



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-24

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December 4, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by Amending Sections 5.72.120, 5.72.121, 5.72.125, 5.72.130 and Subsection 21.15.110(I); by adding Subsections 5.72.120.5 and 5.72.120.6; and by Repealing Section 5.72.126 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. (Citywide)

DISCUSSION:

This office has prepared and now transmits for your consideration the attached ordinance.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

AMY R. WEBBER
Deputy City Attorney

REDLINE

5.72.120 - Permit application filing and process.

A. All applications for entertainment permits, other than adult entertainment activity as that term is defined in Subsection 5.72.115B shall be filed with the Director of Financial Management on such forms as he or she may prescribe, and shall contain the following:

1. The name and permanent address of the applicant and all other persons having a financial interest in the operation of the entertainment, business or premises where the entertainment is to be located;

2. A description of the proposed entertainment, including the maximum number of persons who are expected to be present within the entertainment establishment at any one time;

3. The proposed opening date and hours of operation of the entertainment establishment;

4. For special or limited duration events, the date or dates, hours and location of the proposed entertainment;

5. The proposed security arrangements for the control of patrons;

6. The name or names of the person or persons having management or supervision authority over the proposed entertainment, or any business or premises wherein the entertainment is proposed to be located;

7. Whether or not the applicant or any other responsible person(s) have been convicted of a misdemeanor involving moral turpitude or a felony offense within the past five (5) years, the nature of such offense(s), and the sentence(s) received therefore;

8. Written consent for the proposed entertainment on the premises from the owner of the property on which the entertainment is to be conducted; and

9. Such other information as the Director of Financial Management shall deem necessary for the proper processing and review of the application.

Filing. ~~Any person desiring a permit required by this chapter for entertainment, other than adult entertainment activity (as that term is defined in Subsection 5.72.115B.), shall make application on the forms provided by the director of financial management. Such application form shall require information including the name and address of the applicant, the proposed~~

~~location of the establishment in which the entertainment is to be provided and the location in the establishment in which the entertainment is to be provided, and such other and further information deemed pertinent by the director of financial management.~~

~~4B.~~ The person whose signature appears on the application shall attest that they are a duly authorized representative of the applicant and that the information contained in the application is true and correct.

~~C2.~~ The application shall be filed under penalty of perjury. False statements therein will constitute grounds for denial, suspension or revocation as applicable.

~~D3.~~ An incomplete application shall not be accepted for processing.

~~E4.~~ A nonrefundable investigation and notification fee, as set by a City Council resolution, shall be paid to the City at the time the application is filed.

~~5.~~ ~~The chief of police shall investigate the character, fitness and qualifications of every person whose name appears on the application subsequent to each person submitting to fingerprinting for that purpose.~~

BE. *Change in contents.* Any change in any information in the application which occurs after the application has been filed, and prior to City Council approval, must be submitted in writing to the Director of Financial Management within ten (10) calendar days after the change has occurred.

CG. *Investigation.* On receipt of a complete ~~the~~ application, the Director of Financial Management shall refer it to all concerned City departments for investigation. Such departments shall file their reports and recommendations regarding the approval or denial of the permit with the Director of Financial Management within sixty (60) days after the application is filed, except where circumstances beyond the control of the City justifiably delay such response.

DH. Hearing notice~~Hearings~~.

1. The Director of Financial Management shall transmit the application, together with the reports and recommendations of the City departments, to the City Council for hearing ~~for hearing and~~ shall notify the applicant of the date, time and place of the hearing ~~of the hearing which s~~ which shall be held ~~held~~ before the City Council on the first available hearing date ~~on the first available hearing date~~.
2. Prior to scheduling the hearing ~~the hearing~~, the Director of Financial Management shall give the applicant notice of the recommendations of the City departments.
3. Notice of the time and place of the hearing ~~the hearing~~ shall also be given:

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

4. At the hearing, if the City Council shall approve the issuance of the entertainment permit if they find:

- a. That issuance of the permit and conduct of the entertainment at the proposed location, as conditioned, is consistent with federal, state and local laws, rules, regulations and any existing special permit(s); and

- b. That issuance of the permit at the proposed location, as conditioned, will not constitute an undue burden on the neighborhood because of its proximity to residences, inadequate parking or other neighborhood circumstances and will not interfere with the reasonable use and enjoyment of the neighborhood by its residents; and

- c. Whether or not the applicant or any other responsible person(s) have been convicted of a misdemeanor involving moral turpitude or a felony offense within the past five (5) years, the nature of such offense(s), and the sentence(s) received therefore; and

- d. Neither the applicant or any responsible person or principal of the applicant has a history of committing, permitting or failing to prevent significant violations of the City code, or any license or permit, in connection with an entertainment establishment for which he or she is or was a responsible person; and

- e. It does not appear, based upon the information before the City Council, that the applicant has provided false or misleading material information in the application. determines that the application is complete and truthful; that where the applicant is an entity, it is a bona fide entity, organized and conducted for a lawful purpose; that the applicant, the persons interested in the ownership and the operation of the entity and the officers and trustees of the entity are law-abiding persons and persons who will operate and conduct the business or activity in a lawful manner; and that the public peace, welfare and safety will not be impaired, then either: (a) the application shall be approved; (b) a short-term permit, as described in Section 5.72.126 below, shall be approved; or (c) the application shall be denied.

I. Where the Director of Financial Management does not recommend approval of a permit, the Director of Financial Management shall inform the applicant of the reason(s) for the denial in writing prior to the date the permit is scheduled for City Council consideration.

J. In issuing the permit, the City Council may impose conditions relating to the operation of the entertainment establishment. Conditions may relate to:

1. The days, hours and location of operation;
2. Restrictions designed to prevent minors from obtaining alcohol, such as separate entrances, exits, and restroom facilities on the premises;
3. The number and age of persons allowed on premises;
4. Whether licensed security guards are required, and if so, how many;
5. Specific measures the permittee must undertake to control the conduct of patrons so as to prevent or minimize disorderly conduct within the establishment;
6. Specific measures the permittee must undertake to remove trash attributable to the establishment or its patrons in and around the establishment, the surrounding neighborhood and the public right of way;
7. Specific measures the permittee must undertake to prevent the entertainment and its patrons from disturbing the peace and quiet of the surrounding neighborhood;
8. Specific measures the permittee must undertake to provide video camera surveillance of public areas, including but not limited to the front and rear of the business with full view of the public rights-of-way and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persons and areas within the exterior of the premises. Recordings shall be accessible via the Internet by the Long Beach Police Department.
9. Specific measures the permittee must undertake to prevent its patrons from engaging in disorderly conduct in the surrounding neighborhood;
10. Whether the Director of Financial Management must receive advance notice of the date of a particular event if that event is not held as part of the regularly scheduled events of the business; or

11. Other matters related to public health, safety and welfare.

K. Conditions shall be based on specific and articulable facts reasonably related to insuring the public health, safety and welfare, including, but not limited to, the protection of minors from alcohol and other criminal activity, the conservation of limited City public safety resources and the prevention of public nuisance activity that detracts from the peace and quiet of residential neighborhoods.

