

ENTERTAINMENT PERMIT Application Packet



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ENTERTAINMENT PERMIT

Description and List of Requirements

City of Claremont

To help reduce the adverse effects that are associated with the operation of entertainment venues in proximity to residential areas and other businesses, the City Council determined that businesses that feature entertainment should be regulated to address potential nuisance activities before they manifest themselves in order to protect the health, safety, and welfare of the citizens of Claremont.

Ordinance No. 2002-03 was passed by the City Council to regulate the establishment and operation of businesses that feature entertainment within the City of Claremont. The ordinance was mindful of legal principles associated with entertainment and the provisions were not created nor intended to suppress or infringe upon any expressive activities protected by the First Amendments of the United States and California Constitutions; but instead to regulate their adverse effects.

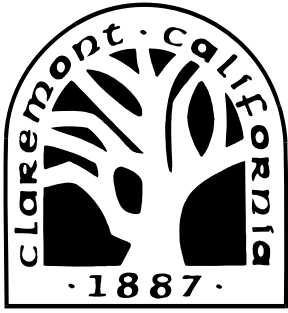
You are *required* by Section 5.45 of the Claremont Municipal Code to provide to the City the documents listed below.

PLEASE PROVIDE ALL OF THE FOLLOWING:

- Completed application.
- Copy of the building lease or rental agreement.
- A copy of your receipt showing the appropriate fees paid to the Finance Department of the City of Claremont. If you have questions concerning this fee, the Finance Department can be contacted at (909) 399-5453. PERMIT FEES ARE NON-REFUNDABLE.

Please note that permit applications may be reviewed by the Police Department and the applicant, and each owner, manager or lessor of the premises may also be required to be fingerprinted at the Claremont Police Department at the discretion of the Community Development director for identification purposes. The fingerprinting will be by appointment only, require valid photo identification and may require additional fees.

APPLICATION ATTACHED



ENTERTAINMENT PERMIT APPLICATION

CITY OF CLAREMONT
DEPARTMENT OF COMMUNITY DEVELOPMENT
207 HARVARD AVENUE, P.O. BOX 880
CLAREMONT, CA 91711-0880
(909) 399-5470

TYPE OF APPLICATION

- First time application, \$_____
- Annual renewal - no violations, \$_____ (provided no violations of permit reported or observed during year prior to renewal)
- Annual renewal - violations, \$_____ plus \$_____ per hour for actual staff time required to investigate and follow up on alleged violations.
- Late renewal - \$_____ plus \$_____ late fee

All permits granted are valid for one year and will be renewed annually if use is found to be in compliance with all applicable standards and conditions of approval upon payment of a \$101 renewal fee.

APPLICANT INFORMATION

Name: _____

List all other names you have used or been known as: _____

Birth Date: ____/____/____ (MM)/(DD)/(YY) Driver's license # and state issued in: _____

Home address: _____
(Street) _____ (Unit #)

(City) _____ (State) _____ (Zip Code)

Home phone number and hours when you can be contacted: (____) _____
(From) _____ (To) _____

Business/site address where the entertainment will occur: _____
(Street) _____ (Unit #)

(City) _____ (State) _____ (Zip Code)

Business/work phone number and hours when you can be contacted: (____) _____
(From) _____ (To) _____

Have you ever been convicted in a court of competent jurisdiction within the past five years of any of the following: fraudulent business practices, selling or trafficking in stolen goods, illegal drugs activity, illegal gambling, prostitution, assault, battery, rape or other criminal sexual assault, lewd conduct, child abuse, sexual misconduct with a minor, or the illegal serving, providing, or selling of alcoholic beverages to underage persons?

- Yes No

Have you ever violated conditions of a previous permit or had a similar permit from Claremont or another city revoked?

- Yes No

TYPE OF ENTERTAINMENT

Description of proposed entertainment:

Will amplification be used? Yes No

If yes, please describe the type of amplification and the nature of its use:

PERSON(S) WHO WILL HAVE AUTHORITY OR CONTROL OVER ENTERTAINMENT

Name: _____ Phone: _____

Brief statement of the nature and extent of control:

Name: _____ Phone: _____

Brief statement of the nature and extent of control:

LOCATION IN WHICH ENTERTAINMENT WILL OCCUR

Business/site name: _____

Business/site address: _____

Days & hours of operation: Days: _____ Hours: _____

Site capacity: _____

PROPERTY OWNER INFORMATION

Property owner: _____ Phone: () _____

Property owner address: _____

(Street) (Unit #)

(City) (State) (Zip Code)

BUSINESS OWNER/BUSINESS MANAGER/LESSOR INFORMATION (Please copy and attach additional pages as needed)

Please note: Pursuant to Section 5.45.040 of the Claremont Municipal Code, please provide the name, resident street addresses, mailing addresses, driver's license number, and any fictitious names used within five (5) years preceding the date of application for the applicant, each business owner, manager, and lessor of the premises at which the entertainment will occur. If the applicant, owner, or lessor is a partnership or corporation, the application shall also include the name of the partnership or corporation, the date a place of incorporation, and all of the above information for each partner, officer, director, and stockholder owning more than ten percent (10%) of the stock of the corporation.

Business owner name: _____ Phone: () _____

List all other names used or been known as: _____

Business owner address: _____
(Street) _____ (Unit #)

(City) _____ (State) _____ (Zip Code)

Driver's license # and state issued in: _____

Business manager name: _____ Phone: () _____

List all other names used or been known as: _____

Business manager address: _____
(Street) _____ (Unit #)

(City) _____ (State) _____ (Zip Code)

Driver's license # and state issued in: _____

Lessor name: _____ Phone: () _____

List all other names used or been known as: _____

Lessor address: _____
(Street) _____ (Unit #)

(City) _____ (State) _____ (Zip Code)

Driver's license # and state issued in: _____

I certify, under penalty of perjury, the information contained in this application is true, accurate and complete. I understand that failure to provide all information requested or failure to provide accurate, true and complete information is cause to revoke or not grant an Entertainment Permit. I hereby authorize the City of Claremont to investigate and confirm the information listed above.

(Signature) _____ (Date)

File Number:	Submittal Date:	Received by:
Fee:	Expiration Date:	Cashier Validation:

Chapter 5.45

ENTERTAINMENT

Sections:

- 5.45.010 Definitions.**
- 5.45.020 Permit.**
- 5.45.030 Exclusions.**
- 5.45.040 Application for permit.**
- 5.45.050 Fees.**
- 5.45.060 Action on application.**
- 5.45.070 Regulations.**
- 5.45.080 Permit expiration and renewals.**
- 5.45.090 Modifications to information submitted with application.**
- 5.45.100 Suspension or revocation.**
- 5.45.110 Application to existing entertainment.**
- 5.45.120 Appeal of Director's decision.**
- 5.45.130 Permits nontransferable.**

5.45.010 Definitions.

For the purpose of this chapter, the words and phrases shall have the same meanings respectively ascribed to them by this section:

“Applicant” means a person applying for a new or renewal permit or required to file an application for a permit, under this chapter.

“Community Development Director” means the Community Development Director of the City of Claremont or his or her authorized representative.

“Entertainer” means under the provision of this chapter any person whose actions or presence before an audience provides entertainment, but not a café musician as defined in Section 37101.5 of the California Government Code while occupied exclusively in presenting music.

“Entertainment” means a 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 to watch, listen, or participate or is conducted for the purposes of holding the attention or gaining the attention of or diverting or amusing guests or patrons including, but not limited to the following:

1. Any amusement or event, or other performance which is knowingly permitted by any establishment such as live music, vocal production, instrumental music, song, dance or comedy act, dramatization, pantomime, play, concert, modeling, or any type of contest; sporting events, exhibitions, carnival, circus or acrobatic act, other demonstrations of talent or items for gift or sale; shows, reviews, and any other such activity which may be attended by members of the public which are performed by one or more persons, whether or not such person or persons are compensated for such performances, and whether or not such activity is performed inside a building or out-of-doors.

2. Any event controlled, conducted, sponsored, encouraged, or knowingly permitted by an establishment subject to this chapter, which involves any of the activities described in the foregoing paragraphs and which is presented by members of the public, whether or not the participants in said activities are compensated by the establishment.
3. An announcer or disc jockey that provides recorded music played on play-back machines with mixing equipment in conjunction with announcing song titles or artists' names.
4. Public dance.

"Entertainment venue" means any place or building where entertainment is presented.

"Police Chief" shall mean the Police Chief of the City of Claremont or his or her authorized representative.

"Public dance" means a gathering of persons in or upon any premises to which the public is admitted, where dancing is permitted, either as the main purpose for such gathering or as an incident to some other purpose. (02-03)

5.45.020 Permit.

- A. It shall be unlawful for any person who owns, manages, supervises, controls, or is in any way responsible for any restaurant, business, or other premises within the City to provide or permit entertainment to occur at such location, or for any person to provide entertainment at any entertainment venue within the City, whether or not for compensation, unless an entertainment permit is issued by the City to the owner or lessor of such restaurant, business, or premises pursuant to the provisions of this chapter. The requirements of this chapter for an entertainment permit are separate and in addition to a business license required under Chapter 5.20 of this Code.
- B. Any entertainment for which a permit is issued pursuant to this chapter shall not include any activity for which an adult business permit or an adult entertainer permit is required pursuant to Chapter 5.48 of this Code. (02-03)

5.45.030 Exclusions.

The provisions of this chapter shall not apply to any of the following:

- A. Anything emanating from a radio, jukebox, television receiver, or music-recording machine operated by the owner of the establishment, provided the equipment is not used by or in conjunction with an announcer or disc jockey that announces song titles or artist names, or interjects with other dialog.
- B. Any live entertainment provided in a theater or similar use that is operating under and in compliance with a conditional use permit issued pursuant to Chapter 16.303 of this Code and where live entertainment was approved as part of the conditional use permit.
- C. Any café musician as defined in Government Code Section 37101.5 while occupied exclusively in presenting music.
- D. Any live entertainment provided at, during, and with the consent of the person in charge of any meeting, game, event, contest, picnic or outing of, and exclusively for, any nonprofit

religious, fraternal, charitable, humanitarian, governmental, military, veteran, civic, youth, school, education, musical, dramatic, literary, sporting, social, service club or group, or any similar nonprofit corporation eligible under Section 501(c)(3) of the United States Internal Revenue Code.

- E. Any live entertainment provided in, and with the consent of any person in control of, any park, stadium, arena, or auditorium, or upon any educational or governmental property.
- F. Any live entertainment consisting solely of auditions. For purpose of this section, audition means any test of the quality of entertainment not in the presence of a public audience.
- G. Any entertainment provided for guests at a private party where admission is not open to the public.
- H. Any musical or live performance provided in conjunction with a retail music business that is operating in compliance with all City codes and laws.
- I. Any modeling of clothes provided in conjunction with a retail clothing business that is operating in compliance with all City codes and laws and where the clothes modeled are sold by the business.
- J. Any adult entertainment at an adult business that must comply and is in compliance with all the requirements of Chapter 5.48 of the Claremont Municipal Code. (02-03)

