

ORDINANCE NO. 4284

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING HUNTINGTON BEACH MUNICIPAL CODE CHAPTER 13.52 RELATING TO PUBLIC BUILDINGS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 13.52.10 is hereby amended to read as follows:

13.52.10 Definitions

For the purpose of this Chapter, the following terms shall have the meanings as set forth herein, unless the context in which they are used clearly indicates a contrary meaning.

“Alcoholic Beverages” means any and all spirituous, vinous, malt or fermented liquor, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing one-half of one percent, or more, of alcohol by volume, which are potable or fit as, or which may be used for, beverage purposes.

“Cellular Phone” means a walkie-talkie, two-way radio, mobile phone, pager, beeper, and other electronic communication device.

“Director” refers to the Director of Community & Library Services Department or designee.

“Parking Structure” means the off-street parking facility owned and operated by the City of Huntington Beach at 200 Main Street, including parking stalls, driveways, attendant stations, elevators, restrooms, stairwells, walkways and any other common area within the structure. The phrase within the structure includes the upper exposed level of the parking structure.

“Person” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, corporation or any other group acting as a unit.

“Public Building” means any structure owned, leased and/or maintained by the City.

“Smoke or Smoking” means the carrying or holding of a lighted pipe, cigar, cigarette, e-cigarette, or any other lighted smoking product or equipment used to burn any tobacco products, marijuana, plant, or any other combustible substance, including vaping. Smoking includes emitting or exhaling the fumes of any pipe, cigar, cigarette, e-cigarette or any other lighted smoking equipment used for burning or vaporizing any tobacco or nicotine product, marijuana, plant, or any other combustible substance.

SECTION 2. Section 13.52.020 Unlawful Acts is hereby amended to read as follows:

13.52.020 Unlawful Acts

It is unlawful for any person to do or commit, or for any person to cause or permit to be done or committed on or within the premises of any public building within the City, any of the following:

A. Disfiguration, Defacing, destroying and/or Removal of Public Property.

Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal. In addition, No person shall cut, carve, hack, remove, deface or otherwise damage any wall, toilet, lavatory, restroom, building, sign or other structure, at or on the Parking Structure, or to place writing upon the interior or exterior of any wall, toilet, lavatory, restroom, building, sign or other structure therein, including but not limited to, any initial, name writing, printing, drawing or vulgar, profane or obscene word or picture on the Parking Structure.

B. Restrooms and Washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. In addition, it shall be unlawful for any person to do any of the following:

1. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any walls, stalls, lights, waterlines or other public utilities or parts or appurtenances thereof, or signs, notices or placards whether temporary or permanent, or other structures or equipment, facilities or property or appurtenances whatsoever, either real or personal, or offer for sale any article or thing, or station or place any stand, cart or vehicle to sell or display of any such article or thing or announce, advertise or call the public attention in any way to any article or service for sale or hire. Nor shall any person paste, glue tack or otherwise post any sign, placard advertisement or inscription, or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or store or house personal property or deposit in any commode or urinal within any public restroom any newspaper, rag, part of clothing

or any item likely to clog said commode or urinal.

2. Sleeping, bathing, camping or habitation in any restroom. The intended use for a public restroom is a place for individuals to use the toilet facilities, change in or out of beach or sports attire, or wash one's hands.

3. Consume any alcoholic beverages, be in possession of an open container of alcohol or use, or be in possession of illegal narcotics.

4. No person, after first being warned by Director, designee, a law enforcement officer, or City official, or where a sign or signs have been posted in accordance with this chapter, shall loiter, stand, sit or lie in or upon, any restroom or washroom, or within fifteen feet of any restroom or washroom, including any entrance or exit, nor shall any person block nor obstruct, or prevent the free access to the entrance or exit to any restroom or washroom open to the public.

C. Sanitation. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash.

D. Alcoholic Beverages. To consume any alcoholic beverages of any kind whatsoever except when attending a function operating under an alcohol permit issued in accordance with Chapter 9.84 of this Code.

E. Vending and Peddling. Expose or offer for sale any article or thing, nor shall he or she station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing.

