



INSTRUCTIONS FOR LIVE ENTERTAINMENT PERMIT APPLICATION

Background

1. Applicant must obtain a valid permit PRIOR to offering any live entertainment to the public.

Please review the list of EXEMPTIONS on page 3.

2. Permit Types consist of:

Permit Type	Alcohol	Amplification	Dancing	Annual Fee*
1	No	No	No	\$37.50
1A	Yes	No	No	\$50.00
2	No	Yes	No	\$50.00
2A	Yes	Yes	No	\$75.00
3	No	Yes	Yes	\$75.00
3A	Yes	Yes	Yes	\$100.00

3. Complete application and submit 45 days prior to:

- a. Start of any entertainment
- b. Effective date for a change in Class (permit type) or applied conditions
- c. Sale of ownership in the business equal to or greater than 10%

Application

4. Business Information

- a. If corporation, the person authorized to bind corporation may sign with proof of Board's action authorizing that person as signatory on behalf of the corporation.
- b. If alcohol is offered in the business, please provide a copy of the ABC license OR the ABC License Number.

5. Property Owner

- a. Property owner (landlord) must approve applicant's intended use of live entertainment or, if not, City staff will contact owner in an attempt to determine conditions that property owner might find acceptable upon which to agree to use.

6. Business Owners

- a. Each owner with a 10% or greater ownership in business must complete the Miscellaneous Information Sheet.

7. Adjacent Neighbor Notification

- a. All adjacent neighbors (next door) must be contacted regarding applicant's intended use of live entertainment or, if not, City staff will contact neighbors for notification.

8. License Type

- a. Determine three characteristics of establishment and entertainment sought:
 - i. Is alcohol being served
 - ii. Is amplification (microphone) desired
 - iii. Is dancing desired
- b. Circle appropriate Type of permit requested

9. Sign application under penalty of perjury.

10. Submit application to London Adams, Management Analyst, City Manager's Office (ladams@cityofvista.com, 760-643-5206) Permit fee (varies) and Sheriff's background investigation fee (\$50) must be paid prior to issuance of permit.

Process

11. Application will be submitted to Sheriff's Department for 30-day background investigation.

12. After Sheriff's investigation, City Manager or designee will conduct review of application and consult with appropriate parties to determine assignment of conditions warranting approval of application OR will deny application based upon results of application review.

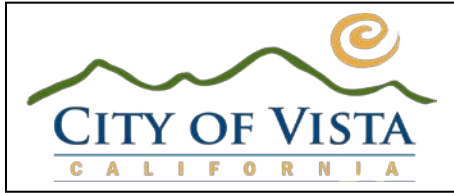
- a. If approved with conditions, applicant may submit written request for additional City Manager review if applicant has objection(s) to any assigned condition Vista Instructions for Live Entertainment Application
 - i. Written request for review must be filed with the City Clerk within 10 days of date of approval, and must list specific conditions which are objected to in addition to arguments why those conditions should not be imposed.
 - ii. City Manager will respond to objection in writing.
- b. If denied, applicant has the right to appeal to the City Council.
 - i. Written request for appeal must be filed with the City Clerk within 10 days from the date of denial.

Exemptions

The following types of entertainment and entertainment establishments are EXEMPT from the permit requirements:

1. Entertainment authorized through a Special Event or Park Event permit.
2. Entertainment held at a City-owned facility (authorized pursuant to a contract).

3. Entertainment sponsored by:
 - a. The City of Vista
 - b. The County of San Diego
 - c. Various Boards of Education
 - d. Any political subdivision of the State of California
 - e. A Charter School's educational or instructional program
4. Entertainment provided by:
 - a. Radio
 - b. Music recording machine
 - c. Juke box
 - d. Television
 - e. Video games
 - f. Video programs
 - g. Recorded music (unless to be used for dancing or karaoke)
5. Entertainment provided by private clubs
6. Entertainment provided at private residences
7. Entertainment provided by non-profit organizations which are exempt from Internal
8. Revenue Code Section 501(c)(3)
9. Entertainment held in theaters
10. Entertainment provided through dance lessons, theatrical and performing arts lessons
11. Entertainment provided through book readings, book signings, poetry recitations, and any other entertainment consisting of spoken words, including plays
12. Entertainment provided at fund raisers for political causes



Application for Live Entertainment Permit (Vista Municipal code Chapter 5.24)

If applicant is a partnership, corporation, or LLC, names of all owners, partners, directors, trustees, etc., with at least a 10% ownership must be shown.

Check one: Single ownership Partnership Corporation LLC

If other than single ownership, state name of entity: _____

Business Information:

Name: _____ Phone: _____

Address: _____

Days and Hours of Operation: _____

Other Business Licenses in Vista: _____

Is the business in one of the following areas?

- Industrial Zone (M-1 zone, I-P zone, Business Park Specific Plan, or Specific Plan 14)
- Historic Downtown planning district
- Paseo Santa Fe planning district
- Area "A" of the Central Vista Business Improvement District (CVBID)

Please describe the nature of the business or principal activities conducted on the premises for which live entertainment is requested:

Type of Entertainment:

Describe the type of entertainment proposed:

What is the maximum number of band members performing during live entertainment: _____

Square Footage of the area in which the live entertainment activity will occur? _____

(Please attach a floor plan to this application; identify where the live entertainment will occur.)

What is the maximum capacity of the room(s) where live entertainment will occur? _____

Amplification (microphone)? Yes No

Will there be live entertainment outdoors or semi-outdoors (windows and doors open)*?

Yes No

*** Amplified live entertainment outdoors/semi-outdoors is limited to designated planning districts/areas; outdoor entertainment is only allowed in permitted patio areas**

If so, please describe and **attach a floor plan** showing the area:

Dancing*? Yes No

*** The business must have a minimum 10 x 10 designated area for dancing**

Size of dance floor? _____ (Please ensure the dance floor is shown on the floor plan)

Days and times when live entertainment will be provided? Please indicated all preferred days and times requested

Monday: _____

Tuesday: _____

Wednesday: _____

Thursday: _____

Friday: _____

Saturday: _____

Sunday: _____

Will alcohol be served? Yes No

If yes, do you have a current ABC license? Yes No

Please attach a copy of the ABC license to the application OR provide the ABC License Application Number here: _____

Has any owner, operator, or employee been issued a criminal or administrative citation for violating alcoholic beverage control or any other law that is currently awaiting legal or ABC administrative action? **If so, please explain:**

Manager of Venue or Program: (Must complete Misc. Info. Sheet for Sheriff's Department)

Name: _____ Phone: _____

Address: _____

Period of residence in Vista _____

List Business Owners (with 10%+ share of ownership): (Must complete Miscellaneous Information Sheet for each owner for Sheriff's Department.) If business owner is a corporation, Limited Liability Company, or partnership, list all officers or partners. If additional owners, please add attachment.

Name: _____ Phone: _____

Address: _____

Name: _____ Phone: _____

Address: _____

Name: _____ Phone: _____

Address: _____

Name: _____ Phone: _____

Address: _____

Name: _____ Phone: _____

Address: _____

Please list all misdemeanor or felony offense(s) resulting in conviction or plea of nolo contendere within the past ten years:

Date	Place/ Agency	Charge	Disposition
------	---------------	--------	-------------

Property Owner:

Name: _____ Phone: _____

Address: _____

Approval for entertainment: Yes No

Adjacent Neighbor Support of Entertainment (attach additional sheets if necessary):

Business Name: _____ Phone: _____

Address: _____

Support for entertainment: Yes No

Name and title of person spoken to: _____

Business Name: _____ Phone: _____

Address: _____

Support for entertainment: Yes No

Name and title of person spoken to: _____

Business Name: _____ Phone: _____

Address: _____

Support for entertainment: Yes No

Name and title of person spoken to: _____

Business Name: _____ Phone: _____

Address: _____

Support for entertainment: Yes No

Name and title of person spoken to: _____

Business Name: _____ Phone: _____

Address: _____

Support for entertainment: Yes No

Name and title of person spoken to: _____

Permit Type Requested (check box next to permit type):

Permit Type	Alcohol	Amplification	Dancing	Fees
1	No	No	No	\$ 37.50
1A	Yes	No	No	\$ 50.00
2	No	Yes	No	\$ 50.00
2A	Yes	Yes	No	\$ 75.00
3	No	Yes	Yes	\$ 75.00
3A	Yes	Yes	Yes	\$100.00

Responsible Beverage Sales and Service

In accordance with VMC §5.10, Alcoholic Beverages – Responsible Beverage Sales and Service, the licensee, manager, and servers must complete Responsible Beverage Sales and Service (RBSS) Training every three years. To verify compliance, please submit a list of all employees as well as a copy of their RBSS certification.

Under penalty of perjury, I swear that the foregoing statements are true and accurate to the best of my knowledge. Any false or misleading responses to any of the questions are grounds for denial of a live entertainment permit.

Date

Signature of Applicant

Live entertainment permits are valid for a period of 24 months and payable in advance.

One \$50.00 Sheriff’s investigation fee will be added to the invoice for the live entertainment permit.

Submission information

Submit the following documents to Sara Trench, Management Analyst, via hand delivery or mail (200 Civic Center Drive, Vista, CA, 92084) or via email to strench@cityofvista.com.

