



OFFICE OF THE CITY ATTORNEY

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ORD-26

DAWN MCINTOSH
City Attorney

GARY J. ANDERSON
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April 4, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 5.24.010, 5.24.020, 5.24.080, and 5.24.140, relating to boxing and wrestling exhibitions, 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, this Ordinance has been prepared and is submitted for your consideration. A redline of changes made to Long Beach Municipal Code Chapter 5.24 is enclosed for your reference.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

DAWN MCINTOSH, City Attorney

By 

TAYLOR M. ANDERSON
Deputy City Attorney

CHAPTER 5.24 BOXING AND WRESTLING EXHIBITIONS REDLINE

5.24.010 Definitions.

For purposes of this Chapter, the following definitions shall apply:

- A. ~~For the purpose of this Chapter, "a~~Amateur boxing contest" or "amateur boxing exhibition" is defined as a boxing contest in which no contestant has received or shall receive in any form, directly or indirectly, any money, prize, reward or compensation either for the expenses of training for such contest or for taking part therein, and in addition thereto such contest shall be subject to all of the rules and regulations pertaining to amateur boxing of the State Athletic Commission.
- B. ~~For the purpose of this Chapter, "a~~Amateur wrestling contest" or "amateur wrestling exhibition" is defined as one in which no contestant has received or shall receive in any form, directly or indirectly, any money, prize, reward or compensation, either for the expenses of training for such contest or for taking part therein, and all other wrestling contests shall and are defined as professional.
- C. "Kickboxing" shall have the same meaning as set forth in California Business and Professions Code.
- D. "Martial Arts" shall have the same meaning as set forth in California Business and Professions Code.

5.24.020 Boxing permit—Required.

Except as otherwise provided in this Chapter, No person shall operate any professional or amateur boxing contest or exhibition in the City without first having made an application to and received a permit from the Council so to do, and paid the permit fee as provided in this Chapter.

5.24.030 Boxing permit—Application.

Every person desiring to operate any professional or amateur boxing contests or exhibitions, as manager, owner, proprietor or lessee thereof, in the City, shall make a written application to the City Department of Financial Management for a permit so to do upon forms to be provided by said official for such purposes; said application shall be signed and sworn to by the applicant, setting forth the exact location at which, and the manner in which the contests or exhibitions are to be conducted, the names, businesses and addresses of all persons connected directly or indirectly with the management conducting and carrying on of the contests or exhibitions. The application shall also state whether the contests or exhibitions are to be professional in character or amateur, and the amount of admission to be charged, if any.

5.24.040 Boxing permit—Issuance.

All such applications shall be presented to the Council, and if, upon investigation, the Council finds in its opinion that the conduct of the business will comport with the public health, safety, morals and welfare, they may authorize the Director of Financial Management to issue the permit as applied for in the application.

5.24.050 Boxing permit—Fee.

In the event boxing contests or exhibitions are designated in the application as professional, such applicant shall pay to the Department of Financial Management a permit fee in an amount to be established by resolution of the City Council and shall file with the City Department of Financial Management the original or certified copy of the permit or license required and issued by the State Athletic Commission.

5.24.060 Boxing permit—Nontransferable.

Permits issued under the terms of this Chapter shall be nontransferable, and in the event of the change of personnel in the management and control of the business, the applicant shall file with the Department of Financial Management a notice specifying the change, giving names and addresses of those persons so designated.

5.24.070 Boxing permit—Revocation.

If at any time subsequent to the issuance of said permit it appears to the Council that the applicant has violated any of the terms of the application and permit issued thereunder, or any of the provisions of this Chapter or any amendments thereto, or has in any manner conducted the boxing or boxing exhibitions in an illegal or disorderly manner or has permitted any ordinance of the City or any law of the State to be violated, the permit for the operation of the boxing or boxing exhibition shall be revoked by the Council.

5.24.080 Wrestling permit—Required.

Except as otherwise provided in this Chapter, No person shall operate any professional or amateur wrestling contest or exhibition in the City without first having made an application to and received a permit from the Council so to do, and paid the permit fee as provided in this Chapter.

5.24.090 Wrestling permit—Application.

Every person desiring to operate any professional or amateur wrestling contests or exhibitions, as manager, owner, proprietor or lessee thereof, in the City, shall make a written application to the Department of Financial Management for a permit so to do upon forms to be provided by said official for such purposes; the application shall be signed and sworn to by the applicant, setting forth the exact location at which, and the manner in which the contests or exhibitions are to be conducted, the names, businesses and addresses of all persons connected directly or indirectly with the management conducting and carrying on of the contests or exhibitions. The application shall also state whether the contests or exhibitions are to be professional in character or amateur, and the amount of admission to be charged, if any.

5.24.100 Wrestling permit—Fee.

In the event the wrestling contests or exhibitions are designated in the application as professional, such applicant shall pay to the Department of Financial Management a permit fee determined by City Council by resolution for each permit required and shall file with the Department of Financial Management the original or certified copy of the permit or license required and issued by the State Athletic Commission.

5.24.110 Wrestling permit—Issuance.

All such applications shall be made in triplicate, two (2) of which shall be presented to the Council, and if upon investigation the Council finds, in its opinion, that the conduct of the business will comport with the public health, safety, morals and welfare, they may authorize the City Manager to issue the permit as applied for in the application and a permit thereupon shall be issued by the Department of Financial Management to conduct the business for a period of one (1) year from the date of the issuance thereof.

5.24.120 Wrestling permit—Nontransferable.

In the event a permit is issued to the party applying for same to carry on wrestling contests or exhibitions in the City, the permit shall not be transferable, and shall automatically terminate and end, and in the event of the change of personnel in the management and control of the business, the applicant shall file with the Department of Financial Management a notice specifying the change, giving names and addresses of those persons so designated.

5.24.130 Wrestling permit—Revocation.

If at any time subsequent to the issuance of the permit the Director of Financial Management finds, or is of the opinion that, the managing, conducting or carrying on of the business does not comport with the public health, safety, morals or welfare and that the same has been conducted in an illegal or disorderly manner, he shall report such fact to the Council, and the Council shall direct that an order to show cause be issued and directed to the applicant to show cause why the permit for the business should not be revoked; the order to show cause shall be

issued by the City Clerk and served upon the person then actively conducting or in active charge of the business and shall therein specify the time and place of the hearing of the order to show cause by the Council, which such hearing shall not be held at a time earlier than ten (10) days following the issuance of the order to show cause, and the hearing thereof and the decision of the Council pursuant to the hearing shall be had and made at a regular meeting not less than ten (10) days subsequent to the time of the issuance of the order to show cause, at which hearing all parties interested may appear and be heard in person, or otherwise, and if at the hearing it appears to the Council that the conducting, managing or carrying on of the business does not comport with the public health, safety, morals or welfare and has been conducted in an illegal or disorderly manner, the permit for the operation of the business shall be revoked.

5.24.140 Exemption.

- A. The provisions of this Chapter shall not apply to any person operating an event otherwise subject to its provisions with whom the City has executed an agreement for the operation and management of the Long Beach Convention and Entertainment Center; and
- B. Any professional or amateur boxing, kickboxing, martial arts, mixed martial arts or similar contest or exhibition licensed by the State Athletic Commission. Such contests and exhibitions shall be required to obtain a Special Events Permit pursuant to the requirements in Chapter 5.60 of this Code.

5.24.150 Mock boxing and mock wrestling—Definitions.

- A. *"Mock boxing"* is boxing entertainment where boxing exhibitions or contests are conducted using oversized and heavily padded boxing gloves or other similar implements in which the permittee's employees or customers, or both, may participate.
- B. *"Mock wrestling"* is wrestling entertainment where wrestling contests or exhibitions are conducted in mud or other substances or materials or where the wrestlers or the wrestling area surfaces are coated with oil, whipped cream, shaving cream or other similar substances and where the permittee's employees or customers, or both, may participate.

5.24.160 Mock boxing and mock wrestling—Permit required.

No person shall permit or conduct mock boxing or mock wrestling in the City without a permit from the City Council, which shall be separate from and in addition to any other permit, including any type of entertainment, amusement or athletic activity permit, issued by the City.

5.24.170 Mock boxing and mock wrestling permit—Application.

Every person desiring to conduct any mock boxing or mock wrestling exhibitions or contests, as manager, operator, owner, proprietor or lessee, shall make a written application to the City Department of Financial Management for a permit to do so upon forms provided by the City; the application shall be signed and sworn to by the applicant, setting forth the exact location, and describing in detail the method and manner in which the mock boxing or wrestling exhibitions or contests are to be conducted, the names, businesses and addresses of all persons connected directly or indirectly with the management proposing to conduct the exhibitions or contests.

5.24.180 Mock boxing and mock wrestling permit—Issuance.

All applications for mock boxing or mock wrestling permits shall be presented to City Council, and if, upon investigation, the City Council finds that the conduct of the business will comport with the public health, safety, morals and welfare, it may authorize the Director of Financial Management to issue the permit as applied for in the application and may prescribe such conditions to be included as part of the permit as may be determined to be necessary and appropriate.

5.24.190 Mock boxing and mock wrestling—Fee.

The permit fee for mock boxing or mock wrestling separately or for both activities together shall be established by resolution of the City Council.

5.24.200 Mock boxing and mock wrestling permit—Nontransferable.

Permits issued under the terms of this Chapter shall not be transferable, and in the event of a change of personnel in the management and control of the business, the applicant shall file with the Department of Financial Management a notice specifying the change, giving names and addresses of those persons so designated. A change in the ownership or control of the business will require a new permit.

5.24.210 Mock boxing and mock wrestling permit—Suspension or revocation.

At any time after the issuance of a permit, if it appears to the City Council that the permittee has violated any of the terms of the application and permit, or any of the provisions of this Chapter as amended, or has in any manner conducted the mock boxing or mock wrestling exhibitions or contests in an illegal or disorderly manner or has permitted any ordinance of the City or any law of the State to be violated, the permit for the conduct of mock boxing or mock wrestling exhibitions may be suspended or revoked by the City Council.

5.24.220 Mock boxing and mock wrestling—Regulations.

- A. There shall be no indecent exposure or lewd conduct at any time.
- B. No person who is obviously under the influence of alcohol or drugs shall be allowed to participate in any mock boxing or mock wrestling exhibition or contest.
- C. The permittee shall provide a referee who shall supervise all mock boxing or mock wrestling exhibitions or contests to prevent any exposure or fondling of the participants' private parts or female breasts and to protect participants and patrons from physical injury. The referee shall prevent or stop any lewd or sexually suggestive actions and shall require compliance with all laws and the conditions attached to a permit.
- D. No minor under eighteen (18) years old shall be permitted in the mock boxing or mock wrestling entertainment area except regularly employed service personnel.
- E. The permittee shall be bound by and shall abide by any subsequently adopted regulations or ordinances which pertain to the conduct of mock boxing or mock wrestling.

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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 SECTIONS 5.24.010,
5.24.020, 5.24.080, AND 5.24.140; ALL RELATING TO
BOXING AND WRESTLING EXHIBITIONS

WHEREAS, organizations wishing to hold professional or amateur boxing,
kickboxing, mixed martial arts, and similar events within the City of Long Beach (City) are
required to request an application form the City of Long Beach Financial Management
Department and receive a permit by way of City Council meeting action and approval; and

WHEREAS, the California State Athletic Commission provides oversight for
all professional and amateur boxing, professional and amateur kickboxing, all forms and
combinations of forms of full contact martial arts contests, including mixed martial arts, and
matches or exhibitions conducted, held, or given within the State; and

WHEREAS, it is desirable to allow professional or amateur boxing,
kickboxing, mixed martial arts, and similar events which are licensed by the California State
Athletic Commission, to occur just like all other special events within the City; and

WHEREAS, City staff from Special Events and Filming, Health and Human
Services, Police, and Fire Departments will be present during all event hours and shall
perform continual inspections of the permitted areas to ensure the safety of participants
and attendees;

NOW THEREFORE, the City Council of the City of Long Beach ordains as
follows:

Section 1. Section 5.24.010 of the Long Beach Municipal Code is hereby
amended to read as follows:

5.24.010 Definitions.

1 For purposes of this Chapter, the following definitions shall apply:

2 A. "Amateur boxing contest" or "amateur boxing exhibition" is
3 defined as a boxing contest in which no contestant has received or shall
4 receive in any form, directly or indirectly, any money, prize, reward or
5 compensation either for the expenses of training for such contest or for
6 taking part therein, and in addition thereto such contest shall be subject to
7 all of the rules and regulations pertaining to amateur boxing of the State
8 Athletic Commission.

9 B. "Amateur wrestling contest" or "amateur wrestling exhibition"
10 is defined as one in which no contestant has received or shall receive in
11 any form, directly or indirectly, any money, prize, reward or compensation,
12 either for the expenses of training for such contest or for taking part therein,
13 and all other wrestling contests shall and are defined as professional.

14 C. "Kickboxing" shall have the same meaning as set forth in
15 California Business and Professions Code.

16 D. "Martial Arts" shall have the same meaning as set forth in
17 California Business and Professions Code.

18

19 Section 2. Section 5.24.020 of the Long Beach Municipal Code is hereby
20 amended to read as follows:

21 5.24.020 Boxing permit – required.

22 Except as otherwise provided in this Chapter, no person shall
23 operate any professional or amateur boxing contest or exhibition in the City
24 without first having made an application to and received a permit from the
25 Council so to do, and paid the permit fee as provided in this Chapter.

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27 Section 3. Section 5.24.080 of the Long Beach Municipal Code is hereby
28 amended to read as follows:

1 5.24.080 Wrestling permit – required.

2 Except as otherwise provided in this Chapter, no person shall
3 operate any professional or amateur wrestling contest or exhibition in the City
4 without first having made an application to and received a permit from the
5 Council so to do, and paid the permit fee as provided in this Chapter.

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7 Section 4. Section 5.24.140 of the Long Beach Municipal Code is hereby
8 amended to read as follows:

9 5.24.140 Exemption.

10 The provisions of this Chapter shall not apply to:

11 A. Any person operating an event otherwise subject to its
12 provisions with whom the City has executed an agreement for the operation
13 and management of the Long Beach Convention and Entertainment Center;
14 and

15 B. Any professional or amateur boxing, kickboxing, martial arts,
16 mixed martial arts or similar contest or exhibition licensed by the State
17 Athletic Commission. Such contests and exhibitions shall be required to
18 obtain a Special Events Permit pursuant to the requirements in Chapter
19 5.60 of this Code.

20

21 Section 5. The City Clerk shall certify to the passage of this ordinance by
22 City Council and cause it to be posted in three (3) conspicuous places in the City of Long
23 Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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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 _____, 2023, by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmember: _____

Clerk

Approved: _____
(Date)

Mayor

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