

Attachment A

CITY OF LONG BEACH PLANNING COMMISSION MINUTES

THURSDAY, SEPTEMBER 21, 2023
411 W. OCEAN BOULEVARD
CIVIC CHAMBERS, 5:00 PM

Richard Lewis, Chair
Jane Templin, Vice Chair
Alvaro Castillo, Commissioner



Michael Clemson, Commissioner
Josh LaFarga, Commissioner
Michele Ware, Commissioner

FINISHED AGENDA & MINUTES

CALL TO ORDER

At 5:01 PM, Chair Lewis called the meeting to order.

ROLL CALL

Commissioners Alvaro Castillo, Michael Clemson, Jane Templin and Richard

Present: Lewis

Commissioners Josh LaFarga and Michele Ware

Absent:

Also Present: Christopher Koontz, Director of Development Services; Alison Spindler-Ruiz, Planning Bureau Manager; Alexis Oropeza, Current Planning Officer; Michael J. Mais, Attorney at Law, Retired Annuitant - Management Support; Alex Medina, Bureau Secretary; Vanessa Hall, City Clerk Specialist.

FLAG SALUTE

Commissioner Clemson led the flag salute.

DIRECTOR'S REPORT

Alison Spindler-Ruiz, Planning Bureau Manager, spoke; and presented the director's report.

REGULAR AGENDA

1. [23-072PL](#) Recommendation to approve the minutes of the Planning Commission meeting on Thursday, September 7, 2023.

A motion was made by Commissioner Castillo, seconded by Vice Chair Templin, to approve recommendation. The motion carried by the following vote:

Yes: 4 - Alvaro Castillo, Michael Clemson, Jane Templin and Richard Lewis

Absent: 2 - Michele Ware and Josh LaFarga

2. [23-069PL](#) Recommendation to accept Categorical Exemption CE23-103; and

Approve a Conditional Use Permit (CUP23-009) and modification to an approved permit and adopt the proposed findings and conditions of approval thereto, for the modifications to an existing 4,659-square-foot restaurant with drive through that includes: a 236-square-foot addition, additional drive through lane and new bypass lane, canopies, and interior and exterior improvements located at 7681 Carson Boulevard (APN: 7075-001-948) in the Community Commercial Automobile-Oriented (CCA) Zoning District. (District 4)

Alexis Oropeza, Current Planning Officer, spoke; and introduced Liana Arechiga, Planner.

Liana Arechiga, Planner, spoke; and provided a PowerPoint presentation.

Commissioner Castillo spoke.

Alexis Oropeza, Current Planning Officer, spoke.

Kurt Canfield spoke.

A motion was made by Vice Chair Templin, seconded by Commissioner Castillo, to approve recommendation. The motion carried by the following vote:

Yes: 4 - Alvaro Castillo, Michael Clemson, Jane Templin and Richard Lewis

Absent: 2 - Michele Ware and Josh LaFarga

3. [23-073PL](#) Recommendation to accept Categorical Exemption CE23-106; and
- Approve a Conditional Use Permit (CUP23-016) and adopt the proposed findings and conditions of approval thereto, to operate a new wireless telecommunication facility mounted on an existing Southern California Edison High-Tension Electrical Tower with equipment located under the tower behind CMU block walls located at 1401 ½ West Wardlow Road (APN: 7311-001-802) in the Light Industrial (IL) Zoning District. (District 5)

Alexis Oropeza, Current Planning Officer, spoke; and introduced Miguel Samayoa, Planner.

Miguel Samayoa, Planner, spoke; and provided a PowerPoint presentation.

Commissioner Clemson spoke.

Michael J. Mais, Attorney at Law, Retired Annuitant - Management Support, spoke.

Jeremy Siegel, Applicant, spoke.

A motion was made by Vice Chair Templin, seconded by Commissioner Castillo, to approve recommendation. The motion carried by the following vote:

Yes: 4 - Alvaro Castillo, Michael Clemson, Jane Templin and Richard Lewis

Absent: 2 - Michele Ware and Josh LaFarga

4. [23-074PL](#) Recommendation to recommend that the City Council determine that the project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1 - Existing Facilities), Section 15304 (Class 4-Minor Alterations to land), Section 15305 (Class 5 - Minor Alterations to Land Use Limitations), and that it is further exempt from the CEQA Guidelines and none of the exceptions in 15300.2 apply, and that it is further exempt pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the

Environment), as it will not result directly or indirectly in significant environmental impacts (CE23-112); and

Recommend that the City Council adopt Zoning Code Amendment ZCA23-006, that repeals Long Beach Municipal Code (LBMC) Section 21.45.170.L deleting regulations pertaining to encroachment permits for vendors located within the right-of-way and amending Table 35-1 Uses in the Parks District clarifying that sidewalk vending is a permitted use subject to the regulations of Title 5 of the LBMC. (Citywide)

Alison Spindler-Ruiz, Planning Bureau Manager, spoke; and introduced Alexis Oropeza, Current Planning Officer.

Alexis Oropeza, Current Planning Officer, spoke; and provided a PowerPoint presentation.

Chair Lewis spoke.

Alexis Oropeza, Current Planning Officer, spoke.

A dialogue ensued between Chair Lewis and Alexis Oropeza, Current Planning Officer.

Commissioner Castillo spoke.

Alexis Oropeza, Current Planning Officer, spoke.

Christopher Koontz, Director of Development Services, spoke.

James Suazo spoke.

Mia Hernandez-Perez spoke.

Kurt Canfield spoke.

Commissioner Clemson spoke.

Commissioner Castillo spoke.

A motion was made by Commissioner Clemson, seconded by Vice Chair Templin, to approve recommendation. The motion carried by the following vote:

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PLANNING COMMISSION
MINUTES

THURSDAY, SEPTEMBER 21, 2023
411 W. OCEAN BOULEVARD
CIVIC CHAMBERS, 5:00 PM

Yes: 4 - Alvaro Castillo, Michael Clemson, Jane Templin and
Richard Lewis

Absent: 2 - Michele Ware and Josh LaFarga

PUBLIC PARTICIPATION

There was no public participation.

COMMENTS FROM THE PLANNING COMMISSION

There were no comments from the Planning Commission.

ADJOURNMENT

At 5:50 PM, there being no objection, Chair Lewis declared the meeting adjourned.

vh

NOTE:

If written language translation of the Commission agenda and minutes for non-English speaking persons is desired, please make your request by phone to the Office of the City Clerk at (562) 570-6101, 72 business hours prior to the Commission meeting.

Kung nais ang pagsasalin ng nakasulat na wika ng agenda ng Komisyon at ang minutes para sa mga taong hindi nagsasalita ng Ingles, mangyaring isagawa ang iyong hiling sa pamamagitan ng telepono sa Opisina ng Clerk ng Lungsod sa (562) 570-6101, 72 oras ng negosyo bago ang pagpupulong ng Commission.

Si desea obtener la traducción escrita en otro idioma de la agenda y actas de la comisión para personas que no hablan inglés, haga su solicitud por teléfono a la Oficina de la Secretaría Municipal al (562) 570-6101, 72 horas hábiles antes de la reunión de la comisión.

បើមានការចង់បានឲ្យមានការបកប្រែឯកសារស្តីពីរបៀបរាវ និងកំណត់ហេតុឲ្យ
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September 21, 2023

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council determine that the project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1 – Existing Facilities), Section 15304 (Class 4-Minor Alterations to land), Section 15305 (Class 5 – Minor Alterations to Land Use Limitations), and that it is further exempt from the CEQA Guidelines and none of the exceptions in 15300.2 apply, and that it is further exempt pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment), as it will not result directly or indirectly in significant environmental impacts. (CE23-112); and

Recommend that the City Council adopt Zoning Code Amendment ZCA23-006, that repeals Long Beach Municipal Code (LBMC) Section 21.45.170.L deleting regulations pertaining to encroachment permits for vendors located within the right-of-way and amending Table 35-1 Uses in the Parks District clarifying that sidewalk vending is a permitted use subject to the regulations of Title 5 of the LBMC. (Citywide)

APPLICANT: City of Long Beach
Development Services Department
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802
(Application No. 2308-36)

BACKGROUND

In 2018, the State of California passed Senate Bill 946 (SB 946) also known as the Safe Sidewalk Vending Act. SB 946, which took effect on January 1, 2019, established parameters for the local regulation of sidewalk vendors, which limits the ability of local authorities to regulate sidewalk vending to the provisions of SB 946. The primary intent was to decriminalize sidewalk vending so that local authorities could only issue administrative rather than criminal citations.

On May 9, 2023, the City Council directed staff to prepare an Ordinance to comply with the recently enacted State legislation regarding sidewalk vending, directing staff to consolidate, where feasible, provisions of the Long Beach Municipal Code (LBMC) related to the regulation and enforcement of sidewalk vendors and similar operations into one Ordinance; and, repeal provisions of the LBMC



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that are obsolete, no longer applicable, or no longer enforced related to sidewalk vendors and similar operations. The regulation of sidewalk vending is largely a permitting and licensing matter outside of the Zoning Ordinance (Attachment A – City Council Letter).

An exhaustive review of the LBMC was conducted by a consultant and an interdisciplinary team of staff to support development of a sidewalk vending ordinance. Most of the proposed sidewalk vending ordinance will be housed in Titles 5 (Business Regulations), and 14 (Streets and Sidewalks). However, through review of the code, a need to make minor updates the Zoning Ordinance was determined to ensure consistency between the proposed local regulations and the intent of SB 946. The Planning Commission serves as the advisor of all land use matters to the City Council.

Therefore, the Planning Commission's role in reviewing this Zone Code Amendment (ZCA) is confined to review of proposed changes to the Zoning Ordinance to determine if the changes are consistent with the General Plan, and to make a recommendation to the City Council.

DISCUSSION

This Zoning Code Amendment is intended to bring consistency in the implementation of sidewalk vending regulations and eliminate obsolete requirements (Attachment B – Draft ZCA). The first amendment proposed would update the land use table within the Park Zoning District. Specifically, the amendment adds language clarifying that the prohibition of “commercial uses-other” is not inclusive of sidewalk vendors. Although sidewalk vendors are not a land use per se, incorporating this exception with the use table would promote consistency in implementation between departments and provide clarity for the public. The proposed additional text is shown in Table 1, below:

Table 1: Uses in Park Districts

Use	District P
Commercial uses-other	N, <u>except sidewalk vendors which are allowed pursuant to Title 5 of the LBMC.</u>

The second proposed change relates to the Special Development Standards Chapter, Chapter 21.45, of the LBMC, which imposes additional development standards upon certain types of land uses to ensure those uses do not generate adverse impacts. Section 21.45.170 of the special development standards include regulations for vending carts on private property. Although these regulations for vending carts are intended for private property, the last standard (LBMC21.45. 170.L) establishes that vending carts within the right-of-way require an encroachment permit within the public right-of-way. This encroachment permit is found to be burdensome and would no longer be required, therefore this is recommended for deletion.

Regulations regarding the time, place, and manner by which sidewalk vending may be conducted on public sidewalks and pedestrian paths will be regulated under the Title 5 Business and Professions code and not within Title 21. The purpose of Title 5 is to identify those businesses,

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trades, and professions conducted and carried on in the City that require local regulation in order to promote and protect the public health, safety, and welfare of Long Beach and its citizens.

Changes to Title 5 are not within the purview of the Planning Commission and therefore are not a subject of the proposed ZCA. However, by way of background, the City Council may adopt requirements within Title 5 related to:

- Permits and licensing.
- Placing limitations on hours of operation provided they are not unduly restrictive.
- Adopting requirements to ensure compliance with the federal Americans with Disabilities Act of 1990 and other disability access standards.
- Adopting requirements that ensure sanitary conditions.
- Prohibiting stationary sidewalk vending in areas that are zoned exclusively residential. (Roaming sidewalk vendors cannot be prohibited in areas zoned exclusively residential.)
- Adopting requirements within parks that are necessary to prevent an undue concentration of commercial activity which would unreasonably interfere with the scenic and natural characteristics of a park and to ensure the public's use and enjoyment of natural resources and recreational opportunities.
- Prohibiting stationary sidewalk vendors from vending in parks only if the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.
- Prohibiting any vending other than sidewalk vending of food or merchandise.

The City Council will consider the Title 5 changes in tandem with the ZCA for Title 21. The Planning Bureau is not anticipated to have a significant role in reviewing or licensing of the sidewalk vendors as they are not permanent land uses. The proposed ZCA is consistent with the City's General Plan goals and policies to promote economic development strategies that diversify our economy and reflect the diverse population of Long Beach (Attachment C – Findings).

PUBLIC HEARING NOTICE

In accordance with public hearing notification requirements for a Zoning Ordinance Amendment in LBMC Section 21.21.302.C, notice of this public hearing was published in the Long Beach Press-Telegram on September 5, 2023; written notices were sent to all City libraries and the California Coastal Commission. Three public hearing notices were also posted in public places throughout the City. Finally, notice of the proposed code amendment was distributed through the City's LinkLB e-mail blast system. One general inquiry about the ZCA was received at the time the report was prepared.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act Section 15301 (Existing Facilities); 15304 (Minor Alterations to Land) (e) for minor temporary use of land having negligible or no permanent effect on the environment; 15305 (Class 5 – Minor Alterations to Land Use Limitations), and that it is further exempt pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the

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Environment), as it will not result directly or indirectly in significant environmental impacts (CE-23-112).

Respectfully submitted,



ALEXIS OROPEZA
CURRENT PLANNING OFFICER



ALEJANDRO SANCHEZ LOPEZ
ADVANCE PLANNING OFFICER



ALISON SPINDLER RUIZ, AICP
PLANNING BUREAU MANAGER



CHRISTOPHER KOONTZ, AICP
DIRECTOR OF DEVELOPMENT SERVICE

CK:ASR:ASL:AO

Attachments:

Attachment A – City Council Letter
Attachment B – Draft Zone Code Amendment
Attachment C – Findings

DRAFT
Zoning Code Amendment
Application No. 2308-36 (ZCA 23-006)

(New text indicated with underlining and red font, deleted text indicated with strikethrough in red font, and existing text in black font.)

Division 1 of Chapter 21.35 – Parks District, Table 35-1 Uses in Parks District of Title 21 of the Long Beach Municipal Code is amended to read as follows:

Table 35-1
Uses in Park Districts

Use	District P
Adult-Use Cannabis Businesses (all categories)	N
Alcoholic beverage sales - with permitted or conditionally permitted uses	C
Amphitheater, band shell, performance stage and the like:	
a. With a seating capacity of up to 200 persons	Y
b. With a seating capacity greater than 200 persons	C
Athletic facilities including sports fields, swimming pools, courts and the like	Y
Campgrounds (except recreational vehicle campgrounds)	Y
Circuses	N
Comfort stations	A
Commercial recreation uses ^(a) (see definition, e.g., miniature golf courses, water slides, bicycle rentals, nonmotorized vehicles, and the like)	C
Commercial uses-other	N, <u>except sidewalk vendors which are allowed pursuant to Title 5 of the LBMC.</u>
Community gardens	Y

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Use	District P
Community service uses ^(b) :	
a. Nonregional, City staffed	Y
b. Nonregional, nonprofit	C
c. Nonregional, for profit	N
Community service uses ^(b) -regional	N
Construction trailer	T
Cultural and educational uses (e.g., museums, ranchos, nature centers and the like)	Y
Daycare and preschools:	
a. Cooperatives and City staffed	Y
b. Nonprofit	C
Electronic video games (not to exceed 4 in any 1 building)	A
Exhibition grounds on a permanent basis for fairs, carnivals, trade shows and the like, or for continuation of fairs, carnivals, trade shows and the like beyond 10 days in length	N
Exhibitions, trade shows and the like	T
Fairs, festivals, carnivals, holiday celebrations, pageants, social events and the like for a period not to exceed 10 days	T
Food and beverage concessions (not including alcoholic)	A
Landscaped open areas	Y
Libraries of the City of Long Beach	C
Motor vehicle racing or testing	N

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Use	District P
Natural habitat reserves or preserves	Y
Offices for the supervision and maintenance of park facilities, programs and activities	A
Parking (commercial)	N
Parks and related improvements	Y
Passive games and activities, and arts and crafts classes	Y
Police and fire stations, communication centers, schools, government buildings and the like	N
Private clubs (nonprofit and recreational only)	C
Recreational equipment sale and rental for use in park (except that motorcycles, motorized skateboards, mopeds and the like, are not permitted)	A
Recreational vehicle campground	C
Recreational vehicle storage	N
Residential uses (except caretaker or guard facilities)	N
Restaurants with or without alcoholic beverage sales	C
Sale of alcoholic beverage	C
Sewage and wastewater treatment of tertiary or more advanced level of treatment	A
Wireless Telecommunications Facilities (see Chapter 21.56)	C
Any use which violates the noise ordinance of the City	N

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Zoning Code Amendment

Application No. 2308-36 (ZCA 23-006)

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Abbreviations: Y = Permitted as a principal use.

N = Not permitted.

C = Conditional use permit required. Refer to [Chapter 21.52](#).

A = Permitted as accessory use. Refer to [Chapter 21.51](#).

T = Permitted as temporary use. Refer to [Chapter 21.53](#).

(a)

"Commercial recreation" is any recreational use in parks for which a fee is charged independent of City oversight. (See definition for "commercial recreation" in [Section 21.15.565](#) and findings for such uses in the park P district in [Section 21.52.610](#).)

(b)

"Community service use" is a service provided for the health and welfare of the individual receiving the service. Such uses in parks do not include the permanent provision of food, shelter or medical services except for counseling, health fairs, medical screening and the like. Nonregional community service uses serve the local community—the neighbors nearby who require the service. Regional serving community service providers serve a much wider constituency.

Chapter 21.45 - Special Development, Standards, Section 21.45.170 of Title 21 of the Long Beach Municipal Code is amended to read as follows:

21.45.170 - Vending carts.

Vending carts shall be allowed as open uses according to the following special development standards:

A. An administrative use permit shall be required by the City prior to issuance of a business license;

B. Vending carts are limited to developed nonresidential sites;

C. No more than two (2) signs, printed or affixed to each cart, which do not exceed two (2) square feet each, shall be permitted;

D. No sales shall be made to motorists or shall any sales interfere with vehicular traffic;

E. No vending cart operator shall place or allow to be placed any permanent or temporary fixtures at the location of the vending activity, including, but not limited to, chairs, tables, advertising material or signs not affixed to the carts or storage facilities;

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F. The vending cart shall be prohibited from operating in any landscaped area;

G. The vending cart shall not be located in any manner that blocks or impedes on-site vehicular or pedestrian circulation;

H. The vending cart shall not be located in or impede access to any required parking stall or space;

I. The vending cart may operate during the hours of the retail or office complex, unless the conditions of approval contain more restrictive hours of operation in which case the more restrictive hours shall apply;

J. All vending carts shall be equipped with trash receptacles of an adequate size and quantity to accommodate all trash and refuse generated by such outdoor vending operation;

K. The vending cart operator shall possess a valid Health Department permit if food is prepared or sold; and

~~L. Vending carts are not permitted to conduct business on any public right-of-way, unless an encroachment permit is issued by the Public Works Department.~~

FINDINGS
Zoning Code Amendment
Application No. 2308-36 (ZCA 23-006)
September 21, 2023

Pursuant to Government Code Sections 65853 and 65855, the Planning Commission shall render a decision on any proposed Zoning Code Amendment and transmit the reasons for the recommendation, and the relationship of the proposed amendment to the applicable general and specific plans, to the City Council. The proposed Zoning Code Amendment (ZCA) modifies Title 21 of the Zoning Code related to sidewalk vending requirements.

General Plan Policy	Finding
STRATEGY No. 3: Maintain a strong, diversified economic base that creates jobs and attracts employers	The Zoning Code Amendment supports the decriminalization of sidewalk vending by bringing the Zoning Code into conformance with Senate Bill 946, which is intended to decriminalize sidewalk vending across California. The proposed zone code amendments support that policy goal by eliminating unnecessary regulations that conflict with state law by formally establishing the allowance of sidewalk vendors within in the Parks Zoning District subject to the applicable regulation of the Business and Profession Code of the Long Beach Municipal Code. The changes support decriminalization and more appropriate regulation of street vendors thereby allowing them to operate within the formal economy. The proposed amendments align with General Plan and economic development strategies to create a diverse local economy.
Land Use Element Policy 3-1: Implement land use regulations and economic development strategies that will help diversify the local economy and expand job growth. Accommodate a mix of industries in Long Beach, including high technology, telecommunications, aerospace, green technology, renewable energy, healthcare, higher education, manufacturing, port and shipping, professional services, restaurants, entertainment, and the film industry.	
Land Use Element Policy 14-2: Promote land use policies and economic development strategies that embraces the diverse population of Long Beach.	

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 5.73; AND BY
AMENDING SECTIONS 3.80.146, 3.80.180, 3.80.253,
5.04.050, CHAPTERS 5.08, 5.66, TITLE OF CHAPTER
8.44, SECTIONS 8.44.040, 8.44.050, 8.44.061, 8.44.070,
CHAPTERS 14.04, 14.14, 16.04, AND SECTIONS
16.08.504, AND 16.16.060; ALL RELATING TO SIDEWALK
VENDORS

WHEREAS, on September 17, 2018, Governor Jerry Brown signed Senate
Bill 946 (SB 946) into law, adding Chapter 6.2 (commencing with Section 51036) to Part
1 of Division 1 of Title 5 to the California Government Code, which took effect on January
1, 2019; and

WHEREAS, SB 946 prohibits municipalities from excluding sidewalk
vendors from operating in any part of the City except when that restriction is related to
objective health safety, or welfare concerns; and

WHEREAS, the Long Beach Municipal Code (LBMC) currently regulates
sidewalk vending in a manner that is inconsistent with SB 946; and

WHEREAS, notwithstanding that SB 946 arguably intrudes upon a
municipal affair by dictating to charter cities what can or cannot be done on local
sidewalks and other pedestrian paths, the City desires to adopt a sidewalk vending
program and amend the current regulations in the LBMC to encourage entrepreneurship
and provide economic opportunities consistent with the intent of SB 946;

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

Section 1. Chapter 5.73 entitled "Sidewalk Vendors" is hereby added to the Long Beach Municipal Code to read as follows:

Chapter 5.73

SIDEWALK VENDORS

DIVISION I. PURPOSE AND DEFINITIONS

5.73.010 Purpose.

The purpose of this Chapter is to establish a sidewalk vendor regulatory program. The provisions of this Chapter allow the City to encourage entrepreneurship and economic development opportunities to low-income and immigrant communities while protecting the public's health, safety and welfare; the City's natural resources and recreational opportunities; and the natural character of areas zoned as parks.

5.73.020 Definitions.

If a term or phrase is not defined in this Chapter, or elsewhere in this Code, the most common dictionary definition is presumed to be correct. For the purposes of this Chapter, the following terms and phrases shall have the meanings respectively ascribed to them in this Section unless, from the particular context, it clearly appears that some other meaning is intended.

A. "Above ground structure" means any structure permanently affixed to a public sidewalk or other pedestrian path, including, but not limited to, public benches, bicycle racks, fences, fire hydrants, gates, mailboxes, parking meters, sign poles, street lights, traffic signal poles, tree wells, utility boxes, and utility poles.

B. "Beach access point" means those identified in the coastal access inventory prepared and updated pursuant to Section 30531 of the Public Resources Code.

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1 C. "Certified farmers' market" means a location operated in
2 accordance with Chapter 10.5 (commencing with Section 47000) of
3 Division 17 of the California Food and Agricultural Code.

4 D. "Curb" means the edge where a raised sidewalk or other
5 pedestrian path meets a street or other roadway.

6 E. "City" means the City of Long Beach.

7 F. "Food" means a raw, cooked, or processed edible
8 substance, ice, beverage, an ingredient used or intended for use or for
9 sale in whole or in part for human consumption, and chewing gum.

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

13 H. "Merchandise" means any personal property, other than
14 food, capable of manual delivery, displayed, held, or offered for retail sale
15 by a vendor.

16 I. "Park" or "area zoned as a park" means any publicly owned
17 natural and open areas for active and passive public use for recreational,
18 cultural and community service activities, including but not limited to,
19 spaces dedicated or designated as parks in Table 35-2 or any successor
20 table or amendments to said table as set forth in Chapter 21.35 of this
21 Code.

22 J. "Parklet" means a small area open to public use, utilizing
23 one or more on-street parking spaces and may include adjacent public
24 walkways or other right-of-way, that may combine elements including
25 dining, entertainment, seating, planting, landscaping, lighting, shade,
26 bicycle parking, and/or artwork, as permitted pursuant to Chapter 14.15 of
27 this Code.

28 ///

1 K. "Parkway" means the area between the sidewalks and the
2 curb of any street, and where there is no sidewalk, that area between the
3 edge of the roadway and the property line adjacent thereto. "Parkway" also
4 includes any area within a roadway which is not open to vehicular travel.
5 "Parkway" does not include street medians.

6 L. "Pedestrian path" means a path or walkway, including a
7 sidewalk specifically designed for pedestrian travel. It does not include
8 shared-use paths (e.g., paths designated for both bicycle and pedestrian
9 travel).

10 M. "Person" means a natural person as well as an entity,
11 company, partnership, corporation, association, organization, or any other
12 legal entity or group, and includes the plural as well as the singular
13 number.

14 N. "Private property" means any real property, parcel of land, or
15 lot that has a separate certificate of title which is in private ownership or
16 the subject of a lease or agreement with a person enabling its use for
17 private purposes and includes any building or structure thereon. "Private
18 property" includes real property owned by City that is leased to a private
19 person.

20 O. "Residential" means any area zoned as a residential district
21 in Title 21 of this Code.

22 P. "Sidewalk" means that portion of a highway, other than the
23 roadway, set apart by curbs, barriers, concrete, markings or other
24 delineation for pedestrian travel.

25 Q. "Sidewalk vending" means selling food or merchandise from
26 a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or
27 other nonmotorized conveyance, or from one's person, upon a public
28 sidewalk or other pedestrian path, and all associated activities, including,

1 but not limited to, set up or break down of equipment, and display or
2 exposure of food or merchandise for immediate sale.

3 R. "Sidewalk vendor" means a person who sells food or
4 merchandise from a pushcart, stand, display, pedal-driven cart, wagon,
5 showcase, rack, or other nonmotorized conveyance, or from one's person,
6 upon a public sidewalk or other pedestrian path.

7 1. "Roaming sidewalk vendor" means a sidewalk vendor
8 who moves from place to place and stops only to complete a transaction.

9 2. "Stationary sidewalk vendor" means a sidewalk
10 vendor who vends from a fixed location.

11 S. "Swap meet" means a location operated in accordance with
12 Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of
13 the California Business and Professions Code, and any regulations
14 adopted pursuant to that article.

15 T. "Temporary special permit" means a permit issued by the
16 City for the temporary use of, or encroachment on, the sidewalk or other
17 public area, including, but not limited to, an encroachment permit, special
18 event permit, or temporary event permit, for purposes including, but not
19 limited to, filming, parades, or outdoor concerts.

