

REVISED LEGISLATIVE DIGEST

(12/5/2023, Amended in Board)

[Police Code - Fees, Applications, and Conditions for Certain Entertainment Permits]

Ordinance amending the Police Code to 1) waive initial license and filing fees through June 30, 2025 for certain Entertainment Permits for former holders of Just Add Music Permits; 2) waive initial license and filing fees for Entertainment Permits for applicants who are newly eligible to apply for those permits due to recent Planning Code amendments; 3) eliminate masked ball permits; 4) require applicants for Arcade, Ancillary Use, billiard and pool table, Place of Entertainment, Limited Live Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises Permits to submit a new Permit application and filing fee if their existing application has not been granted, conditionally granted, or denied within 12 months of its submission; 5) authorize the Entertainment Commission Director (“Director”) to issue billiard and pool table permits without a hearing, and provide that such permits may be suspended or revoked under the standards and procedures that apply to other Entertainment Permits; 6) exempt schools from the requirement to obtain a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit for any activities that occur on school premises in the regular course of school operations; 7) allow the Director or the Entertainment Commission to require an applicant for a Limited Live Performance Permit to propose a Security Plan if necessary to protect the safety of persons and property or provide for the orderly dispersal of persons and traffic, to make compliance with the Security Plan a condition of the Permit, and to require revisions to the Security Plan as necessary; and 8) clarify that a single One Time Outdoor Amplified Sound Permit may extend across multiple consecutive or non-consecutive 24-hour periods.

Existing Law

Just Add Music (“JAM”) permits were authorized by the 27th Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020, which Supplement is dated September 25, 2020.

Police Code Section 1060.1.1 imposes an annual license fee on every person granted a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit by the Entertainment Commission. Police Code Section 1060.2 imposes a filing fee on every person applying to the Entertainment Commission for a Place of Entertainment permit or an amendment to such a permit. Police Code Section 1060.2.1 imposes a filing fee on every person applying to the Entertainment Commission for a Limited Live Performance Permit, or an amendment to such a permit. Police Code Section 1060.2.2

imposes a filing fee on every person applying to the Entertainment Commission for a Fixed Place Outdoor Amplified Sound Permit or an amendment to such a permit.

Police Code Section 1029 requires a permit from the Entertainment Commission for a masked ball.

Articles 15, 15.1, and 15.2 allow an application for an Entertainment permit to remain pending indefinitely, and do not impose a deadline beyond which an applicant must reapply and pay a new filing fee in order to move their application forward.

Police Code Section 1036.24 imposes various technical requirements for arcades and other “mechanical amusement devices” in the City, and also requires Arcade and Ancillary Use permittees to comply with reasonable requirements as determined by the Director to minimize danger to the public from the mechanical amusement devices.

Police Code Section 1037 requires anyone charging for the use of billiard or pool tables in their establishment to obtain a permit from the Entertainment Commission, and is silent as to whether the Director has authority to suspend the permit without referral to the Entertainment Commission.

Police Code Section 1060.3 requires an application for a Place of Entertainment permit to include certain criminal history information pertaining to certain people connected with the applicant business, including the applicant, the Manager, any person to whom the Department of Alcoholic Beverage Control has issued a license in connection with the applicant business, and any other person with authority or control over the business. And Police Code Section 1060.30 requires a Place of Entertainment permittee to notify the Entertainment Commission of new criminal matters that pertain to the individuals and fall within the categories required to be included with a permit application.

Police Code Sections 1060.3.1 and 1060.5.1 do not require an application for a Limited Live Performance Permit to include a proposed Security Plan and do not specifically authorize the Director or Entertainment Commission to require a Limited Live Performance permittee to comply with a Security Plan as a condition of their permit

Police Code Section 1060.11 requires the Police Department to inspect establishments with permits issued under Article 15.1, but does not explicitly require or authorize the Entertainment Commission to conduct such inspections.

Police Code Section 1060.29.2 leaves ambiguous whether a single One Time Outdoor Amplified Sound Permit may extend across multiple consecutive or non-consecutive 24-hour periods.

Article 15.1 of the Police Code is silent as to whether schools are required to obtain a permit to conduct activities on school premises that would otherwise require a permit under Article 15.1.

Amendments to Current Law

This ordinance would amend Police Code Section 1060 to add a definition of Just Add Music (“JAM”) Permits.

This ordinance would also amend Police Code Sections 2.27 and 1060.1.1 to waive the initial license fee for every person who previously held a JAM Permit, and who, between January 1, 2023 and June 30, 2025, applies for a new Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit to continue to provide outdoor entertainment and/or amplified sound in the same space as authorized by the JAM Permit. It would also waive the initial license fee for those permits for every person who, due to Planning Code amendments that take effect on or after January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit or Limited Live Performance Permit on or before June 30, 2025. License fees waived by this provision but already paid shall be refunded if a refund request is submitted in writing to the Entertainment Commission by June 30, 2025.