L. Conditions shall be listed on, or attached to, the permit.

M. The City Council shall give the permittee an opportunity to review any proposed conditions and the City Council shall consider the input of the permittee prior to imposing those conditions.

N. Conditions may not be imposed that conflict with any local, state or federal law, or that conflict with the permittee's ABC license. Nothing in this Subsection is intended to prevent the City Council from imposing any condition related to the age of patrons inside an ABC establishment if the ABC license does not address that issue. The intent of this Subsection is to allow the sale and service of food to minors in a bona fide public eating place (ABC license types 41, 47 and various club licensed premises) with reasonable conditions placed on the permit to prevent curfew violations and protect the minors from alcohol and other criminal activity.

O. The City Council may require the applicant to demonstrate compliance with applicable existing special permits prior to issuance of the permit or may issue the permit conditioned upon the applicant obtaining any other additional necessary special permit or other city, county or state approval.

P. No condition may be imposed pursuant to this Chapter that suppresses or regulates expression in any manner contrary to law.

Q. Imposition of any particular condition is appealable through the procedures set forth in Section 5.

R. However, Notwithstanding despite eCity eCouncil approval of the application for the permit, the applicant shall not operate until a permit is actually issued by the Ddirector of fFinancial mManagement. Upon approval of the application, the dDirector of fFinancial mManagement shall issue the permit, provided that the applicant has met all conditions imposed by any Ceity department, has complied with all applicable laws, and has paid the applicable license tax and permit fees. The applicant shall have a maximum one hundred eighty (180) days after Ceity eCouncil approval to obtain the permitmeet all applicable conditions. Failure to do so within that period shall render the eCity

eCouncil approval void, unless an extension of the compliance period is granted by the eCity eCouncil before the compliance period has expired.

5.72.121 - Permit application filing and process for adult entertainment.

A. Any business or establishment desiring a permit required by this Chapter to provide adult entertainment as described in Subsection 5.72.115B., shall complete and file the application form supplied by the eCity and shall accompany the form with the fee established by resolution of the eCity eCouncil, which fee shall be no more than necessary to cover the costs of processing and investigating the application.

AB. *Application requirements.* The application form shall require and the applicant shall provide information which includes the following:

1. The business owner's name, residence street address and mailing address, if different, and any and all aliases; and
2. The name under which the entertainment business is to operate; and
3. The telephone number of the entertainment business and the address and legal description of the parcel of land on which the entertainment business is to be located; and
4. The date on which the owner acquired the enterprise for which the permit is sought and the date on which the enterprise began or will begin operations at the location for which the permit is sought; and
5. A statement whether the owner previously operated in this or any other county, city or state under an entertainment establishment license/permit or similar business license, and whether the applicant has ever had such a license revoked or suspended and the reasons ~~therefor~~therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation; and
6. If the owner is a corporation, all of the aforementioned information shall be provided for each officer and director of the corporation as well as for any person, or other entity holding over fifty (50) percent of the shares of the corporation; and
7. If the owner is a partnership, the aforementioned information shall be provided for each general partner; and
8. A statement under penalty of perjury that the owner has personal knowledge of the information contained in the application and that the information contained is true and correct, and that the application has been completed under the owner's supervision; and

9. An initialized list of the operational requirements of a business providing entertainment and a signed, sworn statement that the owner has read, understands and intends to comply with the aforementioned operational requirements; and
10. A description of all entertainment business activities proposed to occur on the site of the entertainment business and the anticipated occupancy of the entertainment business; and
11. A site plan describing the building and/or unit proposed for the entertainment facility and a fully dimensioned interior floor plan; and
12. If the premises are being rented or leased or are being purchased under contract, a copy of such lease or contract.

C. Within seven (7) days of receipt of an application the ~~Director of Financial Management~~ city manager or designee shall determine whether the application contains all the information required by the provisions of this ~~chapter~~ Section. If it is determined that the application is not complete, the applicant shall be notified in writing within ten (10) business days of receipt of the application that the application is not complete and the reasons ~~therefor~~ therefore, including any additional information necessary to render the application complete. The applicant shall have thirty (30) calendar days to submit additional information to render the application complete. Failure to do so within the thirty-day period shall render the application null and void. Within five (5) business days following the receipt of an amended application or supplemental information, the ~~city manager~~ Director of Financial Management or designee shall again determine whether the application is complete in accordance with the procedures set forth above. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. Once the application is found to be complete, the applicant shall be notified within five (5) business days of that fact. All notices required by this ~~eChapter~~ shall be deemed given upon the date they are either deposited in the United States Mail or the date upon which personal service of such notice is provided.

BD. Issuance of permit—Investigation.

1. *Determination to issue permit.* Upon receipt of a completed application for the permit, the ~~city manager~~ Director of Financial Management or designee shall conduct an investigation to determine if the proposed business is in compliance with the provisions of this ~~eChapter~~. Within thirty (30) calendar days of a completed application having been filed, the Director of Financial Management ~~city manager~~ or designee shall approve and issue the permit if all the requirements of this ~~eChapter~~ have been met. If the ~~Director of Financial Management~~ city manager or designee

determines that the application does not satisfy the requirements of this eChapter, he/she shall deny the application. On the day the decision is made, the applicant shall immediately be served with written notice of the decision either personally or by deposit in the United States Mail, first-class postage prepaid, at the address shown on the application. Service shall be deemed complete upon personal service or deposit of the written notice in the United States Mail. A temporary license will automatically be issued in the event the City does not approve or deny the permit within the time period established by this Section.

