

CITY OF BELLFLOWER

ORDINANCE NO. 1435

AN ORDINANCE AMENDING BELLFLOWER MUNICIPAL CODE
CHAPTER 5.36 RELATED TO ENTERTAINMENT PERMITS

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: *Findings.* The City Council finds, determines and declares as follows:

- A. Bellflower Municipal Code (“BMC”) Chapter 5.36 regulates entertainment permits issued to establishments providing entertainment and establishes a process to obtain an entertainment permit. These regulations were first adopted in 1973 and have not been modified since, with the exception of establishing fees.
- B. The City recognizes the benefits that entertainment provides for businesses and the community. However, the City Council finds that the BMC should be updated to protect public health and safety.
- C. On August 12, 2024, the City Council adopted Urgency Ordinance No. 1433 establishing a temporary (45-day) moratorium on issuing entertainment permits to consider adopting revised entertainment permit regulations.
- D. On August 12, 2024, draft entertainment permit regulations were provided to the City Council to consider.
- E. The City may adopt and enforce all laws and regulations not in conflict with the general laws and the City holds all rights and powers established by California law.
- F. Based on the foregoing, the City finds that that this Ordinance is necessary to protect the City from the potential effects and impacts of inadequate permit regulations and the accompanying impacts from safety and security in the business and residential areas of the City and other similar or related effects on property values and the quality of life in the City’s neighborhoods.

SECTION 2: *Environmental Assessment.* Adoption of this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures for operation of existing facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 3: *Amendment; Chapter 5.36.* BMC Chapter 5.36 is amended in its entirety as set forth in Exhibit "A," which is incorporated by reference.

SECTION 4: *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 5: *Enforceability.* Repeal of any provision of the BMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6: *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the BMC or other city ordinance by this Ordinance will be rendered void and cause such previous BMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 7: *Reliance on Record.* Each and every finding and determination in this Ordinance is based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

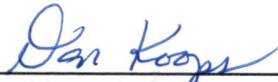
SECTION 9: *Publication.* The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Bellflower's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10. *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 11: *Effective Date.* This Ordinance will become effective 30 days after its adoption.

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ORDINANCE NO. 1435 HAD ITS FIRST READING ON AUGUST 26, 2024, ITS SECOND READING ON SEPTEMBER 9, 2024, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF SEPTEMBER 9, 2024.




Dan Koops, Mayor

ATTEST:



For Mayra Ochiqij, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ATTACHMENT:

Exhibit A – Chapter 5.36 Entertainment Regulations

CHAPTER 5.36

ENTERTAINMENT REGULATIONS

5.36.000 Purpose.

This chapter is adopted in accordance with California Constitution Article XI, § 7, for the purpose of establishing uniform regulations for allowing entertainment within the city. The city's intent in adopting this chapter is to establish reasonable restrictions on the ability for establishments to engage in entertainment to promote the public welfare while still protecting public health and safety.

5.36.010 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases undefined in this Code have the same meaning as set forth in the BMC:

"ABC license" means the license issued by the California Department of Alcoholic Beverage Control.

"Admission charge" means any charge imposed to enter any entertainment establishment, e.g., a cover charge. It also includes the purchase or presentation of a ticket or token directly or indirectly required as a condition for entrance. It does not include tips, gratuities, or voluntary donations for employees or for any person providing entertainment.

"Dance and dancing" means movement of the human body, accompanied by music or rhythm.

"Director" means the city manager or designee.

"Disorderly conduct" means any threat to public peace, health, safety and welfare including, without limitation, disturbing the peace (Penal Code § 415); disorderly conduct (Penal Code § 647); brandishing a weapon (Penal Code § 417); assault and/or battery (Penal Code §§ 240 and 242); assault with a deadly weapon (Penal Code § 245); riot (Penal Code §§ 404 or 406); and unlawful assembly (Penal Code § 407).

"Entertainment or entertainment establishment" means the organized action of providing amusement or enjoyment to invited members of the public. Examples include, without limitation, presentations, readings, performances, or musical renditions. Such entertainment may be provided free of charge or for a fee.

"Entertainment permit" means a standard entertainment permit issued pursuant to this chapter.

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“Extraordinary law enforcement or public safety services” mean city services that require more than two police units to adequately respond to a situation, or that are beyond the course and scope of the services routinely provided to other businesses and citizens, and stretch the resources of the responding agency beyond those normally available for response.