5.45.040 Application for permit.

- A. Any person desiring to obtain an entertainment permit for a restaurant, business, or other entertainment venue shall file an application on forms provided by the community development department together with the applicable fee.
- B. The application shall include the following:
 - 1. A detailed description of the type of entertainment for which the permit is requested, the hours the event or activities may take place, whether this will be a continuing or one-time event or activity, and the admission fee, if any, to be charged.
 - 2. Address and name of establishment at which the entertainment will occur.
 - 3. Whether or not amplification will be used and, if so, the nature of the use and type of amplification to be used.
 - 4. A copy of the lease or contract if the premises are being rented or leased or being purchased under contract.
 - 5. The names and address of the person(s) who has authority or control over the entertainment and a brief statement of the nature and extent of control.
 - 6. Names, resident street addresses, mailing addresses, driver's license number, and any fictitious names used within five years preceding the date of application for the applicant, each business owner, manager, and lessor of the premises at which the entertainment will occur. If the applicant, owner, or lessor is a partnership or corporation, the application shall also include the name of the partnership or corporation, the date and place of incorporation, and all of the above information for each partner, officer, director, and stockholder owing more than ten percent of the stock of the corporation. The applicant, and each owner, manager or lessor of the premises may also be required to be fingerprinted at the police department at the

discretion of the Community Development Director for identification purposes. The fee for fingerprinting shall be as established and periodically amended by resolution of the City Council.

7. Whether or not the applicant, or any owner, manager, or lessor of the premises have been convicted of a crime and the nature of such offense.
 8. Name under which the entertainment enterprise will occur.
 9. The address at which the applicant should be sent notice.
 10. Additional information as determined necessary by the Community Development Director.
- C. The Community Development Director may require from the applicant and any persons named in the application a waiver of privilege, authorization for release of information, and/or an agreement holding harmless any persons providing information to the Director and all employees and officers of the City. The Director may also require a release from liability or damage for the use of the information by City officials in connection with any appeal of a decision on a permit.
- D. The application for a permit does not authorize the performing of entertainment until such permit has been granted. (02-03)

5.45.050 Fees.

The City Council shall establish by resolution, and from time to time may amend, the fees for administration of this chapter. (02-03)

5.45.060 Action on application.

- A. No more than 20 business days after receipt of a completed application for a permit, the Community Development Director shall approve, conditionally approve, or deny the application and shall give notice of the decision to the applicant.
- B. The Community Development Director may deny an application for any of the following reasons:
1. The business for which the permit is requested or the premises at which the entertainment is to be located is not in compliance with all applicable City, state, and federal laws, ordinances and codes.
 2. The applicant made false statements in the application for an entertainment permit.
 3. The event or activity for which a permit is requested would have an adverse effect on adjacent property or other uses in the vicinity of the premises at which the event or activity is to be located because the event or activity will result in one or more of the following:
 - a. Noise levels that exceed the City's noise standards or which substantially increase the ambient noise levels in the vicinity of the entertainment venue.
 - b. Inadequate and/or spillover parking into adjacent commercial areas or residential neighborhoods.
 - c. Hours of operation incompatible with adjacent uses.

- d. Significant new traffic in adjacent neighborhoods.
 - e. Increased criminal activity such as graffiti, littering, acts of violence, public drunkenness, public urination, and illegal drug activity in vicinity of the entertainment venue.
 - f. Other similar secondary impacts.
4. The owner or lessor of the premises, or the manager of the event or activity, has had a similar permit previously revoked for good cause, violated conditions of a previous permit, has been convicted in a court of competent jurisdiction within the past five years of any of the following: fraudulent business practices, selling or trafficking in stolen goods, illegal drugs activity, illegal gambling, prostitution, assault, battery, rape or other criminal sexual assault, or lewd conduct, or is required to register under Penal Code Section 290 or Health and Safety Code 11590.
 5. If the entertainment venue for which the entertainment permit is sought will be patronized by minors and the owner or lessor of the premises, or the applicant or manager of the event or activity has been convicted within the past five years of child abuse, sexual misconduct with a minor, or the illegal serving, providing, or selling of alcoholic beverages to underage persons.
- C. In addition to the above reasons for denying an application, the Director may also deny an application for an event or activity involving public dancing if the Director finds that the public dancing would constitute a menace to the public health, safety, or general welfare.
- D. In the event a permit is denied or revoked pursuant to this chapter, no other permit shall be issued to the same applicant or any successors in interest within a minimum of one year from the date that the denial or revocation is final. (02-03)

