for the City of Long Beach Department of Development Services, Building and Safety Bureau, or a duly authorized representative designated by the Director.

"California Building Code" or "CBC" or "Building Code" means the code adopted in Chapter 18.40 of this title.

"California Electrical Code" or "CEC" or "Electrical Code" means the code adopted in Chapter 18.42 of this title.

"California Energy Code" or "Energy Code" means the code adopted in Chapter 18.46 of this title.

"California Existing Building Code" or "CEBC" or "Existing Building Code" means the code adopted in Chapter 18.49 of this title.

"California Fire Code" or "CFC" or "Fire Code" means the code adopted in Chapter 18.48 of this title.

"California Green Building Standards Code" or "CalGreen Code" or "Green Code" means the code adopted in Chapter 18.47 of this title.

"California Historical Building Code" or "CHBC" or "Historical Building Code" means the code adopted in Chapter 18.50 of this title.

"California Mechanical Code" or "CMC" or "Mechanical Code" means the code adopted in Chapter 18.44 of this title.

"California Plumbing Code" or "CPC" or "Plumbing Code" means the code adopted in Chapter 18.43 of this title.

"California Residential Code" or "CRC" or "Residential Code" means the code adopted in Chapter 18.41 of this title.

"Certificate of Occupancy" or "Occupancy Certificate" means the certificate issued by the Building Official pursuant to Chapter 18.08 when, after final inspection, it is found that a building or structure complies with all requirements of this title. When used with reference to a building or structure which was constructed and occupied prior to the effective date of any provisions requiring such a certificate, it shall mean the right to occupy such building or structure.

"City" means the City of Long Beach, California.

"Dangerous building" or "dangerous" means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered or persons in the vicinity thereof:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
2. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1-1/2) times the working stress or stresses allowed in this title for new buildings of similar structure, purpose or location;
3. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of this title for new buildings of similar structure, purpose or location;
4. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
5. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in this title for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in this title for such buildings;
6. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
7. Whenever the building or structure, or any portion thereof, because of: (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse;

8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
9. Whenever the exterior walls or other vertical members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base;
10. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls, or coverings;
11. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become: (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or (c) as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts;
12. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this title;
13. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the: (a) strength; (b) fire-resisting qualities or characteristics; or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;
14. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidations, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;
15. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Chief to be a fire hazard;
16. Whenever any building or structure is in such a condition as to constitute a public

nuisance under common law or equity jurisprudence;

17. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

"Department" means the City of Long Beach Department of Development Services.

"Director" means the Director of Development Services for the City of Long Beach Department of Development Services or a duly authorized representative.

"Fire Chief" means the Fire Chief of the City of Long Beach Fire Department or a duly authorized representative.

"Fire Code Official" means the Fire Marshal for the City of Long Beach Fire Department or a duly authorized representative designated by the Fire Chief.

"Foundation-only permit" is a building permit issued for that portion of a building which constitutes the footings for the building and which may, subject to the approval of the Building Official, include those portions of the building below the grade level.

"Nuisance" means:

1. Any public nuisance known at common law or in equity jurisprudence or as declared by ordinance;
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot; this includes any abandoned structure, basement or excavation; any structurally unsound fence or structure; any lumber, trash, fence, debris or vegetation which may prove a hazard for inquisitive minors;
3. Whatever is dangerous to human life or is detrimental to health;
4. Overcrowding a room with occupants;
5. Insufficient ventilation or illumination;
6. Inadequate or unsanitary sewage or plumbing facilities;
7. Uncleanliness, when so determined by the Health Officer;
8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings when so determined by the Health Officer; and/or
9. Dangerous or substandard buildings or conditions as defined in this title.

"Occupancy" means the purpose for which a building, or part of a building, is used or intended to be used. The term "occupancy" as used in this title shall include the room housing that occupancy and the space immediately above a roof or structure if used or intended to be used for other than a shelter.

"Occupancy Certificate" or "Certificate of Occupancy" means the certificate issued by the Building Official pursuant to Chapter 18.08 when, after final inspection, it is found that a building or structure complies with all requirements of this title. When used with reference to a building or structure which was constructed and occupied prior to the effective date of any provisions requiring such a certificate, it shall mean the right to occupy such building or structure.

