

CHAPTER X

BUSINESS REGULATIONS

(Added by Ord. No. 111,348, Eff. 7/4/58.)

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DIVISION 1

SCOPE

Section

102.00 Scope.

SEC. 102.00. SCOPE.

The provisions of this article, insofar as they are substantially the same as existing ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

The procedure of the Board of Police Commissioners in denying, revoking or suspending any permit pursuant to this Code shall be conducted pursuant to the provisions of this article.

DIVISION 2

DEFINITIONS

Section

102.01 Definitions.

SEC. 102.01. DEFINITIONS.

In this article unless the context or subject matter otherwise requires:

- (a) “**BOARD**” means the Board of Police Commissioners.
- (b) “**HEARING EXAMINER**” means any person appointed by the Board to conduct hearings pursuant to this article.
- (c) “**PARTY**” includes the Board, the respondent and any other person, other than an officer and employee of the Board in his official capacity, who has an interest in a proceeding under this article.
- (d) “**RESPONDENT**” means any person against whom an accusation is filed pursuant to this article.
- (e) “**PANEL**” means the Police Permit Review Panel. (Amended by Ord. No. 168,324, Eff. 12/13/92.)

DIVISION 3

HEARING PROCEDURE

Section

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SEC. 102.02. HEARINGS PROCEDURE.

- (a) **Hearing Examiners.** The Board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings provided by this article.
- (b) **Conduct of Hearing.** The Board or the hearing examiner hearing the case shall exercise all powers relating to the conduct of the hearings.
- (c) **Reporting.** The proceedings at the hearing shall be reported by a phonographic reporter.
- (d) **Continuances.** The Board or hearing examiner may grant continuances at any stage of the proceedings.
- (e) **Oaths Certification.** In any proceedings under this article, the Board, any board member, the Secretary of the Board, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.
- (f) **Service by Mail – Time of Taking Effect.** Wherever service by mail is authorized by this article, such service shall be effective on the date of mailing if a letter containing the required papers or notice is mailed, postage prepaid, addressed to the applicant or permittee at the latest address on file with the Board.

SEC. 102.03. HEARING ON REVOCATION OR SUSPENSION OF PERMIT – INITIATION BY ACCUSATION.

A hearing to determine whether a permit should be revoked, suspended limited, or conditioned shall be initiated by filing an accusation. The accusation shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his defense. It shall specify the statutes and rules which the respondent is alleged to have violated but shall not consist merely of charges phrased in the language of such statutes and rules. The accusation shall be verified unless made by a public officer acting in his official capacity or by a duly appointed representative of the Board. The verification may be on information and belief.

SEC. 102.04. SERVICE OF ACCUSATION.

Upon the filing of an accusation the Board shall serve a copy thereof on the respondent.

(a) **Method of Service.** The accusation may be served on the respondent by the following means:

1. Personally, or
2. By Certified mail. **(Amended by Ord. No. 116,065, Eff. 7/2/60.)**

(b) **Proof of Service, Time of Taking Effect.** Service may be proved in the manner authorized in civil actions. Service by certified mail shall be elective on the date of mailing if a certified letter containing the accusation is mailed, postage prepaid, and addressed to the respondent at the latest address on file with the Board. **(Amended by Ord. No. 116,065, Eff. 7/2/60.)**

(c) **Appearance – Objections to Service Waived.** Where a respondent files a notice of defense or otherwise appears in a proceeding, all objections to the validity of service shall be deemed waived.

(d) **Form of Accusation.** The copy of the accusation shall include or be accompanied by a statement that respondent may request a hearing by filing a notice of defense as provided in Sec. 102.05 within 10 days after service upon him of the accusation, and that failure to do so will constitute a waiver of his right to a hearing. The Board shall include with the accusation a post card or other form entitled, "Notice of Defense," which when signed by or on behalf of the respondent and returned to the Board, will acknowledge service of the accusation and constitute a notice of defense under Sec. 102.05.

SEC. 102.05. NOTICE OF DEFENSE.

(a) **Time of Filing.** Within 10 days after service upon him of the accusation the respondent may file with the Board one or more notices of defense in which he may:

1. Request a hearing;
2. Object to the accusation upon the ground that it does not state acts or omissions upon which the Board may proceed;
3. Object to the form of the accusation on the ground that it is so indefinite or uncertain that he can not identify the transaction or prepare his defense;
4. Admit the accusation in whole or in part.

(b) **Failure to File – Waiver.** The respondent shall be entitled to a hearing on the merits if he files a notice of defense within 10 days, and any such notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file such notice shall constitute a waiver of respondent's rights to a hearing, but the Board in its discretion may nevertheless grant a hearing. Unless objection is taken as provided in this section, all objections to the form of the accusation shall be deemed waived.

(c) **Written Notice of Defense.** The notice of defense shall be in writing signed by or on behalf of the respondent and shall state his mailing address. It need not be verified or follow any particular form.

SEC. 102.06. AMENDMENT OF ACCUSATION.

At any time before the matter is submitted for decision the Board or hearing examiner may file or permit the filing of an amended or supplemental accusation. All parties shall be notified thereof. If the amended or supplemental accusation presents new charges the Board shall afford respondent a reasonable opportunity to prepare a defense thereto. Any new charges shall be deemed controverted, and any objections to the amended or supplemental accusation may be made orally and shall be noted in the record.

SEC. 102.07. NOTICE OF HEARING.

The Board shall deliver or mail a notice of hearing to all parties at least five days prior to the hearing. The hearing shall not be prior to the expiration of the time within which the respondent is entitled to file a notice of defense. The respondent may file a written waiver of

time and request an immediate hearing.

(a) **Notice of Hearing – Form.** The notice to respondent shall be substantially in the following form but may include other information:

You are hereby notified that a hearing will be held before the (Board or name of hearing examiner) at _____ on the _____ day of _____ 19____, at the hour of _____ upon the charges made in the accusation served upon you. You may be present at the hearing, may be but need not be represented by council, may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the (Board or name of hearing examiner).

SEC. 102.08. TIME AND PLACE OF HEARING.

The Board shall determine the time and place of hearing.

SEC. 102.09. SUBPOENAS.

(a) **Authority of Board.** The Board or hearing examiner is authorized and empowered to summon witnesses for hearings by requesting the City Clerk, pursuant to Charter Section 217(Amended by Ord. No. 173,300, Eff. 6/30/00, Oper. 7/1/00.) to issue subpoenas requiring the attendance of such witnesses at a time and place specified.

(b) **Affidavit Required.** The Board, any Board member, the Secretary of the Board, or the hearing examiner may summon witnesses for hearings at the request of any party to a proceeding under this article. A party to a proceeding under this article desiring the issuance of a subpoena shall make a written request for the subpoena accompanied by an affidavit specifying the name and address of the proposed witness and setting forth in full detail the materiality of his testimony. If the party seeks a subpoena duces tecum, the affidavit shall specify in addition the exact matters or things desired to be produced, and set forth in full detail the materiality thereof to the issues involved in the case, and state that the witness has the desired matters or things in his possession or under his control.

(c) **Penalties.**

1. **Ignoring Subpoena.** It is a misdemeanor to willfully ignore a subpoena or subpoena duces tecum issued pursuant to this article.

2. **Refusal to Testify.** It is a misdemeanor for any person present at any hearing in obedience to a subpoena or otherwise to willfully refuse to be sworn or willfully refuse to answer any material or proper question directed to him by the Board or hearing examiner.

SEC. 102.10. EVIDENCE.

Hearings need not be conducted according to technical rules relating to evidence and witnesses.

(a) **Oral Evidence – Oath.** Oral evidence shall be taken only on oath or affirmation.

(b) **Rights of Parties.** Each party shall have these rights:

1. To call and examine witnesses;
2. To introduce exhibits;
3. To cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him.

(c) **Failure of respondent to Testify.** If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

(d) **Test of Relevancy.** Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

(e) **Hearsay Evidence.** Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

(f) **Privilege.** The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil action.

(g) **Exclusion of Evidence.** Irrelevant and unduly repetitious evidence shall be excluded.

SEC. 102.11. OFFICIAL NOTICE.

In reaching a decision official notice may be taken, either before or after submission of the case for decision of any fact which may be judicially noticed by the courts of the State.

(a) **Parties to be Notified – Record.** Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

(b) **Opportunity to Refute.** Parties present at the hearing shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence, or by written or oral presentation of authority, the manner of such refutation to be determined by the Board or the hearing examiner.

SEC. 102.12. AMENDMENT OF ACCUSATION AFTER SUBMISSION.

The Board or hearing examiner may order amendment of the accusation after submission of the case for decision. Each party shall be given notice of the intended amendment and opportunity to show that he will be prejudiced thereby unless the case is reopened to permit the introduction of additional evidence in his behalf. If such prejudice is shown, the Board or hearing examiner shall reopen the case to permit the introduction of additional evidence.

SEC. 102.13. METHOD OF DECISION IN CONTESTED CASES.

(a) **Hearing Before Board Itself.** Where a contested case is heard before the Board itself, no member thereof who did not hear the evidence or has not read the record or proceedings shall vote on the decision.

(b) **Hearing Before Examiner.** If a contested case is heard by a hearing examiner alone, he shall, within 30 days, submit a written report to the Board. Such report shall contain a brief summary of the evidence considered and shall state the examiner's conclusions and recommendations. The report shall contain a proposed decision, in such form that it may be adopted by the Board as its decision in the case. All examiners' reports shall be filed by the Board as a public record. A copy of such proposed decision so filed shall then be mailed to each party.

(c) **Consideration of Report by Board – Notice.** The Board shall fix a time when the Board will consider the report. Notice thereof shall be mailed to each interested party not less than 12 days prior to the date fixed, unless it is otherwise stipulated. **(Amended by Ord. No. 161,747, Eff. 12/14/86.)**

(d) **Exceptions to Report.** Not later than six days before the date to consider the report any party may file written exceptions to any part or all of the Examiner's report and may attach thereto a proposed decision together with written arguments in support of such decision. By leave of the Board, any party may present oral argument to the Board. **(Amended by Ord. No. 161,747, Eff. 12/14/86.)**

(e) **Disposition by Board.** The Board may adopt or reject the proposed decision in its entirety, or may increase or reduce the proposed penalty and may adopt the balance of the proposed decision of the hearing examiner.

(f) **Proposed Decision Not Adopted.** If the proposed decision is not adopted as provided in Subsection (e), the Board may decide the case upon the record including the transcript either in whole or in part, with or without taking additional evidence, or may refer the case to the same or another hearing examiner to take additional evidence. If the case is so assigned to a hearing examiner, he shall prepare a report and proposed decision as provided in Subsection (b) upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. Consideration of such proposed decision by the Board shall comply with the provisions of this section.

SEC. 102.13.01. METHOD OF DECISION – REFERRAL TO POLICE PERMIT REVIEW PANEL.

(Title and Section Amended by Ord. No. 169,658, Eff. 5/8/94.)

(a) **Police Permit Review Panel.** There is hereby established a panel known as the Police Permit Review Panel.

(b) **Membership of the Panel.** **(Amended by Ord. No. 173,283, Eff. 6/26/00, Oper. 7/1/00.)** The Police Permit Review Panel shall be composed of seven members, at least two of which shall have expertise which is relevant to the regulation of charitable organizations

and the various activities in which they engage. Panel members shall be appointed and may be removed in accordance with Charter Section 502. In the case of a vacancy during the term of office of any member, the same shall be filled by appointment by the Mayor for the period of the unexpired term subject to the approval of the Council by a majority vote. The members of the Panel shall be exempt from all Civil Service provisions.

(c) **Compensation and Term of Office.** Each member of the Panel shall be paid \$50.00 per meeting attended, but not to exceed \$250.00 in any one calendar month.

The terms of office of the members of the Panel shall be five years beginning with the first day of July of the respective years, except that the terms of office of the original five members of the Panel appointed pursuant to this subsection shall be such that one term shall expire on the first June 30, one term shall expire on the second June 30, one term shall expire on the third June 30, one term shall expire on the fourth June 30, and one term shall expire on the fifth June 30 next following the effective date of the appointment of the original five members. Thereafter, the terms of the succeeding members shall be so designated that the term of office of one member shall expire each year. The period of term of each member shall be designated in the appointment.

(d) **Hearing before the Panel. (Amended by Ord. No. 173,283, Eff. 6/26/00, Oper. 7/1/00.)** The Board may refer to the Police Permit Review Panel any matter within the Board's jurisdiction relating to the issuance, denial, suspension, revocation, or conditioning of any permit, or relating to the endorsement or approval of any charitable organization, or similar matter. Once the matter is referred to the Panel, the members thereof shall consider any report and shall exercise all of the powers and have all of the duties of the Board with respect to the case.

(e) **Tobacco Retailer's Permit Administrative Review.** Matters referred to the Police Permit Review Panel pursuant to Section 46.100 of this Code shall be conducted in conformity with Article 6.9 (Sections 46.90 – 46.101) of this Code. **(Added by Ord. No. 179,436, Eff. 1/28/08.)**

SEC. 102.14. FORM OF DECISION – FINDINGS – COPIES TO PARTIES.