5.45.070 Regulations.

- A. The following requirements of this section are necessary to protect the public health, safety, and welfare and shall be deemed conditions of all entertainment permit approvals. Failures to comply with every such requirement shall be grounds for suspension or revocation of the permit issued pursuant to this chapter.
1. Entertainment activities on the premises are limited to only those described in the submitted application and specifically approved by the Community Development Director.
 2. Any activity characterized by an emphasis on specified sexual activities and/or specified anatomical area as defined in Chapter 5.48 or any other activity subject to an adult business or adult entertainment permit pursuant to Chapter 5.48 is prohibited on the premises.
 3. No entertainer shall have any intentional physical contact with any patron, and no patron shall have physical contact with any entertainer during entertainment activities.
 4. No patron shall be allowed to hand tips directly to the entertainers, throw tips to entertainers, or place tips in the entertainers' costumes. If patrons wish to tip entertainers, tips shall be placed in receptacles located at least six feet from the entertainers.

5. A sign shall be posted inside the premises and near the entrance, where clearly visible to the public, that states the maximum occupancy of the establishment as determined by the City building official. The business owner or any manager shall not permit the number of occupants within the establishment to exceed the posted occupancy limit.
6. No owner, manager or other person with managerial control over the entertainment venue shall allow entertainment to occur between the hours of 2:00 a.m. and 6:00 a.m. The hours for entertainment may be further restricted as determined appropriate by the Community Development Director.
7. No owner, manager or other person with managerial control over the entertainment venue shall permit entertainment that creates unreasonable noise or constitutes a public nuisance. Unreasonable noise shall mean any noise that exceeds the applicable noise standards in Chapter 16.154 of this Code.
8. No owner, manager or other person with managerial control over the entertainment venue shall permit any intoxicated, boisterous, or disorderly person to enter, be in or remain in or around such entertainment venue or restaurant including the parking or other areas within the reasonable control of the entertainment venue.
9. No owner, manager or other person with managerial control over the entertainment venue shall permit or allow any dance activities characterized by violent physical contact between and among patrons or activities where patrons are suspended above the shoulders of a person for the purpose of maneuvering such patrons from one person to another or activities characterized by having patrons or performers diving or leaping into a crowd of persons. These prohibited activities are commonly known as mosh or slam-dancing, crowd or body surfing, and stage dancing.
10. Security measures shall be provided when needed as determined by the Community Development Director to deter unlawful conduct on the part of employees or patrons or to promote the safe and orderly assembly and movement of persons and vehicles or to prevent disturbance of the neighborhood by excessive noise created by patrons entering or leaving the establishment where the entertainment occurs.
11. Where the Community Development Director and Police Chief determine that the staging of the permitted activity will result in the need for increased City services for public safety, traffic management, trash collection, etc., the applicant may be required to make payment to the City in an amount equal to the projected cost of the increased City services attributed to the permitted activity.
12. At the discretion of the Community Development Director and Police Chief the applicant may be required to post a bond with the City. The purpose of the bond shall be to provide for security for extraordinary law enforcement or public safety services provided to the business owner resulting from the entertainment activity for which the permit is granted. The bond may be drawn upon in an amount not to exceed the actual and reasonable cost to provide such extraordinary service. The business owner shall be notified in writing of any reduction in the bond and the requirement to replenish the bond in the amount determined by the Director. Failure to replenish the bond within ten calendar days of the notice shall result in automatic revocation of the permit with no further action by the City necessary. Extraordinary law enforcement or

public safety services for purposes of this chapter shall mean services provided by the City which require more than two police officers to respond to the situation, or cause two or more repeated police responses within any 24-hour period or the issuance of two or more “repeat disturbance response” notices within any 30-day period, or that are beyond the course and scope of the services routinely provided to other businesses and citizens and stretch the resources of the police department beyond those normally available for response.

