

**REVISED LEGISLATIVE DIGEST**

(5/21/2013, Amended in Board)

[Police, Administrative Codes - Entertainment-Related Permits]

**Ordinance amending the Police Code to clarify permit requirements, procedures, as well as to expand suspension, citation, and enforcement provisions regarding Entertainment Commission permits, including Place of Entertainment Permits, Limited Live Performance Permits, Temporary Place of Entertainment Permits, Temporary Limited Live Performance Permits, Extended-Hours Premises Permits, and Temporary Extended-Hours Premises Permits, and noise limits and standards; amending the Administrative Code to clarify fee setting and reporting procedures; and making environmental findings.**

Existing Law

Under the Municipal Code, the Entertainment Commission (“Commission”) is responsible for administering and enforcing the Police Code provisions regarding entertainment related permits. The Police Code, in turn, sets forth various permit definitions, requirements, and enforcement provisions as well as provisions concerning noise limits and standards. Under existing law, the Director of the Commission has authority to issue administrative citations for permit condition violations and certain security plan violations.

Amendments to Current Law

The proposed Ordinance clarifies various definitions, permit requirements, and enforcement provisions. Specifically, it clarifies that a “Live Performance” includes “recorded music presented by a live disc jockey on the premises” and that the term “Security Guard” includes a Private Patrol Operator as defined under California Law. The proposed ordinance also expands the Limited Live Performance Permit category to include outdoor plazas, courtyards, or similar outdoor spaces. The proposed Ordinance clarifies that in order to operate a Place of Entertainment between 2:00 a.m. and 6:00 a.m., the permit holder must have both a Place of Entertainment Permit as well as an Extended-Hours Premises Permit.

The proposed Ordinance also allows the Commission to issue non-renewable Temporary Permits to new owners whose permit applications are pending and who satisfy certain permit conditions. In addition, any moratorium on Extended-Hours Premises Permits would not apply to any premises that serves food or beverages without Entertainment.

The proposed Ordinance also gives the City additional regulatory and enforcement powers by clarifying that certain criminal, civil, and administrative penalties apply to the violation of any provision of Article 15.1, 15.2 as well as to the excessive noise provisions of Article 29 and Police Code 49. It also allows the Director of the Commission to suspend a permit for up to 15

days under certain conditions. The Ordinance clarifies fee setting and reporting procedures in Administrative Code Section 90.9 and deletes outdated Police Code language.

Background

This digest reflects the 5/21/13 Board Amendments, which clarified that any moratorium on Extended-Hours Premises Permits under Section 1070.36 would not apply to premises that serves food, beverages, or food and beverages, without Entertainment.