This ordinance would also amend Police Code Sections 2.26, 1060.2, 1060.2.1 and 1060.2.2 to waive the permit filing fees for every person who previously held a JAM Permit, and who, between January 1, 2023 and June 30, 2025, applies for a new or amended Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit, respectively, to continue to provide outdoor entertainment and/or amplified sound in the same space as authorized by their JAM Permit. It would also waive the filing fee associated with those permits for every person who, due to Planning Code amendments that take effect on or after January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit or Limited Live Performance Permit on or before June 30, 2025. And it would also waive the filing fee for One Time Event Permits and One Time Outdoor Amplified Sound Permits for former holders of JAM Permits that seek either of these short-term permits to continue activities previously allowed under their JAM Permits while awaiting final approvals by City departments required prior to obtaining a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit. Filing fees waived by this provision but already paid shall be refunded if a refund request is submitted in writing to the Entertainment Commission by June 30, 2025.

The ordinance would also eliminate Police Code Section 1029, eliminating the requirement for a masked ball permit.

The ordinance would also amend Police Code Sections 1036.3, 1037.1, 1060.2, 1060.2.1, 1060.2.2, and 1070.2 to require applicants for Arcade, Ancillary Use, billiard and pool table, Place of Entertainment, Limited Live Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises Permits to submit a new Permit application and filing fee if their existing application has not been granted, conditionally granted, or denied within 12 months of its submission.

The ordinance would also amend Police Code Section 1036.24 to eliminate various technical requirements for arcades and other “mechanical amusement devices,” and simply require that Arcade and Ancillary Use permittees to comply with reasonable requirements as determined by either the Director or the Entertainment Commission to minimize danger to the public from the mechanical amusement devices.

The ordinance would also amend Police Code Section 1037 to require that the Director, rather than the Entertainment Commission, review and act on billiard and pool permit applications, but to allow the Director discretion to refer an application to the Entertainment Commission if the Director, Entertainment Commission, and/or Police Department has received more than one complaint in the preceding 12 months regarding the permit applicant and/or subject premises. The ordinance would specify that the suspension and revocation procedures in Sections 1060.20 through 1060.20.4, inclusive, apply to these permits.

The ordinance would also amend Police Code Section 1060.3.1 to require an application for a Limited Live Performance Permit to include a proposed Security Plan if the Director or Entertainment Commission find it necessary. It would amend Police Code Section 1060.51 to authorize the Director or Entertainment Commission to require a Limited Live Performance permittee to comply with a Security Plan as a condition of their permit.

The ordinance would also amend Police Code Section 1060.11 to authorize the Entertainment Commission, in addition to the Police Department, to inspect establishments with permits issued under Article 15.1.

The ordinance would also amend Police Code Section 1060.29 to clarify that a single One Time Outdoor Amplified Sound Permit may extend across multiple consecutive or non-consecutive 24-hour periods.

The ordinance would also amend Police Code Section 1060.1 to clarify that a school is not required to obtain a permit under Article 15.1 to conduct activities that occur on school premises in the regular course of school operations that would otherwise require a permit under Article 15.1, such as school sporting events, school dances, and school music performances, but that a school is required to obtain a One Time Event Permit or One Time Outdoor Amplified Sound Permit to engage in activities on school premises that do not occur in the regular course of school operations and that otherwise meet the criteria for such permits.

Background Information

The original version of this ordinance was introduced on July 25, 2023.

A substitute ordinance was introduced on October 17, 2023. The October 17 substitute ordinance changed the deadline and recipient agency for a license or permit fee refund

request under the ordinance, stating that refund requests should be made by June 30, 2025 to the Entertainment Commission.

The October 17 substitute ordinance also added the following provisions to the original ordinance:

- a waiver of filing fees for One Time Event Permits and One Time Outdoor Amplified Sound Permits for former holders of JAM Permits that seek either of these short-term permits to continue activities previously allowed under their JAM Permits while awaiting final approvals by City departments required prior to obtaining a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit;
- amendments to Police Code Section 1060.29 to clarify that a single One Time Outdoor Amplified Sound Permit may extend across multiple consecutive or non-consecutive 24-hour periods; and
- amendments to Police Code Section 1060.1 to clarify that a school is not required to obtain a permit under Article 15.1 to conduct activities that occur on school premises in the regular course of school operations that would otherwise require a permit under Article 15.1, but that a school is required to obtain a One Time Event Permit or One Time Outdoor Amplified Sound Permit to engage in activities on school premises that do not occur in the regular course of school operations and that otherwise meet the criteria for such permits.

The Board duplicated and amended the ordinance on First Reading on December 5, 2023. The original version was amended to eliminate changes to the criminal record reporting provisions in Section 1060.3 and 1060.30 of the Police Code, and restore those Sections to the language currently in the Code. The duplicated version is being sent back to the Budget & Finance Committee.

n:\legana\as2023\2300301\01721898.docx