"Permittee" means the person, firm or corporation authorized to obtain a permit pursuant to Subsection 18.04.070.A of this title.

"Police Chief" means the Police Chief of the City of Long Beach Police Department or a duly authorized representative.

"State" means the State of California.

"Substandard building" means any building or other structure, or the premises on which the same is located, where any of the following conditions exist to an extent which, in the opinion of the Building Official or Fire Code Official, endangers the life, limb, health, property, safety or welfare of the occupants thereof, or of the public:

1. Inadequate sanitation. "Inadequate sanitation" shall include, but not be limited to, the following:
 - a. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit;
 - b. Lack of or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel;
 - c. Lack of or improper kitchen sink;
 - d. Lack of hot and cold running water to plumbing fixtures in a hotel;
 - e. Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
 - f. Lack of adequate heating;
 - g. Lack of, or improper operation of, required ventilating equipment;
 - h. Lack of minimum amounts of natural light and ventilation required by this title;
 - i. Room and space dimensions less than required by this title;
 - j. Lack of required electrical lighting;

- k. Dampness of habitable rooms;
 - l. Infestation of insects, vermin or rodents as determined by the Health Officer;
 - m. General dilapidation or improper maintenance;
 - n. Lack of connection to required sewage disposal system; and/or
 - o. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.
2. Structural hazards. "Structural hazards" shall include, but not be limited to, the following:
- a. Deteriorated or inadequate foundations;
 - b. Defective or deteriorated flooring or floor supports;
 - c. Flooring or floor supports of insufficient size to carry imposed loads with safety;
 - d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 - e. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
 - f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration;
 - g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
 - h. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration; and/or
 - i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
3. Nuisance. Any "nuisance" as defined in this title.
4. Hazardous wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
5. Hazardous plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly and which is free of cross connections and siphonage between fixtures.

6. Hazardous mechanical equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition, or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
7. Faulty weather protection, which shall include, but not be limited to, the following:
 - a. Deteriorated, crumbling or loose plaster;
 - b. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors;
 - c. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering; and/or
 - d. Broken, rotted, split or buckled exterior wall coverings or roof coverings.
8. Fire hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Fire Chief, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
9. Faulty materials of construction. All materials of construction except those which are specifically allowed or approved by this title, and which have been adequately maintained in good and safe condition.
10. Hazardous or unsanitary premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards.
11. Inadequate maintenance. Any building or portion thereof which is determined to be dangerous as defined in Section 18.02.020.
12. Inadequate exits. All buildings or portions thereof not provided with adequate exit facilities as required by this title except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

13. Inadequate fire protection or firefighting equipment. All buildings or portions thereof which are not provided with the fire-resistive construction or fire extinguishing systems, or equipment required by this title, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
14. Improper occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which are not designed or intended to be used for such occupancies.
15. Inadequate structural resistance to horizontal forces.

"Title" or "this title" means Title 18 of the Long Beach Municipal Code.

"Uniform Housing Code" or "UHC" or "Housing Code" means the code adopted in Chapter 18.45 of this title.

(ORD-19-0031 § 1(Exh. A), 2019; ORD-16-0026 § 1(Exh. A), 2016)

18.04.010 - Permits required.

- A. Building permits. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remodel, move, remove, improve, convert or demolish any building or part of a building or structure, or change the character or occupancy or use of any building or structure, or part of a building or structure, in the City without first obtaining a permit covering such work from the Building Official.
- B. Grading permits. No person, firm or corporation shall commence or perform any grading, and no person shall import or export any earth materials to or from any grading site, without first having obtained a permit therefore from the Building Official. Any grading project involving more than one hundred (100) cubic yards of excavation and involving an excavation in excess of five (5) feet in vertical depth at its deepest point measured from the original ground surface shall be done by a State of California licensed contractor who is licensed to perform the work described herein. A separate permit shall be required for each grading site. One (1) permit may include the entire grading operation at that site, however.
- C. Electrical permits. No new electrical installation shall be made nor any alteration or addition performed to any existing wiring, nor shall any wiring for the placing or installation of any electric light, power or heating device, or any apparatus which generates, transmits, transforms or utilizes electricity operating at a voltage exceeding twenty-five (25) volts between conductors or capable of supplying more than fifty (50) watts, be made without first obtaining an electrical permit. A separate permit shall be obtained for the electrical wiring or installation in each separate building or structure.
- D. Plumbing permits. No person, firm or corporation shall construct, install or alter any plumbing, water piping, gas piping, water heater, water heater vents, water treating equipment, or any appliance or device regulated by this title without obtaining a plumbing permit approving the proposed quality and character of workmanship and materials. Where a building is demolished or removed from its site, a permit and inspection is required to verify that the building sewer, water and gas service is properly capped to the satisfaction of the Building Official. A separate permit shall be obtained for the plumbing installation in each separate building or structure.
- E. Mechanical permits. No person, firm or corporation shall install, alter, reconstruct or repair any heating, ventilating, cooling, or refrigeration equipment unless a permit therefore has been obtained from the Building Official except as otherwise provided in