2. *Standards for approval of permit.* The Director of Financial Management ~~city manager or designee~~ shall approve and issue an entertainment permit if the application and evidence submitted demonstrates that:
 - a. The place of entertainment is not located within three hundred (300) feet from any residential zoning district or residential planned development district within the City; or within one thousand (1,000) feet of any public or private school (kindergarten through twelfth grade) located within the eCity; or within six hundred (600) feet of a City park; or within five hundred (500) feet of a church (as defined in Section 21.15.510 of the Long Beach Municipal Code herein); or within one thousand (1,000) feet of any other adult entertainment business; or within the areas set forth in Subsection 21.45.110.F of the Long Beach Municipal Code. All measurements set forth above shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the adult entertainment business to the nearest point on the property line of the residential zone, school, church, park or other adult entertainment business, as applicable.
 - b. No owner, operator or manager shall permit any entertainer or employee on the premises of the adult entertainment business to engage in a showing of the human male or female genitals, pubic hair, anus, cleft of the buttocks, or vulva with less than a fully opaque covering; and/or the female breasts with less than a fully opaque covering over any part of the nipple or areola and/or covered male genitals in a turgid state. This provision may not be complied with by applying an opaque covering simulating the appearance of the specific anatomical part required to be covered.
 - c. ~~No owner, operator or manager shall permit any entertainer or employee on the premises of the adult entertainment business to have intentional physical contact with any patron.~~

- dc. No owner, operator or manager shall permit any person to perform for patrons any entertainment except upon a stage at least eighteen (18) inches above the level of the floor which is separated by a distance of at least six (6) feet from the nearest area occupied by patrons, and no patron shall be permitted within six (6) feet of the stage while the stage is occupied by an entertainer.
- ed. No owner, operator or manager shall permit any person under the age of eighteen (18) years within the premises at any time during the hours of operation.
- fe. All indoor areas of the place of entertainment in which patrons are permitted, except restrooms, will be open to plain view, unaided by mirrors, electronic monitoring devices or other devices at all times from all public portions of the establishment.
- fg. At least one (1) permitted, authorized security guard shall be on duty within the premises at all times while the adult entertainment business is open for business. The security guard shall be charged with preventing violations of the law and enforcing compliance by patrons with the requirements of this Chapter. No security guard required pursuant to this Subsection shall act as a door person, ticket seller, ticket taker or attendance person while acting as a security guard.
- hg. The premises within which the entertainment is located shall provide sufficient sound absorbing insulation so that noise generated inside the premises shall not be audible anywhere on the adjacent property or public rights-of-way or within any other building or other separate unit within the same building.
- ih. The place of entertainment shall have a manager on-premises at all times while the establishment is open to the public.
- ji. If the place of entertainment is licensed to serve alcoholic beverages, the permittee shall abide by the rules and regulations set forth by the California Department of Alcoholic Beverage Control.
- kj. The stage or entertainment areas shall not be open to view from outside the premises.
- lk. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the business.
- ml. No exterior door or window shall be propped or kept open at any time during the hours of operation.

- nm. Any exterior windows shall be covered with opaque covering.
- en. All areas of the place of entertainment accessible to patrons shall be illuminated at least to the extent of two (2) foot-candles, minimally maintained and evenly distributed at ground level.
- po. The place of entertainment shall have a door person on the premises at all times the establishment is open to the public who shall check photo identification of all persons entering the premises to ensure that no person under the age of eighteen (18) is permitted on the premises.
- qp. The place of entertainment shall provide video camera surveillance of public areas, including but not limited to the front and rear of the business with full view of the public rights-of-way and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persons and areas within the exterior of the premises. Recordings shall be accessible via the Internet by the Long Beach Police Department~~a security system that visually records and monitors all parking lot areas serving the place of entertainment.~~
- rq. The adult entertainment business shall not operate between the hours of two o'clock (2:00) a.m. and nine o'clock (9:00) a.m.

5.72.125 - Temporary permit.

- A. The Director of Financial Management shall issue a temporary entertainment permit for no more than ninety (90) days to a new business or an existing business~~Whenever there is a change of~~ with new ownership where the previous owner had a valid entertainment permit, or where a new entertainment permit, not involving adult entertainment as defined in Title 21 hereof, if he or she finds~~is applied for, the business license section may issue a temporary entertainment permit to the new owner,~~ subject to the following conditions:
 1. The applicant is an individual or lawfully created business entity having a valid ownership interest in the business;~~must apply for a temporary permit on forms provided by the city. The application may be approved if it is verified that~~
 2. No suspensions, denials or revocations of an entertainment permit have occurred at the location in the ~~the records of the police, fire, planning and building and health and human services departments indicate no public nuisance has been maintained at that location during the past twelve (12) months before the application date;~~

2. ~~No temporary permit shall be issued unless~~ The applicant has also applied for a regular entertainment permit for the same location;

4. The owner of the property on which the entertainment is to be conducted has consented in writing to the application for the temporary permit.

B.3. A temporary permit shall automatically expire ninetyone-hundred-twenty (90-120) days from date of issuance or when an application for a regular entertainment permit is approved or denied by the Ceity eCouncil, whichever occurs first. Where circumstances justifiably delay the hearing before the City Council on the regular entertainment permit, the City shall grant one thirty (30) day extension of the temporary permit until the regular entertainment permit is heard by the City Council. A temporary permit may be revoked or suspended pursuant to Chapter 5.06 of the Long Beach Municipal Code of this Title 5.

C. At the time a temporary permit is issued, the applicant shall agree to comply with all temporary operating conditions imposed. Conditions imposed may be the same as those imposed for a two-year permit issued pursuant to Section 5.72.120. The applicant shall also agree to hold the City harmless for liability/ damages arising from any contractual agreements or investments made by the applicant which may assume the eventual issuance of an unrestricted permit.

D.

4. The applicant shall at all times during operation under the temporary permit comply with the followingany co conditions imposed by the chief of police or other city departments. At the time a temporary permit is issued, the applicant shall agree to comply with all temporary operating conditions assigned. The applicant shall also agree to hold the city harmless for liability/ damages arising from any contractual agreements or investments made which assume the eventual issuance of an unrestricted permit; and In issuing the permit, the City Council may impose conditions relating to the operation of the entertainment establishment. Conditions may relate to:

1. The days, hours and location of operation;

2. Restrictions designed to prevent minors from obtaining alcohol, such as separate entrances, exits, and restroom facilities on the premises;

3. The number and age of persons allowed on premises;

4. Whether licensed security guards are required, and if so, how many;

5. Specific measures the permittee must undertake to control the conduct of patrons so as to prevent or minimize disorderly conduct within the establishment;

6. Specific measures the permittee must undertake to remove trash attributable to the establishment or its patrons in and around the establishment, the surrounding neighborhood and the public right of way;

7. Specific measures the permittee must undertake to prevent the entertainment and its patrons from disturbing the peace and quiet of the surrounding neighborhood;

8. Specific measures the permittee must undertake to provide video camera surveillance of public areas, including but not limited to the front and rear of the business with full view of the public rights-of-way and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persons and areas within the premises. Recordings shall be accessible via the Internet by the Long Beach Police Department.

9. Specific measures the permittee must undertake to prevent its patrons from engaging in disorderly conduct in the surrounding neighborhood;

10. Whether the Director of Financial Management must receive advance notice of the date of a particular event if that event is not held as part of the regularly scheduled events of the business; or

11. Other matters related to public health, safety and welfare.

E.5. A nonrefundable fee, as set by eCity eCouncil resolution, shall be paid to the eCity when the application for a temporary permit is filed.

(Ord. C-7423 § 26, 1996)

5.72.126 – Short-term permit.