20
21 DIVISION II. ADMINISTRATION

22 5.73.030 License and permits required.

23 A. It is unlawful for any person to engage in, operate, conduct,
24 carry on, or allow to be carried on, or otherwise engage in any sidewalk
25 vending without having first met the following requirements:

26 1. The person has a valid business license pursuant to
27 Chapter 3.80 of this Code;

28 ///

2. The person has a valid sidewalk vendor business permit pursuant to the requirements of Title 5 of this Code, including the requirements in this Chapter; and

3. The person has a valid seller's permit applicable to sidewalk vending issued by the California Department of Tax and Fee Administration (CDTFA), to the extent required by law.

B. Additionally, it is unlawful to engage in, operate, conduct, carry on, or allow to be carried on, or otherwise engage in the sidewalk vending of food without also having first obtained a health permit from the City Department of Health and Human Services.

1. Exception: A sidewalk vendor with twenty-five (25) square feet or less of display area from which only prepackaged non-potentially hazardous food and whole uncooked produce is sold is not required to obtain a health permit.

C. Sidewalk vendor business and health permits are non-transferable. Any change in ownership or operation requires new permits.

5.73.040 Sidewalk vendor business license.

Each sidewalk vendor is subject to and must comply with the provisions of Chapter 3.80 of this Code related to the City's business license tax. Notwithstanding the foregoing, every person who applies for a sidewalk vendor business license/permit within the first year of the effective date of this Chapter 5.73 of this Code shall not be subject to the business license tax imposed by Section 3.80.253 of this Code for the first year of the applicant's operation as a sidewalk vendor.

5.73.050 Sidewalk vendor business permit – application and fees.

A. Each sidewalk vendor is subject to and must comply with Chapter 5.04 of this Code related to the administration of City business permits.

1 B. An application for a sidewalk vendor business permit shall
2 be filed in compliance with Chapter 5.04 of this Code, using a form
3 approved by the City for that purpose, and which shall be certified by the
4 applicant that to the best of the applicant's knowledge, the information
5 contained on the form is true. Applications shall contain, at a minimum,
6 the following information:

- 7 1. Name and current mailing address of the applicant;
- 8 2. Description of the merchandise or food offered for sale;
- 9 3. CDTFA seller's permit number, to the extent required
10 by law; and
- 11 4. If the applicant is an agent of an individual, company,
12 partnership, or corporation, the name and business address of the
13 principal.

14 C. The applicant for a sidewalk vendor business permit is
15 required to produce a social security number or alternative form of
16 identification. Acceptable alternative forms of identification include a
17 California driver's license or identification number, or an individual
18 taxpayer identification number. The collected identification number shall
19 not be available to the public for inspection, is confidential, and shall not
20 be disclosed except as required to administer the permit and licensure
21 program, to comply with a state law, or to comply with state or federal
22 court order.

23 D. Payment of the sidewalk vendor business license tax shall
24 satisfy the fee for a sidewalk vendor business permit under Section
25 5.04.040 of this Code.

26 A sidewalk vendor business permit shall not be issued for sidewalk
27 vending of food unless the vendor first obtains a valid City-issued health
28 permit. Applicants intending to sell food must produce a valid City-issued

health permit upon application for a sidewalk vendor business permit.

5.73.060 Sidewalk vendor business permit – investigation.

Every sidewalk vendor shall be subject to inspections to ensure compliance with this Code and any other applicable law.

5.73.070 Sidewalk vendor business permit – term and renewal.

A sidewalk vendor business permit issued under the provisions of this Chapter shall be effective for a one (1) year period after issuance, and shall be automatically renewed every year upon payment of the required business license tax, provided the Director of Financial Management determines that the permittee has complied with the provisions of this Chapter and all applicable laws during the preceding permit term.

5.73.080 Sidewalk vendor business permit – cancellations, suspensions, revocations, denials, and appeals.

A. The cancellation, suspension, revocation, denial and appeal of a sidewalk vendor business permit shall be governed by the provisions of Chapter 5.06 of this Code.

B. No person shall conduct any sidewalk vending during the pendency of a related business permit application, during the time such a permit has been suspended, or at any time after such a permit has been denied, cancelled, or revoked, unless the permit is later granted or reinstated.

C. In the event the sidewalk vendor license and/or permit is canceled, suspended, denied or revoked, any associated business permit and/or license is simultaneously and automatically deemed canceled, suspended, denied or revoked.

5.73.090 Health permit for sidewalk vending of food.

Each sidewalk vendor vending food must also obtain a City-issued health permit pursuant to Section 5.04.050 and Title 8 of this Code, and the

1 California Health and Safety Code. Notwithstanding the foregoing, every
2 person who applies for or renews a health permit to operate as a sidewalk
3 vendor of food within the first year of the effective date of this Chapter 5.73 of
4 this Code shall not be subject to any City health permit and/or plan check fee
5 for the first year of the applicant's operation as a sidewalk vendor.

6 5.73.100 Insurance.

7 A. Every sidewalk vendor shall, as a condition precedent to the
8 operation of sidewalk vending, obtain insurance as prescribed in
9 regulations issued by the City Manager pursuant to Section 2.84.040.
10 Every sidewalk vendor shall file such insurance with the Director of
11 Financial Management.

12 B. Every sidewalk vendor shall maintain the insurance in full
13 force and effect when conducting sidewalk vending. Failure to maintain
14 such insurance shall be cause for suspension or revocation of a sidewalk
15 vendor business permit.

16 C. Prior to the issuance or renewal of a sidewalk vendor
17 business permit, each sidewalk vendor shall execute an indemnity
18 agreement on a form provided by the City which provides that, by the
19 acceptance or use of the sidewalk vendor permit, the sidewalk vendor
20 shall indemnify, defend, protect and hold harmless the City, its Boards,
21 Commissions, and their officials, employees, and agents from and against
22 any and all liability, claims, demands, damage, loss, obligations, causes
23 of action, proceedings, awards, fines, judgments, penalties, costs and
24 expenses, arising or alleged to have arisen, in whole or in part, out of or in
25 connection with the vendor's sidewalk vending (collectively "claims") and
26 that the sidewalk vendor shall notify the City of any claim within ten (10)
27 days.

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D. City will comply with the California Values Act, Chapter 17.25 (commencing with Section 7284) of Division 7 of Title 1 of the Government Code, and City of Long Beach Administrative Regulation 33: *Procedures Regarding the Requesting, Collecting, and Maintaining of Sensitive Information and the Enforcement of Federal Immigration Law* in relation to the collection of information of sidewalk vendors.

DIVISION III. GENERAL OPERATING CONDITIONS AND LOCATIONS

5.73.110 Sidewalk vending – general operating conditions.

A. All sidewalk vendors must comply with all applicable provisions of the Long Beach Municipal Code, including, but not limited to:

1. Chapter 8.63 - Polystyrene Food Packaging;
2. Chapter 8.80 - Noise;
3. Section 16.08.420 - Disposal of refuse;
4. Section 16.12.260 - Sanitation (Pacific Ocean Areas);

and

5. Section 16.16.140. - Park Playgrounds - Adults not accompanying children ages 12 and under prohibited.

B. All sidewalk vendors vending food must comply with and are subject to:

1. Title 8 of this Code; and
2. The California Health and Safety Code.

C. Hours of operation. Sidewalk vending may only be conducted during the following hours of operation:

1. Permissible roaming sidewalk vending in residential areas may occur between the hours of 8:00 a.m. and 8:00 p.m., or between 8:00 a.m. and sunset, whichever is later.

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2. Permissible sidewalk vending in non-residential areas, excluding areas zoned as parks, may occur between the hours of 6:00 a.m. and 10:00 p.m. or during the operating hours imposed on other businesses on the same block, whichever is least restrictive.

3. Permissible sidewalk vending in areas zoned as parks may occur between the hours of 8:00 a.m. and the closing time of the park or, if there is no designated closing time, at sunset.

4. Notwithstanding the aforementioned operating hours, no sidewalk vendor may vend within one (1) block of any school grounds from Monday through Friday, between the hours of 7:00 a.m. and 5:00 p.m. of said days.

D. All sidewalk vendors must operate in a space no larger than one hundred (100) square feet.

E. All sidewalk vendors must maintain adequate trash containers in or on their sidewalk vending conveyance or self, such that any trash generated by the sidewalk vending and/or the customers of the sidewalk vendor can be properly collected and disposed of by the sidewalk vendor.

F. All sidewalk vendors must clean up all trash and debris related to their sidewalk vending within a ten (10) foot radius around their vending area. No sidewalk vendor shall use a public trash receptacle to dispose of their trash.

G. All sidewalk vendors shall immediately clean up any food, grease, fluid, or items related to their sidewalk vending that falls onto public or private property.

H. Any set up of tables, chairs, canopies, and/or umbrellas must be for the sole use of the sidewalk vendor. Any umbrella must have a minimum height of eight (8) feet and must be secured. Stationary

sidewalk vendors may set up one (1) canopy for the sole use of the sidewalk vendor, not to exceed ten (10) feet by ten (10) feet and must abide by the following: the canopy must be properly secured and must have a cane-detectable barrier between each of the legs of the canopy. If using a canopy, a stationary sidewalk vendor shall maintain a minimum four (4) feet of clear, uncovered sidewalk/pedestrian path width as a path of travel, and five (5) feet in areas identified as High Volume or Very High Volume Pedestrian Zones as designated by the City's Traffic Engineer and Director of Public Works. Sidewalk vendors may not set up tables, chairs, umbrellas or canopies for customer use.

I. All sidewalk vendors must comply with all applicable laws relating to the employment of minors. Any minor assisting with or engaged in sidewalk vending shall be accompanied by a sidewalk vendor with the required valid license and permit(s). Any and all actions of the minor related to sidewalk vending, including any violations committed by the minor, shall be attributable to the sidewalk vendor.

J. All sidewalk vendors must comply with all posted parking restrictions, including when using motorized vehicles to load or unload sidewalk vending conveyances, equipment, materials, or personnel.

K. No sidewalk vendors shall drive onto or otherwise stage any motorized vehicle on any curb, parkway or sidewalk to load or unload sidewalk vending conveyances, equipment, materials or personnel. No sidewalk vendors shall use any motorized vehicle to drive onto sidewalks, pedestrian paths, pathways, turf, or sandy areas.

L. Stationary sidewalk vendors shall not use amplified or non - amplified sound-making devices in conjunction with their sidewalk vending, such as speakers, microphones, public address systems, bells, and chimes.

1 M. Roaming sidewalk vendors shall not use amplified or non-
2 amplified sound-making devices in conjunction with their sidewalk
3 vending, with the exception of bells and chimes.

4 N. Sidewalk vendors may not use red and blue flashing signs.
5 Any other flashing sign used in sidewalk vending must not be facing a
6 highway or traffic.

7 O. Sidewalk vendors may use a private property owner's
8 utilities (e.g., water or power) only if the sidewalk vendor has prior
9 authorization from the private property owner and use of the utilities does
10 not present a safety hazard (e.g., tripping hazard) or accessibility
11 challenge.

12 P. All sidewalk vendors shall not:

- 13 1. Leave their sidewalk vending conveyance,
14 equipment, food, and/or merchandise unattended.
- 15 2. Store their sidewalk vending conveyance, equipment,
16 food, and/or merchandise on public property.
- 17 3. Rent merchandise to customers.
- 18 4. Solicit sales by travelling door-to-door on private
19 property.
- 20 5. Hang or affix any items to above ground structures,
21 fences, gates, trees, or onto public or private buildings.
- 22 6. Display merchandise or food that is not available for
23 immediate sale.
- 24 7. Vend food or merchandise that requires verification of
25 a minimum age for purchase, such as alcoholic beverages (as defined in
26 Section 9.02.020 of this Code), tobacco, tobacco products, cannabis, or
27 firearms.

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8. Vend any controlled substance, drug, or pharmaceutical.
9. Vend vaping or drug paraphernalia.
10. Vend adult-oriented material.
11. Vend animals.
12. Vend counterfeit, stolen, or illegal goods.
13. Vend weapons, including but not limited to, knives, guns, explosive devices, BB devices, or imitation firearms.
14. Dispose of items or materials onto or into the curbs, gutters, streets, drains, storm drain system, or onto any other public or private property. Items include, but are not limited to, food debris, hot coals, ashes, grease, and any water or rinse residue used for sidewalk vending, such as cooler water, ice, or food preparation water.
15. Adversely affect the City's ability to perform municipal functions or furnish City services.
16. Interfere with the performance of police, firefighter, lifeguard and/or emergency medical personnel services.
17. Obstruct the free and easy access to and departure from any portion of any public landing, pier or wharf within the marinas.

5.73.120 Sidewalk vending – location requirements.

A. Stationary sidewalk vendors shall maintain a minimum four (4) feet of clear sidewalk/pedestrian path width as a path of travel, and five (5) feet in areas identified as High Volume or Very High Volume Pedestrian Zones as designated by the City's Traffic Engineer and Director of Public Works.

B. Sidewalk vendors shall not vend:

1. On any public property that does not meet the definition of a "sidewalk" or "pedestrian pathway," as defined by this

Chapter, unless otherwise authorized by this Chapter.

2. On any private property, unless authorized by the owner of the private property and the vendor has secured an administrative use permit. This includes any City-owned property subject to a lease agreement, including, but not limited to, the Long Beach Convention and Entertainment Center, Shoreline Village, the Pike Outlets, Rainbow Harbor Esplanade, Rancho Los Alamitos, Rancho Los Cerritos, municipal golf courses and community gardens.