F. Advertising. Announce, advertise or call the public attention in any way to any article or service for sale or hire.

G. Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever.

H. Cellular Phone.

1. Communicating on a cellular phone or have a cellular phone in a mode other than vibrate or silent or its equivalent, that is capable of emitting noise within any public library outside of a designated cellular phone area. Public employees working in their official capacity are exempt from this chapter.

2. Violation of this subsection is subject to the issuance of an administrative citation under the provisions of Chapter 1.18 of this Code.

I. City Parking Structures. No person shall sit, stand, recline, climb, walk, or balance on any railing, wall or roof of Parking Structure or any City parking structure. No person shall throw, drop or cast any objects from the Parking Structure.

SECTION 3. Section 13.52.040 Loitering and Obstructing is hereby added to the Municipal Code to read as follows:

13.52.040 Loitering and Obstructing

No person or group of persons shall loiter in a City-owned Parking Structure, unless they are engaged in one of the following activities or accompanying someone who is so engaged:

- A. Going to or from a parked vehicle in the Parking Structure.
- B. Going to or from public restroom facilities located in the Parking Structure.
- C. As authorized by the Director to be present.

Except as provided in this Section, no person, after first being warned by a law enforcement officer or City official, or where a sign or signs have been posted, shall sit or lie in or upon any public way, including the breezeway, lobby, parking deck, parking stalls, walkway, stairwells, elevator, landings, or any portion of public or private property utilized for public use; neither shall any person block, nor obstruct, nor prevent the free access to the entrance to any building open to the public.

As used herein, "loiter" shall be defined to mean to linger idly by the way, to idle, or to loaf, to stand or walk about aimlessly without purpose.

SECTION 4. Section 13.52.050 Skateboards, Roller Skates, Scooters and Bicycle – Prohibited Users is hereby added to the Municipal Code to read as follows:

13.52.050 Skateboards, Roller Skates, Scooters and Bicycle – Prohibited Users

No person shall use a skateboard, rollerblades, roller skates, bicycles or scooters in the Parking Structure.

SECTION 5. Section 13.52.060 No Smoking is hereby added to the Municipal Code to read as follows:

13.52.060 No Smoking

No person shall smoke in the Parking Structure except in a designated smoking or vaping area.

SECTION 6. Section 13.52.070 Unsafe Driving is hereby added to the Municipal Code to read as follows:

13.52.070 Unsafe Driving

No person shall operate any vehicle or conveyance in the Parking Structure at a speed in excess of 10 miles.

SECTION 7. Section 13.52.080 Off-Street Parking Lots Apply is hereby added to the Municipal Code to read as follows:

13.52.080 Off-Street City Parking Lots Apply

All regulations pertaining to Off-Street City Pay Parking Lots and Off-Street City Parking Lots apply to the Main Promenade Parking Structure, in addition to the regulations described in this ordinance.

SECTION 9. Section 13.52.090 Enforcing Officer is hereby added to the Municipal Code to read as follows:

13.52.090 Enforcing Officer

This chapter may be enforced by the Director or designee as well as any peace officer.

SECTION 10. Section 13.20.100 Violation Penalty is hereby added to the Municipal Code to read as follows:

13.52.100 Violation – Penalty

Any person violating any provision of this chapter is guilty of a misdemeanor.

SECTION 11. Section 13.52.110 Alternative Remedies is hereby added to the Municipal Code to read as follows:

13.52.110 Violation – Alternative Remedies

Any violation of any provisions of this chapter shall subject the violator to ejection from the premises of the area in which the violation occurs.

SECTION 12. Section 13.52.120 Violation – Alternative Remedies is hereby added to the Municipal Code to read as follows:

13.52.120 – Violation – Alternative Remedies

Any violation of any provisions of this chapter shall subject the violator to ejection from the premises of the area in which the violation occurs.

SECTION 13. This Ordinance shall become effective 30 days after its adoption.


PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney *ML*

REVIEWED AND APPROVED:

City Manager

INITIATED AND APPROVED:



Chief of Police

LEGISLATIVE DRAFT
HBMC CHAPTER 13.52

Chapter 13.52

13.52.010 Definitions

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“Public Building” means any structure owned, leased and/or maintained by the City.

~~“Smoke” means the act of smoking lighted tobacco and the distribution of tobacco smoke or fumes into the air by any means.~~

“Smoke or Smoking” means the carrying or holding of a lighted pipe, cigar, cigarette, e-cigarette, or any other lighted smoking product or equipment used to burn any tobacco products, marijuana, plant, or any other combustible substance, including vaping. Smoking includes emitting or exhaling the fumes of any pipe, cigar, cigarette, e-cigarette or any other lighted smoking equipment used for burning or vaporizing any tobacco or nicotine product, marijuana, plant, or any other combustible substance.

13.52.020 Unlawful Acts

It is unlawful for any person to do or commit, or for any person to cause or permit to be done or committed on or within the premises of any public building within the City, any of the following:

A. **Disfiguration, Defacing, destroying and/or Removal of Public Property and Removal.** Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal. In addition, No person shall cut, carve, hack, remove, deface or otherwise damage any wall, toilet, lavatory, restroom, building, sign or other structure, at or on the Parking Structure, or to place writing upon the interior or exterior of any wall, toilet, lavatory, restroom, building, sign or other structure therein, including but not limited to, any initial, name writing, printing, drawing or vulgar, profane or obscene word or picture on the Parking Structure.

B. **Restrooms and Washrooms.** Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. ~~No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex.~~ In addition, it shall be unlawful for any person to do any of the following:

1. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any walls, stalls, lights, waterlines or other public utilities or parts or appurtenances thereof, or signs, notices or placards whether temporary or permanent, or other structures or equipment, facilities or property or appurtenances whatsoever, either real or personal, or offer for sale any article or thing, or station or place any stand, cart or vehicle to sell or display of any such article or thing or announce, advertise or call the public attention in any way to any article or service for sale or hire. Nor shall any person paste, glue tack or otherwise post any sign, placard advertisement or inscription, or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or store or house personal property or deposit in any commode or urinal within any public restroom any newspaper, rag, part of clothing or any item likely to clog said commode or urinal.
2. Sleeping, bathing, camping or habitation in any restroom. The intended use for a public restroom is a place for individuals to use the toilet facilities, change in or out of beach or sports attire, or wash one's hands.

3. Consume any alcoholic beverages, be in possession of an open container of alcohol or use, or be in possession of illegal narcotics.
4. No person, after first being warned by Director, designee, a law enforcement officer, or City official, or where a sign or signs have been posted in accordance with this chapter, shall loiter, stand, sit or lie in or upon, any restroom or washroom, or within fifteen feet of any restroom or washroom, including any entrance or exit, nor shall any person block nor obstruct, or prevent the free access to the entrance or exit to any restroom or washroom open to the public.

I. **City Parking Structures.** No person shall sit, stand, recline, climb, walk, or balance on any railing, wall or roof of Parking Structure or any other City parking structure. No person shall throw, drop or cast any objects from the Parking Structure, or climb upon, over, or under such rails, or sit, walk, balance, or climb upon or over any cement walls that may be adjacent to such rails or serve as rails.

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No person or group of persons shall loiter in a City-owned Parking Structure, unless they are engaged in one of the following activities or accompanying someone who is so engaged:

- A. Going to or from a parked vehicle in the Parking Structure.
- B. Going to or from public restroom facilities located in the Parking Structure.
- C. As authorized by the Director to be present.

Except as provided in this Section, no person, after first being warned by a law enforcement officer or City official, or where a sign or signs have been posted, shall sit or lie in or upon any public way, including the breezeway, lobby, parking deck, parking stalls, walkway, stairwells, elevator, landings, or any portion of public or private property utilized for public use; neither shall any person block, nor obstruct, nor prevent the free access to the entrance to any building open to the public.

As used herein, "loiter" shall be defined to mean to linger idly by the way, to idle, or to loaf, to stand or walk about aimlessly without purpose.

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This chapter may be enforced by the Director or designee as well as any peace officer.

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13.52.120 – Violation – Alternative Remedies

Any violation of any provisions of this chapter shall subject the violator to ejection from the premises of the area in which the violation occurs.