~~At the hearing described in Section 5.72.120 above, if the city council determines that the application is complete and truthful; that where the applicant is an entity, it is a bona fide entity, organized and conducted for a lawful purpose; that the applicant, the persons interested in the ownership and the operation of the entity and the officers and trustees of the entity are law-abiding persons and persons who will operate and conduct the business or activity in a lawful manner; and that the public peace, welfare and safety will not be impaired, then the city council may, at its option, approve a short-term permit pursuant to this section. The short-term permit shall automatically expire three hundred sixty-five (365) days from date of approval, unless sooner revoked pursuant to Chapter 5.06 of this Title 5. Upon city council approval of a short-term permit, the director of financial management shall issue the short-term permit, provided that the applicant has met all of the conditions imposed by any city department, has complied with all applicable laws, and has paid the applicable license tax and permit fees. The applicant shall have a maximum sixty (60) days after city council approval to obtain the short-~~

~~term permit. Failure to do so within that period shall render the city council approval void, unless an extension of the compliance period is granted by the city council before the compliance period has expired. The approval of a short term permit by the city council shall not be deemed to grant any future rights to the issuance of any other permit issued pursuant to this chapter, and the applicant must reapply and seek approval of such permit.~~

~~(Ord. C 7461 § 5, 1997; Ord. C 7434 § 2, 1996)~~

5.72.130 - Permits for occasional events.

- A. ~~Unless a permit has been approved and issued by the City Council or Director of Financial Management 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-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 (30) business days and no less than ten (10) business days prior to the event.~~
 2. ~~The applicant shall pay the filing fee, as established by resolution of the City Council, at the time the application is filed with the City.~~
 3. ~~All parties to the application must be at least eighteen (18) years of age.~~
 4. ~~The application must be accompanied by lease/rental agreements, security contracts, and any other supporting documentation as required by the Director of Financial Management.~~
- D. ~~An occasional event permit shall be issued by the Director of Financial Management only after he/she has determined the following:~~
 1. ~~The peace and quiet of the neighborhood will not be disturbed.~~
 2. ~~Adequate security, as determined by the Director of Financial Management, has been afforded.~~
 - a. ~~Where professional security services have been required, a written contract must be obtained and submitted to the Director of Financial Management no less than five (5) days prior to the scheduled event.~~

- b. The contract must contain such information as the dDirector of fFinancial mManagement may require, including, but not limited to:
 - (i) The event location;
 - (ii) The date and specific hours of the event;
 - (iii) The number of guards assigned; and
 - (iv) A statement that the guards will be uniformed or nonuniformed and armed or unarmed.
 - c. The security contract must be signed by the permit applicant and by a duly authorized representative of a private patrol operator, as licensed by the State of California Department of Consumer Affairs, who is in possession of a Long Beach City business license, issued pursuant to Chapter 3.80 of the Long Beach Municipal Code hereof.
 3. That all prerequisite requirements of other agencies or departments have been met.
 4. In making athis determination of whether or not to issue an occasional event permit, the dDirector of Financial Management may inspect the premises and site at which the event is to take place. The dDirector of financial mManagement may also consider prior complaints, police service calls and other relevant information related to prior events on the premises.

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

F. Where a promoter has been engaged to market, advertise or conduct the event, said promoter must obtain a city business license prior to approval of the occasional event permit. If the event is a charitable event, then the promoter must also comply with all applicable requirements of Chapter 5.28 of the Long Beach Municipal Code.

G. As a condition of occasional event permit issuance, the permittee agrees to reimburse the City:

 1. Whenever excessive police services, as determined by the Director of financial mManagement, are required as the result of any incident or nuisance arising out of or in connection with the permitted event; and
 2. For costs associated with the removal of signs posted in connection with the event, whether or not the signs had been permitted by any eCity department, as outlined in Chapter 21.44 of the Long Beach Municipal Code.

H. In no event shall the issuance of an occasional event permit by the dDirector of financial mManagement be construed as permission to disturb the peace. Permits may be denied or revoked by the City if it is determined that the event sponsor or any agent, employee or associate of

any such event organizer has willfully made any false or misleading statement in an application or has not fully complied with the requirements of this eChapter or has violated any of the provisions of this eChapter or the provisions of any other applicable law, rule or regulation.

21.15.110(l) For the purpose of this section, "specified anatomical areas" include:

1. ~~Less than completely and opaquely covered the human male or female genitals, pubic hair, anus, cleft of the region, buttocks, or vulva with less than a fully opaque covering and/or covered male genitals in a and female breast below the point immediately above the top of the areola; and~~
2. ~~Human male genitals in a discernibly turgid state. This provisions may not be complied with by applying an , even if completely and opaquely covereding simulating the appearance of the specific anatomical part required to be covered.~~

5.72.120.5 Duration of permit.

A permit issued pursuant to this Chapter shall be valid for two (2) years from the date it was issued subject to any conditions or restrictions existing at the time it was issued.

5.72.120.6 Permits issued prior to the effective date of ordinance.

A. Unless an earlier expiration date is specified in the terms of the permit itself, a permit issued on or before the effective date of the ordinance codified in this Section shall be valid for two (2) years from the effective date of this Section and shall terminate thereafter. Notwithstanding any other provision of this Chapter, all permits issued on or before the effective date of the ordinance codified in this Section shall be subject to suspension, modification or revocation pursuant to Section 5.108.240.

B. A permittee with a permit subject to the provisions of Subsection A may apply for permit renewal as provided in Chapter 5.72.

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

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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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 5.72.120, 5.72.121, 5.72.125, 5.72.130 AND SUBSECTION 21.15.110(I); BY ADDING SUBSECTIONS 5.72.120.5 AND 5.72.120.6; AND BY REPEALING SECTION 5.72.126, ALL RELATING TO ENTERTAINMENT AND SIMILAR ACTIVITIES; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, the City Council of the City of Long Beach encourages the development of arts and culture in Long Beach, and recognizes that many entertainment venues provide a means for such development, and further recognizes that the variety of entertainment venues in the City provide a rich and diverse cultural experience for the residents of the City and visitors to the City; and

WHEREAS, the City Council also finds that the operation of entertainment establishments presents an environment with the demonstrated potential for excessive noise generation and disorderly conduct by patrons, particularly at closing times, with the attendant adverse health and safety impacts on the surrounding business and residential community; and

WHEREAS, in order to regulate the operation of entertainment establishments for the public health, safety and welfare, permittees will be held responsible for controlling patron conduct in and around the establishments, making adequate provisions for security and crowd control, protecting the City's youth from criminal activity and minimizing disturbances as a result of the operation of the

1 entertainment; and

2 WHEREAS, the City Council finds that the addition of conditions tailored to
3 the particular establishment will allow the business or event to flourish while meeting the
4 City's public health and safety needs, without placing unnecessary conditions on
5 existing businesses or organizations with a history of compliance with the city laws and
6 requirements;

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

9
10 Section 1. Section 5.72.120 of the Long Beach Municipal Code is
11 amended to read as follows:

12 5.72.120 Permit application filing and process.

