



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-13

REVISED

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Linda Trang
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December 18, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsections 5.72.120.H.3, 5.72.120.5 and 5.72.120.6, and by adding Subsections 5.72.120.S and 5.72.125.F, all relating to Entertainment and Similar Activities, read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof and declaring that this ordinance shall take effect immediately. (Version "A" would impose a two-year term on all regular permits, subject to modification of conditions. Version "B" would allow an indefinite term for regular permits in good standing, subject to modification, revocation or suspension upon administrative review.) (Citywide)

DISCUSSION:

Pursuant to the Council's request at its meeting of December 11, 2012, this office has prepared and now transmits for your consideration the attached ordinance amendments. Version "A" of the ordinance amendment imposes a two-year term on regular entertainment permits, but allows for the modification of permit conditions upon a showing that the permittee has operated in violation of those conditions. Version "B" of the ordinance amendment would allow an indefinite term for regular permits in good standing, subject to modification, revocation or suspension if an administrative review revealed grounds to do so.

SUGGESTED ACTION:

Approve either ordinance Version "A" or ordinance Version "B".

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

AMY R. WEBBER
Deputy City Attorney

REDLINE

H. Hearing notices.

3. Notice of the time and place of the hearing shall also be given:

a. By mail to each owner of property within three hundred feet (300') of the site of the proposed activity;

b. By mail to occupants of property within three hundred feet (300') of the site of the proposed activity;

~~b.c.~~ By posting the property in a conspicuous location at the site of the proposed activity.

The applicant shall pay all costs of such notice in the manner prescribed by the City's Director of Financial Management.

5.72.120 Permit application filing and process.

S. A permit's conditions may be modified by the Director of Financial Management upon a showing that the permittee has operated in violation of any of the requirements of this Chapter, the license as issued or any condition thereof. The permittee shall be notified of the modified condition in writing no less than five (5) days prior to the effective date of the modified condition. The permittee shall have the right of appeal only of the modified condition as set forth in Section 5.06.030 of the Long Beach Municipal Code. If the permittee appeals the modified condition, the modified condition shall take effect during the pendency of the appeal.

5.72.125. Temporary permit

F. A permit's conditions may be modified by the Director of Financial Management upon a showing that the permittee has operated in violation of any of the requirements of this Chapter, the license as issued or

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any condition thereof. The permittee shall be notified of the modified condition in writing no less than five (5) days prior to the effective date of the modified condition. The permittee shall have the right of appeal only of the modified condition as set for the in Section 5.06.030 of the Long Beach Municipal Code. If the permittee appeals the modified condition, the modified condition shall take effect during the pendency of the appeal.

REDLINE

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2
3 H. Hearing notices.

4 3. Notice of the time and place of the hearing shall also be given:

5 a. By mail to each owner of property within three
6 hundred feet (300') of the site of the proposed activity;

7 b. By mail to occupants of property within three hundred feet
8 (300') of the site of the proposed activity;

9 b.c. By posting the property in a conspicuous location at the site
10 of the proposed activity.

11 The applicant shall pay all costs of such notice in the manner
12 prescribed by the City's Director of Financial Management.

13
14 5.72.120.5 Duration of the permit.

15 A permit issued pursuant to this Chapter shall be valid for ~~two (2)~~
16 ~~years from the date it was issued subject to any conditions or restrictions~~
17 ~~existing at the time it was issued~~ an indefinite duration, subject to
18 administrative review by Financial Management every two years. If grounds
19 exist for modification, revocation or suspension of the permit a hearing shall
20 be held for that purpose. This provision does not affect the City's ability to
21 modify, revoke or suspend a permit at any time pursuant to Section
22 5.72.145 of the Long Beach Municipal Code.

23
24 5.72.120.6 Permits issued prior to the effective date of the
25 ordinance.

