



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-22

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June 1, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 5.72.130; and by repealing Section 14.04.070, both relating to 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 March 2, 2010, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 

AMY R. BURTON
Deputy City Attorney

REDLINE

1
2 5.72.130 ~~Special p~~Permits—Exclusive events for occasional events.

3 A. Unless a permit has been approved and issued by the ~~e~~City e~~Council~~ as outlined
4 above, any entertainment activity as defined within this ~~e~~Chapter, requires an
5 Occasional Event Permit~~exclusive event permit~~ issued by the Director of Financial
6 Management~~chief of police~~ or his/her designee pursuant to the provisions of this
7 ~~e~~Section.

8 B. An Occasional Event Permit~~exclusive event permit~~ shall not be issued for any
9 premises or location more than ~~two (2)~~twenty-four (24) times within any twelve
10 (12)-_month period, and events for which Occasional Event Permits are issued
11 must be at least ten (10) days apart. This prohibition shall not apply to any parks
12 and recreation or other ~~e~~City-operated facility.

13 C. Applications for Occasional Event Permit~~exclusive event permits~~ will be accepted
14 for consideration only if the following requirements have been met. Failure to meet
15 any of these requirements will render the application incomplete/void. Incomplete
16 or void applications will not be processed.

17 1. The application shall be submitted no more than ~~ninety (90)~~thirty (30)
18 business days and no less than ~~fourteen (14)~~ten (10) business -days prior
19 to the event.

20 2. The applicant shall pay the filing fee, as established by resolution, at the
21 time the application is filed with the ~~police department~~City.

22 3. All parties to the application must be at least eighteen (18) years of age.

23 4. The application must be accompanied by lease/rental agreements, security
24 contracts, and any other supporting documentation as required by the ~~chief of~~
25 ~~police~~Director of Financial Management.

26 D. An Occasional Event Permit~~exclusive event permit~~ shall be issued by the ~~chief of~~
27 ~~police~~Director of Financial Management only after he/she has determined the
28 following:

- 1 1. The peace and quiet of the neighborhood will not be disturbed.
- 2 2. Adequate security, as determined by the ~~chief of police~~Director of Financial
- 3 Management, has been afforded.
- 4 a. Where professional security services have been required, a written
- 5 contract must be obtained and submitted to the ~~chief of~~
- 6 ~~police~~Director of Financial Management no less than five (5) days
- 7 prior to the scheduled event.
- 8 b. The contract must contain such information as the ~~chief of~~
- 9 ~~police~~Director of Financial Management may require, including, but
- 10 not limited to:
- 11 i. The ~~job site~~event location;
- 12 ii. The date and specific hours of the ~~assignment~~event;
- 13 iii. The number of guards assigned; and
- 14 iv. A statement that the guards will be uniformed or non-
- 15 uniformed and armed or unarmed.
- 16 c. The security contract must be signed by the permit applicant and by
- 17 a duly authorized representative of a private patrol operator, as
- 18 licensed by the State of California Department of Consumer Affairs,
- 19 who is in possession of a Long Beach City business license, issued
- 20 pursuant to Chapter 3.80 hereof.
- 21 3. That all prerequisite requirements of other agencies or departments have
- 22 been met.
- 23 4. In making this determination, the Director of Financial Management may
- 24 inspect the premises and site at which the event is to take place. The
- 25 Director of Financial Management may also consider prior complaints,
- 26 police service calls and other relevant information related to prior events on
- 27 the premises.
- 28 E. An ~~exclusive event permit~~Occasional Event Permit for a nonprofit fundraising

- 1 event shall not be approved unless and until a charitable solicitation permit has
2 been obtained pursuant to Chapter 5.28 of the Long Beach Municipal Code.
- 3 F. Where a promoter has been engaged to market, advertise or conduct the event,
4 said promoter must obtain a ~~city~~ City business license prior to approval of the
5 ~~exclusive event permit~~ Occasional Event Permit. If the event is a charitable event,
6 then the promoter must also comply with all applicable requirements of Chapter
7 5.28.
- 8 G. As a condition of ~~exclusive event permit~~ Occasional Event Permit issuance, the
9 permittee agrees to reimburse the City:
- 10 1. Whenever excessive police services, as determined by the ~~chief of~~
11 ~~police~~ Director of Financial Management, are required as the result of any
12 incident or nuisance arising out of or in connection with the permitted event,
13 and
 - 14 2. For costs associated with the removal of signs posted in connection with
15 the event, whether or not the signs had been permitted by any ~~city~~ City
16 department, as outlined in Chapter 21.44 of the Long Beach Municipal
17 Code.
- 18 H. In no event shall the issuance of an ~~exclusive event permit~~ Occasional Event
19 Permit by the ~~chief of police~~ Director of Financial Management be construed as
20 permission to disturb the peace. Permits may be denied or revoked by the City if it
21 is determined that the event sponsor or any agent, employee or associate of any
22 such event organizer has willfully made any false or misleading statement in an
23 application or has not fully complied with the requirements of this Chapter or has
24 violated any of the provisions of this Chapter or the provisions of any other
25 applicable law, rule or regulation.
- 26
- 27 ~~14.04.070 Sidewalk entertainment permits.~~
- 28 ~~No person shall perform, conduct or engage in any entertainment activity for~~

