

LEGISLATIVE DRAFT
HBMC CHAPTER 13.08

Chapter 13.08

13.08.005 Definitions

For the purposes of this chapter, the following terms shall have the respective meanings set forth herein, unless the context in which they are used clearly indicates to the contrary:

"Adjacent Beach Area" includes that strip of land owned and/or operated by the City of Huntington Beach, south of Anderson St., lying between Pacific Coast Highway and the mean high tide line of the Pacific Ocean. "Beach" also includes that portion of the State Beach (Bolsa Chica) which the City operates pursuant to an operating agreement with the State of California. The "Adjacent Beach Area" includes the Beach Service Road, the Pier, the Pier Plaza, walkways, guardrails, hills, raised banks, structures and Beach Parking Lots. The "Adjacent Beach Area" extends from the mean high tide line of the Pacific Ocean to the west curb line of Pacific Coast Highway from Warner Avenue to the Santa Ana River and the mean high tide line of the Pacific Ocean to the west residential property lines of South Pacific Avenue from Warner Avenue to Anderson Street. Unless otherwise specifically referenced, this definition shall only apply to this section of the Huntington Beach Municipal Code.

"Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Beach" includes that strip of land owned and/or operated by the City of Huntington Beach, south of Warner Avenue, lying between Pacific Coast Highway and the mean high tide line of the Pacific Ocean. "Beach" also includes that portion of the State Beach (Bolsa Chica) which the City operates pursuant to an operating agreement with the State of California. "Beach" also includes that strip of land owned, controlled and/or operated by the City of Huntington Beach lying from and including Anderson Street to the north, Warner Avenue to the south, the mean high tide line of the Pacific Ocean and the west legal property line of adjoining residential properties which are on South Pacific Avenue, excluding the street appendages that extend west of South Pacific Avenue.

"Beach Parking Lot" means roads, driveways or parking area to service the Beach, Pier or Pier Plaza, excluding those areas located on a street or highway.

"Beach Service Road" means the paved roadway on the Beach that extends from Beach Boulevard to Sea Point Avenue running parallel to Pacific Coast Highway nearest to the shoreline of the Pacific Ocean.

"Director" refers to the Director of the Community and Library Services Department and/or his or her designee.

"Emergency Services Access Zone" includes the Beach Service Road, the driveway between lifeguard headquarters and the service road, all public stairways, sidewalks, walkways, pedestrian access ramps, the area of Pier Plaza located between prolongation lines from the outermost edges of the Municipal Pier, a 14-foot wide pathway, seven feet to each side

of the centerline of the Municipal Pier's deck; the area directly in front of any operational lifeguard tower to the waterline, and any areas, lanes or zones on the Beach delineated by signs or barriers, including temporary measures, to permit unobstructed access by emergency vehicles and emergency service personnel.

"Facilities" include bonfire rings, buildings, parking lots, picnic tables, barbecues, courts, and lifeguard towers.

"Occupied" means used for the purpose of protecting human beings from wind, sun, rain or public view.

"Pacific Ocean" includes all waters of the Pacific Ocean to a point three miles out from the mean high tide line, parallel to the three miles out from the Beach whether or not the lands lying under said tidal waters are privately owned or publicly owned, including, but not limited to, the Water Activity Zone.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation or any other group or combination, acting as a unit.

"Pier" means the appurtenance beginning at the intersection of Pacific Coast Highway and Main Street on the Beach, which is a platform extending into the Pacific Ocean and supported by piles or pillars.

"Pier Plaza" means the developed area on the Beach immediately north and south adjacent to the Pier bounded by Pacific Coast Highway and the Beach Parking Lots adjacent thereto.

"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, weed, plant, or any other combustible substance. 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, weed, plant, or any other combustible substance.

"Water Activity Zone" means the area that extends 1,000 feet seaward into the Pacific Ocean from the mean high tide line.

"Wheeled conveyance" shall include, but not be limited to, automobiles, bicycles, skateboards, rollerblades, rollerskates, and strollers

13.08.080 Soliciting/Providing Service (Commercial and Organized Use)

No Person shall engage in the business of soliciting, distributing, selling or peddling any liquids or edibles for human consumption, or to hawk, peddle or vend any goods, wares or merchandise on the Beach or Adjacent Beach Area, except pursuant to a permit issued by the Director. No Person shall give, set up or maintain any exhibition, show performance, concert, lecture, entertainment or similar activity on the Beach or Adjacent Beach Area without written permission to do so from the Director. No person shall provide, offer, or advertise any service; nor rent, lease, furnish, or otherwise make available any furniture, equipment, apparatus, or similar personal property for commercial or promotional purposes on the Beach or in the Adjacent Beach Area, including reservations of City owned facilities.

without a permit issued by the Director. No Person shall, whether for donation, fee, compensation for profit or other consideration, conduct, offer, advertise sports camps, sports lessons, athletic instruction, group fitness activity or other similar activity on the Beach, Adjacent Beach Area, or in the Water Activity Zone without the written permission of the Director.