- B. The Community Development Director may impose additional appropriate conditions on a permit as may be necessary to protect the public peace, health, safety or general welfare should particular facts or circumstances of a proposed entertainment so justify. (02-03)

5.45.080 Permit expiration and renewals.

- A. Entertainment permits shall be valid for one year from the date of issuance or for a shorter period if designated by the Community Development Director. Such permits may be renewed for additional periods up to one year upon approval of the Director. Applications for renewal shall be filed with the Community Development Department no later than 30 calendar days prior to the permit expiration date and shall be accompanied by the applicable fee.
- B. The Community Development Director shall approve or conditionally approve the renewal application if there are no proposed changes to the nature of the entertainment and the business for which the entertainment permit was granted is being operated in compliance with all conditions of approval for the permit, the requirements of the permit pursuant to this chapter, and all applicable laws, ordinances and codes. (02-03)

5.45.090 Modifications to information submitted with application.

Whenever any change occurs to the information submitted pursuant to Section 5.45.40, the applicant or permittee shall give notification of such change to the Community Development Director within 10 days after the change. (02-03)

5.45.100 Suspension or revocation.

The Community Development Director shall have the right to suspend or revoke any permit granted under this chapter pursuant to the procedures of Chapter 5.20 of this Code. The decision to suspend or revoke a permit shall be based on one or more of the following:

- A. Circumstances related to the permit meet the criteria for denial of a permit as set forth in Section 5.45.060.
- B. The event or activity for which the permit was issued violates one or more conditions imposed upon the issuance of such permit or requirements of the permit pursuant to this chapter.
- C. The permit is being used to conduct an event or activity different from that for which the permit was granted.
- D. Guests and/or patrons of the entertainment venue repeatedly disturb the peace and create disturbances either on the premises or in the near vicinity of the premises after leaving the venue.

- E. Extraordinary law enforcement or public safety services have been required as a result of activities at the establishment to which the permit was issued to the extent that they create an unreasonable burden on the City. Extraordinary law enforcement or public safety services for purposes of this chapter shall mean services provided by the City which require more than two police officers to respond to the situation, or cause two or more repeated police responses within any 24-hour period or the issuance of two or more “repeat disturbance response” notices within any 30-day period, or that are beyond the course and scope of the services routinely provided to other businesses and citizens and stretch the resources of the police department beyond those normally available for response. (02-03)

5.45.110 Application to existing entertainment.

All persons engaged in providing entertainment in the City within the meaning of this chapter or is the holder of an entertainment permit issued by the City prior to October 10, 2002 shall apply for a new permit pursuant to this chapter within six months of October 10, 2002 or 30 days prior to the scheduled expiration date of the existing permit, whichever occurs first. Such persons may continue to provide entertainment of the same nature as previously, provided it is in conformity with all other applicable City, state, and federal laws until the submitted application has been acted upon and the decision on the application has become final. (02-03)

5.45.120 Appeal of Director’s decision.

Any person aggrieved by the decision of the Community Development Director on an application for a new entertainment permit or the renewal, suspension, or revocation of permit may file an appeal of such action pursuant to Chapter 5.20 of this title. (02-03)

5.45.130 Permits nontransferable.

- A. Any permit granted pursuant to this chapter is nontransferable, separate and distinct. No person shall exercise the privileges granted under this chapter except the person(s), firm, or corporation to whom the permit was issued. Any new owner or lessor of an entertainment venue shall be required to submit a new application and obtain a new permit pursuant to this chapter.
- B. Any permit granted pursuant to this chapter is specific to the location for which it is applied. Any relocation of the permitted activity or major alteration to the existing facility shall require a new permit. (02-03)