this title. A permit shall be obtained for all heating, ventilating, cooling, or refrigeration equipment, moved with, or installed in, any relocated building. A separate permit shall be obtained for the equipment installed in each separate building or structure.

F. Combination permits. A single combined permit may be issued for the construction of any one- or two-family dwelling and related accessory building and structure, or additions or alterations thereto, which includes all building, electrical, plumbing, gas, mechanical, heating, ventilating and air conditioning work.

G. Sign permits. No person, firm or corporation shall construct any signs and billboards without first obtaining a permit covering such work from the Building Official.

No person, firm or corporation shall hang, suspend or otherwise affix any sign, street banner, pole banner, flag, pennant or street decoration on any street light pole, traffic signal pole or over and above any street unless a permit to do so is first obtained from the City Manager. Permits issued pursuant to this section shall be in accordance with the provisions of Chapter 16.55 of Title 16, the City's policy on City sponsorship, corporate recognition and advertising, as adopted on July 23, 1996, as amended from time to time, and any guidelines that may from time to time be approved by the City Council.

EXCEPTION: The above provisions shall not apply to any sign or advertising matter lettered upon the surface of any awning, provided the awning is securely attached to a building and is not less than seven (7) feet above the sidewalk level immediately below.

H. Temporary permits. Before commencing the construction of any work for temporary structures or uses including but not limited to, reviewing stands, bleachers, tents, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work, and other miscellaneous structures, a temporary permit authorizing such work shall be obtained therefore from the Building Official.

Temporary permit may be restricted in the following conditions:

1. Application for permit. Except for canopies or fences used for the protection of the public around and in conjunction with construction work, application for permit shall be filed with and approved by the Building Official prior to the construction, erection or operation of any device, structure, or any work regulated by this title for temporary structure or use.
2. Time limit. Such construction shall be occupied or used only for the period set forth in Subsection 18.04.060.A.
- 3.

Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this title as necessary to ensure public health, safety and general welfare. Such temporary structures and temporary uses need not comply with the type of construction or fire-resistive time periods required by this title.

4. Temporary power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the California Electrical Code adopted in Chapter 18.42.
 5. Inspection. Notwithstanding Chapter 18.07 to the contrary, request for inspection must be received at least five (5) days prior to public use or occupancy.
 6. Removal after expiration. All temporary construction or installations shall be demolished or removed within five (5) days after the expiration of the permit.
 7. Termination of approval. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.
- I. Other permits.
1. Other permits must be obtained as required pursuant to any other provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
 2. No person, firm or corporation shall commence moving of buildings or structures in the City without first complying with the provisions in Chapter 18.60 and obtaining a moving permit covering such work from the Building Official.
 3. No person, firm or corporation shall commence drilling or redrilling for and the production of petroleum, abandonment of wells and the removal of all equipment related to the well, or maintain and operate any wells for petroleum operation without first complying with the provision in Title 12 and obtaining a permit covering such work from the Building Official.

(ORD-19-0031 § 1(Exh. A), 2019; ORD-16-0026 § 1(Exh. A), 2016)

18.07.040 - Approvals required.

No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. The Building Official, upon notification pursuant to Section 18.07.030 by the person, firm or corporation performing the work, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or their duly authorized agent wherein the same fails to comply with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official. Such written approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required or conditions stipulated in Section 18.07.050. There shall be a final inspection and approval on all buildings or equipment installations when completed and ready for occupancy or use.

