



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council

FROM: Robert V. Wadden Jr., City Attorney

DATE: October 3, 2006

SUBJECT: Adoption of Ordinance No. 2092 Prohibiting Paid Admission or Commercial Parties

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 2092 prohibiting paid admission or commercial parties

FISCAL IMPLICATION:

There should be no fiscal impact from adoption of this ordinance.

BACKGROUND:

At the City Council meeting of September 19, 2006 the Council introduced and waived further reading of ordinance No. 2092 which prohibits paid admission or commercial parties.

DISCUSSION:

In some cities a practice has arisen in which a home owner or renter sponsors a paid admission party. Typically these parties are advertised by flyers distributed over a wide area. They often include live entertainment. Attendees are charged an admission price before being allowed into the party or charged a fee for the entertainment and refreshments. Since such parties are nonselective about who is allowed to attend and security is often lax or nonexistent they have the potential to be volatile. There is often no limit to the number of people admitted and a sponsor has an economic incentive to allow as many attendees as possible. A number of cities, including Hermosa Beach, have expressly banned such parties. The Police Department has not experienced any pattern of such parties in Manhattan Beach.

The proposed ordinance is based on the Hermosa Beach ordinance and specifically prohibits all parties for which paid attendance is required or which are open to the public and advertised generally or for which a charge is made for refreshments. Parties for charitable purposes sponsored by tax exempt organizations and political fundraisers sponsored by campaign committees or political action committees are exempt from this prohibition. Violation of the ordinance is a misdemeanor.

Attachments: Ordinance No. 2092.

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cc: Geoff Dolan, City Manager
Rod Uyeda, Chief of Police
Bruce Moe, Finance Director

ORDINANCE NO. 2092

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA ADDING A NEW SECTION 5.48.330 TO CHAPTER 5.48 OF TITLE 5 OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING PROHIBITION OF PARTIES FOR WHICH ADMISSION IS CHARGED

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

- A. Presently the City does not regulate holding parties for which admission is charged and advertising is used to solicit attendance;
- B. In the past such parties have been disruptive to the peace and quiet enjoyment of property owners and residents in residential neighborhoods;
- C. It is therefore in the best interest of the public health, safety and welfare to adopt a regulation prohibiting parties for which admission is charged and/or for which attendance has been solicited by advertisements or flyers.

SECTION 2. The City Council of the City of Manhattan Beach hereby adds a new Section 5.48.340 to Chapter 5.48 of Title 5 of the Manhattan Beach Municipal Code to read as follows:

“5.48.030 Prohibition of Parties For Which Admission is Charged Or Attendance Solicited

It shall be unlawful to conduct or hold in any residence any party, dance or other social gathering at which live or recorded music is provided, which is open to the general public and: (1) for which admission is charged, or (2) for which brochures, posters, or handbills are posted or distributed in any way or any other type of advertising is published or broadcast, or (3) for which a charge is made for refreshments. This section shall not apply to functions organized by an organization qualified as tax exempt under 26 USC section 501 or a political action committee (“PAC”) or campaign committee as defined in State or Federal law for a charitable, religious or political purpose. Violation of this section shall be punishable as a misdemeanor.”

SECTION 3. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other Ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 5. This Ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 6. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate, posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this 3rd day of October, 2006.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk