



OFFICE OF THE CITY ATTORNEY

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ORD-34

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CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

September 17, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 8.68.060.B and Section 5.88.065, all relating to smoking lounge permits, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION:

Pursuant to your request on September 3, 2013, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By


LINDA T. VU
Deputy City Attorney

REDLINE

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3 8.68.060 Smoking prohibited – Enclosed public places.

4 B. This Section is not intended to prohibit smoking in any "smoking lounge" as
5 defined in Subsection 8.68.020.R and in compliance with the provisions of Chapter 5.88.
6 ~~This exemption shall only apply to the places of business operating under smoking~~
7 ~~lounge applications that were on file and deemed complete by the Director of Financial~~
8 ~~Management on or before April 12, 2011.~~

9
10 5.88.065 Smoking lounge permit ~~—~~ Limit on number of permits and
11 nNontransferable.

12 A. The maximum number of smoking lounge permits issued by the City and in effect
13 at any given time shall not exceed eight (8) permits.

14 AB. A smoking lounge permit issued pursuant to this Chapter shall become null and
15 void upon the cessation of the business operations and/or the relocation of the business
16 to a different property. All smoking lounge permit holders must notify the Director of
17 Financial Management in writing of any discontinuance of business operations, change in
18 ownership, change in business location, or change in the business name.

19 CB. Any smoking lounge permit issued pursuant to this Chapter shall not be
20 transferable or assignable from one owner or operator to another, or from one location to
21 another location. If the information required in the permit application changes, a new
22 smoking lounge permit is required before the business may continue to operate as a
23 smoking lounge. For example, if an owner or operator to whom a permit has been issued
24 changes business location, that owner or operator must apply for a new permit prior to
25 operating a smoking lounge at the new location. Or if the business is sold or otherwise
26 has a change in ownership, the new owner must apply for a new permit for that location
27 before the business may operate as a smoking lounge. Any change in ownership shall
28 require a new permit and shall be applied for within one (1) year from the date of change

1 in ownership. The following shall be deemed a change in ownership:
2 1. ~~For general partnership personnel, the addition or substitution of a new~~
3 partner;
4 2. ~~For a limited partnership, the addition or substitution of a new partner or the~~
5 addition or substitution of a general partner not listed as a partner in the application for
6 the permit previously approved;
7 3. ~~For a corporation, more than fifty percent (50%) of the shares of stock is~~
8 transferred to or acquired by persons other than those designated in the application for
9 the permit previously approved.
10 C. ~~Any permit issued pursuant to this Chapter shall not be transferred to any other~~
11 location for any purpose. The following shall be deemed a change in location:
12 1. ~~Any relocation or expansion that includes a separate piece of property or~~
13 parcel of land from the initially permitted property.
14 2. ~~Any expansion of the initially permitted property which represents a greater~~
15 than fifty percent (50%) increase in the square footage of space devoted to public access
16 or occupancy.

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SUBSECTION
8.68.060.B AND SECTION 5.88.065 ALL RELATING TO
SMOKING LOUNGE PERMITS

The City Council of the City of Long Beach ordains as follows:

Section 1. Subsection 8.68.060.B of the Long Beach Municipal Code is amended to read as follows:

B. This Section is not intended to prohibit smoking in any "smoking lounge" as defined in Subsection 8.68.020.R and in compliance with the provisions of Chapter 5.88.

Section 2. Section 5.88.065 of the Long Beach Municipal Code is amended to read as follows:

5.88.065 Smoking lounge permit – Limit on number of permits and nontransferable.

A. The maximum number of smoking lounge permits issued by the City and in effect at any given time shall not exceed eight (8) permits.

B. A smoking lounge permit issued pursuant to this Chapter shall become null and void upon the cessation of the business operations and/or the relocation of the business to a different property. All smoking lounge permit holders must notify the Director of Financial Management in writing of any discontinuance of business operations, change in ownership, change in business location, or change in the business name.

1 C. Any smoking lounge permit issued pursuant to this Chapter
2 shall not be transferable or assignable from one owner or operator to
3 another, or from one location to another location. If the information required
4 in the permit application changes, a new smoking lounge permit is required
5 before the business may continue to operate as a smoking lounge. For
6 example, if an owner or operator to whom a permit has been issued
7 changes business location, that owner or operator must apply for a new
8 permit prior to operating a smoking lounge at the new location. Or if the
9 business is sold or otherwise has a change in ownership, the new owner
10 must apply for a new permit for that location before the business may
11 operate as a smoking lounge.

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

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CHARLES PARKIN, City Attorney
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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2013, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor