

ORDINANCE NO. ORD-11-0008

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 5.88.060, AND BY ADDING 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. This exemption shall only apply to the places of business operating under smoking lounge applications that were on file and deemed complete by the Director of Financial Management on or before April 12, 2011.

Section 2. Section 5.88.060 of the Long Beach Municipal Code is amended to read as follows:

A. The Director of Financial Management shall make or cause to be made an investigation of the place of business and the manner in which the smoking lounge is to be conducted, and if it is found that all provisions of this Code and all applicable laws have been and will be complied with, the director of financial management shall issue the smoking lounge permit; otherwise, the application for a smoking lounge permit shall be denied.

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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B. Such smoking lounge permits shall be good for one (1) year and shall be automatically renewed every year, provided that the Director of Financial Management determines that the permit holder has complied with the provisions of this Chapter and applicable laws during the preceding permit term.

C. Permittees must notify the Director of Financial Management in writing if structural modifications are planned to be made to a smoking lounge for which a permit has been issued under this Chapter. Prior to making any structural modifications to a smoking lounge, in whole or in part, the permittee shall submit plans and specifications to the Director of Financial Management for approval. The Director of Financial Management shall refer the plans and specifications to all concerned City departments for review and inspection, as appropriate. Such departments shall file a report providing recommendations regarding the approval or denial of the structural modifications with the Director of Financial Management within thirty (30) calendar days after the plans and specifications are submitted, except where circumstances beyond the control of the City justifiably delay such response.

Section 3. Section 5.88.065 is added to the Long Beach Municipal Code to read as follows:

5.88.065 Smoking lounge permit – Nontransferable.

A. 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.

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B. Any change in ownership shall require a new permit and shall be applied for within one (1) year from the date of change in ownership.

The following shall be deemed a change in ownership:

1. For general partnership personnel, the addition or substitution of a new partner;
2. For a limited partnership, the addition or substitution of a new partner or the addition or substitution of a general partner not listed as a partner in the application for the permit previously approved;
3. For a corporation, more than fifty percent (50%) of the shares of stock is transferred to or acquired by persons other than those designated in the application for the permit previously approved.

C. Any permit issued pursuant to this Chapter shall not be transferred to any other location for any purpose. The following shall be deemed a change in location:

1. Any relocation or expansion that includes a separate piece of property or parcel of land from the initially permitted property.
2. Any expansion of the initially permitted property which represents a greater than fifty (50) percent increase in the square footage of space devoted to public access or occupancy.

Section 4. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long 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 April 19, 2011, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, DeLong, O'Donnell,
Andrews, Johnson, Gabelich.

Noes: Councilmembers: None.

Absent: Councilmembers: Schipske, Neal.



City Clerk

Approved: 

(Date)



Mayor

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