- Completed and signed application
- Floor plan
- Copy of ABC license (if number not included in application), if alcohol will be served
- Completed Sheriff’s Department Miscellaneous Information Sheet for all business partners owning 10% or more of the company and manager
- List of employees and copies of Responsible Beverage Sales and Service certificates (for licensee, managers, and servers), if alcohol will be served

MISCELLANEOUS INFORMATION SHEET FOR THE
SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

PLEASE PRINT

DATE: _____

NAME: _____ OTHER NAMES _____
(Last) (First) (MI) (or Maiden)

CALIF DRIVER'S LICENSE NO. _____ SOCIAL SECURITY NO. _____

RESIDENCE PHONE () _____ BUSINESS PHONE () _____

SEX _____ RACE _____ HEIGHT _____ WEIGHT _____

BIRTHDATE _____ BIRTHPLACE _____ CITIZENSHIP _____

HOME ADDRESS _____ CITY _____ ZIP _____

BUSINESS ADDRESS _____ CITY _____

LIST PRIOR RESIDENCES FOR PAST FIVE (5) YEARS:

ARE YOU THE SOLE OWNER OF THIS BUSINESS? [] YES [] NO

(If not, a Miscellaneous Identification Form must be completed by each partner and/or business associate and submitted along with this application)

OWNER OF PREMISES _____ TELEPHONE _____

IN CASE OF EMERGENCY NOTIFY _____ RELATIONSHIP _____

ADDRESS _____ CITY _____

LIST ALL CHARGES RESULTING IN CONVICTION OR PLEA OF NOLO CONTENDERE WITHIN THE PAST FIVE (5) YEARS, EXCLUDING MISDEMEANOR TRAFFIC VIOLATIONS.

DATE	PLACE/AGENCY	CHARGE	DISPOSITION
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I declare under penalty of perjury that the foregoing is true and correct.
Executed on the _____ day of _____, 20____, at _____, California

(Signature of Applicant)

Chapter 5.24

Establishments Offering Live Entertainment

Sections:

- 5.24.010 Purpose and Intent**
- 5.24.020 Definitions**
- 5.24.030 Permit Requirements; Mandatory Legal and Regulatory Compliance**
- 5.24.040 Exemptions from Permit Requirement**
- 5.24.050 Permit Types**
- 5.24.060 Applications for Permits – Contents**
- 5.24.070 Investigation of Applications**
- 5.24.080 Actions on Applications; Conditions**
- 5.24.090 Duration of Approved Permits**
- 5.24.100 Renewal of Permits**
- 5.24.110 Operating Standards for Entertainment and Entertainment Establishments**
- 5.24.120 Closure Based on Threat to Public Safety**
- 5.24.130 Permit Revocation**
- 5.24.140 Appeals**
- 5.24.150 Previously Issued Licenses for Cabarets and Dance Halls**

Section 5.24.010 Purpose and Intent

A. The City Council of the City of Vista encourages the development of arts and culture, and recognizes that many entertainment establishments contribute to that goal. While these venues can enhance the community, entertainment establishments sometimes generate excessive noise or disorderly conduct by patrons. This can be particularly true at closing times, with the attendant adverse public safety impact on the surrounding business and residential community.

B. Therefore, it is the purpose of this chapter to regulate the operations of entertainment establishments for the public safety. It is not the City's intent to regulate or restrict the type or content of entertainment provided in those establishments. All permittees and responsible persons 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, and taking actions to minimize or eliminate public disturbances and criminal activity which may result from, or be associated with, the operation of the entertainment establishment.

C. The City Council finds that the imposition of appropriate conditions, using the procedures established by this chapter, will allow entertainment establishments to effectively operate while meeting the City's public safety needs.

(Prior Code 3-1; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14)

Section 5.24.020 Definitions

For purposes of this chapter the following terms shall have the definitions presented below.

“ABC License” means the license issued by the California Department of Alcoholic Beverage Control.

“City Manager” means the City Manager for the City of Vista or the City Manager's designee.

“Entertainment” or “entertainment establishment” means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate, or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing guests or patrons, including:

A. Presentations by single or multiple performers, such as hypnotists, pantomimes, comedians, musical song or dance acts, karaoke, plays, concerts, any type of contest; sporting events, exhibitions, carnival, rodeo or circus acts, demonstrations of talent; shows, reviews, any other such activity which may be attended by members of the public.

B. Dancing to live or recorded music.

C. The presentation of recorded music played on equipment which is operated by an agent or contractor of the establishment, commonly known as " DJ" or “disc jockey."

“Entertainment permit” means a permit obtained from the City Manager, or on appeal, from the City Council, pursuant to the provisions of this chapter for the purposes of operating an entertainment establishment.

“Permittee” means a person, persons, or business entity that has been issued an entertainment permit as provided in this chapter.

“Reasonable efforts” means the provision of an adequate number of licensed security personnel to the extent required as a condition of an entertainment permit, the adoption of operating policies that are consistent with the requirements of this Code and the permit and the adherence to those policies, the documented training of employees in the carrying out of the establishment operating policies, notifying the Sheriff's Department of apparent criminal activity, and the taking of all additional measures, consistent with sound business judgment, necessary to achieve compliance with this chapter and conditions imposed on the entertainment or entertainment establishment by the applicable entertainment permit.