“Public place” means an area open to the public, or an alley, plaza, park, or parking lot, or a building open to the general public including one that serves food or drink, or provides entertainment.

“Responsible person” means the permittee, owner, proprietor, promoter, manager, assistant manager or other person exercising control over the operation of an entertainment establishment, whether or not that person is a named permittee.

“Theater” means any commercial establishment where regular concerts, motion picture screenings or theatrical performances are given, usually on a stage, and usually with ascending row seating or some permanent arrangement of seating.

5.36.020 Applicability.

This chapter applies to establishments in the city seeking to provide entertainment.

5.36.030 One-Stop Permitting.

Persons who obtain a permit pursuant to this chapter are not also required to obtain separate permits.

5.36.040 Administration by Director.

Except as otherwise provided, the director will receive applications, modify, suspend or revoke permits, and otherwise implement this chapter according to the procedures set forth below.

5.36.050 Permit required.

- A. It is unlawful for any person to conduct, sponsor, or knowingly participate in any entertainment without a valid permit issued pursuant to this chapter.
- B. Possessing a valid entertainment permit does not excuse any failure to otherwise comply with this code or other applicable law.

5.36.060 Exemptions from the permit requirement.

These types of entertainment are exempt from the permitting requirement of this chapter:

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- A. Entertainment lawfully conducted at any city park, plaza, building or recreational facility pursuant to a permit, agreement, or reservation approved by the city;
- B. Entertainment limited to the use of a radio, music recording machine, juke box, television, video games, video programs, or recorded music by an establishment that does not permit dancing or karaoke;
- C. Entertainment provided for invited guests at a private event such as a wedding reception, banquet, or celebration where there is no admission charge;
- D. Parades;
- E. Street performers such as musicians, singers or mimes;
- F. Entertainment conducted or sponsored by any religious organization, bona fide club, organization, society or association that is exempt from taxation pursuant to United States 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 religious organization, club, society or association. Written proof of the tax-exempt status must be provided to the director at least seven days before the entertainment occurs;
- G. Performances by the students at educational institutions as defined by the California Education Code where such performances are part of an educational or instructional curriculum or program;
- H. Entertainment in theaters where no alcohol is allowed or provided;
- I. Dance lessons, theatrical and performing arts lessons and student recitals;
- J. Book readings, book signings, poetry recitations, and any other similar entertainment consisting of the spoken word, including plays;
- K. Entertainment consisting of ambient or incidental music provided for guests or patrons by either a solo musician (e.g., a piano player, harpist, strolling violinist, or guitarist), or a duet (e.g., dueling piano players or a singer and guitarist); if a sound amplifier is not utilized during the musical presentation and no admission charge is required to observe or attend;
- L. Entertainment conducted in any hotel or motel with more than one hundred rentable rooms or suites;
- M. Entertainment lawfully conducted at any of the following regulated businesses:

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1. "Bingo" regulated under Chapter 5.68.

5.36.070 Nature of the Permit.

Permits issued pursuant to this chapter are subject to the following limitations:

- A. Permits are personal to the applicant not to the premises upon which the entertainment is conducted. No other individual may conduct entertainment under the authority of a license issued to another. For purposes of this chapter, a permit is not deemed transferred or assigned if the permittee is a corporation or partnership which remains under the control of the same individual or individuals who controlled it at the time the permit was approved;
- B. Permits cannot be transferred or assigned;
- C. No property rights are conferred to the permittee;
- D. An annual permit may be issued for continuing entertainment at a certain location in accordance with this chapter;
- E. There is no right of renewal; and
- F. Permits are specific to the location for which it is applied. A new permit must be obtained in the event there is a relocation of the permitted activity or a major alteration to the existing facility.

5.36.080 Fees.

Except as otherwise provided by federal, state, or local laws, or other city council authorized restrictions, all fees applicable to this chapter including, without limitation, fees for using public property, will be established by city council resolution.