1 compensation on a public sidewalk without a sidewalk entertainment permit issued
2 by the recreation commission. No sidewalk entertainment permit shall be issued
3 for a period of longer than one year, and any such permit may be revoked or
4 suspended at any time by the recreation commission or its designated
5 representative. Permits may be issued by the recreation commission for sidewalk
6 entertainment activities only within the area bounded by the south side of Sixth
7 Street on the north, the east side of Long Beach Boulevard on the east, the south
8 side of Ocean Boulevard on the south and the west side of Pine Avenue on the
9 west. Such sidewalk entertainment activities shall be permitted only on the dates
10 and at the times and locations specified in the permit. Any such entertainment
11 activities shall not obstruct, interfere with or impede the free movement or use of
12 the streets or sidewalks by the general public. Such permittees may solicit and
13 accept contributions or donations from the general public as tokens of appreciation
14 for the permittee's performance, provided that any such solicitation shall be
15 conducted in a passive manner which does not accost, confront, harass, badger or
16 annoy any member of the public. Each permittee shall carry said permit on his or
17 her person or display a valid sidewalk entertainer identification card issued by the
18 recreation commission or its designated representative in the immediate vicinity of
19 the performance, and shall produce the permit or card for inspection upon the
20 request of any police officer or other authorized representative of the city. Persons
21 with valid sidewalk entertainment permits shall not be subject to the business
22 license provisions of this code for activities performed or conducted pursuant to
23 such permits.

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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 SECTION 5.72.130;
AND BY REPEALING SECTION 14.04.070, BOTH
RELATING TO PERMITS

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

Section 1. Section 5.72.130 of the Long Beach Municipal Code is hereby
amended to read as follows:

5.72.130 Permits for occasional events.

A. Unless a permit has been approved and issued by the City
Council as outlined above, any entertainment activity as defined within this
Chapter requires an Occasional Event Permit issued by the Director of
Financial Management or his/her designee pursuant to the provisions of this
Section.

B. An Occasional Event Permit shall not be issued for any
premises or location more than twenty-four (24) times within any twelve (12)
month period, and events for which Occasional Event Permits are issued
must be at least ten (10) days apart. This prohibition shall not apply to any
parks and recreation or other City operated facility.

C. Applications for Occasional Event Permits will be accepted for
consideration only if the following requirements have been met. Failure to
meet any of these requirements will render the application incomplete/void.
Incomplete or void applications will not be processed.

1. The application shall be submitted no more than thirty

1 (30) business days and no less than ten (10) business days prior to the
2 event.

3 2. The applicant shall pay the filing fee, as established by
4 resolution, at the time the application is filed with the City.

5 3. All parties to the application must be at least eighteen
6 (18) years of age.

7 4. The application must be accompanied by lease/rental
8 agreements, security contracts, and any other supporting documentation as
9 required by the Director of Financial Management.

10 D. An Occasional Event Permit shall be issued by the Director of
11 Financial Management only after he/she has determined the following:

12 1. The peace and quiet of the neighborhood will not be
13 disturbed.

14 2. Adequate security, as determined by the Director of
15 Financial Management, has been afforded.

16 a. Where professional security services have been
17 required, a written contract must be obtained and submitted to the Director
18 of Financial Management no less than five (5) days prior to the scheduled
19 event.

20 b. The contract must contain such information as
21 the Director of Financial Management may require, including, but not limited
22 to:

23 (i) The event location;

24 (ii) The date and specific hours of the event;

25 (iii) The number of guards assigned; and

26 (iv) A statement that the guards will be
27 uniformed or non-uniformed and armed or unarmed.

28 c. The security contract must be signed by the

1 permit applicant and by a duly authorized representative of a private patrol
2 operator, as licensed by the State of California Department of Consumer
3 Affairs, who is in possession of a Long Beach City business license, issued
4 pursuant to Chapter 3.80 hereof.

5 3. That all prerequisite requirements of other agencies or
6 departments have been met.

7 4. In making this determination, the Director of Financial
8 Management may inspect the premises and site at which the event is to
9 take place. The Director of Financial Management may also consider prior
10 complaints, police service calls and other relevant information related to
11 prior events on the premises.

12 E. An Occasional Event Permit for a nonprofit fundraising event
13 shall not be approved unless and until a charitable solicitation permit has
14 been obtained pursuant to Chapter 5.28 of the Long Beach Municipal Code.

15 F. Where a promoter has been engaged to market, advertise or
16 conduct the event, said promoter must obtain a City business license prior
17 to approval of the Occasional Event Permit. If the event is a charitable
18 event, then the promoter must also comply with all applicable requirements
19 of Chapter 5.28.

20 G. As a condition of Occasional Event Permit issuance, the
21 permittee agrees to reimburse the City:

22 1. Whenever excessive police services, as determined by
23 the Director of Financial Management, are required as the result of any
24 incident or nuisance arising out of or in connection with the permitted event,
25 and

26 2. For costs associated with the removal of signs posted
27 in connection with the event, whether or not the signs had been permitted
28 by any City department, as outlined in Chapter 21.44 of the Long Beach

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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 _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
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