“Responsible person” means any person who is physically at the place of entertainment or entertainment establishment, whether or not an entertainment permit has been issued, and is any of the following:

A. The person who owns the entertainment establishment.

B. The person in charge of the entertainment establishment.

C. The person using the entertainment establishment under a special arrangement.

D. An employee or agent of an owner or manager of the entertainment establishment when the owner or manager is temporarily absent from the entertainment establishment.

E. The entertainment establishment's manager or on-site supervisor.

“Theater” means any commercial establishment where regular theatrical performances, such as performances of literary compositions that tell a story, are given, usually on a stage, and usually with ascending row seating or some arrangement of permanent seating.

(Prior Code 3-2; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14)

Section 5.24.030 Permit Requirements; Mandatory Legal and Regulatory Compliance

A. Unless exempted by this chapter, it is unlawful for the owner of an entertainment establishment or a responsible person, to provide, host, or allow any entertainment which is open to the public without a valid and current entertainment permit.

B. It is unlawful for the owner of an entertainment establishment or a responsible person to provide or permit any entertainment, or to operate an entertainment establishment, without having the correct class of entertainment permit as set forth in Section 5.24.050.

C. It is unlawful for an entity or a responsible person, to operate an entertainment establishment in a manner that violates:

1. The provisions of this chapter.
 2. The conditions imposed in connection with an entertainment permit.
 3. The conditions imposed in connection with a special use permit or any other land use entitlement applicable to the premises on which an entertainment establishment operates.
 4. Any other provision of this Code or the Development Code which may apply to the entertainment establishment or the premises on which the entertainment establishment operates.
- D. An entertainment permit shall cover only one location and shall not be transferable to a new owner or to a new location.
(Prior Code 3-3; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14)

Section 5.24.040 Exemptions from Permit Requirement

The following types of entertainment and entertainment establishments are exempt from the entertainment permit required by this chapter. The following exemptions only apply to the need to obtain an entertainment permit, and do not exempt any responsible person from the obligation to satisfy all applicable laws that apply to that entertainment or entertainment establishment.

A. Entertainment provided in connection with a special event permit or a park event permit approved pursuant to Chapters 12.12 and 12.13 of this Code provided that such permit specifically authorizes or allows, as applicable, the entertainment provided.

B. Entertainment occurring within a City-owned facility, including the Moonlight Amphitheatre and the Avo Playhouse, where the entertainment is specifically authorized pursuant to a contract between the City and the party managing, presenting or hosting the entertainment.

C. Entertainment sponsored by any agency of the City of Vista, the County of San Diego, the various Boards of Education, any other political subdivision of the State of California, or a charter school provided that the entertainment offered by the charter school is part of an educational and instructional program.

D. Entertainment limited to the use of a radio, music recording machine, juke box, television, video games, video programs, or recorded music by an establishment, unless used for dance or karaoke.

E. Entertainment provided for members and their guests at a private club having an established membership when admission is not open to the public. For purposes of this Section, private club means corporations or associations operated solely for objects of national, social, fraternal, patriotic, political, or athletic nature, membership in which is by application and for which regular dues are charged, and the advantages of which club belong to members, and the operation of which is not primarily for monetary gain.

F. Entertainment provided at a private residence for invited guests where there is no admission charge.

G. Entertainment conducted by or sponsored by any bona fide club, organization, society or association which is exempt from taxation pursuant to Internal Revenue Code section 501(c)(3), when all proceeds, if any arising from such entertainment are used exclusively for the benevolent purposes of such club, society or association.

H. Theaters.

I. Motion picture theaters not providing live entertainment.

J. Dance lessons, theatrical and performing arts lessons.

K. Book readings, book signings, poetry recitations, and any other similar entertainment consisting of the spoken word, including plays.

L. Fundraisers for a political cause.

(Prior Code 3-4; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14)

Section 5.24.050 Permit Types

A. Unless exempted pursuant to Section 5.24.040, a valid and current entertainment permit, of the class indicated below, must be issued for each entertainment or entertainment establishment.

1. When alcohol will not be served or consumed on the premises:
 - a. A "class 1" permit for entertainment using no sound amplification.
 - b. A "class 2" permit for entertainment using sound amplification on one or more occasions which does not include dancing.
 - c. A "class 3" permit for entertainment using sound amplification on one or more occasions which includes dancing.
2. When alcohol will be served or consumed on the premises:
 - a. A "class 1A" permit for entertainment using no sound amplification.
 - b. A "class 2A" permit for entertainment using sound amplification, on one or more occasions which does not include dancing.
 - c. A "class 3A" permit for entertainment using sound amplification on one or more occasions which includes dancing.

B. For purposes of this section, entertainment includes dancing when the entertainment establishment:

1. Has a dance floor of at least 100 square feet which can be used for dancing by those in attendance; or
2. Clears an area of at least 100 square feet which can be used for dancing by those in attendance.

(Prior Code 3-5; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14)

Section 5.24.060 Applications for Permits – Contents

A. Before any entertainment permit is issued, an application signed and verified by the applicant, along with any required fee, shall be filed with the City Manager, on a form approved by the City Manager.

B. The complete application shall be filed with the City Manager at least 45 days prior to each of the following:

1. The proposed start of any entertainment or the opening of the entertainment establishment.
2. The proposed effective date for a change in class or conditions associated with an issued entertainment permit.
3. The sale of any interest in the entertainment establishment or the business entity in control of the entertainment establishment which is equal to or greater than ten percent.

C. The application shall include the following information:

1. For the applicant and each person having a financial interest in the entertainment establishment of at least ten percent, that person's name, home address, business address, and other pertinent identifying information as determined by the City Manager.

2. The nature of the business or activity for which a permit is requested, and the class of permit requested.
 3. The name and address of the person by whom the applicant is employed, if any.
 4. The address and a detailed description of the premises for which the permit is sought, including but not limited to the approximate size of the lot and the approximate square footage of any structure in which the activity will occur, a description of the area where any dancing, if any, is to be conducted, a description of any parking facilities on the premises and in the nearby vicinity, and a general description of the neighborhood in which the premises are located.
 5. A description of the principal activities to be conducted on the premises.
 6. Whether alcoholic beverages will be offered for sale or otherwise provided, and, if so, the number of the applicable ABC license.
 7. The names, residence addresses, business addresses, and other pertinent identifying information for each responsible person currently employed or associated with an operating entertainment establishment or who is anticipated to be employed by or associated with an entertainment establishment for the coming permit year.
 8. The maximum capacity of the room or rooms where the entertainment will occur.
 9. Whether the applicant or any other responsible person(s) have been convicted of a misdemeanor or felony offense within the past ten years, the nature of such offense(s) and the sentence(s) received therefor.
 10. Whether the applicant has ever obtained or sought to obtain an entertainment permit or similar permit in the past, and whether such permit was ever revoked or denied.
 11. Written consent for the proposed entertainment on the premises from the owner of the property on which the entertainment is to be conducted.
 12. A floor plan in sufficient detail to permit a review of the function, operation, and legal compliance of the entertainment establishment presented in such manner as may be required by the application form.
 13. Such other information as the City Manager may deem necessary or proper for processing and review of the application, including for entertainment using amplified sound, a professional acoustical or sound study which may be required in connection with the initial application, any reapplication, or any appeal thereof.
- (Prior Code 3-5; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14)

Section 5.24.070 Investigation of Applications

- A. A copy of each entertainment application pursuant to Section 5.24.060 and renewal application pursuant to Section 5.24.100 shall be provided to the Sheriff's Department who shall report on:
 1. Whether the submitted application is accurate and truthful in all material respects.
 2. Whether the entertainment or entertainment establishment would, with respect to law enforcement and related subjects, satisfy the requirements for issuance of a permit presented in Section 5.24.080.
 3. Conditions which the City Manager can consider imposing on the entertainment establishment, consistent with this chapter, if the application is approved.
- B. The City Manager shall obtain comments and reports from City departments and City officials, including the Fire Marshal and Building Official, regarding whether the

entertainment establishment would satisfy the requirements of this Code and, the standards for approval set forth in Section 5.24.080.

(Prior Code 3-5; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14)

Section 5.24.080 Action on Applications – Conditions

A. The City Manager shall approve the issuance of the entertainment permit if he or she finds all of the following:

1. The submitted application was complete, signed, verified and accompanied by the required fee.

2. The application did not include any material misstatement of fact or omission of fact.

3. Issuance of the permit and conduct of the entertainment at the proposed location, as conditioned, will conform with federal, state and local laws, rules, regulations and any existing special use or similar permit(s).

4. Issuance of the permit and conduct of the entertainment at the proposed location, as conditioned, will not pose 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 residents and commercial interests.

5. Neither the applicant nor any responsible person or principal of the applicant has, within the past ten years, been convicted of a felony or other crime of moral turpitude that is substantially related to the qualifications, functions or duties of a proprietor or manager charged with the lawful and responsible operation of an entertainment establishment or the premises upon which such establishment is located.

6. Neither the applicant nor any responsible person or principal of the applicant has a history of committing, permitting or failing to prevent significant violations of this Code, the Development Code, or any license or permit, in connection with the operation of an entertainment establishment or premises similar to that upon which the entertainment establishment will be located.

B. The City Manager may impose conditions when issuing an entertainment permit.

1. Conditions may be imposed to assure that the entertainment or entertainment establishment will satisfy the requirements of this chapter, this Code, the Development Code and will operate without creating the adverse impacts that, pursuant to paragraph (A), would have justified denial of the application.

2. All conditions shall be set forth in writing and shall be deemed to be appended to the issued entertainment permit.

3. Should the applicant object to any conditions imposed on an approved entertainment permit, the applicant may request that the City Manager reconsider the imposition of one or more conditions. An objection to one or more conditions may be filed in writing personally with the City Clerk following the date that the entertainment permit is approved, but no more than once in any fiscal year with respect to the same condition. The request for reconsideration shall specify the specific conditions to which objection is made, and shall present all factual, legal and other arguments regarding why that condition or those conditions should not be imposed. The City Manager will then review the objections and issue a written response. The written response shall identify which protested conditions have been eliminated or retained. For any retained condition, the written determination shall present the facts and reasons for retaining the condition. The City Manager's determination shall be final, and the applicant shall, pending resolution, comply with all disputed conditions unless such compliance is waived in writing by the City Manager upon request by the applicant. As an alternative to the

preceding procedures, the City Manager may elect to present a request for reconsideration to the City Council when the contested condition, in the City Manager's discretion, involves larger or unique matters of potential public concern. In that event, the request for reconsideration shall be presented to the City Council using the procedures set forth in Section 5.24.140, and the City Council's action shall be final.

C. If the City Manager denies the application, the applicant shall be notified of the reasons for the denial in writing within 45 days after receipt of a complete application. However, failure to notify the applicant within the specified time period shall not constitute a basis for granting the permit. An applicant denied an entertainment permit has a right to appeal the denial in accordance with Section 5.24.130. If a timely appeal is not requested, the denial shall be final.

(Prior Code 3-5; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14; Ord. No. 2014-12, Amended, 06/24/14)

Section 5.24.090 Duration of Approved Permits

A. Entertainment permits shall expire when either of the following occurs:

1. Two years after issuance; or
2. The business operated by the entertainment establishment moves to a

new location.

(Prior Code 3-5; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14; Ord. No. 21-15, Amended 12/14/21)

Section 5.24.100 Renewals of Permits

A. The following procedure shall be used for the review of applications for renewal of all entertainment permits.

1. A renewal notice shall be sent to the permittee at least 30 days prior to a scheduled expiration of the entertainment permit.

2. To apply for renewal, the permittee shall remit the required renewal fee set by resolution of the City Council and shall update the information concerning the entertainment establishment and its operation by providing the following:

a. Any information or disclosure which should have been included, in a prior application or a prior application for renewal, but which was not included therein.

b. Information regarding any change in ownership of the entertainment establishment which is ten percent or greater, including all information required for the new owner in accordance with Section 5.24.060(C).

c. With respect to the information provided pursuant to Section 5.24.060, any change in the proposed operation, design, or layout of the entertainment establishment or the nature of the entertainment to be provided.

d. Whether:

1. The permittee or any responsible person has been convicted, since the submission of the last application, of a misdemeanor or felony offense, the nature of that offense, and any sentence therefor; and

2. The names and identifying information of any new responsible person not disclosed in a prior application.

e. Whether the permittee, since the submission of the last application, has had an entertainment permit or similar permit revoked or not renewed, and the basis for that decision.

f. Whether the applicant seeks a class of entertainment permit which varies from the class of the current permit.

3. Any application for renewal shall be signed and verified by the applicant.

B. The application shall be eligible for approval if it satisfies the requirements of Section 5.24.080.

C. All conditions imposed on the immediately prior permit shall continue with respect to any renewed permit, and the City Manager may impose additional conditions in accordance with Section 5.24.080(B).

D. If the City Manager denies an application, the basis for the denial shall be presented in accordance with Section 5.24.080(C) and any appeal shall be processed in accordance with Section 5.24.140.

(Prior Code 3-5; Ord. 66-23, Enacted 9/6/66; Ord. No. 90-22, Amended, 6/29/90; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14)

Section 5.24.110 Operating Standards

Each entertainment and each entertainment establishment is required to satisfy the following operating standards, and each responsible person shall engage in all reasonable efforts to assure that any entertainment or entertainment establishment satisfies the following operating standards:

A. The entertainment permit shall be displayed on the premises in a conspicuous place so that law enforcement persons entering may readily see the entertainment permit and any conditions imposed thereon. A copy of the floor plan approved with the entertainment permit shall be made available at all times at the request of any law enforcement officer or fire marshal.

B. The entertainment establishment shall be closed and all patrons shall vacate the premises between 2:00 a.m. and 6:00 a.m., unless the entertainment permit is conditioned for additional hours of closure.

C. Reasonable efforts shall be made to prevent the admission of any person whose conduct is described in Penal Code Section 415 (fighting, loud noise) or 647 (disorderly conduct) at the premises or on any parking lot or similar facility used by the establishment. The responsible person shall make reasonable efforts to remove persons exhibiting such conduct from the establishment, including calling the Sheriff's Department when circumstances warrant.

D. Reasonable passageway shall be provided through any part of a room used by patrons and entertainers for their ingress and egress.