5.36.90 Application for Permit.

- A. Permit applications must be filed by a natural person.
- B. Permit applications must be in a form prescribed by the director, signed under penalty of perjury, and, for all permits, will contain all of the following information:
 1. The name, mailing address, and daytime and evening telephone numbers of the person filing the application;
 2. If the permit is obtained on behalf of an organization, the name,

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mailing address, and daytime telephone number of the organization; and if requested by the director, written documentation of the authority under which the applicant is applying for the permit on behalf of the organization;

3. The name, mailing address, and daytime and evening telephone number of an alternate person to contact if an emergency arises and the applicant is unavailable;
4. Whether or not the applicant or any other responsible person(s) have been convicted of a misdemeanor or felony offense within the past five years, the nature of such offense(s), and the sentence(s) imposed;
5. The applicant and all responsible persons for a standard entertainment permit must submit to fingerprinting by the director. All applicable livescan fees must be paid for by the applicant and all responsible persons.
6. The nature of the entertainment;
7. If any admission or cover change is proposed;
8. A description of any sound amplification equipment to be employed during the entertainment;
9. The proposed date and estimated starting and ending time of the entertainment;
10. Written consent for the proposed entertainment on the premises from the owner of the property on which the entertainment is to be conducted, and, if different, the owner(s) of the business or other entity operating the entertainment establishment; and
11. A diagram drawn to scale and dimensioned showing location of the performance area on the premises with all seating and a list of equipment or instruments to be used in the performance;
12. The estimated number of participants in the entertainment;
13. The proposed security arrangements for the safety and control of patrons;
14. Parking requirements for the entertainment; and
15. Such other information as may be required.

5.36.100 Completed Applications.

An application is complete when all the requirements of section 5.36.090 are satisfied, including the return of all livescan results from the Department of Justice.

5.36.110 Review by City Departments.

- A. After an application is filed, the director will immediately forward the application to the following city departments or personnel for review:
1. The fire marshal;
 2. The public safety department;
 3. The sheriff's department
 4. The building division of the planning department; and
 5. The public works department.
- B. Upon receiving an application, these departments will consider the application, conduct any necessary investigation, and provide the director with written recommendations regarding:
1. Any special conditions for a permit; and
 2. Any additional recommendations.

5.36.120 Time for review.

- A. Except as provided in this chapter, completed applications for a permit authorizing an event should be denied, approved, or conditionally approved within 21 business days after receiving the completed application.
- B. After the director receives recommendations from the city departments, the director will forward the application to the city clerk to set a hearing before the city council and notify the applicant of the date of such hearing.
- C. Unless otherwise provided, the applicant's acceptance of the approval or conditional approval must be received by the director within five business days after the applicant was served with notification of the city council's decision and before any entertainment may occur.

5.36.130 Notice of Hearing.

The city clerk will provide notice at least 10 days before the hearing to the applicant and to all property owners within 300 feet of the proposed or actual location where the business or entertainment is to be conducted. For the purposes of this section, notice to property owners is sufficient if given to those property owners who appear as such on the last equalized assessment roll on file with the City. Additionally, the city clerk will cause a public notice to be posted at the location where the business or entertainment is to be conducted. All notices provided for in this section must be in the form and manner as determined by the director. The applicant bears all costs and expenses in mailing, printing, publishing and posting such notices and pay such costs to the city before the time set for public hearing. Failure to pay such costs by the applicant renders the application withdrawn.

5.36.140 Action of Hearing.

At the time and place set for public hearing as to any application, the city council will hear and determine all the facts and evidence relevant to the nature and location of the proposed entertainment and the character, reputation and moral fitness of those who will conduct, participate in, or be in charge of such entertainment.

5.36.150 Granting or Denying the Application.

At the conclusion of the hearing before the city council, the city council must grant or deny the application.

5.36.160 Issuing Permits.

- A. The city council may issue a permit if
 - 1. The application was complete in accordance with this chapter;
 - 2. There are no grounds for denying the permit; and
 - 3. The applicant accepts the permit approval or conditional approval in writing.
- B. Use of any permit issued pursuant to this chapter must conform to the general permit conditions of this chapter and, if applicable, special permit conditions reasonably deemed necessary by the city council to protect public, safety or welfare.

5.36.170 Permit Denial.

- A. A permit may be denied for the following reasons:

1. The application is incomplete;
2. The applicant failed to provide reasonable supplemental application information requested by the director;
3. Information submitted by the applicant is materially false;
4. The application is submitted by a person with a suspended permit or whose permit was revoked;
5. The location of the proposed entertainment does not conform to the requirements of this chapter.
6. The applicant or any responsible person or principal of the applicant has, within the past five 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 of the premises upon which the entertainment activities are conducted.
7. The applicant or any responsible person or principal of the applicant has a history of committing, permitting or failing to prevent significant violations of the city code, or any license or permit, in connection with an entertainment establishment for which he or she was a responsible person.
8. The application seeks authorization for entertainment that is prohibited by this code or unlawful under any other local, state, or federal law.
9. The applicant owes the City of Bellflower any fee authorized by this code or an administrative penalty for violation of a provision of this chapter or a condition of an entertainment permit issued pursuant to this chapter.
10. Issuing the permit would endanger public health, safety, or welfare as determined by the city council.