13 A. All applications for entertainment permits, other than adult
14 entertainment activity as that term is defined in Subsection 5.72.115.B
15 shall be filed with the Director of Financial Management on such forms as
16 he or she may prescribe, and shall contain the following:

17 1. The name and permanent address of the applicant
18 and all other persons having a financial interest in the operation of the
19 entertainment, business or premises where the entertainment is to be
20 located;

21 2. A description of the proposed entertainment,
22 including the maximum number of persons who are expected to be
23 present within the entertainment establishment at any one time;

24 3. The proposed opening date and hours of operation of
25 the entertainment establishment;

26 4. For special or limited duration events, the date or
27 dates, hours and location of the proposed entertainment;

28 5. The proposed security arrangements for the control of

1 patrons;

2 6. The name or names of the person or persons having
3 management or supervision authority over the proposed entertainment, or
4 any business or premises wherein the entertainment is proposed to be
5 located;

6 7. Whether or not the applicant or any other responsible
7 person(s) have been convicted of a misdemeanor involving moral
8 turpitude or a felony offense within the past five (5) years, the nature of
9 such offense(s), and the sentence(s) received therefor;

10 8. Written consent for the proposed entertainment on
11 the premises from the owner of the property on which the entertainment is
12 to be conducted;

13 9. Such other information as the Director of Financial
14 Management shall deem necessary for the proper processing and review
15 of the application.

16 B. The person whose signature appears on the application
17 shall attest that he or she are a duly authorized representative of the
18 applicant and that the information contained in the application is true and
19 correct.

20 C. The application shall be filed under penalty of perjury. False
21 statements therein will constitute grounds for denial, suspension or
22 revocation as applicable.

23 D. An incomplete application shall not be accepted for
24 processing.

25 E. A nonrefundable investigation and notification fee, as set by
26 City Council resolution, shall be paid to the City at the time the application
27 is filed.

28 F. Change in contents. Any change in any information in the

1 application which occurs after the application has been filed, and prior to
2 City Council approval, must be submitted in writing to the Director of
3 Financial Management within ten (10) calendar days after the change has
4 occurred.

5 G. Investigation. On receipt of a complete application, the
6 Director of Financial Management shall refer it to all concerned City
7 departments for investigation. Such departments shall file their reports
8 and recommendations regarding the approval or denial of the permit with
9 the Director of Financial Management within sixty (60) days after the
10 application is filed, except where circumstances beyond the control of the
11 City justifiably delay such response.

12 H. Hearing notices.

13 1. The Director of Financial Management shall transmit
14 the application, together with the reports and recommendations of the City
15 departments, to the City Council for hearing and shall notify the applicant
16 of the date, time and place of the hearing which shall be held before the
17 City Council on the first available hearing date.

18 2. Prior to scheduling the hearing, the Director of
19 Financial Management shall give the applicant notice of the
20 recommendations of the City departments.

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

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

25 b. By posting the property in a conspicuous
26 location at the site of the proposed activity.

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

1 4. At the hearing, the City Council shall approve the
2 issuance of the entertainment permit if they find:

3 a. That issuance of the permit and conduct of the
4 entertainment at the proposed location, as conditioned, is consistent with
5 federal, state and local laws, rules, regulations and any existing special
6 permit(s);

7 b. That issuance of the permit at the proposed
8 location, as conditioned, will not constitute an undue burden on the
9 neighborhood because of its proximity to residences, inadequate parking
10 or other neighborhood circumstances and will not interfere with the
11 reasonable use and enjoyment of the neighborhood by its residents;

12 c. Whether or not the applicant or any other
13 responsible person(s) have been convicted of a misdemeanor involving
14 moral turpitude or a felony offense within the past five (5) years, the
15 nature of such offense(s), and the sentence(s) received therefor;

16 d. Neither the applicant or any responsible
17 person or principal of the applicant has a history of committing, permitting
18 or failing to prevent significant violations of the City code, or any license or
19 permit, in connection with an entertainment establishment for which he or
20 she is or was a responsible person;

21 e. It does not appear, based upon the information
22 before the City Council, that the applicant has provided false or
23 misleading material information in the application.

24 I. Where the Director of Financial Management does not
25 recommend approval of a permit, the Director of Financial Management
26 shall inform the applicant of the reason(s) for the denial in writing prior to
27 the date the permit is scheduled for City Council consideration.

28 J. In issuing the permit, the City Council may impose

1 conditions relating to the operation of the entertainment establishment.

2 Conditions may relate to:

- 3 1. The days, hours and location of operation;
- 4 2. Restrictions designed to prevent minors from
5 obtaining alcohol, such as separate entrances, exits, and restroom
6 facilities on the premises;
- 7 3. The number and age of persons allowed on
8 premises;
- 9 4. Whether licensed security guards are required, and if
10 so, how many;
- 11 5. Specific measures the permittee must undertake to
12 control the conduct of patrons so as to prevent or minimize disorderly
13 conduct within the establishment;
- 14 6. Specific measures the permittee must undertake to
15 remove trash attributable to the establishment or its patrons in and around
16 the establishment, the surrounding neighborhood and the public right of
17 way;
- 18 7. Specific measures the permittee must undertake to
19 prevent the entertainment and its patrons from disturbing the peace and
20 quiet of the surrounding neighborhood;
- 21 8. Specific measures the permittee must undertake to
22 provide video camera surveillance of public areas, including but not
23 limited to the front and rear of the business with full view of the public
24 rights-of-way and any parking lot under the control of the permittee. The
25 video system must be capable of delineating on playback the activity and
26 physical features of persons and areas within the exterior of the premises.
27 Recordings shall be accessible via the Internet by the Long Beach Police
28 Department.

1 9. Specific measures the permittee must undertake to
2 prevent its patrons from engaging in disorderly conduct in the surrounding
3 neighborhood;

4 10. Whether the Director of Financial Management must
5 receive advance notice of the date of a particular event if that event is not
6 held as part of the regularly scheduled events of the business; or

7 11. Other matters related to public health, safety and
8 welfare.

9 K. Conditions shall be based on specific and articulable facts
10 reasonably related to insuring the public health, safety and welfare,
11 including, but not limited to, the protection of minors from alcohol and
12 other criminal activity, the conservation of limited City public safety
13 resources and the prevention of public nuisance activity that detracts from
14 the peace and quiet of residential neighborhoods.

15 L. Conditions shall be listed on, or attached to, the permit.

16 M. The City Council shall give the permittee an opportunity to
17 review any proposed conditions and the City Council shall consider the
18 input of the permittee prior to imposing those conditions.