3. At a protected habitat or mitigation areas, including but not limited to, Colorado Lagoon, DeForest Park and Wetlands, El Dorado Nature Center, Golden Shore Marine Reserve, Jack Dunster Marine Reserve, Los Cerritos Wetlands, Sims Pond, and Willow Springs Park and Wetlands.

4. On any sidewalk or other pedestrian path with a slope greater than five (5) percent or where signage indicates that wheels must be cramped to the curb.

5. In any location where the sidewalk vending obstructs traffic signals or regulatory signs.

6. To any customer in an unparked vehicle, including a vehicle that is stopped in traffic.

7. On any sidewalk, roadway or adjacent shoulder within five hundred (500) feet of a freeway off ramp or on ramp.

8. Within eighteen (18) inches of the edge of a curb.

9. Within five (5) feet of an above ground structure.

10. Within five (5) feet of a bus stop or Metro stop.

11. Within ten (10) feet of a driveway, alley approach or marked crosswalk.

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12. Within ten (10) feet of an ATM or outlined shared e-scooter or bike parking.

13. Within fifteen (15) feet of a commercial outdoor dining area, sidewalk dining area, permanent parklet, or location with a valid encroachment permit.

14. Within fifteen (15) feet of a street intersection.

15. Within fifteen (15) feet of a loading zone, ADA curb/ramp/curb cut, parking space, or access ramp designed for individuals with disabilities.

16. Within twenty-five (25) feet of a beach access point.

17. Within fifty (50) feet of a railroad crossing.

18. Within twenty-five (25) feet of a Los Angeles County waterway and/or flood control fencing.

19. Within one hundred (100) feet of the vehicle entrance of any fire station, police department, hospital, lifeguard tower, lifeguard headquarters, or any other emergency response structure or path.

20. Within one hundred (100) feet of a posted sidewalk or street closure, unless otherwise permitted.

C. Stationary sidewalk vendors shall not vend:

1. In areas zoned as exclusively residential.

2. Within twenty (20) feet of any detached or freestanding single-family home located in a mixed-use zone (i.e., area zoned as both residential and commercial.)

3. Within ten (10) feet of an entrance or exit to a building/ structure/facility, fire escape, or emergency exit.

4. Within fifteen (15) feet of a Fire Department connection, fire hydrant, fire lane or any fire backflow preventer.

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5. Within twenty (20) feet of another stationary sidewalk vendor.

D. Roaming sidewalk vendors shall not vend:

1. Where they block the entrance or exit to a building/ structure/ facility, fire escape, or emergency exit.

2. Where they block a Fire Department connection, fire hydrant, fire lane or any fire backflow preventer.

E. Sidewalk vendors vending food shall not vend within fifteen (15) feet of a public restroom.

F. Sidewalk vendors may vend in a parkway, so long as the vending only occurs on areas where plants are not present, no damage is done to the parkway landscaping, it is safe to vend in the parkway, and all other requirements under this Chapter are met.

G. For permitted swap meets, permitted certified farmers' markets, and areas designated for a temporary special permit (collectively "events"), the following also applies:

1. For events with less than five thousand (5,000) attendees and where limited venue access/egress is not a factor, sidewalk vendors may not vend within two hundred fifty (250) feet of the event.

2. For events with more than five thousand (5,000) attendees and where limited venue access/egress is not a factor, sidewalk vendors may not vend within five hundred (500) feet of any entrance or exit to the event or within two hundred fifty (250) feet of the perimeter of the event.

3. For all other events, sidewalk vendors may not vend within five hundred (500) feet of the event.

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1 4. The vending restrictions described above in
2 subparagraphs (1) through (3) to paragraph G of this Section, apply as
3 follows:

4 a. For permitted swap meets or permitted
5 certified farmers' markets: during the limited operating hours of the
6 certified farmer's market or swap meet.

7 b. For an area designated for a temporary special
8 permit: during the limited duration of the temporary special use permit.

9 5. For areas designated for a temporary special permit,
10 any notice, business interruption mitigation, or other right provided to
11 affected businesses or property owners under the City's temporary special
12 permit are also provided to any sidewalk vendors specifically permitted to
13 operate in the area, if applicable.

14 H. In areas zoned as parks, the following also applies:

15 1. Stationary sidewalk vendors are not permitted to
16 operate within five hundred (500) feet of any concessionaire that has
17 signed an agreement for concessions with the City that exclusively
18 permits the sale of food or merchandise by the concessionaire.

19 2. Sidewalk vendors are not permitted to operate within
20 fifteen (15) feet of any City monument, statue, memorial, or art installation.

21 3. Stationary sidewalk vendors may vend within the
22 space ten (10) feet off of a pedestrian, bike, or shared use path,
23 measured perpendicular to the path, so long as it is safe to do so,
24 customers do not queue on the path, the vendor is not within five hundred
25 (500) feet of a concessionaire that has signed an agreement with the City
26 that exclusively permits the sale of food or merchandise by the
27 concessionaire, and all other requirements under this Chapter are met.

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1 4. Sidewalk vendors shall not use any motorized vehicle
2 to drive onto pathways, turf or sandy areas.

3 5. Sidewalk vendors shall take appropriate care to not
4 damage turf, irrigation or any other infrastructure while engaging in
5 sidewalk vending.

6 6. Roaming sidewalk vendors may vend on greenspace
7 or sandy areas, but shall not interfere with any sporting events or the free
8 use of any designated sport play areas or open recreation space and shall
9 not approach spectators who are watching a sporting activity to vend food
10 or merchandise.

11 5.73.130 Sidewalk vending – exception for minor vendors.

12 In residential zones only, minors under age of eighteen (18) vending
13 on public sidewalks or other pedestrian paths for a temporary use or selling
14 products for a recognized 501(c)(3) charity for the purpose of fundraising shall
15 be exempt from the requirements of this Chapter. Access and accessibility
16 provisions still apply.

17
18 DIVISION IV. ENFORCEMENT AND PENALTIES

19 5.73.140 Enforcement.

20 Violations of this Chapter are enforceable using the administrative
21 citation procedures set forth in Chapter 9.65 of this Code. Fines for violations
22 of this Chapter shall be assessed pursuant to Section 5.73.160 below.

23 5.73.150 Impoundment.

24 A. Any sidewalk vendor with a valid sidewalk vendor business
25 permit that operates in violation of any provision of this Chapter will first
26 be offered an opportunity to remedy the violation in order to continue
27 vending. If the sidewalk vendor refuses to or cannot come into
28 compliance, an enforcement officer may order the sidewalk vendor to

1 immediately cease and desist any vending and to remove themselves
2 from the vending area. If the sidewalk vendor fails to comply, the sidewalk
3 vendor's equipment, food, and/or merchandise may be impounded or
4 disposed of pursuant to paragraphs B and C of this Section, below.

5 B. A sidewalk vendor's vending equipment, food and/or
6 merchandise is subject to summary and immediate impoundment if the
7 vendor:

8 1. is vending prohibited items, as described in Section
9 5.73.110.N, subparagraphs 7 through 13 of this Code;

10 2. does not possess a valid sidewalk vendor business permit;

11 3. leaves sidewalk vending equipment, food, and/or
12 merchandise unattended; or

13 4. is a permitted sidewalk vendor who cannot or refuses
14 to comply with an enforcement officer's request to come into compliance
15 with the Code, and who refuses to cease vending.

16 C. Equipment, food and/or merchandise is subject to immediate
17 disposal, rather than impoundment, if the equipment, food and/or
18 merchandise cannot be stored, is perishable, or presents a health or
19 safety concern.

20 D. For any impoundment under this Section, the person from
21 whom property was taken shall be provided with a receipt and instructions
22 for the retrieval of the property. The receipt and instructions shall either be
23 given to the person from whom the property was taken at the time the
24 property is obtained, or mailed, by first-class mail, to the person from
25 whom the property was taken, if the person provides a valid form of
26 identification which includes the person's contact information.

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1 1. The receipt and instructions shall notify the person
2 from whom the property was taken that the property must be claimed
3 within ninety (90) calendar days after City takes possession of the
4 property or the property will be disposed.

5 2. If the owner or person responsible for unattended
6 items cannot be identified, or if a person refuses to provide identification
7 for the issuance of an administrative citation, the enforcement officer shall
8 document the date, time period, and location where the impounded
9 property was observed; the circumstances supporting the enforcement
10 officer's finding that the property was unattended, if applicable; any
11 reasonable attempt to locate the owner of the property; any refusal by the
12 owner of the property to provide identification; and a complete description
13 of the property, including any property that was immediately disposed of
14 because it was perishable or presented a health or safety concern. This
15 document shall be maintained by the City with any impounded property.

16 3. Impounded property may be recovered within ninety
17 (90) calendar days from the date of impoundment, upon presentation of
18 proof of ownership and full payment of a sum equal to the cost of
19 removing and storing the impounded property.

20 4. Any unclaimed impounded property will be
21 considered abandoned and forfeited to the City after ninety (90) calendar
22 days following impoundment.

23 5. A person whose property is impounded pursuant to
24 this Section may request an administrative hearing by submitting a written
25 request for hearing form and returning it to the Department of Financial
26 Management within thirty (30) calendar days of impoundment. The
27 administrative hearing shall be conducted in accordance with Chapter
28 9.65 of this Code and may be held at the same time as the administrative

1 hearing on any related administrative citation issued under this Chapter.
2 No deposit is required to request a hearing on impounded property under
3 this Section.

4 6. The City Manager or the Department of Financial
5 Management may develop additional regulations for the storage and
6 release of impounded property.

7 E. None of the aforementioned impoundment actions in this
8 Section prevents an enforcement officer from issuing an administrative
9 citation to a person reasonably believed to be in violation of any provision
10 of this Chapter.

11 5.73.160 Penalties.

12 A sidewalk vendor who violates any provision of this Chapter is
13 subject to the penalties enumerated in paragraphs A and B of this Section
14 below, and not of Section 5.08.030.A of this Code.

15 A. Violations of this Chapter.

16 1. Any violation of this Chapter shall be punishable only
17 by the following:

18 a. An administrative fine not exceeding one
19 hundred dollars (\$100) for a first violation.

20 b. An administrative fine not exceeding two
21 hundred dollars (\$200) for a second violation within one (1) year of the
22 first violation.

23 c. An administrative fine not exceeding five
24 hundred dollars (\$500) for each additional violation within one (1) year of
25 the first violation.

26 d. City may revoke a sidewalk vendor business
27 permit issued to a sidewalk vendor for the term of that permit upon the
28 fourth violation or subsequent violations.

2. The owner, manager, or operator of any sidewalk vending activity is responsible for any violation by an employee of any provision of this Chapter. Any violation of this Chapter by an employee shall be deemed a violation for which the owner, manager or operator of each sidewalk vending activity is responsible.

B. Sidewalk vending without a valid sidewalk vendor business permit.

1. Sidewalk vending without a valid sidewalk vendor business permit shall be punishable by the following:

a. An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.

b. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.

c. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.

2. Upon proof of a valid sidewalk vendor permit issued by the City, the administrative fines set forth in subparagraph (B)(1) shall be reduced to the administrative fines set forth in subparagraph (A)(1) of this Section, respectively.

C. Failure to pay an administrative fine pursuant to this Section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Section shall not be assessed.

D. Sidewalk vending of food without a valid City health permit shall be punishable pursuant to the California Health and Safety Code.

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E. Violations of any rule, regulation, or statute outside of this Chapter may be independently enforced and penalized as prescribed by law.

5.73.170 Ability-to-pay determination.

A. Any fine issued under this Chapter will be accompanied with a notice of the right to request an ability-to-pay determination with instructions or other materials for requesting an ability-to-pay determination.

B. At any time before the citation is paid, the cited party may request an ability-to- pay determination.

C. When assessing an administrative fine pursuant to this Chapter, the adjudicator shall take into consideration the person's ability to pay the fine. The adjudicator shall have the power to reduce the fine based upon the person's ability to pay the fine.

1. If the adjudicator finds the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.

2. The adjudicator may waive the administrative fine or may offer an alternative disposition.

5.73.180 Severability.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this Chapter that can be given effect without the invalid provision or application; and to this end, the provisions or applications of this Chapter are severable.

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Section 2. Section 3.80.146 of the Long Beach Municipal Code is hereby amended to read as follows:

As used in this Chapter, the following classifications of businesses shall have the meanings set forth in this Section:

A. "Contract construction" means any business conducted or carried on by any person who is licensed as a contractor by the State of California and who undertakes to, or submits bids to, or does himself or through others, construct, alter, repair, add to, subtract from or demolish any building, highway, railroad, excavation or other structure, project, development or improvement. "Contract construction" includes, but is not limited to, the business of building contractor, cement contractor, cesspool contractor, decorating/painting contractor, electrical contractor, electrical maintenance contractor, engineering contractor, house mover, lathing contractor, masonry contractor, miscellaneous contractor, plaster contractor, plumbing contractor, refrigeration contractor, roofing contractor, sewer contractor, specialty contractor, subcontractor, tile and marble contractor, and weather stripping contractor.

B. "Manufacturing" means any business conducted or carried on by any person engaged in the business of manufacturing, rebuilding or processing any goods, wares, merchandise, articles, substance or commodity at a fixed place of business within Long Beach.

"Manufacturing" includes, but is not limited to, the business of aircraft, boats, motor or nonmotor vehicles and food processing.

C. "Miscellaneous business" means any business conducted or carried on by any person engaged in a business not specifically taxed by other provisions of the ordinance codified in this Chapter and not otherwise exempt.

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1 D. "Oil production" means the business of producing oil from
2 any well located in the City, including the City when functioning in the
3 capacity of unit operator.