B. Where the city council does not approve a permit, the city council will inform the applicant of the reason(s) for the denial in writing.

5.36.180 Effect of Denial.

If an application for an entertainment permit is denied, no application for a permit to conduct any entertainment activity at the same location will be considered by the city council for a period of one year from the date of denial.

5.36.190 General Permit Conditions.

- A. Unless suspended or revoked, permits issued pursuant to this chapter have a term of one year. Permits are automatically renewed on the anniversary date of being issued for an additional one-year term so long as all material information regarding the permittee remains unchanged. Should a permit expire, the permittee must comply with this chapter to obtain a new permit.
- B. Permittees must enter into a hold harmless agreement, in a form approved by the city attorney, with the city which will, in part, indemnify city, its officers, employees, and agents, from any liability arising from a permit issued pursuant to this chapter.
- C. Insurance Requirements. Permittees must obtain liability insurance from an insurance company licensed to do business in the state of California and having a financial rating in Best's Insurance Guide of not less than "A VII." Such insurance will provide "occurrence" coverage against liabilities for death, personal injury or property damage arising out of or in any way connected with such event. Insurance will name the city and the city's elected and appointed officials, officers, and employees as additional insureds under the coverage afforded. In addition, such insurance will be primary and noncontributing with respect to any other insurance available to the city and will include a severability of interest (cross-liability) clause. If alcoholic beverages are sold or served during entertainment, the policy must also include and endorsement for liquor liability in an amount not less than \$1,000,000.
- D. Certificates of Insurance. A copy of the policy or a certificate of insurance along with all necessary endorsements, in a form approved by the city's risk manager, must be filed with the director not less than five business days, except as otherwise provided in this chapter, before the date of providing entertainment unless the director for good cause waives the filing deadline.
- E. Permittees must attempt to notify all affected persons, by any reasonable means, regarding the nature, date, and time of entertainment as specified by the director. Failure of the permittee to give such notice will not invalidate a permit.
- F. Unless otherwise provided, all entertainment establishments must be closed between 2:00 a.m. and 6:00 a.m., except that as part of a New Year celebration, entertainment establishments may remain open until 3:00 a.m. on January 1st.

- G. A responsible person must be present in the entertainment establishment during all hours that the entertainment establishment is open and offering entertainment.
- H. Responsible persons must allow authorized law enforcement officers to enter onto entertainment establishments to ensure compliance with this chapter during business hours.

5.36.200 Alcohol Related Conditions

For entertainment establishments with an ABC license, the entertainment permit will include the following conditions:

- A. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
- B. The sale of alcoholic beverages for consumption outside or off the premises is prohibited, unless specifically allowed with a special permit. Signs must be posted at all entrances and exits of the premises indicating that the sale of alcoholic beverages for consumption outside or off the premises is prohibited.
- C. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*).
- D. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the entertainment establishment to address any concerns of the community regarding noise at the entertainment establishment. Said contact's name and phone number must also be available through entertainment establishment staff at all times.
- E. The applicant must, at all times, display a *Designated Driver* sign of at least ten inches by ten inches (10" X 10") within the dining room lobby at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a *non-drinking driver*.
- F. There cannot be exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to public view from the exterior constitute a violation of this condition.
- G. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol.

The training must be offered to new employees on not less than a quarterly basis.

- H. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:
 - 1. Completed training from the State of California Department of Alcoholic Beverage Control (ABC) administered *Leadership and Education in Alcohol and Drugs* (LEAD) Program in the form of an ABC-issued certificate; or
 - 2. Completed an accepted equivalent by the ABC to ensure proper distribution of beer, and wine to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then the ABC-licensed proprietors must have confirmed with the Sheriff's Department within 15 days of the city council's decision that a date certain has been scheduled within the local ABC Office to complete the LEAD course.
 - 3. Within 30 days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Sheriff's Department.
- I. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service at the establishment, the director may, in its discretion, take action to review the entertainment permit including, without limitation, adding conditions or revoking the permit.

