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**[EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT
CODE § 6103]**

9 Attorneys for Defendants
10 CITY OF PALOS VERDES ESTATES and
CHIEF OF POLICE JEFF KEPLEY

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA; WESTERN DIVISION**

13 CORY SPENCER, an individual;
14 DIANA MILENA REED, an
individual; and COASTAL
15 PROTECTION RANGERS, INC., a
California non-profit public benefit
16 corporation,

17 Plaintiffs,

18 v.

19 LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF
20 THE LUNADA BAY BOYS,
including but not limited to SANG
21 LEE, BRANT BLAKEMAN,
ALAN JOHNSTON aka JALIAN
22 JOHNSTON, MICHAEL RAE
PAPAYANS, ANGELO
23 FERRARA, FRANK FERRARA,
CHARLIE FERRARA and N.F.;
24 CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE
25 JEFF KEPLEY, in his
representative capacity; and DOES
26 1-10,

27 Defendants.
28

Case No. 2:16-cv-02129-SJO-RAO

Assigned to District Judge:
Hon. S. James Otero; Courtroom: 10C
@ 350 W. First Street, L.A., CA 90012

Assigned Discovery:
Magistrate Judge: Hon. Rozella A. Oliver

**[EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT
CODE § 6103]**

**DECLARATION OF VICKIE
KRONEBERGER IN SUPPORT OF
CITY OF PALOS VERDES ESTATES
AND CHIEF OF POLICE JEFF
KEPLEY'S MOTION FOR
SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, SUMMARY
ADJUDICATION**

[Filed concurrently with Notice, Motion,
Memorandum of Points and Authorities;
Separate Statement of Uncontroverted
Facts/Evidence; Declaration of
Christopher D. Glos; Notices of Lodging;
[Proposed] Statement of Uncontroverted
Facts/Conclusions of Law; [Proposed
Judgment lodged herewith]

EXHIBIT A

E X H I B I T A

ORDINANCE NO. 12-701

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA AMENDING AND
READOPTING TITLES 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 15 AND 19 OF
THE PALOS VERDES ESTATES MUNICIPAL CODE**

The City Council of the City of Palos Verdes Estates does ordain as follows:

SECTION 1: Findings. The City Council finds as follows:

- A. The amendments proposed by this Ordinance are intended to update Titles 1, 2, 3, 5, 6, 8, 9, 10, 12, 13 and 15 of the Palos Verdes Estates Municipal Code (“PVEMC”), to comply with recent changes in state law; increase transparency; and update certain regulations to reflect changes in technology and City administrative policies.
- B. The City Council hereby finds, determines and declares that the amendments to Titles 1, 2, 3, 5, 6, 8, 9, 10, 12, 13 and 15 described herein have been processed in accordance with state law and City ordinances and regulations, and that said amendments are in the public interest and consistent with the General Plan and will not be detrimental to the public health, safety and welfare.

SECTION 2: Titles 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 15 and 19 of the PVEMC are amended and readopted as provided in Exhibit 1, attached hereto and incorporated herein by reference.

SECTION 3: Ordinance No. 432 adopted by reference Title 32 of the Los Angeles County Code (“County Code”); Ordinance No. 609 adopted by reference Title 11 and a portion of Title 8 of the County Code; and Ordinance No. 698 adopted by reference the California Building Code and related model codes. The titles of the Municipal Code adopted herein reflect that adoption and are amended only to the extent expressly amended in Exhibit 1.

SECTION 4: This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308.

SECTION 5: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6: Enforceability. Repeal of any provision of the PVEMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions and applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Palos Verdes Estates' book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

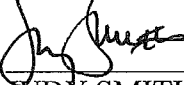
SECTION 9: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this 28th day of February, 2012.



JOHN REA, Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the applicable time limits set forth in the Palos Verdes Estates Municipal Code and Code of Civil Procedure.

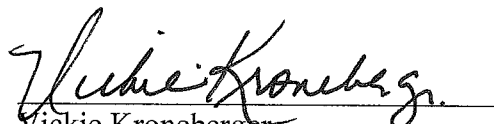
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger, Executive Assistant/Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Ordinance 12-701 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 14th day of February, 2012, and that thereafter, said Ordinance was duly and regularly adopted and passed by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 28th day of February, 2012, by the following vote, to wit:

AYES: COUNCILMEMBERS: Rea, Bird, Goodhart, Perkins, and
Humphrey

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Vickie Kroneberger,
Executive Assistant/Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF PALOS VERDES ESTATES)

ss: AFFIDAVIT OF POSTING

In compliance with State laws of the State of California, and on the 29th day of February, 2012, the following:

ORDINANCE 12-701


was posted by Vickie Kroneberger, in three places in the City of Palos Verdes Estates to wit:

The City of Palos Verdes Estates City Hall Outside Bulletin Board

The City of Palos Verdes Estates City Hall Council Chambers Bulletin Board

The Malaga Cove Library

SUBSCRIBED AND SWORN TO before me this 29th day of February, 2012 .



Vickie Kroneberger ,
Executive Assistant/Deputy City Clerk

Notice No.: N12-09
POSTED: February 29, 2012

Chapter 9.16

USE OF BEACHES

Sections:

- 9.16.010 Surf-riding.
- 9.16.020 Obedience to peace officers.
- 9.16.030 Blocking access to beach.

9.16.010

Surf-riding.

