

ORDINANCE NO. 4319

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH
MUNICIPAL CODE BY AMENDING CHAPTER 13.08 BEACH
REGULATIONS

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

SECTION 1. That Section 13.08.05 of the Huntington Beach Municipal Code is hereby amended to read as follows:

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 & 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 outer-most edges of the Municipal Pier, a fourteen-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.

"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.

SECTION 2. That Section 13.08.020 of the Huntington Beach Municipal Code is hereby amended to read as follows:

13.08.020 Defacing, Injuring, and/or Destroying Public Property

No Person shall cut, carve, hack, remove, deface, affix item or object to, or otherwise injure any fence, post, toilet, lavatory, restroom, building, shower, vegetation, trash can, sign or other structure, at or on the Beach, Adjacent Beach Area, Pier or Pier Plaza, or to place writing upon the interior or exterior of any fence, post, toilet, lavatory, restroom, building, shower, vegetation, trash can, sign or other structure therein, any initial, name writing, printing, drawing or vulgar, profane or obscene word or picture.

SECTION 3. That Section 13.08.051 of the Huntington Beach Municipal Code is hereby amended to read as follows:

A. No Person shall erect, maintain or occupy any tent or canopy in excess of 100 square feet, or any tent or canopy without at least two sides completely open to public view, on the Beach or Adjacent Beach Area, as described in Section 13.08.005(B), except by permit issued by the Director.

B. No Person shall erect, maintain or occupy any canopy or tent in the Beach Parking Lot, Beach Service Road, Pier or Pier Plaza except by permit issued by the Director.

SECTION 4. That Section 13.08.200 of the Huntington Beach Municipal Code is hereby amended to read as follows:

A. No Person shall place, lay, store, hang or cause to be placed, laid, stored, or cause to be hung any object on, against, or upon any lifeguard station or municipal structure, or within an Emergency Services Access Zone, except by permit issued by the Director.

B. Property left in violation of this section may be impounded by any on-duty City employee acting in the scope of their duties. Any impounded items will be kept by the Police Department or Marine Safety Division for at least 90 days. After 90 days the property will be considered abandoned and may be disposed of by the City.

Impounded personal property may be disposed of immediately if there is a cause to reasonably believe that the property is:

1. Perishable;
2. Contaminated with feces, urine or bodily fluid;
3. Infested with insects;
4. Contaminated with mold or mildew;
5. Intentionally discarded;
6. An immediate threat to public health or safety.

SECTION 5. That Section 13.08.215 of the Huntington Beach Municipal Code is hereby added to read as follows:

13.08.215 Obstructing Emergency Access Zone

Following notice by posted sign or verbal warning, no person may obstruct or block access or use of the Emergency Access Zone by emergency vehicles and emergency service personnel. Any person sitting, laying, playing, or loitering will be considered to be obstructing the Emergency Access.

SECTION 6. That Section 13.08.270 of the Huntington Beach Municipal Code is hereby amended to read as follows:

A. No Person shall play, use or operate, or permit to be played, used or operated, any instrument, machine or device, for producing, or reproducing, or amplifying sound, upon the Beach or Adjacent Beach Area, at such a volume which sound is plainly audible at fifty feet, after having been warned.

B. Activities conducted by public safety personnel engaged in the performance of their duties, and those conducted with a permit issued by the Director authorizing such noise, are exempt from this section.

C. Nothing in this section is meant to prevent individuals from engaging in free-speech activities.

SECTION 7. That Section 13.08.350 of the Huntington Beach Municipal Code is hereby added to read as follows:

13.08.305 Public Restrooms

A. No person shall block, obstruct, or prevent free access to the entrance or exit to any restroom, washroom, shower, or building open to the public.

B. Public restrooms shall not be used for sleeping, loitering, bathing, camping, storage or habitation.

SECTION 8. That this Ordinance shall become effective thirty (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 _____, 2024.

Mayor

REVIEWED AND APPROVED:

APPROVED AS TO FORM:

City Manager



City Attorney



INITIATED AND APPROVED:

ATTEST:

Chief of Police

City Clerk

LEGISLATIVE DRAFT
HBMC CHAPTER 13.08

Chapter 13.08

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"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.

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"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 & Library Services Department and/or his or her designee.

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"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.

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No Person shall cut, carve, hack, remove, deface, affix item or object to, or otherwise injure any fence, post, toilet, lavatory, restroom, building, shower, vegetation, trash can, sign or other structure, at or on the Beach, Adjacent Beach Area, Pier or Pier Plaza, or to place writing upon the interior or exterior of any fence, post, toilet, lavatory, restroom, building, shower, vegetation, trash

can, sign or other structure therein, any initial, name writing, printing, drawing or vulgar, profane or obscene word or picture.

13.08.051 Tents and Canopies

A. No Person shall erect, maintain or occupy any tent or canopy in excess of 100 square feet, or any tent or canopy without at least two sides completely open to public view, on the Beach or Adjacent Beach Area, as described in Section 13.08.005(B), except by permit issued by the Director.

B. No Person shall erect, maintain or occupy any canopy or tent in the Beach Parking Lot, Beach Service Road, Pier or Pier Plaza except by permit issued by the Director.

13.08.200 Leaving Objects

(A) No Person shall place, lay, store, hang or cause to be placed, laid, stored, or cause to be hung any object on, against, or upon any lifeguard station or municipal structure, or within an Emergency Services Access Zone, except by permit issued by the Director.

(B) Property left in violation of this section may be impounded ~~removed~~ by any on-duty City employee acting in the scope of their duties. Any impounded ~~removed~~ items will be kept by the Police Department or Marine Safety Division for 390 days. After 390 days the property will be considered abandoned and may be disposed of by the City.

Impounded personal property may be disposed of immediately if there is a cause to reasonably believe that the property is:

1. Perishable;
2. Contaminated with feces, urine or bodily fluid;
3. Infested with insects;
4. Contaminated with mold or mildew;
5. Intentionally discarded;
6. An immediate threat to public health or safety

13.08.215 Obstructing Emergency Access Zone

Following notice by posted sign or verbal warning, no person may obstruct or block access or use of the Emergency Access Zone by emergency vehicles and emergency service personnel. Any person sitting, laying, playing, or loitering will be considered to be obstructing the Emergency Access Zone.

13.08.270 Noise

A. No Person shall play, use or operate, or permit to be played, used or operated, any instrument, machine or device, for producing, ~~or reproducing~~, or amplifying sound, upon the Beach or Adjacent Beach Area, ~~at such a volume as unreasonably to disturb the peace, quiet and~~

comfort of Persons who are not voluntary listeners thereto, after having been warned which sound is plainly audible fifty feet from the source of the noise.

B. Activities conducted by public safety personnel engaged in the performance of their duties, and those conducted with a permit issued by the Director authorizing such noise, are exempt from this section.

C. Nothing in this sections is meant to prevent individuals from engaging in free-speech activities.

13.08.305 Public Restrooms

A. No person shall block, obstruct, or prevent free access to the entrance or exit to any restroom, washroom, shower, or building open to the public.

B. Public restrooms shall not be used for sleeping, loitering, bathing, camping, storage, or habitation.