26 A permit issued prior to the effective date of the Ordinance codified in this
27 Section shall be valid until the expiration date specified in the permit. Thereafter,
28 permittees shall be subject to the provisions of this Chapter. Nothing in this Subsection

1 (VERSION "B")

1 shall interfere with the City's ability to modify, revoke or suspend a permit at any time
2 pursuant to Section 5.72.145 of the Long Beach Municipal Code~~A. Unless an earlier~~
3 ~~expiration date is specified in the terms of the permit itself, a permit issued on or before~~
4 ~~the effective date of the ordinance codified in this Section shall be valid for two (2)~~
5 ~~years from the effective date of this Section and shall terminate thereafter.~~

6 ~~Notwithstanding any other provision of this Chapter, all permits issued on or before the~~
7 ~~effective date of the ordinance codified in this Section shall be subject to suspension,~~
8 ~~modification or revocation pursuant to Section 5.72.145 of the Long Beach Municipal~~
9 ~~Code.~~

10 ~~B. A permittee with a permit subject to the provision of Subsection A~~
11 ~~may apply for permit renewal as provided in Chapter 5.72 of the Long Beach Municipal~~
12 ~~Code.~~

13 ~~C. If a permit renewal is issued as provided in Subsection B, the~~
14 ~~Director of Financial Management may impose conditions on the permit in accordance~~
15 ~~with this Chapter.~~

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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
5.72.120.H.3; AND BY ADDING SUBSECTIONS
5.72.120.S AND 5.72.125.F ALL RELATING TO
ENTERTAINMENT AND SIMILAR ACTIVITIES;
DECLARING THE URGENCY THEREOF; AND
DECLARING THAT THIS ORDINANCE SHALL TAKE
EFFECT IMMEDIATELY

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

Section 1. Subsection 5.72.120.H.3 of the Long Beach Municipal Code
is amended to read as follows:

H. Hearing notices.

3. Notice of the time and place of the hearing shall also be
given:

a. By mail to each owner of property within three
hundred feet (300') of the site of the proposed activity;

b. By mail to occupants of property within three
hundred feet (300') of the site of the proposed activity;

c. By posting the property in a conspicuous
location at the site of the proposed activity.

The applicant shall pay all costs of such notice in the manner
prescribed by the City's Director of Financial Management.

///

1 (VERSION "A")

1 Section 2. Subsection 5.72.120.S is added to the Long Beach
2 Municipal Code is to read as follows:

3 S. A permit's conditions may be modified by the Director of
4 Financial Management upon a showing that the permittee has operated in
5 violation of any of the requirements of this Chapter, the license as issued or
6 any condition thereof. The permittee shall be notified of the modified
7 condition in writing no less than five (5) days prior to the effective date of the
8 modified condition. The permittee shall have the right of appeal only of the
9 modified condition as set forth in Section 5.06.030 of the Long Beach
10 Municipal Code. If the permittee appeals the modified condition, the
11 modified condition shall take effect during the pendency of the appeal.

12
13 Section 3. Subsection 5.72.125.F is added to the Long Beach
14 Municipal Code is to read as follows:

15 F. A permit's conditions may be modified by the Director of
16 Financial Management upon a showing that the permittee has operated in
17 violation of any of the requirements of this Chapter, the license as issued or
18 any condition thereof. The permittee shall be notified of the modified
19 condition in writing no less than five (5) days prior to the effective date of the
20 modified condition. The permittee shall have the right of appeal only of the
21 modified condition as set for the in Section 5.06.030 of the Long Beach
22 Municipal Code. If the permittee appeals the modified condition, the
23 modified condition shall take effect during the pendency of the appeal.

24
25 Section 4. Declaration of Urgency. This ordinance is an emergency
26 measure, and it is urgently required for the reason that entertainment permits must be
27 processed immediately so that business is not interrupted in the City of Long Beach,
28 making it necessary to immediately implement the provisions of the ordinance.

2 (VERSION "A")

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1 Section 5. This ordinance is an emergency ordinance duly adopted by
2 the City Council on _____, 2012, by a vote of at least five (5) of its
3 members and shall take effect immediately. The City Clerk shall certify to a separate
4 roll call and vote on the question of the emergency of this ordinance and to its passage
5 by the vote of five (5) members of the City Council of the City of Long Beach, and
6 cause the same to be posted in three conspicuous places in the City of Long Beach.

7
8 Section 6. This ordinance shall also be adopted by the City Council as
9 a regular ordinance, to the end that in the event of any defect or invalidity in connection
10 with the adoption of this ordinance as an emergency ordinance, the same shall,
11 nevertheless, be and become effective on the thirty-first day after it is approved by the
12 Mayor.

13
14 Section 7. The City Clerk shall certify to the passage of this Ordinance
15 by the City Council and cause it to be posted in three conspicuous places in the City of
16 Long Beach, and it shall take effect on the thirty-first day after it is approved by the
17 Mayor.

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I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of _____, 2012, the ordinance was declared to be an emergency by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

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I further certify that the foregoing ordinance was thereafter adopted on
final reading of the City Council of the City of Long Beach at its meeting of
_____, 2012, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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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 SUBSECTIONS 5.72.120.H.3, 5.72.120.5 and 5.72.120.6 ALL RELATING TO ENTERTAINMENT AND SIMILAR ACTIVITIES; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Section 1. Subsection 5.72.120.H.3 of the Long Beach Municipal Code is amended to read as follows:

H. Hearing notices.

3. Notice of the time and place of the hearing shall also be given:

a. By mail to each owner of property within three hundred feet (300') of the site of the proposed activity;

b. By mail to occupants of property within three hundred feet (300') of the site of the proposed activity;

c. By posting the property in a conspicuous location at the site of the proposed activity.

The applicant shall pay all costs of such notice in the manner prescribed by the City's Director of Financial Management.

Section 2. Subsection 5.72.120.5 of the Long Beach Municipal Code is 1 (VERSION "B")

1 amended to read as follows:

2 5.72.120.5 Duration of Permit.

3 A permit issued pursuant to this Chapter shall be valid for an
4 indefinite duration, subject to administrative review by Financial
5 Management every two (2) years. If grounds exist for modification,
6 revocation or suspension of the permit, a hearing shall be held for that
7 purpose. This provision does not affect the City's ability to modify, revoke or
8 suspend a permit at any time pursuant to Section 5.72.145 of the Long
9 Beach Municipal Code.

10

11 Section 3. Subsection 5.72.120.6 of the Long Beach Municipal Code is
12 amended to read as follows:

13 5.72.120.6 Permits issued prior to the effective date of ordinance.

14 A permit issued prior to the effective date of the Ordinance codified in
15 this Section shall be valid until the expiration date specified in the permit.
16 Thereafter, permittees shall be subject to the provisions of this Chapter.
17 Nothing in this Subsection shall interfere with the City's ability to modify,
18 revoke or suspend a permit at any time pursuant to Section 5.72.145 of the
19 Long Beach Municipal Code.

20

21 Section 4. Declaration of Urgency. This ordinance is an emergency
22 measure, and it is urgently required for the reason that entertainment permits must be
23 processed immediately so that business is not interrupted in the City of Long Beach,
24 making it necessary to immediately implement the provisions of the ordinance.

25

26 Section 5. This ordinance is an emergency ordinance duly adopted by
27 the City Council on _____, 2012, by a vote of at least five (5) of its
28 members and shall take effect immediately. The City Clerk shall certify to a separate
2 (VERSION "B")

1 roll call and vote on the question of the emergency of this ordinance and to its passage
2 by the vote of five (5) members of the City Council of the City of Long Beach, and
3 cause the same to be posted in three conspicuous places in the City of Long Beach.
4

5 Section 6. This ordinance shall also be adopted by the City Council as
6 a regular ordinance, to the end that in the event of any defect or invalidity in connection
7 with the adoption of this ordinance as an emergency ordinance, the same shall,
8 nevertheless, be and become effective on the thirty-first day after it is approved by the
9 Mayor.
10

11 Section 7. The City Clerk shall certify to the passage of this Ordinance
12 by the City Council and cause it to be posted in three conspicuous places in the City of
13 Long Beach, and it shall take effect on the thirty-first day after it is approved by the
14 Mayor.
15

16 I hereby certify that on a separate roll call and vote which was taken by
17 the City Council of the City of Long Beach upon the question of emergency of this
18 ordinance at its meeting of _____, 2012, the ordinance was declared
19 to be an emergency by the following vote:

20 Ayes: Councilmembers: _____
21 _____
22 _____
23 _____

24 Noes: Councilmembers: _____
25 _____

26 Absent: Councilmembers: _____
27 _____

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I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

I further certify that the foregoing ordinance was thereafter adopted on final reading of the City Council of the City of Long Beach at its meeting of _____, 2012, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date) Mayor