5.36.210 Special Permit Conditions.

- A. Grounds for Special Permit Conditions. The city council may condition a permit with reasonable requirements to protect public health, safety, and welfare.
- B. Conditions may include, without limitation, the following:
 - 1. Accommodating pedestrian and vehicular traffic;
 - 2. Use of sound amplification equipment, and restrictions on the amount of noise generated by motors and other equipment used in the course of entertainment; and
 - 3. Obtaining of any and all business licenses required by this code for the sale of food, beverage or other goods or services.

- C. The city council may impose conditions related to the age of patrons inside an entertainment establishment if its ABC license, if any, does not address that issue. The intent of this condition is to allow the sale and service of food to minors in a bona fide public eating place (ABC license types 41, 47 and various club licensed premises) with reasonable conditions placed on the permit to protect minors from alcohol and unlawful activity.
- D. An applicant for a permit may request, and the city council may approve, extended operating hours that will be applicable to the permitted entertainment establishment. The extended operating hours approved by the city council, and any conditions relating thereto, must be specifically stated in the permit and must not conflict with any operating hours conditioned as part of a Conditional Use Permit or other entitlement.
- E. Where security is required, the following conditions will be imposed:
 - 1. All security personnel must register and maintain valid registration status with the state of California's Department of Consumer Affairs. At no time may any security personnel register with the State at any level that is less than that of a proprietary private security officer. Proof of application and registration for all security personnel must be maintained by the entertainment establishment and consist of copies of all relevant documentation including: application forms, receipts for application fees and live scan fees, and actual proof of registration.
 - 2. While on duty, all security personnel must have a nameplate containing the security personnel's full name and the word "SECURITY" printed in bold, capital letters. The nameplate must be exhibited prominently on the clothing, at chest level, and must be visible and easily read at all times. The nameplate must be a minimum of two inches high and four inches wide, with the required information printed in capital letters, at least three-fourths inches high and in a contrasting color. As an alternative to a nameplate, the security personnel's name and the word "SECURITY" may be embroidered on the security personnel's outermost garment with the required information meeting the above specifications and located at chest level.

5.36.220 Subsequent Conditions.

The city council may condition previously issued permits upon learning or discovering facts not previously disclosed or reasonably discoverable.

5.36.230 Disorderly conduct within fifty feet prohibited.

- A. Each responsible person must make reasonable efforts to control the conduct of patrons so as to prevent or minimize disorderly conduct, littering, and trespassing, from occurring within the entertainment establishment and within fifty feet of the entrance to the entertainment establishment. The distance is measured in a straight line from the property line of the establishment.
- B. Each responsible person must use reasonable efforts to cause the orderly dispersal of individuals from the vicinity of the entertainment establishment at closing time, or in the case of a special event, at the conclusion of the event. Where the entertainment occurs within a building or structure, each responsible person must use reasonable efforts to prevent people from congregating within fifty feet of the entertainment establishment in a disorderly fashion. The distance is measured in a straight line from the property line of the establishment.

5.36.240 Display of permits.

The permit issued pursuant to this chapter must at all times be posted in a conspicuous place in the entertainment establishment for which it was issued and be immediately produced upon the request of any police or code enforcement officer of the city.

5.36.250 Change In Permit Information.

- A. Whenever any change occurs in the information contained in the permit, the permittee must give the director written notice of the change within 30 days of the date that the change becomes effective.
- B. If a permittee fails to give the director timely written notice of a change in the information contained in the application, the director may charge the permittee an additional administrative fee.

5.36.260 Permit Modification, Suspension, Revocation.

- A. The director may modify, suspend, or revoke a permit upon learning or discovering facts requiring permit denial not previously disclosed or reasonably discoverable.
- B. The director may modify, suspend, or revoke a permit when the permittee or entertainment, violates the permit's terms and conditions, or when event participants violate applicable laws or regulations; provided, however, that the director will not revoke a permit without warning the permittee and allowing him/her to correct the violation(s) within a reasonable time.

- C. The director may modify, suspend, or revoke a permit when extraordinary law enforcement or public safety services were required as a result of the permit activities to the extent that they create an unreasonable burden on the City.

5.36.270 Emergency Suspension of Permit.

The director and any sworn public safety officer may temporarily suspend a permit whenever there is an emergency that requires such action to protect public safety.

5.36.280 Notices.

- A. Where the provisions of this chapter require that an applicant/permittee be served with notice, such notice will be deemed served when personally delivered to such applicant/permittee or when deposited in the first-class U.S. Mail, addressed to such applicant/permittee at the applicant/permittee's last known address.
- B. Unless otherwise provided, written notification to a permittee/applicant of a permit decision will state with particularity the basis for such decision.

5.36.290 Administrative Review.

- A. Except as otherwise provided, an applicant may request administrative review of any director decision pursuant to this chapter.
- B. Except as otherwise provided, a request for review must be commenced within five business days from the date on which written notice of the director's decision is served on the applicant/permittee.
- C. If request is untimely, the director may, nevertheless, extend the time for commencing such review for good cause shown.
- D. A request for administrative review must be on a form provided by the director and contain the following information:
 - 1. The name, address and telephone number of the person making the request;
 - 2. A description of the decision, determination or order which is the subject of the review, and the date such decision, determination or order was made or issued;
 - 3. A brief description of all grounds for making the request; and
 - 4. Such other information as may be required by the director.

- E. Upon request for administrative review being filed, the director will provide a copy of the notice to the city manager within two business days.
- F. Upon receiving a request for review from the director, the city manager will review the request and, within 10 business days of receiving the request notice, provide the appellant with a written notification that:
 - 1. The director's decision is affirmed;
 - 2. The director's decision is modified; or
 - 3. The director's decision is reversed and a permit is issued or issued without special conditions.
- G. The city manager may, but is not required to, conduct a hearing at a time and place determined at the city manager's sole discretion.
- H. In addition to other provisions of this chapter, any notification to the requestor must set forth any modifications of the director's decision.
- I. The city manager's decision is final. There is no right to a city council appeal. The final decision will inform the appellant that the decision is a final decision and that the time for judicial review is governed by Code of Civil Procedure Section 1094.6.

5.36.300 Enforcement, Generally.

A violation of this chapter constitutes a misdemeanor. The City Attorney may, at his or her discretion, reduce a violation to an infraction. Any violation of this chapter may also be abated as a public nuisance. The remedies provided by this chapter are cumulative and in addition to any other criminal or civil remedies.

5.36.310 Administrative Fines.

- A. In addition to any other enforcement remedy, administrative citations may be issued to any responsible person for violations of this chapter.
- B. An administrative citation issued for a violation of this chapter may be appealed in accordance with this code.

5.36.320 Private Enforcement.

- A. In addition to any other remedy available under applicable law, violations of this chapter may be enforced any person as follows:
 - 1. Abated as public nuisances.
 - 2. Enjoined as unfair business practices that are presumed to nominally damage each and every resident of the community.

- B. Any person acting for the interests of itself, its members, or the general public may bring an action for injunctive relief to prevent future violations or to recover actual damages.

5.36.330 City Attorney Enforcement Authority.

- A. In addition to any other general functions, powers, and duties given to the City Attorney by this code or California law, the City Attorney is authorized to:
 - 1. Prosecute on behalf of the people all criminal and civil cases for violations of this chapter including, without limitation, administrative or judicial nuisance abatement and suits for injunctive relief; and
 - 2. Prosecute all actions for the recovery of fines, penalties, forfeitures, and other money accruing to the City under this chapter.
- B. Where a civil action is filed, the prevailing party is entitled to reasonable attorneys' fees, but is limited by the amount of attorneys' fees claimed by the city pursuant to Government Code § 38773.5. If the court issues an order or a judgment which validates an accounting, the court will also award the city its actual costs, including, without limitation, reasonable attorneys' fees incurred by the city in such judicial proceeding.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF BELLFLOWER)

I, **Mayra Ochiqui, City Clerk** of the City of Bellflower, California, do hereby certify under penalty of perjury that:


Ordinance No. 1435 had its first reading on August 26, 2024, by the following vote to wit:

AYES: Council Members – Dunton, Morse, Sanchez, Sana Ines and Mayor Koops

Ordinance No. 1435 had its second reading on September 9, 2024, and was duly passed, approved, and adopted by the City Council of the City of Bellflower at its regular meeting of September 9, 2024, by the following vote to wit:

AYES: Council Members – Santa Ines, Dunton, Morse, Sanchez and Mayor Koops

Dated: September 10, 2024

for 

Mayra Ochiqui, City Clerk
City of Bellflower, California

(SEAL)