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|  <div style="text-align: center;"> <h1 style="margin: 0;">Council</h1> <h1 style="margin: 0;">Communication</h1> <p style="margin: 0;">Office of the City Manager</p> </div> | Date | July 27, 2009 |
| | <p>Agenda Item No. 49</p> <p>Roll Call No. <u>09-</u></p> <p>Communication No. <u>09-507</u></p> <p>Submitted by: Chris Johansen, Assistant City Manager</p> | |

AGENDA HEADING:

Amending the Municipal Code to establish a permitting process to allow music and the ability to operate coin operated machines in establishments that carry a liquor license, and a licensing process for entertainment venues.

SYNOPSIS:

The proposed amendments to the Municipal Code are in conjunction with the repeal of the dance license and lifting the restriction that the activity not be allowed between the hours of 2:00 A.M. and 6:00 A.M. These amendments establish a permitting process to allow music and the ability to operate coin operated machines in establishments that carry a liquor license, and a licensing process for entertainment venues.

FISCAL IMPACT:

Amount: Approximately \$6,000 in lost revenue from Dance Permits. However, a potential cost tied to the Music Permit may offset this loss.

Funding Source: 2009-2010 Operating Budget, Page 38, City Clerk Department - Administration, CCL010000, Fund GE001.

ADDITIONAL INFORMATION:

The City Council repealed the requirement for a dance license and lifting the restriction that the activity not be allowed between the hours of 2:00 A.M. and 6:00 A.M. This creates a question of how to monitor sites that would like to have this activity.

During the July 13, 2009 City Council meeting, the City Manager was directed to form a committee to review a proposed ordinance amendment and report back to Council at the July 27, 2009 Council meeting.

On July 17, City staff met with Councilman Vlassis, Lloyd Ogle, Zachary Mannheimer and Matthew McIver to discuss a proposed ordinance. The committee agreed to the following changes to be recommended for approval by the City Council:

- Repeal the Dance Ordinance in its entirety.
- Create an ordinance for the inspection of facilities, where entertainment events will be held, that have not been inspected previously.

- Allow music and coin operated machines to be played from 2:00 A.M. to 6:00 A.M. in establishments that carry a liquor license, by establishing a permitting process.

Based on the work of the committee, staff is proposing to amend the following ordinances.

Entertainment Venues

In addition to repealing the Dance Ordinance, staff recommends creating an ordinance to establish a process to address safety concerns for buildings, which are not approved for assembly use, but would be occupied for an entertainment use. The Building Department, Zoning Department, Police and Fire Departments would need to see plans and do inspections, prior to allowing the occupancy of the building.

These safety concerns are addressed by establishing an entertainment license. An owner or operator of an establishment would be required to obtain an entertainment license. This process would allow staff the ability to inspect the property for compliance, with applicable codes, prior to the occupancy for entertainment purposes. Those establishments that have been previously inspected for a liquor license would not be required to obtain a new set of inspections.

Music Permit

In addition to repealing the Dance Ordinance, staff recommends creating an ordinance for a permitting process to allow music, and the ability to operate coin operated machines in establishments that carry a liquor license. This business practice would allow patrons of bars and taverns to remain in the establishment after liquor sales have ceased. They could continue to have a band or music. The Police Department expressed the need to have a method to know which establishments would remain open after 2:00 A.M., liquor sales have ceased.

In the proposed ordinance, staff recommends that the application for this permit must include a petition where 75% of the surrounding residences and businesses and/or owners or managers of multiple-residential structures within 250 feet of the permitted property agree to issuance of the music permit. The permit would not be issued unless 75% of the signatures are received. This petition would ensure that the neighboring property owners are notified of the music permit.

Those establishments with a music permit would still have to comply with the sound ordinance.

The music permit would also allow establishments with liquor licenses the ability to operate coin operated machines.

PREVIOUS COUNCIL ACTION(S):

Date: July 13, 2009

Roll Call Number: 09-1254

Action: Repeal of the entire public dance permit ordinance (no permit would be required and no time restrictions). Moved by Meyer that this ordinance be considered and given first vote for passage; refer to the City Manager to form a committee to review the recommendations and to report back at the July 27th Council meeting. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and Third readings of the ordinance, if not waived.

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