4 E. "Profession" means any business conducted or carried on
5 by any person, group, association, partnership, firm or corporation
6 engaged in a profession or vocation licensed by the State, related to a
7 licensed profession or vocation, and/or requiring a period of specialized
8 training such as, but not limited to, physicians, dentists, attorneys and
9 accountants. "Profession" includes, but is not limited to, the business of
10 accountant, architect, attorney, chiropractor, dentist, doctor, doctor -
11 herbs, engineer, optometrist, physician/surgeon, physiotherapist,
12 podiatrist, psychologist, acupuncture, surveyor and veterinarian/dog and
13 cat hospital.

14 F. "Recreation and entertainment" means any business
15 conducted or carried on by any person engaged in the business of
16 providing entertainment, recreation or amusement services. "Recreation
17 and entertainment" includes, but is not limited to, the business of arcade,
18 dancehall, entertainment cafe with dancing, entertainment cafe without
19 dancing, games, exhibition, amusements, circus, public cardroom and
20 social club.

21 G. "Rental of residential property" means any business
22 conducted or carried on by any person engaged in the business of
23 conducting or operating an apartment house, roominghouse,
24 boardinghouse or similar residential rental operation for the purpose of
25 dwelling, sleeping or lodging but shall not include bed and breakfast
26 establishments meeting the conditions set forth in Section 21.52.209 of
27 this Code.

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1 H. "Rental of nonresidential property" means any business
2 conducted or carried on by any person engaged in the business of renting
3 or letting a building or structure of any kind, including, but not limited to,
4 office buildings, warehouses, commercial spaces and industrial spaces to
5 a tenant for purposes other than dwelling, sleeping or lodging.

6 H-1. "Rental space" means the total gross square footage of any
7 building subject to taxation under Sections 3.80.233 or 3.80.236 including,
8 but not limited to, hallways, common areas, parking garages and all similar
9 areas.

10 I. "Retailing" means any business conducted or carried on at a
11 premises by any person engaged in the sale of goods, wares or
12 merchandise for any purpose other than resale in the regular course of
13 business. "Retailing" includes, but is not limited to, the business of:

14 1. Automotive dealers and service stations, including,
15 but not limited to, automotive supplies, motor vehicle sales, service
16 stations, aircraft sales and boat sales;

17 2. Eating and drinking places;

18 3. Food stores, including, but not limited to, bottled
19 water, candy and confectionery, food products/retail;

20 4. General merchandise stores, including, but not limited
21 to, cigar store, coin and stamp dealer, department store, drugstore,
22 general merchandise, general retail, gifts, hearing aids, pet shop,
23 secondhand store, antique store and variety;

24 5. Miscellaneous retailing, including, but not limited to,
25 aircraft sales, auction house, auctioneer, itinerant vendor, junk dealer,
26 pawnbroker and special close out sales.

27 J. "Services" means any business conducted or carried on by
28 any person engaged in the business of providing services, repairs or

1 improvements to or on real and personal property; renting or leasing
2 personal property to businesses or persons; providing services to persons
3 such as, but not limited to, laundries, cleaning and dyeing, shoe repair,
4 barber and beauty shops, and photographic studios; or involving the
5 operation of a hotel or motel. "Services" includes, but is not limited to, the
6 business of:

7 1. Auto repair, services (transportation) and garages,
8 including, but not limited to, aircraft for hire, aircraft repair, auto parking
9 space, auto repair, auto wrecking, boats/common carrier, boats/pleasure,
10 motorcycle rental, tow truck, and trailer rental;

11 2. Health service, including, but not limited to, hospital,
12 hospital/convalescent and residential care home, or outpatient clinic;

13 3. Miscellaneous repair services, including, but not
14 limited, general servicing;

15 4. Personal and business services, including, but not
16 limited to, advertising agency, alarm installation/sales, animal kennel,
17 barbershop, beauty shop, bathhouse/health parlor/spa, beach equipment
18 rental, business trade school, cleaner, cleaning plant, collection agency,
19 commission broker, dance instructor, day nursery/school, dog grooming,
20 employment agency, fortuneteller, hotels, income tax, large volume
21 transfer stations, linen supply, livery stable/riding academy, loan business,
22 locksmith, manicurist, massage parlor, massager, miscellaneous rental,
23 motels, nurses registry, offal collection, photographer solicitor/transient,
24 photographer/studio, physical fitness, printing, private investigator, private
25 patrol system, private waste collection, processing station, public
26 relations, real estate broker, real estate agent, repossessing agency,
27 tattoo artist, undertaker and wedding chapel; provided, however, that
28 nothing in this Section shall be deemed to impose a separate business

1 license tax upon an employee of any business which is otherwise subject
2 to payment of the prescribed tax imposed by this Section including any
3 tax which is based on the number of employees of such business.

4 K. "Vending operations" means any business conducted or
5 carried on by any person engaged in the business of owning, renting,
6 leasing, lending, or otherwise distributing or supplying coin operated
7 machines while retaining title thereto. Such machines include, but are not
8 limited to, coin operated vending, amusement and service machines.

9 L. "Wholesaling" means any business conducted or carried on
10 by any person engaged in the business of selling goods, wares or
11 merchandise for the purpose of resale in the regular course of business
12 whether with or without stock.

13
14 Section 3. Section 3.80.180 of the Long Beach Municipal Code is
15 hereby amended to read as follows:

16 3.80.180 Unique businesses.

17 As used in this Chapter, the following businesses shall have the
18 meanings set forth in this Section:

19 A. "Ambulance" or "wheelchair van" or "gurney van" means a
20 vehicle designed and used for the purpose of transporting sick, disabled,
21 or injured persons for compensation over the streets of the City.

22 B. "Bed and breakfast" means and includes any establishment
23 meeting the criteria set forth in Section 21.52.209 of this Code.

24 C. "Billiard, pool, bowling or ping pong establishment means a
25 structure wherein the game of bowling, pool, or ping pong is played and a
26 fee is charged for the playing of the game.

27 D. "Booth selling" means and includes any game, exhibition,
28 entertainment feature, show, amusement or recreational device, or a food

1 or retail concession in connection with any carnival, local fair, amusement,
2 or sporting event and charging or collecting any admission fee or
3 purchase price or accepting any freewill compensation therefor.

4 E. "Consignment business" means and includes any business
5 conducted by a vendor who places merchandise in a store or mall for sale
6 by the owner of that store or mall and who pays the owner rent and/or
7 commission for the merchandise sales.

8 F. "Display/selling booth space means an area for displaying,
9 selling, offering for sale, or exchanging any item that is sold in a
10 display/selling event.

11 G. "Farmer's market" means a market which has been certified
12 as a farmer's market by the Los Angeles County Agricultural Commission
13 and wherein each seller is certified by the appropriate county agricultural
14 commission as the grower or producer of the produce.

15 H. "Food products - mobile" means going from place to place
16 selling or offering for sale from a mobile food vendor vehicle, ice cream
17 vendor vehicle, perishable foodstuff vendor vehicle, or grocery vendor
18 vehicle.

19 I. "Home occupation" means and includes any business which
20 meets the definition set forth in Section 21.15.1350 of this Code.

21 J. "Junk collector" means and includes any person carrying on,
22 managing, or employed in the business of going from house to house, or
23 from place to place in the City, collecting or buying junk in small
24 quantities.

25 K. "Motion picture or live theater" means the business of
26 conducting a theater containing a permanent stage upon which movable
27 scenery and theatrical appliances for the purpose of giving theatrical
28 performances or where moving pictures are exhibited on a screen and a

1 fee is charged, collected, or received.

2 L. "Peddling" means to solicit, sell, offer or attempt to sell, take
3 orders for or solicit orders for goods, services or any other thing on a door
4 to door or building to building basis between residences or businesses.

5 M. "Pedicab" means a device upon which any person may ride,
6 propelled by human power through a belt, chain or gears, having two (2)
7 or more wheels, constructed in such a manner to engage in the business
8 of carrying passengers for hire along a fixed route of travel.

9 N. "Shoeshine stand" means and includes a place where shoes
10 or boots are polished or shined.

11 O. "Sidewalk vendor" means a person who sells food or
12 merchandise from a pushcart, stand, display, pedal-driven cart, wagon,
13 showcase, rack, or other nonmotorized conveyance, or from one's person,
14 upon a public sidewalk or other pedestrian path.

15 P. "Swap meet" means and includes any event at which two (2)
16 or more persons offer new or secondhand personal property for sale or
17 exchange and where a fee is charged for the privilege either of offering or
18 displaying such property for sale or exchange and for admission of
19 prospective buyers to the area where the property is offered or displayed
20 for sale or exchange. "Swap meet" does not include a display selling
21 event.

22 Q. "Trucking - delivery/service by vehicle" means every person
23 not having a fixed place of business within the City who makes wholesale
24 or retail deliveries of goods or services by motor vehicle within the City or
25 who maintains, installs, or repairs goods, wares, or merchandise or
26 equipment inside the City, or who provides a similar service not otherwise
27 covered.

28 ///

1 R. “Vehicle for hire with driver” means any business conducted
2 or carried on by any person who provides motor propelled vehicles used
3 for the transportation of persons over the public streets and not upon rail
4 or tracks which travel along a fixed route or the route is under the control
5 of the passenger(s) being carried for compensation. Such vehicles
6 include, but are not limited to, jitneys, chauffeured limousines, taxicabs,
7 share a ride, or sightseeing vehicles.

8 S. “Vehicle for hire without driver” means any business
9 conducted or carried on by any person who rents autos or other motor
10 propelled vehicles for transportation of persons or property at rates per
11 hour, per week, per month, or per trip. Such vehicles include, but are not
12 limited to, automobiles, trucks, motorcycles, motorhomes, or pleasure
13 vehicles.

14
15 Section 4. Section 3.80.253 of the Long Beach Municipal Code is
16 hereby amended to read as follows:

17 3.80.253 Taxes on selected individual businesses.

18 Every person engaged in one (1) or more of the individual businesses
19 set forth in this Section shall pay a business license tax to the City as is herein
20 provided.

21 A. Ambulance, wheelchair van, gurney van - ninety dollars and
22 fifty-eight cents (\$90.58) for each vehicle annually (based upon CPI base
23 year 2000);

24 B. Amusement skill game - four hundred seven dollars and
25 sixty-six cents (\$407.66) for each machine or seat annually (based upon
26 CPI base year 2000);

27 C. Billiards, pool, bowling, and ping pong - ninety dollars and
28 fifty-eight cents (\$90.58) for each game, device, lane, or table annually

(based upon CPI base year 2000);

D. Booth selling - as defined in Subsection 3.80.180.D, the sum of thirty-six dollars and twenty-one cents (\$36.21) each day for each booth (based upon CPI base year 2000);

E. Consignment business - fifty-six dollars and nineteen cents (\$56.19) for each location where merchandise is placed for sale, except that the tax shall not apply to any person selling only three (3) or less items in a consecutive twelve (12) month period (based upon CPI base year 2000);

F. Display/selling booth space in connection with display or selling event as defined in Subsection 3.80.180.F - one dollar and eighty-one cents (\$1.81) each day for each booth. The licensee shall provide the director of financial management with a listing of vendors who display, sell, offer for sale or exchange, or provide a personal service at a display/selling event. The report shall be filed and fees paid to the Director no later than three (3) working days after the close of the event (based upon CPI base year 2000);

G. Farmer's market - fifty-four dollars and thirty-four cents (\$54.34) for each booth/stall/vendor annually (based upon CPI base year 2000);

H. Food products - mobile - three hundred eight dollars and one cent (\$308.01) for each mobile food unit annually (based upon CPI base year 2000);

I. Home occupation - one hundred fifty dollars (\$150.00) and six dollars and thirty-five cents (\$6.35) for each employee permitted by Section 21.51.235 annually (based upon CPI base year 2000);

J. Junk collector - one hundred sixty-three dollars and seven cents (\$163.07) for each vehicle annually (based upon CPI base year

2000);

K. Motion picture or live theater - fifty-five cents (\$0.55) for each seat in such theater annually (based upon CPI base year 2000);

L. Peddling - nine hundred five dollars and eighty cents (\$905.80) annually or ninety dollars and fifty-eight cents (\$90.58) each day (based upon CPI base year 2000);

M. Pedicab - one hundred sixty-three dollars and seven cents (\$163.07) for the first pedicab and fourteen dollars and sixty-three cents (\$14.63) for each additional pedicab annually (based upon CPI base year 2000);

N. Shoeshine stand - ninety dollars and fifty-eight cents (\$90.58) for each stand annually (based upon CPI base year 2000);

O. Sidewalk vendor - three hundred dollars (\$300) for each conveyance (i.e., pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance) or, if no conveyance is used, each person, annually (based upon CPI base year 2024);

P. Swap meet - two thousand seven hundred seventeen dollars and seventy-five cents (\$2,717.75) annually and one dollar and eighty-one cents (\$1.81) for each stall for each day of a sales meet (based upon CPI base year 2000);

Q. Trucking delivery/service by vehicle - one hundred sixty-three dollars and seven cents (\$163.07) for each vehicle annually (based upon CPI base year 2000);

R. Vehicle for hire with driver (limousines, share ride, jitney, taxi) - three hundred forty-four dollars and twenty-seven cents (\$344.27) for each vehicle annually (based upon CPI base year 2000);

S. Vehicles for hire without driver - ninety dollars and fifty-eight cents (\$90.58) for each vehicle annually (based upon CPI base year

2000); and

T. Bed and breakfast establishment - two hundred forty-four dollars and fifty-eight cents (\$244.58) for each establishment annually plus twelve dollars and seventy cents (\$12.70) for each employee of such establishment based on its average number of employees (based upon CPI base year 2000).