E. Except as provided below, an establishment providing amplified live entertainment shall assure that the amplified live entertainment occurs exclusively within a fully enclosed building with all windows and doors closed, except that a door may be briefly and temporarily opened as may be necessary to accommodate ingress or egress. Notwithstanding the preceding requirement, amplified live entertainment may occur within a building that has open doors, windows, or other passages and on approved patios if such entertainment is expressly authorized in the conditions for the entertainment permit and the entertainment occurs between the hours of noon and 10 p.m. within an industrial zone, or between the hours of 5:00 pm and 9:00 pm Monday through Thursday, between 5:00 pm and 10:00 pm on Friday, between noon and 10:00 pm on Saturday, between noon and 9:00 pm on Sunday, and the establishments is located within (i) the Historic Downtown Planning District in the Downtown Vista Specific Plan; (ii) the Paseo Santa Fe Planning District in the Downtown Vista Specific Plan; or (iii) Zone A of the Central Vista Business Improvement District. These exceptions are only applicable to spaces located on the ground floor and approved patio areas. For purposes of this paragraph, the industrial zone shall include the M-1 zone, I-P zone, Business Park Specific Plan, or Specific Plan 14. Requests for extended hours for live entertainment on holidays may be approved by the City Manager on a case-by-case basis; requests must be submitted in writing a minimum of ten business days prior to the holiday.

F. All laws applicable to noise abatement shall be observed, including those contained in Chapter 8.32 of this Code.

1. Live entertainment conducted outdoor or semi-outdoor shall not exceed a one-hour average sound level of 75.0 dBA Leq when measured at the property line.

2. Live entertainment conducted during other approved entertainment hours, or at locations not subject to the exception above, shall not exceed a one-hour average sound level of 60 dBA Leq when measured at the property line.

G. The City shall utilize a progressive enforcement policy with regard to noise complaints regarding live entertainment. All complaints and enforcement herein apply only for the duration of the then active permit. Upon issuance of a new or renewed permit, the progressive enforcement policy begins from the first complaint. Upon receiving a complaint, the City will notify the business in writing that a complaint has been received. If a second complaint is received for the business, and the business cannot disprove the validity of the complaint to the satisfaction of the City, the business shall ensure that no future live entertainment performances exceed the allowable limits and shall utilize a sound level meter to monitor the sound level generated from live entertainment and provide the measurements to the City upon request by the City. To monitor the sound level, the business shall be required to use a sound meter as defined in section 8.32.040, which incorporates San Diego County Code section 36.402(s) or any future version of this code section. In addition, the sound level meter must have the capability to log and store the sound level measurements and provide said measurements in a common readable data format. If a third complaint is received for the business, and the business cannot disprove the validity of the complaint to the satisfaction of the City, the business shall ensure future sound levels do not exceed the maximum limits using a noise control plan created by a sound industry professional and provide to the City a copy of the noise control plan and satisfactory documentation that sound levels associated with the business have not exceeded the maximum level allowed. If a fourth complaint is received for the business, and the business cannot disprove the validity of the complaint to the satisfaction of the City, or if the business refuses to monitor or correct the sound level as described herein, the live entertainment permit shall be immediately suspended for a period of three months beginning on the date of the fourth complaint. If a fifth complaint is received for the business, and the business cannot disprove the validity of the complaint to the satisfaction of the City, or if the business again refuses to monitor or correct the sound level as described herein after serving a three-month suspension, the live entertainment permit shall be immediately suspended for a period of six months beginning on the date of the fifth complaint. If a sixth complaint is received for the business, and the business cannot disprove the validity of the complaint to the satisfaction of the City, or if the business again refuses to monitor or correct the sound level as described herein after serving a six-month suspension, the live entertainment permit shall be immediately suspended for a period of twelve months beginning on the date of the sixth complaint.

H. Reasonable efforts shall be undertaken to control the conduct of patrons so as to prevent or minimize disorderly or unlawful conduct upon the entertainment establishment and within 100 feet of the establishment. The 100-foot distance shall be measured in a straight line from the property line of the permitted entertainment establishment.

I. An orderly dispersal of individuals from the vicinity of the entertainment establishment shall occur at closing time, and those dispersed shall not be permitted to congregate in the vicinity in a disorderly fashion.

J. Persons shall not bring an alcoholic beverage onto the premises, or otherwise consume an alcoholic beverage on the premises, unless the permittee has been issued an ABC license and an entertainment permit pursuant to Section 5.24.050(A)(2).

K. The maximum number of persons in the entertainment establishment, other than employees, shall not, at any time, exceed the maximum occupant load as established by the Fire Marshal or the City Building Official.

L. The entertainment establishment, and all of its operations, must comply with all requirements relating to responsible beverage sales and service contained in Chapter 5.10 of this Code if the entertainment establishment allows for the service of consumption of alcohol on the premises.

M. In addition to satisfying all operating requirements found in this Section, each entertainment establishment shall satisfy all other or additional requirements contained in this Code, contained in the Development Code, and imposed pursuant to any entertainment permit issued for the entertainment establishment.