19 N. Conditions may not be imposed that conflict with any local,
20 state or federal law, or that conflict with the permittee's ABC license.
21 Nothing in this Subsection is intended to prevent the City Council from
22 imposing any condition related to the age of patrons inside an ABC
23 establishment if the ABC license does not address that issue. The intent
24 of this Subsection is to allow the sale and service of food to minors in a
25 bona fide public eating place (ABC license types 41, 47 and various club
26 licensed premises) with reasonable conditions placed on the permit to
27 prevent curfew violations and protect the minors from alcohol and other
28 criminal activity.

1 O. The City Council may require the applicant to demonstrate
2 compliance with applicable existing special permits prior to issuance of
3 the permit or may issue the permit conditioned upon the applicant
4 obtaining any other additional necessary special permit or other city,
5 county or state approval.

6 P. No condition may be imposed pursuant to this Chapter that
7 suppresses or regulates expression in any manner contrary to law.

8 Q. Imposition of any particular condition is appealable through
9 the procedures set forth in Section 5.06 of the Long Beach Municipal
10 Code.

11 R. Notwithstanding City Council approval of the application for
12 the permit, the applicant shall not operate until a permit is actually issued
13 by the Director of Financial Management. Upon approval of the
14 application, the Director of Financial Management shall issue the permit,
15 provided that the applicant has met all conditions imposed by any City
16 department, has complied with all applicable laws, and has paid the
17 applicable license tax and permit fees. The applicant shall have a
18 maximum one hundred eighty (180) days after City Council approval to
19 meet all applicable conditions. Failure to do so within that period shall
20 render the City Council approval void, unless an extension of the
21 compliance period is granted by the City Council before the compliance
22 period has expired.

23
24 Section 2. Section 5.72.121 of the Long Beach Municipal Code is
25 amended to read as follows:

26 5.72.121 Permit application filing and process for adult entertainment.

27 A. Any business or establishment desiring a permit required by
28 this Chapter to provide adult entertainment as described in Subsection

1 5.72.115.B, shall complete and file the application form supplied by the
2 City and shall accompany the form with the fee established by resolution
3 of the City Council, which fee shall be no more than necessary to cover
4 the costs of processing and investigating the application.

5 B. Application requirements. The application form shall require
6 and the applicant shall provide information which includes the following:

7 1. The business owner's name, residence street
8 address and mailing address, if different, and any and all aliases;

9 2. The name under which the entertainment business is
10 to operate;

11 3. The telephone number of the entertainment business
12 and the address and legal description of the parcel of land on which the
13 entertainment business is to be located;

14 4. The date on which the owner acquired the enterprise
15 for which the permit is sought and the date on which the enterprise began
16 or will begin operations at the location for which the permit is sought;

17 5. A statement whether the owner previously operated
18 in this or any other county, city or state under an entertainment
19 establishment license/permit or similar business license, and whether the
20 applicant has ever had such a license revoked or suspended and the
21 reasons therefor, and the business entity or trade name under which the
22 applicant operated that was subject to the suspension or revocation;

23 6. If the owner is a corporation, all of the
24 aforementioned information shall be provided for each officer and director
25 of the corporation as well as for any person, or other entity holding over
26 fifty percent (50%) of the shares of the corporation;

27 7. If the owner is a partnership, the aforementioned
28 information shall be provided for each general partner;

1 8. A statement under penalty of perjury that the owner
2 has personal knowledge of the information contained in the application
3 and that the information contained is true and correct, and that the
4 application has been completed under the owner's supervision;

5 9. An initialized list of the operational requirements of a
6 business providing entertainment and a signed, sworn statement that the
7 owner has read, understands and intends to comply with the
8 aforementioned operational requirements;

9 10. A description of all entertainment business activities
10 proposed to occur on the site of the entertainment business and the
11 anticipated occupancy of the entertainment business;

12 11. A site plan describing the building and/or unit
13 proposed for the entertainment facility and a fully dimensioned interior
14 floor plan;

15 12. If the premises are being rented or leased or are
16 being purchased under contract, a copy of such lease or contract.

17 C. Within seven (7) days of receipt of an application the
18 Director of Financial Management or designee shall determine whether
19 the application contains all the information required by the provisions of
20 this Chapter. If it is determined that the application is not complete, the
21 applicant shall be notified in writing within ten (10) business days of
22 receipt of the application that the application is not complete and the
23 reasons therefor, including any additional information necessary to render
24 the application complete. The applicant shall have thirty (30) calendar
25 days to submit additional information to render the application complete.
26 Failure to do so within the thirty (30) day period shall render the
27 application null and void. Within five (5) business days following the
28 receipt of an amended application or supplemental information, the

1 Director of Financial Management or designee shall again determine
2 whether the application is complete in accordance with the procedures set
3 forth above. Evaluation and notification shall occur as provided above
4 until such time as the application is found to be complete. Once the
5 application is found to be complete, the applicant shall be notified within
6 five (5) business days of that fact. All notices required by this Section
7 shall be deemed given upon the date they are either deposited in the
8 United States Mail or the date upon which personal service of such notice
9 is provided.

10 D. Issuance of permit - Investigation.

11 1. Determination to issue permit. Upon receipt of a
12 completed application for the permit, the Director of Financial
13 Management or designee shall conduct an investigation to determine if
14 the proposed business is in compliance with the provisions of this
15 Chapter. Within thirty (30) calendar days of a completed application
16 having been filed, the Director of Financial Management or designee shall
17 approve and issue the permit if all the requirements of this Section have
18 been met. If the Director of Financial Management or designee
19 determines that the application does not satisfy the requirements of this
20 Chapter, he/she shall deny the application. On the day the decision is
21 made, the applicant shall immediately be served with written notice of the
22 decision either personally or by deposit in the United States Mail, first-
23 class postage prepaid, at the address shown on the application. Service
24 shall be deemed complete upon personal service or deposit of the written
25 notice in the United States Mail. A temporary license will automatically be
26 issued in the event the City does not approve or deny the permit within
27 the time period established by this Section.

28 2. Standards for approval of permit. The Director of

1 Financial Management or designee shall approve and issue an
2 entertainment permit if the application and evidence submitted
3 demonstrates that:

4 a. The place of entertainment is not located
5 within three hundred feet (300') from any residential zoning district or
6 residential planned development district within the City; or within one
7 thousand feet (1,000') of any public or private school (kindergarten
8 through twelfth grade) located within the City; or within six hundred feet
9 (600') of a City park; or within five hundred feet (500') of a church (as
10 defined in Section 21.15.510 of the Long Beach Municipal Code); or
11 within one thousand feet (1,000') of any other adult entertainment
12 business; or within the areas set forth in Subsection 21.45.110.F of the
13 Long Beach Municipal Code. All measurements set forth above shall be
14 made in a straight line, without regard to intervening structures or objects,
15 from the nearest point on the property line of the adult entertainment
16 business to the nearest point on the property line of the residential zone,
17 school, church, park or other adult entertainment business, as applicable.

18 b. No owner, operator or manager shall permit
19 any entertainer or employee on the premises of the adult entertainment
20 business to engage in a showing of the human male or female genitals,
21 pubic hair, anus, cleft of the buttocks, or vulva with less than a fully
22 opaque covering and/or covered male genitals in a turgid state. This
23 provision may not be complied with by applying an opaque covering
24 simulating the appearance of the specific anatomical part required to be
25 covered.

26 c. No owner, operator or manager shall permit
27 any person to perform for patrons any entertainment except upon a stage
28 at least eighteen inches (18") above the level of the floor which is

1 separated by a distance of at least six feet (6') from the nearest area
2 occupied by patrons, and no patron shall be permitted within six feet (6')
3 of the stage while the stage is occupied by an entertainer.

4 d. No owner, operator or manager shall permit
5 any person under the age of eighteen (18) years within the premises at
6 any time during the hours of operation.

7 e. All indoor areas of the place of entertainment
8 in which patrons are permitted, except restrooms, will be open to plain
9 view, unaided by mirrors, electronic monitoring devices or other devices at
10 all times from all public portions of the establishment.

11 f. At least one (1) permitted, authorized security
12 guard shall be on duty within the premises at all times while the adult
13 entertainment business is open for business. The security guard shall be
14 charged with preventing violations of the law and enforcing compliance by
15 patrons with the requirements of this Chapter. No security guard required
16 pursuant to this Subsection shall act as a door person, ticket seller, ticket
17 taker or attendance person while acting as a security guard.

18 g. The premises within which the entertainment is
19 located shall provide sufficient sound absorbing insulation so that noise
20 generated inside the premises shall not be audible anywhere on the
21 adjacent property or public rights-of-way or within any other building or
22 other separate unit within the same building.

23 h. The place of entertainment shall have a
24 manager on-premises at all times while the establishment is open to the
25 public.

26 i. If the place of entertainment is licensed to
27 serve alcoholic beverages, the permittee shall abide by the rules and
28 regulations set forth by the California Department of Alcoholic Beverage

1 Control.

2 j. The stage or entertainment areas shall not be
3 open to view from outside the premises.

4 k. Permanent barriers shall be installed and
5 maintained to screen the interior of the premises from public view for each
6 door used as an entrance/exit to the business.

7 l. No exterior door or window shall be propped or
8 kept open at any time during the hours of operation.

9 m. Any exterior windows shall be covered with
10 opaque covering.

11 n. All areas of the place of entertainment
12 accessible to patrons shall be illuminated at least to the extent of two (2)
13 foot-candles, minimally maintained and evenly distributed at ground level.

14 o. The place of entertainment shall have a door
15 person on the premises at all times the establishment is open to the public
16 who shall check photo identification of all persons entering the premises
17 to ensure that no person under the age of eighteen (18) is permitted on
18 the premises.

19 p. The place of entertainment shall provide video
20 camera surveillance of public areas, including but not limited to the front
21 and rear of the business with full view of the public rights-of-way and any
22 parking lot under the control of the permittee. The video system must be
23 capable of delineating on playback the activity and physical features of
24 persons and areas within the exterior of the premises. Recordings shall
25 be accessible via the Internet by the Long Beach Police Department.

26 q. The adult entertainment business shall not
27 operate between the hours of two o'clock (2:00) a.m. and nine o'clock
28 (9:00) a.m.

1 Section 3. Section 5.72.125 of the Long Beach Municipal Code is
2 amended to read as follows:

3 5.72.125 Temporary permit.

4 A. The Director of Financial Management shall issue a
5 temporary entertainment permit for no more than ninety (90) days to a
6 new business or an existing business with new ownership where the
7 previous owner had a valid entertainment permit, not involving adult
8 entertainment as defined in Title 21 of the Long Beach Municipal Code, if
9 he or she finds:

10 1. The applicant is an individual or lawfully created
11 business entity having a valid ownership interest in the business;

12 2. No suspensions, denials or revocations of an
13 entertainment permit have occurred at the location in the past twelve (12)
14 months before the application date;

15 3. The applicant has also applied for a regular
16 entertainment permit for the same location.

17 4. The owner of the property on which the entertainment
18 is to be conducted has consented in writing to the application for the
19 temporary permit.

20 B. A temporary permit shall automatically expire ninety (90)
21 days from date of issuance or when an application for a regular
22 entertainment permit is approved or denied by the City Council, whichever
23 occurs first. Where circumstances justifiably delay the hearing before the
24 City Council on the regular entertainment permit, the City shall grant one
25 thirty (30) day extension of the temporary permit until the regular
26 entertainment permit is heard by the City Council. A temporary permit
27 may be revoked or suspended pursuant to Chapter 5.06 of the Long
28 Beach Municipal Code.

1 C. At the time a temporary permit is issued, the applicant shall
2 agree to comply with all temporary operating conditions imposed. The
3 applicant shall also agree to hold the City harmless for liability/damages
4 arising from any contractual agreements or investments made by the
5 applicant which may assume the eventual issuance of an unrestricted
6 permit.

7 D. The applicant shall at all times during operation under the
8 temporary permit comply with the following conditions. In issuing the
9 permit, the Director of Financial Management may impose conditions
10 relating to the operation of the entertainment establishment. Conditions
11 may relate to:

- 12 1. The days, hours and location of operation;
- 13 2. Restrictions designed to prevent minors from
14 obtaining alcohol, such as separate entrances, exits, and restroom
15 facilities on the premises;
- 16 3. The number and age of persons allowed on
17 premises;
- 18 4. Whether licensed security guards are required, and if
19 so, how many;
- 20 5. Specific measures the permittee must undertake to
21 control the conduct of patrons so as to prevent or minimize disorderly
22 conduct within the establishment;
- 23 6. Specific measures the permittee must undertake to
24 remove trash attributable to the establishment or its patrons in and around
25 the establishment, the surrounding neighborhood and the public right of
26 way;
- 27 7. Specific measures the permittee must undertake to
28 prevent the entertainment and its patrons from disturbing the peace and

1 quiet of the surrounding neighborhood;

2 8. Specific measures the permittee must undertake to
3 provide video camera surveillance of public areas, including but not
4 limited to the front and rear of the business with full view of the public
5 rights-of-way and any parking lot under the control of the permittee. The
6 video system must be capable of delineating on playback the activity and
7 physical features of persons and areas within the premises. Recordings
8 shall be accessible via the Internet by the Long Beach Police Department.