Section 5. Section 5.04.050 of the Long Beach Municipal Code is hereby amended to read as follows:

5.04.050 Health inspection, fees and permit required.

A. Notwithstanding any other provisions of this Title 5 or Chapter 3.80 of this Code, the health inspection fees and permit set forth in this Section shall be applicable at all times as to classifications of businesses, occupations, institutions, or acts set forth in division 104, part 7 of the California Health and Safety Code, commencing with section 113700 and as established by resolution of the City Council for the Division of Environmental Health for health services.

B. No City business license shall be originally issued, nor shall any City business license be transferred from one (1) site to another, for any business, occupation, institution or act enumerated in Subsection 5.04.050.A, unless the place where or plans for said business, occupation, institution or act is to be conducted, or the compact mobile food facility (as defined by the California Health and Safety Code) is first inspected by the Health Officer or duly authorized representative, and unless the application for such original City business license, or such transfer is first approved by the Health Officer, fee paid and a permit to operate issued therefor.

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1 C. The permit and the health inspection fees required to be
2 paid by this Section with respect to a classification listed for which a
3 business license fee is also required by this Code may be prorated in the
4 same manner as the fee for such business license. In all cases where a
5 business license fee is not required to be paid for the carrying on of a
6 classification listed in this Section, the permit and health inspection fee
7 may be prorated in the same manner as that specified for license issued
8 on a fiscal year basis as provided in this Code.

9 D. All fees provided for in this Section shall be due and payable
10 in advance, and any person who fails to pay any such fee provided in this
11 Section within thirty (30) days after the same has become due must pay,
12 in addition thereto, a sum equal to twenty-five percent (25%) of the
13 amount of the original fee.

14 E. The fees referred to in this Section shall be established by a
15 resolution of the City Council which may be consolidated with that
16 provided for in Section 5.04.040.

17 F. After building plans or compact mobile food facility (as
18 defined by the California Health and Safety Code) plans have been
19 checked and are subsequently so revised as to necessitate rechecking,
20 the Health Officer shall require the applicant to pay a rechecking fee of
21 fifty percent (50%) of the plan check fee set forth in this Section.

22 G. Every person engaging in, conducting, managing or carrying
23 on at the same time more than one (1) of the businesses, occupations,
24 institutions or acts mentioned in Subsection 5.04.050.A, whether located
25 at the same place or not, shall be required to pay the fee and obtain a
26 permit to operate for each such business, occupation, institution or act
27 unless exempted by the Health Officer or by resolution of the City Council.

28 ///

1 H. The permit to operate shall not be issued to a fictitious
2 name. All permits must be issued in the true name of the individual, in the
3 true names of the persons in a partnership or the exact name which
4 appears in the articles of incorporation.

5 I. The permit to operate required by this Section shall not be
6 issued for a period greater than one (1) year. A permit to operate shall not
7 be issued for less than one-fourth ($\frac{1}{4}$) of a year.

8 Fees required by this Section for ten dollars (\$10.00) or less shall
9 not be prorated. The fee for a public swimming pool which operates five
10 (5) months or more of a year shall not be prorated.

11 When prorating for more than one-quarter ($\frac{1}{4}$), the quarters shall
12 run concurrently.

13 J. Every permit to operate required by this Section shall be
14 conspicuously displayed on the compact mobile food facility (as defined
15 by the California Health and Safety Code) or in the place of business,
16 occupation, institution or act as approved by the Health Officer.

17 K. A fee or penalty fee shall not be refunded if the business,
18 occupation, institution or act, required by this Section to pay such fees,
19 operates for twenty-four (24) hours or more.

20 No fee shall be refunded for the following businesses, occupations,
21 institutions, or acts:

- 22 1. Add a partner to permit;
- 23 2. Backflow prevention device;
- 24 3. Copy of official records;
- 25 4. Hazardous waste spill/cleanup;
- 26 5. Noise business license inspection;
- 27 6. Noise environmental impact report;
- 28 7. Noise permit;

8. Noise variance;
9. Plan check;
10. Site transfer of permit;
11. Solid waste facilities applications;
12. Well permit;
13. Others approved by the City Council or Health

Officer.

However, any overcharges or over remittances of one dollar and one cent (\$1.01) or more shall be refunded provided that any refund of one thousand dollars (\$1,000.00) or more shall require the prior approval of the City Council.

Section 6. Chapter 5.08 of the Long Beach Municipal Code is hereby amended to read as follows:

CHAPTER 5.08

ENFORCEMENT AND PENALTIES

5.08.010 Inspectors.

A. The Business Services Officer, the Commercial Services Bureau Manager as well as those employees of the City holding the classified positions of Business License Supervisor and Business License or Permit Inspector shall have the duty of enforcing the provisions of this Title 5 as well as Chapter 3.80. They are authorized and directed to enter, free of charge, at any reasonable time, any place of business to verify compliance with the provisions of this Title 5 and Chapter 3.80, and they are authorized and directed, pursuant to California Penal Code Section 836.5, to arrest persons and to prepare, issue and deliver to any such arrested person written notice to appear in court and to release such person from custody upon receiving from him/her written promise to

1 appear in court for any violation or violations of any section or sections of
2 this Title 5 or Chapter 3.80, provided, however, that no person, shall be
3 arrested for any violation of Chapter 5.73.

4 B. Nothing in this Section is intended to or shall operate to
5 change or shall have the effect of changing the status of business
6 licensing personnel from a public or miscellaneous officer or employee to
7 an individual peace officer or safety member or to a class of peace officer
8 or safety member for purposes of retirement, worker's compensation or
9 similar injury or death benefits, or any other employee benefit or benefits
10 to which said officer or employee would not have been entitled to as a
11 public employee prior to the adoption of this Section.

12 5.08.020 Duty of Police Officers/Civilian Police personnel.

13 All Police Officers and any civilian employee of the Police
14 Department assigned to investigate business licenses and permits are
15 hereby appointed inspectors of permits, and, in addition to their other duties,
16 are expressly required to examine all places of business and persons
17 required to obtain a business license as required by Long Beach Municipal
18 Code Chapter 3.80 or a permit under this Title 5 and to see that such
19 permits and/or licenses are obtained. The above-named persons shall have
20 and exercise the power, first, to make arrests for the violation of any of the
21 provisions of Chapter 3.80 or of this Title 5, provided, however, that no
22 person, shall be arrested for any violation of Chapter 5.73; and, second, to
23 enter, free of charge, at any reasonable time, any place of business for
24 which a license is required by Chapter 3.80 or a permit is required by this
25 Title 5, and to demand the exhibition of such permit or license for the current
26 term by any person engaged or employed in the transaction of such
27 business. If such person then and there fails to exhibit such permit or
28 license, such person shall be liable for the penalty or subject to enforcement

procedures provided for this violation. It is the duty of the Police Officers and designated civilian personnel to cause complaints to be filed against all persons violating any of the applicable provisions of Chapter 3.80 or of this Title 5. The Chief of Police is directed to carry into effect the provisions of this Section.

5.08.030 Penalties.

A. Every person who fails to obey and comply with any provisions of this Title 5 or Chapter 3.80 or who violates any such provision or who causes such failure, disobedience or violation, shall be deemed guilty of a misdemeanor and shall be subject to the penalties as set forth in Section 1.32.010, with the exception of violations of Chapter 5.73, which are subject to the penalties enumerated in that Chapter.

B. The owner, manager, or operator of any business, occupation, institution or act enumerated in Subsection A above is responsible for any violation by an employee of any provisions of this Section. Any violation arising from any business, occupation, institution or act enumerated in Subsection A of this Section, shall be deemed a violation for which the owner, manager or operator of each such business, occupation, institution or act is responsible.

5.08.040 Criminal procedure not to satisfy civil claim.

Neither the arrest, prosecution, conviction, imprisonment, or payment of any fine for the violation of this Title 5 shall satisfy or diminish the authority of the City to institute civil action seeking enforcement of any or all of the provisions of this Title 5.

5.08.050 Civil actions.

Any person required to comply with any or all of the provisions of this Title 5 shall be liable in an action filed by the City in any court of competent jurisdiction in order to enforce such provision and to pay such reasonable

costs of the suit as the court may deem appropriate.

Section 7. Chapter 5.66 of the Long Beach Municipal Code is hereby amended to read as follows:

Chapter 5.66

PEDDLERS

5.66.010 Peddling – defined.

The words “peddle” or “peddling” mean and include traveling or going from door to door or building to building basis between residences or businesses, displaying or selling any goods or food by the taking of an order, and concurrently making of a delivery and shall also mean and include the transportation of any goods, wares or merchandise upon any street-approved vehicle or by any means whatsoever, which goods have not been sold to or ordered by a buyer prior to such transportation and which goods are intended to be offered for sale and delivery to members of the public. However, peddle or peddling shall not mean or include the delivery of goods by a person engaged in the business of selling such goods from a premises in the City or elsewhere and which goods have been ordered to be so delivered, prior to such delivery; provided, however, that peddle or peddling includes the delivery of goods at the time of or within a period of two (2) hours from the time of obtaining such order for delivery, unless such order is placed by the buyer at a place of business of the seller.

5.66.015 Reserved

5.66.020 Operating conditions.

No person engaged in the business of peddling shall make any noise as prohibited by Long Beach Municipal Code Section 5.46.110.

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1 5.66.030 Peddling near schools.

2 No person shall peddle from Monday morning at eight (8:00) a.m.
3 until Friday evening at five (5:00) p.m. between the hours of seven (7:00)
4 a.m. and five (5:00) p.m. of said days within one (1) block of any school
5 grounds in the City, except that the provisions of this Section shall not apply
6 to merchants having stores within the prohibited districts or to vegetable or
7 fruit vehicles peddling vegetables or fruits to residences, or to delivery
8 vehicles soliciting or delivering goods to residences within the districts.

9 5.66.040 Hours in residential districts.

10 A. No person shall peddle or solicit a contribution to any
11 charitable cause whatsoever, in any area of the City which is zoned for
12 residential use, from eight (8:00) p.m. until nine (9:00) a.m. of the
13 following day.

14 B. No minor under the age of eighteen (18) shall peddle, or
15 solicit a contribution to any charitable cause whatsoever, in any area of
16 the City which is zoned for residential use, from five (5:00) p.m. until nine
17 (9:00) a.m. the following day, during Pacific Standard Time, and from
18 seven (7:00) p.m. until nine (9:00) a.m. the following day, during Pacific
19 Daylight Time, unless that minor is accompanied by a person over the
20 age of eighteen (18).

21 C. The provisions of this Section shall not apply to the
22 solicitation or obtaining of subscriptions or advertising for, or sale of
23 newspapers published for the dissemination of local or telegraphic news
24 and intelligence of a general character and printed or published at regular
25 intervals.

26 5.66.045 Reserved

27 5.66.050 Reserved

28 5.66.060 Reserved

5.66.070 Peddling within Tidelands jurisdiction.

Notwithstanding any other provisions of this Chapter, no peddling shall be allowed on or in any Tidelands area of the City unless a fully executed agreement exists between the vendor and the City permitting peddling activity in such area.

Section 8. The title of Chapter 8.44 of the Long Beach Municipal Code is hereby amended to read as follows:

Chapter 8.44
FOOD FACILITIES

Section 9. Section 8.44.040 of the Long Beach Municipal Code is hereby amended to read as follows:

8.44.040 License and permit – required.

No person shall engage in or carry on the business of a food facility in the City without first having obtained a permit and a license so to do, as provided in this Chapter, unless exempt by this Code or the California Health and Safety Code.

Section 10. Section 8.44.050 of the Long Beach Municipal Code is hereby amended to read as follows:

8.44.050 License and permit – application contents.

Every person desiring to carry on or conduct the business of a food facility in the City shall make a written application to, and upon forms furnished by, the Health Officer. Such application shall be verified and state the name and address of the applicant, the address at which the business is proposed to be carried on, a brief description of the nature of the business, products to be prepared or sold, equipment, method of operations, name

under which, and places where the applicant conducted any similar business, if any, within twelve (12) months immediately preceding the date of the application.

Section 11. Section 8.44.061 of the Long Beach Municipal Code is hereby amended to read as follows:

8.44.061 Inspection.

A. The City Health Officer shall periodically conduct inspections of all places in the City where food is prepared, stored, or sold to determine whether they comply with the requirements of this Chapter and other applicable laws or whether the activities on the premises constitute a public health hazard.

B. A food facility may be found to be a public health hazard where it is maintained in an unhealthful, unsafe or unsanitary condition. An unhealthful, unsafe or unsanitary condition exists where the location has faulty plumbing or any other condition resulting in sewage or wastewater discharge into any area not designed and intended to carry or hold such sewage or wastewater discharge; no hot water, no water; infestation by rodents, vermin or vectors; no means of sanitizing multi-use utensils; filthy premises or related or similar conditions.

Section 12. Section 8.44.070 of the Long Beach Municipal Code is hereby amended to read as follows:

8.44.070 Permit – Revocation – Hearing.

Whenever the Health Officer determines from his examination or inspection of any food facility that the holder of any permit issued under the provisions of this Chapter has violated any of the provisions of this Code or any of the laws of the State regarding food facilities or the sale, preparation

or distribution of food, he may serve a written notice upon the permittee to appear before the Health Officer to show cause why the permit shall not be revoked. Such notice shall contain a brief statement of the alleged violation, and the time and place of hearing, which shall be held within ten (10) days after the receipt of notice. The permittee may appear in person or with counsel and present such evidence as he may desire regarding the alleged violation and show cause why the permit shall not be revoked. The Health Officer shall receive such information, evidence and testimony as may concern the circumstances of the alleged violation, and the formal rules of evidence shall not apply. If the Health Officer determines that any of the provisions of this Chapter or any other provisions of the Code regarding food facilities or the sale, preparation or distribution of food have been or are being violated, he may temporarily suspend or revoke the permit, provided any such suspension period shall not exceed ninety (90) days. Reinstatement of suspended license shall not be effected unless the act, default or omission which was the grounds for suspension has been remedied prior to the time of reinstatement.