N. During its business hours, the entertainment establishment shall allow entry to any peace officer or code enforcement officer of the City, County or the State, or any officer or official of the United States government, charged with the duty of enforcing police laws during the business hours of the entertainment establishment.

(Prior Code 3-5; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14; Ord. No. 2021-15, Amended, 12/14/21)

Section 5.24.120 Closure Based on Threat to Public Safety

A. The Sheriff's Department may require a permittee or responsible person to close down the operations of an entertainment or an entertainment establishment and disperse all patrons for the remainder of its daily operation whenever conduct by disorderly patrons reaches a magnitude that presents an immediate threat to the public safety or well-being of the patrons and general public in the vicinity.

B. It is unlawful for any person to fail to comply with any directive issued by the Sheriff's Department under authority of Section 5.24.100(A).

(Prior Code 3-5; Ord. 66-23, Enacted 9/6/66; Ord. No. 75-58, Amended 12/22/75; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2010-8, Amended, 5/11/10; Ord. No. 2014-7, Amended in its Entirety, 03/25/14)

Section 5.24.130 Permit Revocation

A. Any entertainment permit issued pursuant to this chapter is subject to revocation prior to the date on which it would otherwise expire if it is found that:

1. A material violation of this chapter has occurred;
2. A material violation of the terms and conditions of the entertainment permit has occurred; or

3. The continued operation of the entertainment establishment constitutes a nuisance or will endanger the public, health, safety, or welfare of the City or its inhabitants. Notice of a pending revocation shall be provided to the permittee in writing delivered to the address provided on the application and shall state the facts and grounds upon which the pending revocation is based with a date for the pending revocation to take effect which shall be no sooner than 15 days following the date of such notice. The notice of the pending revocation shall take effect on the date indicated therein unless the applicant files a written notice of appeal with the City Clerk no later than ten days following the posting or delivery of the revocation notice shall generally set forth the facts, reasons and any legal arguments why the pending revocation should not occur. The City Manager will consider the evidence and arguments presented, and issue a written decision whether to rescind the revocation, whether to allow the revocation to take effect, identifying an effective date which shall be no sooner than 15 days following the date of the City Manager's determination, or determine whether to rescind the revocation but to impose additional conditions on the permit.

B. Nothing in this Section shall limit the City's authority to use any other legal means to cite, curtail, limit, enjoin, or prosecute, as applicable, any nuisance condition associated with the operation of an entertainment establishment, a violation of any provision of this Code or law, or the actions of any responsible person in connection therewith.

(Prior Code 3-5; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14)

Section 5.24.140 Appeals

A. In the event the City Manager denies or revokes an entertainment permit, the applicant may appeal to the City Council by filing with the City Clerk a written notice of appeal within ten days from the date of such denial or revocation. The notice of appeal shall briefly present the facts, reasons, and legal arguments why the permit should not be revoked or denied. If such appeal is filed, the City Council shall set an informal hearing to review the appeal. The hearing shall be set within a reasonable time which shall be: (1) no sooner than 15 days from the date of the notice of appeal; and (2) no longer than 30 days from the date of the notice of appeal unless a regular meeting of the City Council has been cancelled, in which case the hearing shall occur no later than 60 days following the date of the notice of appeal. If a timely appeal is not filed, the decision of the City Manager shall become final.

B. The appeal before the City Council shall constitute a de novo proceeding. The applicant may submit to the City Clerk any written materials, arguments, evidence, and declarations. To allow for proper review and consideration, all submissions by the applicant or permittee must be received by the City Clerk no later than ten days prior to the scheduled hearing. Following the appeal, the City Council shall take action on the appeal. If the appeal is denied, the facts and reasons for the denial shall be set forth in writing and the date for a revocation, if applicable, shall be no sooner than ten days following the date of such written notice.

(Prior Code 3-5; Ord. 66-23, Enacted 9/6/66; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14; Ord. No. 2014-12, Amended, 06/24/14)

Section 5.24.150 Previously Issued Licenses for Cabarets and Dance Halls

A. Licenses issued to cabarets and dance halls pursuant to the former Chapter 5.24 shall remain valid through June 30, 2014, unless a license expires earlier in accordance with Section 5.24.120 of that chapter. Until these licenses expire, the cabaret and dance halls shall continue to operate in accordance with the terms of its license and in accordance with all terms of the former Chapter 5.24.

B. If a person or business operating an entertainment establishment pursuant to a valid and current cabaret or dance hall permit wishes to offer entertainment after June 30, 2014, that person or business must apply for an entertainment permit within the time limits set by Section 5.24.060(B), and must obtain a valid entertainment permit in order to provide entertainment after June 30, 2014.

(Prior Code 3-5; Ord. 66-23, Enacted 9/6/66; Ord. No. 90-17, Amended, 5/29/90; Ord. No. 98-1, Repealed and Replaced, 02/10/98; Ord. No. 2014-7, Amended in its Entirety, 03/25/14)

xxx