

ORDINANCE NO. 1686

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE TITLE 17 -
ZONING, BY ADDING CHAPTER 17.73, RELATING TO
LIVE ENTERTAINMENT PERMITS

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Lodi Municipal Code Title 17 Zoning is hereby amended by adding Chapter 17.73 Live Entertainment Permits, to read as follows:

Chapter 17.73
Live Entertainment Permits

Sections:

17.73.10 Intent - It is the intent of this chapter to provide for an administrative review and approval process for specified live entertainment requests.

17.73.20 Permitted Live Entertainment Applications - Requests for Live Entertainment permits shall be reviewed by the Community Development Director subject to the following conditions:

- A. Music/performance may take place outdoors with an approved site plan.
- B. Any amplification of entertainment outdoors is limited to the hours of 8:00 a.m. to 9:00 p.m.
- C. The entertainment shall be clearly incidental to the primary use of the property (i.e. no stage or dance floor may exist).
- D. No nuisance is created by reason of noise increased traffic or other similar causes.
- E. The property shall be a minimum three hundred feet (300') from a residential zone.

17.73.30 Requirements for Application - A request for a Live Entertainment Permit shall include a site plan, floor plan and any other information as deemed to be necessary by the Community Development Director.

17.73.40 Reviewing Authority - The Community Development Director shall be the reviewing authority under this chapter. All decisions shall be based on consideration of all relevant information received and shall include findings granting or denying the application.

17.73.50 Findings - In granting any Live Entertainment Permit, the Community Development Director shall find that the establishment, maintenance or conducting of the use will not, under the circumstances of the particular case, be detrimental to the

health, morals, comfort or welfare of persons residing or working in the neighborhood of the proposed use, or to property or improvements in neighborhood, or will not be contrary to the general public welfare.

17.73.60 Conditions - In acting upon any permit, the Community Development Director may designate such regulations as a condition of the action as may be deemed necessary for the protection of the general public welfare, any violation of which regulations shall automatically invalidate the permit, as the case may be. Permits shall be granted to the applicant only, and shall not be transferable by the applicant and may be limited as to their duration.

17.73.70 Appeals to Planning Commission - All decisions of the Community Development Director, including the applicability of this chapter, shall be subject to appeal to the Planning Commission, by written request, within ten days after the decision.

17.73.80 Live Entertainment Permit Fee - The filing of an application for a Live Entertainment Permit with the Community Development Director shall be accompanied by the payment of a filing fee as set and established from time to time by resolution of the City Council. No part of such filing fee is returnable.

Section 2. - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

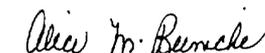
Section 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 5th day of January, 2000



STEPHEN J. MANN
Mayor

Attest:

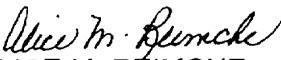

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1686 was introduced at a regular meeting of the City Council of the City of Lodi held December 15, 1999 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held January 5, 2000 by the following vote:

AYES: COUNCIL MEMBERS - **Hitchcock, Land, Nakanishi
and Mann (Mayor)**
NOES: COUNCIL MEMBERS - **Pennino**
ABSENT: COUNCIL MEMBERS - **None**
ABSTAIN: COUNCIL MEMBERS - **None**

I further certify that Ordinance No. 1686 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


ALICE M. REIMCHE
City Clerk

Approved as to Form:


RANDALL A. HAYS
City Attorney