Section 13. Chapter 14.04 of the Long Beach Municipal Code is hereby amended to read as follows:

Chapter 14.04

OBSTRUCTION OF STREETS AND SIDEWALKS

14.04.010 Obstructing free passage.

A. No person shall congregate upon or use any street, alley, pier or park in such a manner as to obstruct the free use of all or any part of said street, alley, pier or park.

B. No person shall obstruct or partially obstruct the parking lane of the street except for legally parked or standing motor vehicles or as allowed by permit pursuant to Chapter 14.06.

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.

"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.

"After Hours Work" is defined as construction and obstruction activity in public right-of-way during outside of Regular Hours Work.

"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 affect the restoration of interrupted utility services (electrical, water, gas, sewer, wastewater and telecommunications).

"Parking Lane Closure" is defined as any activity within an existing designated parking lane where parking space is reserved and parking for public use is not allowed.

"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-of-way during After Hours Work on Public Right-of-Way or Peak Traffic Hours on Street Classifications Subject to Work Hour Restrictions.

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

"Regular Hours Work" is defined as construction and obstruction activity in the public right-of-way during Monday through Friday from 7:00 a.m. to 4:00 p.m.

"Right-of-Way" means any easement or land owned by the City and used or designated for use as a street, parkway, alley, utility corridor, walkway,

promenade, or bike path, and the surfaces thereof, and the airspace above such surfaces and the subsurface area below such surfaces and includes any right-of-way to be dedicated in the future.

"Sidewalk Closure" is defined as any activity within the sidewalk (property line to curb) which reduces the usable sidewalk width, interrupts pedestrian traffic and is a possible cause of safety hazard.

"Street Classifications Subject to Work Hour Restrictions" is defined as Temporary Street Closure or Traffic Lane Closure on major and secondary highways, or collector streets, as designated in the Transportation Element of the General Plan.

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

"Traffic Lane Closure" is defined as any activity within the public street, travel lane, bike lane or in an alley, which reduces the usable width to the point where one or more lanes of traffic cannot move safely and efficiently.

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

"Worksite Traffic Conditions" is defined as those physical conditions, including signage, signal devices, operation of equipment, and conduct of workers (which are required by law), permit and plans to provide adequate street space, and accommodate traffic demands, particularly during Peak Traffic Hours on Traffic Lane Closure.

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1 B. Permit required. No person shall affect a Traffic Lane
2 Closure, Sidewalk Closure or Parking Lane Closure or perform work
3 within or on any Public Street or public Right-of-Way, or obstruct any
4 Public Street or public Right-of-Way for any reason without first applying
5 for and obtaining a permit from the City. The person or entity requesting
6 the permit shall pay all applicable permit fees required for any Activity or
7 Work Permissible within a Public Street or public Right-of-Way.

8 1. Exemption from obtaining permit prior to any work or
9 obstruction on Public Street or Right-of-Way. Emergency Work as defined
10 above shall be exempt from Peak Hour Construction and Right-of-Way
11 Obstruction Regulations during Peak Traffic Hours on Street
12 Classifications Subject to Work Hour Restriction. Advance notification
13 shall be given to the Department of Public Works prior to the work being
14 initiated. A permit shall be obtained within forty-eight (48) hours of
15 beginning the Emergency Work.

16 2. Exemption from Peak Hour Construction and Right-
17 of-Way Obstruction Regulations for Public Works Approved Non-
18 Emergency Work. The permittee or applicant shall submit the request with
19 a complete permit application to the Department of Public Works.
20 Applicable Traffic Management Plan and After Hours Work or Peak Traffic
21 Hours shall be approved by the Department of Public Works.

22 3. Applicable fees for processing applications shall be
23 applied. A fee for processing each request submitted pursuant to the
24 provisions of paragraph 2 of this Subsection shall be established by City
25 Council resolution.

26 ///

27 ///

28 ///

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

1. The name, address and telephone number of the applicant and the person responsible for the work or obstruction of the public street or any right-of-way;
2. The name, location and area of the street or right-of-way for which the permit is desired; and
3. A description of the work to be done within the public street or right-of-way and an explanation of why the proposed obstruction of the public street or right-of-way is necessary.
4. Any other items as requested on the most current application form or requested during review of a permit application submittal.

D. Penalties for non-compliance.

1. Administrative penalties.
 - a. The failure to obtain a permit pursuant to this Section, the failure to abide by the Peak Hour Construction and Public Right-of-Way Obstruction Regulations contained in this Section, the failure to comply with Worksite Traffic Conditions or the violation of any special condition or requirement of a valid construction permit issued pursuant to the Long Beach Municipal Code, shall subject the violator to administrative penalties as set forth in Chapter 9.65, in an amount established by City Council resolution.
 - b. Any administrative penalty issued pursuant to this Section shall be governed by the provisions set forth in Section 9.65.060.
2. Criminal prosecution for multiple violations. Four (4) or more administrative citations issued to the same person or entity within

1 twelve (12) months may constitute a misdemeanor under the Long Beach
2 Municipal Code, may subject the violator to prosecution by the City and
3 may subject the violator to other potential criminal penalties as allowed by
4 law.

5 14.04.020 Painting on sidewalk.

6 No person shall apply paint, pigment, coloring or any other similar
7 substance upon any street, sidewalk, alley, way or pier in the City without
8 first having obtained a permit from the Chief of Police.

9 14.04.030 Selling on streets prohibited.

10 No person shall sell, offer for sale, give or distribute any merchandise
11 or matter of any manner or description whatsoever, including newspapers or
12 printed matter, nor shall any person solicit contributions or donations from a
13 position or place upon or in any public street in the City. The term "public
14 street", as used in this Section, means and includes every highway, road,
15 roadway, street, median, divider island, safety zone, alley, lane, course,
16 place, trail, drive, bridge, viaduct or trestle laid out or erected as such by the
17 public, or dedicated or abandoned to the public, or intended to be used by
18 or for the general public, except such portions thereof as are used or
19 prepared for use by pedestrians as sidewalks.

20 14.04.040 Goods on sidewalks prohibited.

21 A. Except as provided in Chapters 5.73 and 14.14 herein, no
22 person shall use any public sidewalk, public street, or that space between
23 the public sidewalk and curb commonly known as parkway, or any space
24 above any portion thereof, for displaying for sale, or for any other
25 purpose, any goods or any other articles; or leave any goods, boxes,
26 trucks, barrels, trunks or any other article or thing upon any public
27 sidewalk, public street, or that space between the public sidewalk and
28 curb commonly known as parkway, or any space above any portion

thereof.

B. Except as provided in Chapters 5.73 and 14.14 herein, no person shall use any public sidewalk or unimproved public walkway or that space between the public sidewalk and curb commonly known as parkway, or any space above any portion thereof, for displaying for sale, or for any other purpose, any goods or any other articles; or leave any goods, boxes, truck, barrels, trunks or any other article or thing upon any public sidewalk, or that space between the public sidewalk and curb commonly known as parkway, or any space above any portion thereof, for a longer time than is necessary for the removal thereof from the transporting vehicle, into the place of business or residence to which the same is intended to be removed, or from the place of business or residence to the transporting vehicle to which the same is intended to be removed, and in no case shall said items be left in place for more than sixty (60) minutes subject, however, to the following exception and that set out in Section 14.04.050:

This Section shall not apply to electrical or other signs, garbage, waste, trash, awnings, balconies and other building projections otherwise regulated by this Code.

14.04.050 Reserved.

14.04.060 Bulletin boards.

No person, as principal, agent or servant, shall place or maintain any newspaper bulletin board upon, along or above any street or other public place except that the owner, proprietor or agent for a newspaper may place and maintain a newspaper bulletin board upon the wall or side of the building used for the printing, publishing, or sale of such newspaper; provided, that the newspaper bulletin board shall not project more than six inches (6") over any street, sidewalk, parking, alley or other public place.

1 14.04.070 Reserved.

2
3 Section 14. Chapter 14.14 of the Long Beach Municipal Code is hereby
4 amended to read as follows:

5 Chapter 14.14

6 PUBLIC WALKWAY OCCUPANCY PERMITS

7
8 14.14.010 Definitions.

9 A. "Dining" means the consumption of food or beverage.

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

19 C. "Existing permit" means a public walkways occupancy
20 permit that has been issued by the City through its Department of Public
21 Works.

22 D. "Existing permit in good standing" means a public walkways
23 occupancy permit that has been issued by the City and is compliant with
24 all laws and regulations, including the terms and conditions attached to
25 that permit.

26 E. "Existing permit in good standing" does not include a permit
27 the term of which has expired prior to the submission of a completed
28 application for renewal, including all required documentation.

1 F. "Minor modification of an existing permit" means a
2 reconfiguration of the area occupied or a change of equipment or fixtures
3 within the permit area with no change to the total square footage
4 occupied, unless the Director of Public Works deems such change to be
5 negligible.

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

10 H. "Portable" means items capable of being carried or moved
11 about without the use of heavy moving equipment.

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

16 J. "Public walkways" means all or any portion of territory within
17 the City set apart and designated for the use of the public as a
18 thoroughfare for travel, including alley and sidewalk which is generally
19 considered the right-of-way between the curblin and the adjacent
20 property line intended for use by pedestrians.

21 14.14.020 General requirements.

22 A. No person shall use or occupy the public walkway with any
23 obstruction for any purpose without first obtaining a written permit from the
24 City through its Department of Public Works. Permits are not transferable.
25 This Chapter shall not be applicable to any activity performed pursuant to
26 and permitted by other Chapters of this Code, including, but not limited to
27 Chapter 5.73.

28 ///

1 B. Permits may only be issued to owners of property directly
2 adjoining that portion of the public walkway upon which the obstruction is
3 to be located, or to lessees of such property with the consent of the
4 property owner.

5 C. The permit may be suspended or canceled at any time at
6 the discretion of the Director of Public Works, in the event that it is
7 determined that the obstruction would interfere with street improvement
8 activities, construction activities, cleaning efforts or other similar activities.
9 The permit may also be suspended at any time, if, in the discretion of the
10 City Engineer or Fire Marshal, the obstruction threatens the public health
11 or safety.

12 D. Permits for occupancy may contain restrictions for hours of
13 the day or days of the week during which the obstruction may occupy a
14 public walkway as determined by the Director of Public Works in his or her
15 discretion.

16 E. Permits shall be issued for an initial period not to exceed
17 one (1) year. Upon expiration, a new permit must be obtained on the
18 basis of a new application or a renewal permit must be obtained.
19 Notwithstanding the above, such permits may be terminated by the City
20 upon thirty (30) days' notice of the City Engineer.

21 F. The Director of Public Works or designee is authorized to
22 renew an existing permit in good standing for additional one (1) year
23 periods provided either: (1) the applicant is not seeking any modification
24 of the existing permit; or (2) any modification sought by either the
25 applicant, the City Engineer or the Fire Marshal is deemed by the Director
26 of Public Works to be a "minor modification of an existing permit", as
27 defined in Section 14.14.010.

28 ///

1 G. No permit obtained under this Chapter shall excuse the
2 permittee's obligation to obtain and comply with any other permit or
3 license required by the City or any other regulatory agency.

4 14.14.030 Public walkways occupancy permit – Application.

5 A person desiring to occupy a public walkway under this Chapter shall
6 file an application for such authorization with the City. The applications shall
7 be on a form provided by the City or accessible from the City's website and
8 shall be signed by the permittee or his/her duly authorized agent. Any person
9 signing the application as an agent shall furnish a written authorization
10 executed by the permittee designating the person signing the permit as the
11 permittee's duly authorized agent for such purpose. Such authorization will
12 remain in full force and effect until revoked by a written document signed by
13 the permittee and filed with the City. Such application shall be accompanied
14 by plans satisfactory to the City, which show in detail the proposed obstruction
15 and method of securing it to public property including public infrastructure.

16 14.14.035 Fees, refunds and security deposits.

17 A. Every applicant for a public walkway occupancy permit
18 under this Chapter shall pay to the City, before a permit is issued, an
19 annual fee as adopted by the City Council by resolution and specified in
20 the fee schedule.

21 B. Every applicant for a public walkway occupancy permit
22 under this Chapter shall pay to the City a security deposit in an amount
23 equivalent to the permit fee or in such additional amount as determined by
24 the City Engineer. Such security deposit shall be applied to the cost of
25 repairing any damage to public property attributable to the permittee's use
26 of public property. Any balance shall be "rolled over" until the permit is
27 terminated or canceled, at which time the security deposit shall be applied
28 to the cost of restoring the public property to its prior condition and the

remainder, if any, refunded to the permittee.

C. In the event that any permit issued pursuant to this Chapter is canceled because the permittee has violated a condition of his or her permit or any regulation or law, or because the permittee no longer owns or controls the property directly abutting the portion of the public walkway upon which the obstruction is located, no portion of a permit fee paid by him or her shall be refunded. If the permit is canceled by the City for any other reason, the unearned portion of the permit fee shall be refunded.

14.14.040 Public walkway occupancy standards.

The public walkway occupancy standards for location, design and operations for permittees under this Chapter shall comply with the City of Long Beach Sidewalk Dining and Parklets Handbook to be made available by the City. The Director of Public Works and/or City Engineer may require additional conditions for the location, design and operation of the public walkway occupancy. In addition, any public walkway occupancy subject to the terms of this Chapter shall conform to all of the following requirements:

A. The minimum width of the public walkway shall be not less than ten feet (10'), and such obstructions must permit at least five feet (5') of unobstructed area of public walkway, unless otherwise approved by the City Engineer on the basis of the considerations specified in this Chapter;

B. The obstruction shall not be located in a manner which interferes with the flow of pedestrian or other traffic, or which creates a potential threat to public safety, as determined by the City Engineer or Fire Marshal;

C. The obstruction shall be kept in a good state of repair and in a safe, sanitary and attractive condition;

D. Such obstruction shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility or access to City or

public utility facilities and will not compromise the safe use of any public walkway or other right-of-way. Permitted locations shall be determined by the City Engineer after consideration of the above and other relevant factors in relation to the proposed site. The City Engineer may, in his or her discretion, place additional conditions upon the issuance of such permit in order to ensure the protection of the public health and welfare and public property;

E. Minor modifications to these standards may be made by the Director of Public Works to an existing permit in good standing.

14.14.045 Public walkways dining permits and entertainment permits.

A. No person may occupy or cause to be occupied any portion of the public walkway for the purpose of providing dining or entertainment except as permitted by this Chapter or as elsewhere provided for in this Code.

B. Permits to occupy a portion of the public walkway for the purposes of dining or entertainment may contain restrictions for hours of the day or days of the week during which dining or entertainment may occur on the public walkway as determined or modified by the Director of Public Works in his or her discretion.

C. In addition to the other requirements set forth in this Chapter, permits to occupy a portion of the public walkway for the purpose of dining or entertainment shall conform to all of the following standards:

1. All dining or entertainment areas shall be defined by placement of sturdy barriers, not to exceed forty-eight inches (48") in height, as approved by the City Engineer.

2. All accessories to dining or entertainment uses such as plants or planter boxes, umbrellas, podiums, menu boards, musical

equipment and heaters must be located inside the barrier.

D. All dining and entertainment which takes place on the public walkway and public right-of-way shall conform to the requirements of Chapter 8.80 of this Code regarding noise. Complaints regarding noise shall be logged by City staff and may be the basis for suspension, cancellation, or nonrenewal of a permit.

E. The permittee shall be responsible for cleaning the public walkway occupied by a dining or entertainment area.

F. Canopy structures, including overhead structures and windbreaks, are permitted, provided such structures are approved as part of a public walkway occupancy permit and are consistent with any approved master plan applicable to the installation and the design guidelines. Such structures must comply with all applicable laws and regulations, including, but not limited to, all fire, health, and building code regulations. Signage on or adjacent to a canopy structure shall be limited to business identification signs and shall be included in the calculation of total signage permitted pursuant to Chapter 21.44 of this Code.

G. Temporary banners, not exceeding the height of the barrier and attached to the barrier are permitted for a two (2) week period no more than four (4) times per year.

H. Menu boards must be portable, located within the dining area, and must not exceed five feet (5'), six inches (6") tall. Menu boards may be either a single pole pedestal of painted metal or a board attached to the inside of the barrier, parallel to the barrier.

I. A-frame signs, television monitors, and canopies are not permitted at any location beyond the permit area.

14.14.050 Reserved.

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14.14.055 Entertainment on the public right-of-way.

A. No person shall perform or cause to be performed any entertainment activity on the public right-of-way without first obtaining a public walkways occupancy permit which permits such entertainment.

B. In the downtown area, nonamplified outdoor entertainment is permitted from ten o'clock (10:00) a.m. until twelve o'clock (12:00) midnight each day. Amplified outdoor entertainment is permitted from five o'clock (5:00) p.m. to twelve o'clock (12:00) midnight Monday through Friday, except if such day is a holiday. Amplified outdoor entertainment is permitted from ten o'clock (10:00) a.m. to twelve o'clock (12:00) midnight on Saturday, Sunday and holidays.

C. This Section shall not apply to any holder of a permit issued pursuant to Chapter 5.60 or Section 14.04.070 of this Code. Nothing in this Section shall operate to modify any requirement of Chapters 3.80 or 5.72 of this Code.

Section 15. Chapter 16.04 of the Long Beach Municipal Code is hereby amended to read as follows:

Chapter 16.04

PIERS

16.04.010 Definitions.

The words and phrases defined in this Section, whenever used in this Chapter, shall have the meanings indicated unless the context requires a different meaning:

A. "Bureau" means the Marine Bureau, a division of the tidelands agency of the City.

///

1 B. "City Manager" means the City Manager of the City of Long
2 Beach.

3 C. "Director" means the Manager of a Marine Bureau.

4 D. "Person" means and includes any individual, partnership,
5 corporation, organization, association, federal, State, and local
6 governmental entity or political subdivision or agency thereof.

7 E. "Vessel" means and includes ships of all kind regardless of
8 the manner of propulsion and every structure designed to be, adapted to
9 be, or capable of being navigated or operated on water from place to
10 place for the transportation of merchandise, persons, or for any other
11 purpose.

12 16.04.020 Piers and bridges - Diving prohibited.

13 Except for employees of the City in the performance of official duty,
14 no person shall dive or plunge into, or otherwise enter, the water from any
15 bridge or pier.

16 16.04.030 Fishing lines - Methods of casting.

17 A. No person shall cast, throw, or otherwise cause to be
18 propelled any fishing line from any municipal wharf or dock or pier in
19 either an overhead cast or side cast.

20 B. The City Manager is authorized to place and maintain, or
21 cause to be placed and maintained, signs giving notice of the contents of
22 this Section and the penalties prescribed for violation thereof.

23 16.04.040 Belmont Veterans' Memorial Pier - Prohibited acts.

24 No person shall do any of the acts enumerated in this Section on the
25 Thirty-Ninth Place Pier, also known as Belmont Veterans' Memorial Pier.

26 A. Ride, drive, operate or park any motorcycle, automobile, or
27 other motorized vehicle on Belmont Veterans' Memorial Pier without a
28 written permit to do so from the Director. The Director shall issue permits

1 only for vehicles used in lease and concession servicing, for tramcar
2 service, for the transportation of disabled or infirm pier patrons, for any
3 vehicle necessary for the operation and maintenance of the pier, and for
4 use in special events;

5 B. Operate, drive, or cause to be propelled any bicycle,
6 nonmotorized scooter or "skateboard" (as defined in Section 10.54.010)
7 upon Belmont Veterans' Memorial Pier beyond the midpoint of the pier, as
8 defined by the widened section of the pier approximately at the midpoint.
9 Past the midpoint, a bicycle may be walked and a skateboard may be
10 carried;

11 C. Rollerskate on Belmont Veterans' Memorial Pier beyond the
12 midpoint of the pier. To "rollerskate" is the activity for propelling oneself by
13 human power or by force of gravity on a device worn upon the feet or
14 shoes having wheels attached thereto;

15 D. Peddle, sell, or offer for sale any goods on Belmont
16 Veterans' Memorial Pier or on any of the approaches thereto, except from
17 booths or storerooms constructed thereon for such purposes, or as
18 permitted by Chapter 5.73;

19 E. Write or mark upon, deface, break, destroy, demolish, or
20 otherwise injure Belmont Veterans' Memorial Pier or any of the buildings,
21 structures, posts, standards, seats, tables, or other equipment or things
22 constructed or placed thereon;

23 F. Break, destroy, demolish, deface, or in any manner tamper
24 with any electric bulbs, light globes, light posts, light standards, lights,
25 wiring, switchboards, switches, or other things constructed or used in
26 connection with the lighting of Belmont Veterans' Memorial Pier;

27 G. Except pursuant to the terms and conditions of a permit
28 issued by the City Council, moor, dock, or make fast any vessel to the

boat launching structure at Belmont Veterans' Memorial Pier without having a person in attendance at all times at or on the vessel qualified to operate it. The person shall move the vessel immediately in the event of any emergency requiring the use of the landing or at any time upon the direction of the Director to do so. Any vessel moored or docked or made fast to the landing and which is left unattended shall be subject to removal to such other place as may be ordered by the Director at the expense of the vessel, its agent and owner;

H. Lead or turn loose any animal;

I. Fish, or store fishing-related gear or personal belongings, in any area of the Belmont Veterans' Memorial Pier except as identified as a "Fishing Area" on the Belmont Veterans' Memorial Pier;

J. Actively utilize more than three (3) fishing poles/lines at any time;

K. Cut bait or clean fish except in an appropriate fish cleaning station;

L. Jump or dive from the Belmont Veterans' Memorial Pier, except as part of a class supervised by the Long Beach Fire Department Safety Division;

M. Consume alcohol except in areas designated by the City as part of a restaurant/snack facility or permitted special event;

N. Take mussels from the pilings of Belmont Veterans' Memorial Pier.

16.04.050 Belmont Veterans' Memorial Pier - Hours open to public.

Belmont Veterans' Memorial Pier shall be open daily to the public between one (1) hour before sunrise and twelve o'clock (12:00) midnight.

16.04.060 Belmont Veterans' Memorial Pier - Rules and regulations.

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The City Manager, with the approval of the City Council, may adopt, amend, or repeal additional rules and regulations for the use and occupancy of Belmont Veterans' Memorial Pier. The Director shall enforce the provisions of this Chapter and such rules and regulations as may hereafter be approved by the City Council.

16.04.070 Fish nets - prohibited.

No person shall set, draw or use any fishing net or seine, except a dip net not exceeding eight feet (8') square, in the Pacific Ocean less than one thousand feet (1,000') from any wharf, dock or pier.

16.04.080 Fish nets - restrictions.

No person shall set, draw or use any fishing net or seine, except a dip net not exceeding eight feet (8') square, in the Pacific Ocean at any point or place within the City less than one thousand feet (1,000') from any wharf, dock or pier located in the City.

16.04.090 College Park Drive - acts prohibited.

No person shall engage in the act of fishing in any manner from the bridge on College Park Drive.

16.04.100 Acts prohibited on embankments of San Gabriel River.

A. No person shall fish, swim, or climb on the embankments of the San Gabriel River within the limits of the City.

B. The City Manager or his designee is authorized to place and maintain signs giving notice of the contents of this Section and the penalties for violation hereof.

Section 16. Section 16.08.504 of the Long Beach Municipal Code is hereby amended to read as follows:

16.08.504 Commercial activity on Rainbow Harbor Esplanade.

No person is allowed to sell, barter or peddle any good or service on

1 the Rainbow Harbor Esplanade unless permitted by Chapter 5.73.

2 Section 17. Section 16.16.060 of the Long Beach Municipal Code is
3 hereby amended to read as follows:

4 16.16.060 Sale or solicitation permit.

5 A. With the exception of vending as permitted by Chapter 5.73
6 of this Code, no person shall offer, provide, sell, rent or solicit for sale or
7 rent any goods, equipment, merchandise, food, service or instruction on,
8 at or from any public beach, marina, park, street or within any public
9 place, facility, building or structure situated upon the tide and submerged
10 lands granted to the City by the State pursuant to Chapter 676, Statutes
11 Of 1911, Chapter 102, Statutes Of 1925, Chapter 158, Statutes of 1935,
12 as interpreted by Chapter 29, Statutes of 1956, first extraordinary session,
13 and Chapter 138, Statutes of 1964, first extraordinary session, or situated
14 at or adjacent to Colorado Lagoon, Marine Stadium East and Marine
15 Stadium West without first obtaining a permit to do so from the Manager
16 of the Marine Bureau.

17 B. With the exception of vending as permitted by Chapter 5.73
18 of this Code, no person shall offer, provide, sell, rent or solicit for sale or
19 rent any goods, equipment, merchandise, food, service or instruction in, at
20 or from any public park or place under the jurisdiction of the Recreation
21 Commission without first obtaining a permit to do so from the Director of
22 the Department of Parks and Recreation.

23
24 Section 18. That this Ordinance shall take effect and be in force on the
25 thirty-first day from and after it is approved by the Mayor, except that the provisions of
26 this Ordinance applicable inside the Coastal Overlay Zone and relate to coastal
27 development as defined in California Public Resources Code section 30106, specifically,
28 the relevant definitions in Section 5.73.020 of this Ordinance and Sections 5.73.110(C),

1 5.73.110(D), 5.73.110(H), 5.73.110(N)(18), and 5.73.120 of this Ordinance are subject to
2 California Coastal Commission jurisdiction as a City Long Beach Local Coastal Program
3 amendment, shall not take effect until the date the California Coastal Commission
4 unconditionally certifies those provisions as a local coastal program amendment

5
6 Section 19. That with the exception of the areas described in Section 20
7 above, the City Manager's Office will report back to the City Council in six (6) months with
8 an assessment on the effects of this Ordinance.

9
10 Section 20. In accordance with the California Environmental Quality Act
11 (CEQA), this project qualifies for a Categorical Exemption per Section 15301 (Existing
12 Facilities); 15304 (Minor Alterations to Land) (e) for minor temporary use of land having
13 negligible or no permanent effect on the environment; 15305 (Class 5 –Minor Alterations
14 to Land Use Limitations), and that it is further exempt pursuant to Section 15308 (Actions
15 by Regulatory Agencies for Protection of the Environment), as it will not result directly or
16 indirectly in significant environmental impacts. (CE-23-112).

17
18 Section 21. The City Clerk shall certify to the passage of this ordinance
19 by the City Council and cause it to be posted in three (3) conspicuous places in the City
20 of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by
21 the Mayor.

22 I hereby certify that the foregoing ordinance was adopted by the City
23 Council of the City of Long Beach at its meeting of _____, 2024,
24 by the following vote:

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Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor