

City of San Buenaventura Municipal Code

Chapter 24.460 Alcoholic Beverage Establishments--Use Permits

ARTICLE 1. GENERAL PROVISIONS

Sec. 24.460.110. Authority and purpose.

This chapter is adopted pursuant to the municipal affairs provisions of the city charter for the purpose of establishing regulations and standards for locating and operating businesses that are engaged in the sale [of] alcoholic beverages within the territorial jurisdiction of the city.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.120. Findings.

The city council finds that hospitality, entertainment, recreation and related businesses are a significant part of the city's economy, and that alcoholic beverage sales are often important to the operation of these businesses. However, inappropriate conduct within and around these businesses caused by inebriated patrons often creates environments that jeopardize the continued success of these businesses and seriously affects the health, safety and general welfare in surrounding areas, particularly residential neighborhoods. In addition, patrons that leave these businesses after consuming excessive amounts of alcoholic beverages or purchasing alcoholic beverages for consumption at some other place often cause serious health and safety problems on the city's streets and highways, or at their home or other destinations.

The regulations and standards adopted by this chapter are intended to reduce problems arising out of the operation of businesses engaged in the sale of alcoholic beverages, including, but not limited to public inebriation, batteries, assaults, domestic abuse, driving under the influence of alcoholic beverages and other traffic violations, littering, loitering, noise, obstruction of pedestrian traffic, interference with children on their way to and from school, interference with shoppers using the streets, and defacement and damaging of public and private property.

The regulation and standards adopted by this chapter seek to accomplish that objective by requiring the owner and operators of alcohol establishments, as defined in this chapter, to secure a use permit in the manner provided herein in order to lawfully engage in the sale of alcoholic beverages from premises located in the city after the effective date [of] this chapter; and by requiring such persons to manage such premises in accordance with the requirements of such permit, including the operational standards and any training requirements incorporated as conditions of the permit.

In addition, the regulations adopted by this chapter provide for the city council to adopt an annual permit fee to be imposed on all alcoholic beverage establishments issued a permit pursuant to this chapter for the purpose of providing the revenues necessary to fund the costs incurred by the city police department to monitor and enforce the provisions of this chapter, including, but not limited to compliance with the requirement and conditions of the use permits issued pursuant to this chapter, and to formulate and implement programs that promote the responsible consumption of alcoholic beverages by persons patronizing city businesses engaged in the sale of alcoholic beverages.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.130. Definitions.

The definitions hereinafter set forth in this section shall govern the meaning and construction of the words and phrases used in this chapter except where the context of such words or phrases clearly indicates a different meaning or construction.

1. *Alcoholic beverage* means a fermented or distilled beverage including alcohol, spirits, liquor, wine, beer, and any other liquid or solid containing alcohol, spirits, wine or beer that contains one-

City of San Buenaventura Municipal Code

half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

2. *Alcoholic Beverage Control (ABC)* means the California State Department of Alcoholic Beverage Control.

3. *Alcoholic beverage establishment* means any off-sale or on-sale alcoholic beverage establishment as defined herein.

4. *Alcoholic beverage establishment, off-sale* means any establishment wherein alcoholic beverages are sold, served, or given away for consumption off of the establishment's premises including, but not limited to, any establishment that has obtained or intends to obtain a ABC License type 20 or 21. References to an off-sale alcoholic beverage establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the permittee.

5. *Alcoholic beverage establishment, on-sale* means any establishment wherein alcoholic beverages are sold, served, or given away for consumption on the premises and which is applying for or has obtained an ABC license type 40, 41, 42, 47, 48, 51, 52, 61, 63 and/or 75. References to an on-sale alcoholic beverage establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the permittee. It shall also include any facility, inclusive of a portion thereof, which is rented out for special event functions wherein alcoholic beverages are sold or given away on the premises and are to be consumed on the premises.

6. *Deemed approved establishment* means any legal nonconforming alcoholic beverage establishment in existence and lawfully operating in the city immediately prior to the effective date of this chapter.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.140. Administration.

A. The community development department, under direction of the community development director, shall be responsible for issuing the use permits required by this chapter, and carrying out such other responsibilities expressly delegated to the community development department by the provisions of this chapter.

B. The police department, under direction of the police chief, shall be responsible for monitoring compliance by the owners, operators and employees of an alcoholic beverage establishment with the provisions any use permit issued pursuant to the provisions of this chapter, included any use permit issued to a deemed approved establishment, and for initiating appropriate enforcement action in the event of non compliance with or any use permit issued pursuant to this chapter.

C. The administrative services department, under direction of the chief financial officer, shall be responsible for collecting all annual permit fees imposed pursuant to the provisions of this chapter.

(Ord. No. 2005-006, § 1, 10-3-05)

ARTICLE 2. NEW ESTABLISHMENTS

Sec. 24.460.210. Use permit required for new or modified alcoholic beverage establishments.

A. Except as otherwise provided herein, no person shall establish a new on-sale or off-sale alcoholic beverage establishment or substantially modify an existing alcoholic beverage establishment without first obtaining a use permit in the manner provided by this chapter.

B. A use permit shall not be required if the alcoholic beverage establishment is any one of the following:

1. An alcoholic beverage establishment approved and operating pursuant to a use permit issued pursuant to chapter 24.520 of this division after the effective date of this chapter; or

City of San Buenaventura Municipal Code

2. A special event function, such as a neighborhood or community festival, provided all of the following criteria are met:

- a. The person, group, business, or organization sponsoring the event obtains all permits required by any other applicable city regulation in order to lawfully conduct the special event; and
- b. The person, group, business, or organization sponsoring the event obtains a temporary on-sale license from ABC for each of the dates the event will be held.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.220. Application for use permit--Form and content.

An application for a use permit required by this chapter shall be in the form prescribed by the community development director, shall contain all of the information required by section 24.500.030 of this division, and shall also include all of the following additional information:

1. The type of ABC license the applicant is seeking for the alcoholic beverage establishment.
2. The true and complete name and address of each lender or share holder with a five percent or more financial interest in the proposed business or any other person to whom a share or percentage of the income of the establishment is to be paid; and
3. The name and address of all existing schools, churches, hospitals, parks, playgrounds or other alcoholic beverage establishments within 300 feet of the proposed alcoholic beverage establishment.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.230. Application for use permit--Application fees.

An application for a use permit required by this article shall be accompanied by an application fee in an amount established by resolution of the city council, based on the estimated costs of reviewing and acting on such applications.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.240. Action on application for a use permit.

The planning commission shall consider each application for a use permit required by this chapter within the time and in the manner provided for by chapter 24.520 of this division, and shall approve issuance of the permit upon making the following findings, which findings shall be in lieu of any other finding required by section 24.520.070 of chapter 24.520:

1. The proposed alcoholic beverage establishment is located in a zoning district in which the establishment is a permitted use;
2. The proposed establishment will not contribute to an undue concentration of alcohol establishments in the area;
3. The proposed establishment will not detrimentally affect nearby neighborhoods considering the distance of the alcohol establishment to residential buildings, churches, schools, hospitals, playgrounds, parks, and other existing alcohol establishments;
4. The proposed establishment will otherwise be compatible with existing and potential uses within the general area; and
5. The proposed establishment is not located in what has been determined to be a high-crime area, or where a disproportionate number of police service calls occur.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.250. Conditions of approval.

A. When approving an application for a use permit for an alcoholic beverage establishment, the planning commission shall always issue the permit subject to the operational standards and training requirements set forth in article 4 of this chapter.

B. When approving an application for a use permit for an alcoholic beverage establishment, the planning commission may also issue the permit subject to other additional conditions that the

City of San Buenaventura Municipal Code

commission determines to be necessary or desirable to insure that the particular use authorized by the permit will be established, operated, and maintained in accordance with the findings required by section 24.460.240 of this article, including but not limited to premises design conditions that:

1. Require the exterior areas of the premises and adjoining parking lots to be illuminated in a manner that provides adequate lighting for establishment patrons while not disturbing surrounding residential and commercial areas;
2. Require litter and trash receptacles that are placed at convenient locations both within and outside the establishment and that are emptied on a daily basis;
3. Prohibit fixtures or furnishings that encourage loitering and nuisance behavior;
4. Reduce opportunities for patrons to congregate and obstruct neighboring properties and public rights-of-way; and
5. Otherwise maximize opportunities for surveillance and control of the premises and areas around the perimeter of the premises.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.260. Appeals from a determination on an application for use permit.

Any applicant or other person aggrieved by a decision of the planning commission on an application for a use permit required by this article, may appeal the decision of the planning commission to the city council within the time and in the manner required by chapter 24.565 of this division.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.270. Posting of conditions of approval.

Every owner of an alcoholic beverage establishment issued a use permit pursuant to the provisions of this article shall post a copy of all operational standards, training requirements and any special conditions of the permit in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

(Ord. No. 2005-006, § 1, 10-3-05)

ARTICLE 2. NEW ESTABLISHMENTS

Sec. 24.460.210. Use permit required for new or modified alcoholic beverage establishments.

A. Except as otherwise provided herein, no person shall establish a new on-sale or off-sale alcoholic beverage establishment or substantially modify an existing alcoholic beverage establishment without first obtaining a use permit in the manner provided by this chapter.

B. A use permit shall not be required if the alcoholic beverage establishment is any one of the following:

1. An alcoholic beverage establishment approved and operating pursuant to a use permit issued pursuant to chapter 24.520 of this division after the effective date of this chapter; or
2. A special event function, such as a neighborhood or community festival, provided all of the following criteria are met:

a. The person, group, business, or organization sponsoring the event obtains all permits required by any other applicable city regulation in order to lawfully conduct the special event; and

b. The person, group, business, or organization sponsoring the event obtains a temporary on-sale license from ABC for each of the dates the event will be held.

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City of San Buenaventura Municipal Code

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1. The type of ABC license the applicant is seeking for the alcoholic beverage establishment.
2. The true and complete name and address of each lender or share holder with a five percent or more financial interest in the proposed business or any other person to whom a share or percentage of the income of the establishment is to be paid; and
3. The name and address of all existing schools, churches, hospitals, parks, playgrounds or other alcoholic beverage establishments within 300 feet of the proposed alcoholic beverage establishment.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.230. Application for use permit--Application fees.

An application for a use permit required by this article shall be accompanied by an application fee in an amount established by resolution of the city council, based on the estimated costs of reviewing and acting on such applications.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.240. Action on application for a use permit.

The planning commission shall consider each application for a use permit required by this chapter within the time and in the manner provided for by chapter 24.520 of this division, and shall approve issuance of the permit upon making the following findings, which findings shall be in lieu of any other finding required by section 24.520.070 of chapter 24.520:

1. The proposed alcoholic beverage establishment is located in a zoning district in which the establishment is a permitted use;
2. The proposed establishment will not contribute to an undue concentration of alcohol establishments in the area;
3. The proposed establishment will not detrimentally affect nearby neighborhoods considering the distance of the alcohol establishment to residential buildings, churches, schools, hospitals, playgrounds, parks, and other existing alcohol establishments;
4. The proposed establishment will otherwise be compatible with existing and potential uses within the general area; and
5. The proposed establishment is not located in what has been determined to be a high-crime area, or where a disproportionate number of police service calls occur.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.250. Conditions of approval.

A. When approving an application for a use permit for an alcoholic beverage establishment, the planning commission shall always issue the permit subject to the operational standards and training requirements set forth in article 4 of this chapter.

B. When approving an application for a use permit for an alcoholic beverage establishment, the planning commission may also issue the permit subject to other additional conditions that the commission determines to be necessary or desirable to insure that the particular use authorized by the permit will be established, operated, and maintained in accordance with the findings required by section 24.460.240 of this article, including but not limited to premises design conditions that:

1. Require the exterior areas of the premises and adjoining parking lots to be illuminated in a manner that provides adequate lighting for establishment patrons while not disturbing surrounding residential and commercial areas;
2. Require litter and trash receptacles that are placed at convenient locations both within and outside the establishment and that are emptied on a daily basis;
3. Prohibit fixtures or furnishings that encourage loitering and nuisance behavior;

City of San Buenaventura Municipal Code

4. Reduce opportunities for patrons to congregate and obstruct neighboring properties and public rights-of-way; and

5. Otherwise maximize opportunities for surveillance and control of the premises and areas around the perimeter of the premises.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.260. Appeals from a determination on an application for use permit.

Any applicant or other person aggrieved by a decision of the planning commission on an application for a use permit required by this article, may appeal the decision of the planning commission to the city council within the time and in the manner required by chapter 24.565 of this division.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.270. Posting of conditions of approval.

Every owner of an alcoholic beverage establishment issued a use permit pursuant to the provisions of this article shall post a copy of all operational standards, training requirements and any special conditions of the permit in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

(Ord. No. 2005-006, § 1, 10-3-05)

ARTICLE 3. EXISTING ESTABLISHMENTS

Sec. 24.460.310. Existing uses deemed approved.

A. Except as otherwise provided herein, any alcoholic beverage establishment lawfully operating prior to the effective date of this chapter pursuant to an ABC license that authorizes the retail sale of alcoholic beverages for on-site or off-site consumption shall be issued a use permit pursuant to this chapter and shall thereafter be a deemed-approved establishment that may continue to lawfully operate under such use permit provided the operation is conducted in compliance with the operational standards and any applicable training requirement set forth in article 4 of this chapter and has paid the annual permit fee required by article 5 of this chapter.

B. The continued operation of a deemed approved alcoholic beverage establishment shall require approval of a new use permit in the manner provided by article 2 of this chapter upon the occurrence of any of the following:

1. The establishment changes its type of retail liquor license with the Department of Alcohol Beverage Control;

2. There is a substantial modification to the mode or character of operation. As used herein, the phrase "substantial change of mode or character of operation" shall include, but not be limited to the following:

a. The off-sale alcoholic beverage establishment increases the floor area or shelf space principally devoted to alcohol sales by 25 percent or more; or

b. The on-sale alcoholic beverage establishment increases the floor area principally devoted to the alcohol sales by more than 250 square feet; or

c. The alcoholic beverage establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period greater than 30 days by the ABC; or

d. The alcoholic beverage establishment proposes to reinstate alcohol sales after a cessation of use for a period of six months or more.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.320. Notification to owners of deemed approved activities.

City of San Buenaventura Municipal Code

Within 30 days following the effective date of this chapter, the community development director shall:

1. Notify the owner of each deemed-approved alcoholic beverage establishment within the city of the establishment's deemed-approved status, and provide the owner with a use permit authorizing the establishment to lawfully continue its operation in the manner required by this chapter;
2. Provide the owner of the establishment with a copy of the provisions of this chapter and call the owner's attention to the requirement that the establishment be operated in accordance with the operational standards set forth in article 4 of this chapter; and
3. Provide the owner of the establishment with a copy of the permit fees established adopted by the city council in accordance with article 5 of this chapter, and advise the owner of the amount and due date of the establishment's annual permit fee.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.330. Posting of operational standards by deemed approved establishments.

Every owner of a deemed approved alcoholic beverage establishment shall post a copy of all of the operational standards set forth in article 4 of this chapter in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

(Ord. No. 2005-006, § 1, 10-3-05)

ARTICLE 4. OPERATION STANDARDS AND TRAINING REQUIREMENTS

Sec. 24.460.410. Operational standards--All alcoholic beverage establishments.

All new and existing alcoholic beverage establishments shall be operated in conformance with the following operational standards:

1. *Compliance with the state's Alcohol Beverage Control Act.* All alcohol beverage establishments shall be operated in strict compliance with the state's Alcohol Beverage Control Act, together with the conditions of any license issued by ABC to the establishment pursuant to that Act.
2. *Nuisance conditions.* Reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the alcoholic beverage establishments and adjacent properties shall be taken during business hours if directly related to the patrons of the subject alcoholic beverage establishment. "Reasonable steps" shall include calling the police in a timely manner, preventive design features, and requesting those engaging in such activities to cease those activities, unless personal safety would be threatened in making that request.
3. *Litter and graffiti.* The exterior of the alcoholic beverage establishment, including all signs and accessory buildings and structures, shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours following receipt of written notice of violation from the police department.
4. *Mode of alcoholic beverage sales.* Alcoholic beverage sales from drive-up or walk-up service windows shall be prohibited. This provision shall also apply to alcoholic beverage sales to persons in watercraft.
5. *Signs.* All signs required by the Alcoholic Beverage Control Act shall be posted as required by the ABC.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.420. Operational standards--Off-sale alcoholic beverage establishments.

City of San Buenaventura Municipal Code

All new and existing off-sale alcoholic beverage establishments shall comply with the following additional operational standards:

1. The placement of a temporary sign on a window or the transparent portion of any door of an alcoholic beverage establishment requires a directors permit issued in the manner provided for by section 24.420.050 of chapter 24.420 of this division, shall be allowed on the first floor only, shall not cover more than 40 percent of a window or transparent portion of the door, and may be used for no more than 90 days each calendar year. Permanent signs on a window or transparent portion of a door require design review in the manner required by section 24.420.060 of chapter 24.420 of this division.
2. The operator of the establishment shall not cause or permit the consumption of alcoholic beverages purchased at the establishment in any parking lot, property or public right-of-way adjoining the establishment.
3. The sale of beer or malt beverage products in bottles or cans greater than 32 ounces in volume is prohibited, provided that this standard is not intended to restrict the sale of alcoholic beverages in kegs or other kinds of containers with a volume of two or more gallons that are clearly intended to dispense multiple servings.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.430. Operational standards--On-sale alcoholic beverage establishments.

All on-sale alcoholic beverage establishments shall comply with the following additional operational standards:

1. The selling of alcoholic beverages for consumption off the premises containing the establishment is prohibited except where alcoholic beverages are sold for consumption on an adjoining public sidewalk pursuant to a permit issued in the manner provided for by chapter 24.477 of this division.
2. Any entertainment provided at the establishment shall be carried out in a manner authorized by a dance hall or entertainment permit issued pursuant to chapter 10.450 of this Code, and shall not be audible more than 50 feet from the boundary of the property containing the establishment unless otherwise expressly authorized by the permit.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.440. Training requirements.

A. *New alcoholic beverage establishments.* All persons that own or are employed in the operation a new alcoholic beverage establishment that is issued a use permit in the manner provided for by article 2 of this chapter or chapter 24.520 of this division, and that are personally engaged in the sale or service of alcoholic beverages, or that supervise or otherwise control the sale or service of such beverages shall successfully complete a certified training program in responsible methods and skills for selling and serving alcoholic beverages within 180 [days] of the issuance of the use permit, or within 180 days of the issuance of a certificate of occupancy authorizing the occupation and operation of the establishment, whichever last occurs.

B. *Existing alcoholic beverage establishments.* All persons that own or are employed in the operation of an existing alcoholic beverage establishment that is issued a use permit in the manner provided for by article 3 of this chapter, and that are personally engaged in the sale or service of alcoholic beverages, or that supervise or otherwise control the sale or service of such beverages may be required to undergo a certified training program in responsible methods and skills for selling and serving alcoholic beverages as part of a decision and order issued in a proceeding to revoke or modify the permit.

C. *Certified programs.* To qualify to meet the requirements of this section a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body designated by the State of California.

(Ord. No. 2005-006, § 1, 10-3-05)

ARTICLE 5. ANNUAL PERMIT FEES

Sec. 24.460.510. Establishment of annual permit fee.

Commencing in October 2005, and in September of each even-numbered year thereafter, the city council shall establish an annual use permit fee that shall be imposed on each alcoholic beverage establishment issued a use permit pursuant to the provisions of this chapter or chapter 24.520 of this division, including any new or modified establishment issued a permit pursuant to article 2 of this chapter and any deemed approved establishment issued a permit pursuant to article 3 of this chapter.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.520. Amount of the annual permit fee.

The annual permit imposed on an alcoholic beverage establishment operating under a use permit issued in the manner provided for by this chapter or chapter 24.520 of this division shall be established by resolution of the city council and shall be based on:

1. The category of the ABC license issued to the establishment;
2. The estimated annual costs of the police services necessary to monitor and enforce the operational standards and other use permit conditions and requirements for all establishments within that license category;
3. The estimated annual costs of the administrative services department to bill and collect the annual permit fee; and
4. The establishment's pro-rata share of such costs.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.530. Billing and payment.

A. All annual permit fees imposed on an alcoholic beverage establishment operating under a special use issued in the manner provided for by this chapter shall be billed by the administrative services department on or before the first day of November of each year, shall be due and payable immediately upon receipt, and shall be delinquent if not paid on or before to the 31st day of December of that year.

B. In the event a permittee operating an alcoholic beverage establishment fails to pay the annual permit fee on or before the delinquency date, the permittee shall also pay a delinquency penalty in an amount equal to ten percent of the amount of the permit fee for each month or portion thereof subsequent to the delinquency date that the permit fee remains unpaid; provided however, that the total amount of such delinquency penalties shall not exceed 100 percent of the permittee's annual fee.

(Ord. No. 2005-006, § 1, 10-3-05)

ARTICLE 6. ENFORCEMENT

Sec. 24.460.610. Violations.

A. On or after the effective date of this chapter it shall be unlawful for any person to operate a new or modified alcoholic beverage establishment:

1. Without a valid use permit issued in the manner provided by article 2 this chapter or chapter 24.520 of this division; or
2. In violation of any requirements and conditions of any applicable use permit issued pursuant to article 2 of this chapter or chapter 24.520 of this division, including, but not limited to, any operational standards and training requirements established by this chapter and incorporated into such permit.

City of San Buenaventura Municipal Code

B. On or after January 1, 2006, it shall be unlawful for any person to operate a deemed approved alcoholic establishment in violation of the operational standards set forth in this chapter and incorporated into a permit issued to the establishment pursuant to article 3 of this chapter.
(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.620. Civil penalties.

A person violating any provision of this chapter may be assessed a civil penalty in the manner and in the amount provided for by chapter 1.050 of division 1 of this Code.
(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.630. Criminal penalties.

A person violating the provisions of this chapter shall be guilty of a criminal violation that is punishable in the manner provided for in chapter 1.150 of division 1 of this Code if:

1. The person operates a new or modified alcoholic beverage establishment without a use permit required by this chapter or chapter 24.520 of this division.
2. The person has been issued a use permit for an alcoholic beverage establishment in the manner provided by this chapter or chapter 24.520 of this division, and causes or permits the establishment to be operated in violation of the requirements or conditions of the use permit within 180 days after [having] been served with a notice of a violation or assessed a civil penalty for the same or similar violation in the manner hereinafter provided by this article.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.640. Revocation or modification of use permit.

A use permit issued to any new or deemed approved alcoholic beverage establishment in the manner provided by this chapter or chapter 24.520 of this division may, for sufficient cause, be revoked or modified in the manner provided for by section 24.570.100 of this division.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.650. Inspections.

All alcoholic beverage establishments within the city shall be regularly inspected by the police department to determine whether the establishments are being operated in compliance with the provisions of this chapter, including, but not limited to, any of the requirements and conditions of the use permit issued to such establishments in the manner provided by this chapter or chapter 24.520 of this division.

(Ord. No. 2005-006, § 1, 10-3-05)

Sec. 24.460.660. Notice of violation.

Where the police department determines that an alcoholic beverage establishment is being operated in violation of the provisions of this chapter including, but not limited to, any of the requirements and conditions of the use permit issued to such establishment in the manner provided by this chapter or chapter 24.520 of this division, the department shall cause a notice of violation to be issued to the permittee that describes the nature of the violation, the corrective action to be taken, and the time within the correcting action must be completed. However the issuance of a notice of violation shall not be a condition precedent to the assessment of a civil penal or a criminal prosecution as provided for by this article.

(Ord. No. 2005-006, § 1, 10-3-05)