Every person engaged in the operation, manipulation, or handling of any boat, surfboard, paddleboard, kayak, or other surf- or wave-riding device or equipment in or upon any beach within the city, or in or upon the waters adjacent to any beach within the city, shall at all times while engaged in such activity have due regard for the safety of other persons near or in his or her vicinity. Due regard shall be deemed to require, but not be limited to, the following actions: (1) maintaining within a person's control the surf- or wave-riding device or equipment he or she is using, to the extent compatible with its use for the purposes intended, and (2) accommodating other persons utilizing the beach and/or water to the extent feasible. (Ord. 640 § 1 (part), 2002)

9.16.020

Obedience to peace officers.

It shall be unlawful for any person to fail or refuse to obey any command, order, instruction, or direction of any peace officer given in connection with or with reference to the safety of any person in the use, operation, manipulation, or handling of any boat, surfboard, paddleboard, kayak, or other surf- or wave-riding device or equipment. (Ord. 640 § 1 (part), 2002)

9.16.030

Blocking access to beach.

A. No person shall stand, sit, lie, or congregate on any path, trail, or other way providing access to or from any beach in such a manner as to interfere with or impede the free flow of travel along such access way.

B. Unless the prior consent of the city is first received, no person shall place, throw, leave, keep or maintain any object of any type upon any path, trail, or other way which provides access to or from any beach. (Ord. 640 § 1 (part), 2002)

I hereby certify that the foregoing document is a full, true and correct copy of ORD. 12-701 - Chap 9.16 (9.16.010- 9.16.030) on file in the office of the City Clerk of the City of Palos Verdes Estates.

EXHIBIT A, page 9

5/18/2017
DATE
(5 pages)

by: [Signature]
CITY CLERK
DEPUTY

A rectangular stamp with the word "COPY" in a bold, sans-serif font. To the left of the word is a small square icon containing a stylized letter 'C'.

ORDINANCE NO. 02-640

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA,
ADDING CHAPTER 9.20 TO THE PALOS VERDES ESTATES MUNICIPAL CODE
PERTAINING TO USE OF BEACHES

The City Council of the City of Palos Verdes Estates hereby ordains as follows:

SECTION 1. Chapter 9.20 is hereby added to the Palos Verdes Municipal Code to read as follows:

9.20 USE OF BEACHES

- 9.20.010 Surf-riding**
 - 9.20.020 Obedience to Peace Officers**
 - 9.20.030 Blocking Access to Beach**
 - 9.20.040 Penalty**
-
- 9.20.010 Surf-riding**

Every person engaged in the operation, manipulation, or handling of any boat, surfboard, paddleboard, kayak, or other surf- or wave-riding device or equipment in or upon any beach within the City, or in or upon the waters adjacent to any beach within the City, shall at all times while engaged in such activity have due regard for the safety of other persons near or in his or her vicinity. Due regard shall be deemed to require, but not be limited to, the following actions: (1) maintaining within a person's control the surf- or wave-riding device or equipment he or she is using, to the extent compatible with its use for the purposes intended, and (2) accommodating other persons utilizing the beach and/or water to the extent feasible.

9.20.020 Obedience to Peace Officers

It shall be unlawful for any person to fail or refuse to obey any command, order, instruction, or direction of any peace officer given in connection with or with reference to the safety of any person in the use, operation, manipulation, or handling of any boat, surfboard, paddleboard, kayak, or other surf- or wave-riding device or equipment.

9.20.030 Blocking Access to Beach

- A. No person shall stand, sit, lie, or congregate on any path, trail, or other way providing access to or from any beach in such a manner

as to interfere with or impede the free flow of travel along such access way.

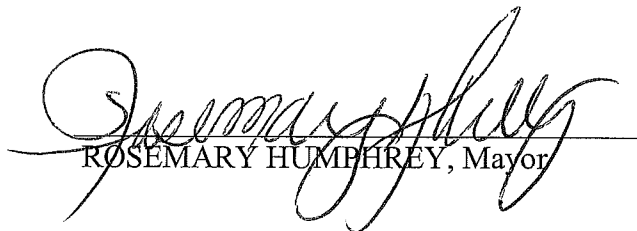
- B. Unless the prior consent of the City is first received, no person shall place, throw, leave, keep or maintain any object of any type upon any path, trail, or other way which provides access to or from any beach.

9.20.040 Penalty

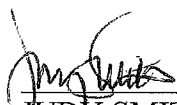
Violation of any of the provisions of this Chapter shall be a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

SECTION 2. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this 8th day of October, 2002.


ROSEMARY HUMPHREY, Mayor

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



STEPHANIE R. SCHER, City Attorney

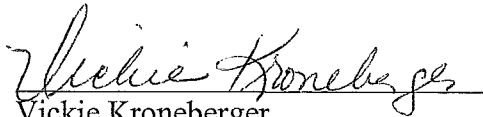
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger , Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Ordinance 02-640 was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 8th day of October, 2002 by the following vote:

AYES: COUNCILMEMBERS: Humphrey, Mackenbach
Sherwood, Turner and Flood

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Vickie Kroneberger,
Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF PALOS VERDES ESTATES)

ss: AFFIDAVIT OF POSTING

In compliance with State laws of the State of California, and on the 9th day of October, 2002, the following:

ORDINANCE 02-640

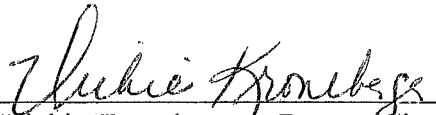
was posted by Vickie Kroneberger, in three places in the City of Palos Verdes Estates to wit:

The City of Palos Verdes Estates City Hall Outside Bulletin Board

The City of Palos Verdes Estates City Hall Council Chambers Bulletin Board

The Malaga Cove Library

SUBSCRIBED AND SWORN TO before me this 9th day of October.



Vickie Kroneberger, Deputy City Clerk

Notice No.: N02-35
POSTED: October 9, 2002