9 9. Specific measures the permittee must undertake to
10 prevent its patrons from engaging in disorderly conduct in the surrounding
11 neighborhood;

12 10. Whether the Director of Financial Management must
13 receive advance notice of the date of a particular event if that event is not
14 held as part of the regularly scheduled events of the business; or

15 11. Other matters related to public health, safety and
16 welfare.

17 E. A nonrefundable fee, as set by City Council resolution, shall
18 be paid to the City when the application for a temporary permit is filed.

19
20 Section 4. Section 5.72.130 of the Long Beach Municipal Code is
21 amended to read as follows:

22 5.72.130 Permits for occasional events.

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

28 B. An occasional event permit shall not be issued for any

1 premises or location more than twenty-four (24) times within any twelve
2 (12) month period, and events for which occasional event permits are
3 issued must be at least ten (10) days apart. This prohibition shall not
4 apply to any parks and recreation or other City operated facility.

5 C. Applications for occasional event permits will be accepted
6 for consideration only if the following requirements have been met. Failure
7 to meet any of these requirements will render the application
8 incomplete/void. Incomplete or void applications will not be processed:

9 1. The application shall be submitted no more than thirty
10 (30) business days and no less than ten (10) business days prior to the
11 event.

12 2. The applicant shall pay the filing fee, as established
13 by resolution of the City Council, at the time the application is filed with
14 the City.

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

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

20 D. An occasional event permit shall be issued by the Director of
21 Financial Management only after he/she has determined the following:

22 1. The peace and quiet of the neighborhood will not be
23 disturbed.

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

26 a. Where professional security services have
27 been required, a written contract must be obtained and submitted to the
28 Director of Financial Management no less than five (5) days prior to the

1 scheduled event.

2 b. The contract must contain such information as
3 the Director of Financial Management may require, including, but not
4 limited to:

- 5 (i) The event location;
6 (ii) The date and specific hours of the
7 event;
8 (iii) The number of guards assigned; and
9 (iv) A statement that the guards will be
10 uniformed or non-uniformed and armed or unarmed.

11 c. The security contract must be signed by the
12 permit applicant and by a duly authorized representative of a private
13 patrol operator, as licensed by the State of California Department of
14 Consumer Affairs, who is in possession of a Long Beach City business
15 license, issued pursuant to Chapter 3.80 of the Long Beach Municipal
16 Code.

17 3. That all prerequisite requirements of other agencies
18 or departments have been met.

19 4. In making a determination of whether or not to issue
20 an occasional event permit, the Director of Financial Management may
21 inspect the premises and site at which the event is to take place. The
22 Director of Financial Management may also consider prior complaints,
23 police service calls and other relevant information related to prior events
24 on the premises.

25 E. An occasional event permit for a nonprofit fundraising event
26 shall not be approved unless and until a charitable solicitation permit has
27 been obtained pursuant to Chapter 5.28 of the Long Beach Municipal
28 Code.

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F. Where a promoter has been engaged to market, advertise or conduct the event, said promoter must obtain a City business license prior to approval of the occasional event permit. If the event is a charitable event, then the promoter must also comply with all applicable requirements of Chapter 5.28 of the Long Beach Municipal Code.

G. As a condition of occasional event permit issuance, the permittee agrees to reimburse the City:

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

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

H. In no event shall the issuance of an occasional event permit by the Director of Financial Management be construed as permission to disturb the peace. Permits may be denied or revoked by the City if it is determined that the event sponsor or any agent, employee or associate of any such event organizer has willfully made any false or misleading statement in an application or has not fully complied with the requirements of this Chapter or has violated any of the provisions of this Chapter or the provisions of any other applicable law, rule or regulation.

Section 5. Subsection 21.15.110.I of the Long Beach Municipal Code is amended to read as follows:

I. For the purposes of this Section, "specified anatomical areas" include the human male or female genitals, pubic hair,

1 anus, cleft of the buttocks, or vulva with less than a fully opaque covering
2 and/or covered male genitals in a turgid state. This provision may not be
3 complied with by applying an opaque covering simulating the appearance
4 of the specific anatomical part required to be covered.

5
6 Section 6. Subsection 5.72.120.5 is added to the Long Beach
7 Municipal Code to read as follows:

8 5.72.120.5 Duration of Permit.

9 A Permit issued pursuant to this Chapter shall be valid for two (2)
10 years from the date it was issued subject to any conditions or restrictions
11 existing at the time it was issued.

12
13 Section 7. Subsection 5.72.120.6 is added to the Long Beach
14 Municipal Code to read as follows:

15 5.72.120.6 Permits issued prior to the effective date of ordinance.

16 A. Unless an earlier expiration date is specified in the terms of
17 the permit itself, a permit issued on or before the effective date of the
18 ordinance codified in this Section shall be valid for two (2) years from the
19 effective date of this Section and shall terminate thereafter.

20 Notwithstanding any other provision of this Chapter, all permits issued on
21 or before the effective date of the ordinance codified in this Section shall
22 be subject to suspension, modification or revocation pursuant to Section
23 5.72.145 of the Long Beach Municipal Code.

24 B. A permittee with a permit subject to the provision of
25 Subsection A may apply for permit renewal as provided in Chapter 5.72 of
26 the Long Beach Municipal Code.

27 C. If a permit renewal is issued as provided in Subsection B,
28 the Director of Financial Management may impose conditions on the

1 permit in accordance with this Chapter.

2 Section 8. Section 5.72.126 of the Long Beach Municipal Code is
3 hereby repealed.

4
5 Section 9. Declaration of Urgency. This ordinance is an emergency
6 measure, and it is urgently required for the reason that immediate relief is needed from
7 severe and worsening parking impacts associated with construction projects in the City
8 of Long Beach, making it necessary to immediately implement the provisions of the
9 ordinance.

10
11 Section 10. This ordinance is an emergency ordinance duly adopted by
12 the City Council on _____, 2012, by a vote of at least five (5) of its
13 members and shall take effect immediately. The City Clerk shall certify to a separate
14 roll call and vote on the question of the emergency of this ordinance and to its passage
15 by the vote of five (5) members of the City Council of the City of Long Beach, and
16 cause the same to be posted in three conspicuous places in the City of Long Beach.

17
18 Section 11. This ordinance shall also be adopted by the City Council as
19 a regular ordinance, to the end that in the event of any defect or invalidity in connection
20 with the adoption of this ordinance as an emergency ordinance, the same shall,
21 nevertheless, be and become effective on the thirty-first day after it is approved by the
22 Mayor.

23
24 Section 12. The City Clerk shall certify to the passage of this Ordinance
25 by the City Council and cause it to be posted in three conspicuous places in the City of
26 Long Beach, and it shall take effect on the thirty-first day after it is approved by the
27 Mayor.

28 ///

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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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

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