EXCEPTIONS:

1. For temporary connection, the Building Official may give written permission to furnish electric current to or the use of electric current through any electrical wiring if such electrical wiring may be used safely for such purposes, and that there exists an urgent necessity for such use.
2. The requirements of this section shall not be considered to prohibit the operation of any heating equipment installed to replace existing heating equipment serving an occupied portion of a building, in the event a request for inspection of such heating equipment has been filed with the Building Official not more than forty-eight (48) hours after such replacement work is completed, and before any portion of such equipment is concealed by any permanent portion of the building.

(ORD-19-0031 § 1(Exh. A), 2019; ORD-16-0026 § 1(Exh. A), 2016)

CHAPTER 9.65 - ADMINISTRATIVE CITATIONS AND PENALTIES

Footnotes:

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Editor's note— ORD-09-0022 § 6 adopted Aug. 4, 2009, amended Ch. 9.65 in its entirety to read as herein set out. Former Ch. 9.658, §§ 9.65.010—9.65-200 pertained to similar subject matter and derived from ORD-05-0001, § 2, 2005; ORD-06-0012, § 6, 2006; and ORD-07-0047, §§ 1, 2, 2007.

9.65.010 - Legislative findings and statement of purpose.

- A. Enforcement of the Long Beach Municipal Code throughout the City is an important public service. Code enforcement is vital to the protection of the public's health, safety, welfare and quality of life. The City Council recognizes that a comprehensive code enforcement system that uses a combination of administrative and judicial remedies helps to gain compliance with Code regulations.
- B. The overburdening of the criminal court system has necessitated the alternative use of an administrative citation program to more effectively adjudicate the majority of nuisance related Code violations. An administrative citation program and the establishment of appropriate fines are intended to act as a reasonable deterrent in preventing violations of the Long Beach Municipal Code.
- C. The City Council hereby finds that there is a need for an alternative method of enforcement of the Municipal Code in accordance with the City's constitutional police power. The City Council further finds that an appropriate method of enforcement is the imposition of administrative penalties as independently authorized by both California Constitution Article XI, Section 7, and Government Code, Section 53069.4.
- D. The procedures established in this Chapter shall be in addition to any criminal, civil or other legal remedy established by law for violation of the Municipal Code.
- E. The City Council hereby finds and determines that enforcement of the Long Beach Municipal Code pursuant to the City's police power is a matter of public health, safety and welfare and serves important public purposes. The City of Long Beach adopts this administrative citation and penalty program in order to achieve the following goals and objectives:
 - 1. To protect the public health, safety and welfare of the citizens of the City.
 - 2. To gain compliance with the Municipal Code in a timely and efficient manner.
 - 3. To provide for an administrative process to appeal the imposition of administrative

citations and fines.

4. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the Municipal Code.

5. To avoid and/or minimize the expense and delay of enforcement in the civil or criminal justice system.

F. Use of this Chapter shall be at the sole discretion of the City, subject to Subsection D of this Section.

(ORD-09-0022 § 6, 2009)

9.65.020 - Definitions.

A. "Canopy structure" means and includes freestanding exterior shade structures that consist of a cover made from canvas, fabric, plastic, rubber, nylon, acetate or other pliable material that is fitted over a freestanding metal frame.

B. "Cited party" means a legally responsible person who has been issued an administrative citation.

C. "City" means the City of Long Beach.

D. "Continuing violation" means any condition or activity in violation of the Municipal Code that continues beyond the date given in the administrative citation to correct the violation.

E. "Correction period" means that period of time in which responsible persons are required to correct or otherwise remedy the violation(s)

F. "Enforcement officer" shall mean any officer or employee of the City designated with the authority to enforce the applicable provisions of the Long Beach Municipal Code.

G. "Hearing Officer" means an individual who has been designated by the City Manager to adjudicate administrative citation appeals.

H. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

I. "Inoperative vehicle" shall include:

1. Any vehicle, by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power, which is not currently and validly registered for operation or use on the streets and highways in the State as required under the provisions of the California Vehicle Code; or

2. Any motor vehicle which currently is incapable of being driven under its own motor power; or
 3. Any nonmotor vehicle which currently is incapable of being moved or drawn.
- J. "Lot" means an area of land, parcel or tract, whether improved or unimproved, the boundaries of which have been established in conformance with the State Subdivision Map Act, and which has either been recorded via a final tract map or certificate of compliance on record with the Los Angeles County Recorder.
- K. "Lot cleaning levy" means all computed expenses incurred by the City in removal of weeds and/or debris, from any lot, and shall consist of processing fees, incidental enforcement costs, including, but not limited to, actual expenses for weeds and/or debris removal charged to the cited party.
- L. "Responsible person" means any individual who is the owner, partial owner, or occupant of real property, last registered owner and/or legal owner of a vehicle, the holder or the agent of the holder of any permit or entitlement, or the party or agent of a party to any agreement covered by this Chapter; or the owner or authorized agent of any business, company or entity subject to this Chapter, who creates, commits or maintains a violation subject to the enforcement provisions of this Chapter.
- M. "Vehicle removal levy" means all computed expenses incurred by the City in the removal of inoperative vehicle(s) from public or private property within the City, and shall consist of processing fees, incidental enforcement costs, including, but not limited to, land and vehicle title search information, and actual expenses incurred for inoperative vehicle removal, impoundment or disposal.
- N. "Weeds" and/or "debris" means and includes all bushes, vines, trees, grass or other vegetation, whether cultivated or uncultivated, and whether dead or growing, and all refuse, trash and rubbish of any kind or description, or wood, asphalt, concrete or similar materials, tin cans, parts of machinery, implements and automobiles, any of which cause unpleasant or noxious odors, or which are, or may become, a refuge or breeding place for insect and vermin, or which conceal or are capable of concealing filth and other unsanitary conditions, or which are, or are capable of becoming, a fire or other hazard to the use and occupancy of property, or which obstruct or hinder the use of any public street, sidewalk, alley or way.

(ORD-09-0022 § 6, 2009)

9.65.030 - Weed abatement activity.

It shall be the duty of all responsible persons to at all times keep lots clean and free from weeds and/or debris.

(ORD-09-0022 § 6, 2009)

9.65.040 - Inoperative vehicle activity.

It shall be the duty of responsible persons to prevent accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof, except for those vehicles or parts thereof exempted pursuant to Long Beach Municipal Code, Section 10.46.030.

(ORD-09-0022 § 6, 2009)

9.65.050 - Prohibited canopy structure.

Canopy structure as defined in Subsection 9.65.020.A may not:

- A. Be located in residential front or side yard setback areas, or driveway areas used for automobile parking;
- B. Have a setback of less than four feet (4') from the side and rear property lines;
- C. Be maintained in a manner that is defective, unsightly or in a condition of deterioration; or
- D. Be greater than ten feet (10') in height.

(ORD-09-0022 § 6, 2009)

9.65.060 - Issuance of administrative citation.

- A. Any responsible person who violates any provision of Titles 3, 5, 8, 9, 10, 14, 18 and 21, or Chapter 2.63, of the Long Beach Municipal Code may be issued an administrative citation, pursuant to this Chapter, by an enforcement officer designated to issue such citations.
- B. Each and every day a violation exists constitutes a separate and distinct offense.
- C. A civil fine shall be assessed by means of an administrative citation issued by the enforcement officer and shall be payable directly to the City of Long Beach.
- D. Fines shall be assessed for Code violations committed by the same responsible person as follows:

1. A fine for each initial violation, in an amount established by the City Council by resolution;
2. A fine for each instance of a second violation of the same Code section within one (1) year from the date of the first violation, in an amount established by the City Council by resolution;
3. A fine for each additional violation of the same Code section within one (1) year from the date of the first violation, in an amount established by the City Council by resolution;
4. A fine for each violation of Municipal Code, Section 21.41.170 illegal garage conversions, 18.02.050 for dangerous buildings, 18.08.010 for certificates of occupancy, 18.09.010 for failure to comply with Title 18, and/or Subsection 21.31.245.C unlawful dwelling units, in an amount established by the City Council by resolution; and
5. A fine for each violation of Municipal Code, Section 21.51.227 relating to illegal automotive work, in an amount established by the City Council by resolution.

(ORD-15-0038 § 2, 2015; ORD-11-0012 § 3, 2011; ORD-09-0022 § 6, 2009)

9.65.070 - Service procedures.

An administrative citation on a form approved by the City Manager may be served upon any responsible person by an enforcement officer in the following manner:

- A. Personal service. In any case where an administrative citation is issued:
 1. The enforcement officer shall attempt to locate and personally serve the responsible person(s) and obtain the signature of the responsible person(s) on the administrative citation;
 2. If the responsible person(s) refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or any subsequent proceedings.
- B. Service of citation by posting notice. If the enforcement officer does not succeed in personally serving a responsible person(s):
 1. The enforcement officer shall post the administrative citation or duplicate thereof in a conspicuous place on the lot where the violation(s) exists or has occurred, and such posting shall be deemed effective service;

2. Any posted notice shall be photographed on the date of posting by the enforcement officer, and a proof of service of the notice shall be made by declaration of the enforcement officer effecting the service.
- C. Service of citation by mail. If the enforcement officer does not succeed in personally serving a responsible person(s), in addition to posting notice:
 1. The administrative citation or duplicate thereof shall be mailed to the responsible person(s) at his or her residence or place of business by depositing the same in the United States Mail, postage prepaid as first class mail;
 2. A proof of service of the notice shall be made by declaration of the enforcement officer effecting the service.

(ORD-09-0022 § 6, 2009)

9.65.080 - Contents of notice.

Each administrative citation shall contain the following information:

- A. The date of service of the citation and the date, time, address or description of the location where the violation(s) was observed.
- B. The Code section(s) and condition(s) violated and a description of the violation(s)
- C. An order to the responsible person(s) to correct the violation(s) no later than the specified correction date.
- D. An explanation of the consequences of failure to correct the violation(s) in a timely manner.
- E. The amount of the fine for the violation(s).
- F. An explanation of how the fine shall be paid and the fine payment due date.
- G. Notice of the right to appeal the citation, the time within which the citation may be appealed and the place to obtain a request for hearing form to appeal the administrative citation.
- H. The name and signature of the enforcement officer and, if obtained, the signature (s) of the responsible person(s).

(ORD-09-0022 § 6, 2009)

9.65.090 - Satisfaction of administrative citation.

Upon service of an administrative citation, the cited party shall do the following:

- A. Remedy the violation(s) no later than thirty (30) days from the date of issuance of the citation as specified on the administrative citation. Correcting the violation(s) shall not excuse or discharge payment of the fine.
- B. Pay the fine no later than thirty (30) days from the date of issuance of the citation as specified on the administrative citation. Payment of a fine shall not excuse or discharge the failure to correct the violation(s), nor shall it bar further enforcement action by the City. Late charges shall be imposed for fine payments made after the fine payment due date. The late charge shall be calculated at a rate of twenty-five percent (25%) of the fine, and will be imposed in addition to any outstanding fine.

(ORD-09-0022 § 6, 2009)

9.65.100 - Appeal of administrative citation.

- A. Any recipient of an administrative citation may appeal said citation by completing a written request for hearing form, obtained as directed on the citation, and returning it to the department, indicated on the citation, within thirty (30) calendar days from the date the administrative citation is served or deemed to have been served, together with a deposit in the total amount of the fine and any late charges.
- B. A failure to file a timely appeal of the administrative citation shall be deemed a waiver of the right to appeal and to seek judicial review.

(ORD-09-0022 § 6, 2009)

9.65.110 - Appeal hardship waiver.

- A. Any person who intends to appeal the administrative citation and who is financially unable to make the advance deposit as required in Section 9.65.100 may request an advance deposit hardship waiver by completing a written deposit waiver form obtained as directed on the citation.
- B. The deposit waiver request form shall be filed together with the appeal in the department indicated on the citation within thirty (30) calendar days from the date the administrative citation is served or deemed to have been served.
- C. The deposit requirement as described in Subsection 9.65.100.A shall be stayed unless or until the Director of the department indicated on the citation, or his/her designee, makes a determination regarding the waiver request.
- D.

The Director of the department indicated on the citation, or his/her designee, may waive the requirement of an advance deposit only if the cited party submits to the Director, or his/her designee, a statement under penalty of perjury, together with any supporting documents or materials, demonstrating to the satisfaction of the Director, or his/her designee, the cited party's actual financial inability to deposit with the City the full amount of the fine and late charge(s) in advance of the hearing.

- E. If the Director of the department indicated on the citation, or his/her designee, declines to issue a waiver, the cited party shall remit the full deposit to the City within ten (10) calendar days of the date of that decision or thirty (30) calendar days from the date the administrative citation is served or deemed to have been served, whichever is later.
- F. The Director of the department indicated on the citation, or his/her designee, shall issue a written determination listing the reasons for his/her determination to issue or not issue the hardship waiver. The written determination shall be final.
- G. The written determination of the Director, or his/her designee, shall be served personally or by first class mail, postage prepaid, upon the cited party who applied for the hardship waiver.

(ORD-09-0022 § 6, 2009)

9.65.120 - Hearing procedure.

- A. No hearing to appeal an administrative citation shall be held unless and until a request for hearing form has been completed and submitted, as indicated on the citation, and the deposit has been paid, or a hardship waiver has been issued.
- B. A hearing before the Hearing Officer shall be set for a date not sooner than fifteen (15) calendar days and not more than sixty (60) calendar days from the date the request for hearing is completed and submitted in accordance with the provisions of this Chapter. The cited party requesting the hearing shall be notified in writing of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.
- C. The Hearing Officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the cited party has created, committed, or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify, if the Hearing Officer determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by

the Hearing Officer in accordance with the fundamentals of due process. The Hearing Officer may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present his/her case as is allowed to the City.

- D. The cited party contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation. The City's case shall be presented by any person designated by the City Manager. The appellant and City may be represented by counsel.
- E. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust administrative remedies.
- F. The administrative citation and any additional documents prepared by the City in connection with the violation(s) may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.
- G. If the enforcement officer or his/her designee submits any additional documents concerning the administrative citation to the Hearing Officer for consideration at the hearing, then, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.
- H. The Hearing Officer may continue the hearing or request additional information from the enforcement officer, his/her designee or the appellant prior to issuing a written decision.

(ORD-09-0022 § 6, 2009)

9.65.130 - Hearing Officer's decision.

- A. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within fifteen (15) business days of the hearing. The decision of the Hearing Officer shall be final.
- B. If the Hearing Officer denies the appeal, then the deposit shall be retained by the City.
- C. If the Hearing Officer grants the appeal, then the City shall refund the deposit within thirty (30) business days from the date of the final written decision.
- D. The appellant and City shall each be served with a copy of the Hearing Officer's written decision.

(ORD-09-0022 § 6, 2009)

9.65.140 - Failure to pay fines.

- A. The failure of the cited party to pay a civil fine or late penalty in a timely manner may result in the imposition of a special assessment and/or lien against the real property on which the violation occurred, after which the amount so determined shall bear interest at the rate of twelve percent (12%) per annum until paid, and/or filing of an action with the Small Claims Court for recovery of the fine and late penalty. The only issue to be adjudicated by the Small Claims Court shall be whether or not the fines and possible late fees were paid. A cited party may only obtain judicial review of the validity of the citation by first requesting and participating in an administrative hearing before a Hearing Officer. In the Small Claims Court action, the City may also recover its costs, according to proof.
- B. The City may also refuse to issue, extend or renew to any cited party who has unpaid delinquent fines, interest, penalties, liens or assessments, any City permit, license, entitlement or other City approval pertaining to the lot that is the subject of the fine and administrative citation.
- C. Any permit, license, entitlement or land use approval issued by the City may be subject to suspension or revocation of the permit, license, entitlement, or land use approval in accordance with the procedures set forth in this Title 9 and Titles 3, 5, 6, 8, 10, 14, 18 and 21 of the Long Beach Municipal Code if any unpaid fine, interest or penalties remain delinquent for a period of more than thirty (30) days.

(ORD-11-0012 § 4, 2011; ORD-09-0022 § 6, 2009)

9.65.150 - Failure to remedy weed abatement activity.

In the event a responsible person(s) is cited for violation of weed abatement, pursuant to Section 9.65.030 of this Chapter, and fails to correct the violation within the specified correction period, and also fails to file a timely appeal of the administrative citation as set forth in Section 9.65.100 of this Chapter, in addition to fine(s), late charges, and consequences resulting from failure to pay fines as defined in this Chapter, a lot cleaning levy shall also be imposed. A lot cleaning levy payment notice shall be served upon the cited party in the same manner as provided for service of the administrative citation set forth in Section 9.65.070 of this Chapter.

(ORD-09-0022 § 6, 2009)

9.65.160 - Failure to remedy inoperative vehicle activity.

In the event a responsible person(s) is cited for violation of inoperative vehicles pursuant to Section 9.65.040 of this Chapter, and fails to correct the violation within the specified period and also fails to file a timely appeal of the administrative citation as set forth in Section 9.65.100 of this Chapter, in addition to fine(s), late charges, and consequences resulting from failure to pay fines as defined in this Chapter, a vehicle removal levy shall also be imposed. A vehicle removal levy payment notice shall be served upon the cited party in the same manner as provided for service of the administrative citation set forth in Section 9.65.070 of this Chapter.

(ORD-09-0022 § 6, 2009)

9.65.170 - Appeal of lot cleaning and inoperative vehicle levy.

- A. Any recipient of lot cleaning or inoperative vehicle levy payment notice may appeal the reasonableness of the computed charges by completing a levy hearing request form and returning it to the department indicated on the administrative levy notice within fifteen (15) calendar days from the date the levy notice was served, together with a deposit in the total amount of the administrative citation fine, late charges and levy.
- B. A hearing on the appeal shall be set for a date that is not sooner than fifteen (15) calendar days and not more than sixty (60) calendar days from the date that the request for hearing is completed and submitted in accordance with the provisions of this Chapter. The person requesting the hearing shall be notified in writing of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.
- C. The Hearing Officer shall only consider evidence that is relevant to whether the costs used to compute the levy are reasonably related to abatement costs incurred by the City. Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the Hearing Officer determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer in accordance with the fundamentals of due process. The Hearing Officer may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present its case as is allowed the City.
- D. The cited party contesting the reasonableness of the levy shall be given the opportunity to testify and present witnesses and evidence concerning the computed cost. The appellant and City may be represented by counsel.

- E. The administrative citation and any additional documents prepared by the City in connection with the levy may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.
- F. In the event additional documents concerning the levy are provided to the Hearing Officer for consideration, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.
- G. The Hearing Officer may continue the hearing or request additional information from the City or the appellant prior to issuing a written decision.
- H. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within fifteen (15) business days of the hearing.
- I. The appellant and the City shall each be served by mail with a copy of the Hearing Officer's written decision.
- J. If the Hearing Officer determines that the levy was properly computed, and should be upheld as reasonable, then the entire deposit with the City shall be retained by the City.
- K. In the event the Hearing Officer determines the levy, or any portion thereof, to be unreasonable, then that amount shall be refunded within fifteen (15) business days of the date of the written determination.
- L. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the entire deposit and a failure to exhaust administrative remedies.
- M. A failure to file a timely appeal shall be deemed a waiver of the right to appeal the levy.

(ORD-09-0022 § 6, 2009)

9.65.180 - Dismissal of citation.

The enforcement officer, with the approval of the Director from the department indicated on the citation, or his/her designee, may dismiss an administrative citation at any time if it is determined to have been issued in error, in which event any deposit will be refunded.

(ORD-09-0022 § 6, 2009)

9.65.190 - Right to judicial review.

- A. Either the City or the appellant aggrieved by a decision of a Hearing Officer on an administrative citation or levy, may obtain review of the decision by filing a petition for review with the Los Angeles Superior Court in accordance with the time lines and provisions as set forth in California Government Code, Section 53069.4(b). Said procedure shall be available for all judicial review under this Chapter, notwithstanding that the term or condition being enforced pursuant to this Chapter may not be a matter covered by Section 53069.4(a). Judicial review of a citation shall not be available unless all administrative remedies have been exhausted as provided in this Chapter.
- B. Failure to receive any notice specified in this Chapter does not affect the validity of proceedings conducted hereunder.

(ORD-09-0022 § 6, 2009)

9.65.200 - Recovery of Code enforcement abatement costs.

The administrative citation process described in this Chapter does not preclude the City from recovering any other Code violation or nuisance abatement costs incurred by the City in performing its Code enforcement efforts.

(ORD-09-0022 § 6, 2009)