The decision shall be in writing and shall contain findings of fact, a determination of the issues presented and the penalty, if any. The findings may be stated in the language of the pleadings or by reference thereto. Copies of the decision shall be delivered to the respondents personally or sent to them by registered mail.

SEC. 102.15. EFFECTIVE DATE OF DECISION.

The decision shall become effective 15 days after it is delivered or mailed to respondent unless a reconsideration is ordered within that time, or the Board orders that the decision shall become effective sooner, or a stay of execution is granted.

SEC. 102.16. DEFAULTS AND UNCONTESTED CASES.

If the respondent fails to file a notice of defense or fails to appear at the hearing, the Board may take action based upon the respondent's express admissions or upon other evidence, and affidavits may be used as evidence without any notice to respondent; and where the burden of proof is on the respondent to establish that he is entitled to the Board action sought, the Board may act without taking evidence. Nothing herein shall be construed to deprive the respondent of the right to make any showing by way of mitigation. **(Amended by Ord. No. 158,410, Eff. 11/27/83.)**

SEC. 102.17. RECONSIDERATION.

The Board may order a reconsideration of all or part of the case on its own motion or on petition of any party. The power to order a reconsideration shall expire 15 days after the delivery or mailing of a decision to respondent, or on the date set by the Board as the effective date of the decision if such date occurs prior to the expiration of the 15-day period. If no action is taken on a petition within the time allowed for ordering reconsideration the petition shall be deemed denied.

(a) **Procedure on Reconsideration.** The case may be reconsidered by the Board on all the pertinent parts of the record and such additional evidence and argument as may be permitted, or may be assigned to a hearing examiner. A reconsideration assigned to a hearing examiner shall be subject to the procedure provided in Sec. 102.13. If oral evidence is introduced before the Board, no Board member may vote unless he heard the evidence or has read the transcript of the proceedings held in his absence.

SEC. 102.18. PREPARATION OF RECORD.

(Amended by Ord. No. 157,033, Eff. 9/27/82.)

(a) **Request for Record.** A party to any proceedings under this article who is seeking review of Board action, either before the Board or in a court of law, may file a request for a complete record or designated portions of the records of proceedings. The complete record

or portions thereof shall be prepared by the Board and shall be delivered to such party within 30 days after such request. The request shall be accompanied by a deposit to cover the expense of preparation and certification thereof.

(b) **Preparation of Transcript.** In the event any proceedings under this article is reported by City personnel a transcript of such proceeding may be obtained by any party or any interested person. The cost for such transcript shall be \$5.50 per page or fraction thereof for the first copy thereof. As used herein the term “interested person” means a person, though not a party, as determined by the Board to have a special interest in a proceeding and to be privileged to appear therein. No person shall be deemed to be an interested person unless recognized as such by the Board.

SEC. 102.19. SETTLEMENT OF ACCUSATIONS.

Notwithstanding any other provisions of this article, the Board may enter into a stipulated settlement with a permittee served with an accusation as provided in Section 102.04 of this article. Such stipulation shall include an express waiver of the permittee’s hearing rights and a concise statement of the penalty to be imposed for the alleged misconduct. After the permittee or his or her legal representative has agreed to and signed the stipulated settlement, it shall be presented to the Board for approval. If the Board approves, the penalty shall immediately take effect and no further proceedings otherwise required by the provisions of this article shall be deemed necessary. If the proposed settlement is disapproved by the Board, the permittee shall be so notified and shall at the same time be notified as to a hearing date pursuant to the provisions of Section 102.05 and 102.07 of this Code. **(Added by Ord. No. 152,042, Eff. 4/14/79.)**

ARTICLE 3

POLICE PERMIT REGULATION

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DIVISION 1

SCOPE

Section
103.00 Scope.

SEC. 103.00. SCOPE.

The provisions of this article, insofar as they are substantially the same as existing ordinance relating to the same subject matter, shall be construed as restatements and continuations and not a new enactments.

The provisions of this article shall apply to regulate and control all permits heretofore or hereafter issued by the Board of Police Commissioners. Additional requirements may be imposed by law or by rules and regulations of the Board.

DIVISION 2

DEFINITIONS

SEC. 103.01. DEFINITIONS.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

Applicant means a person who files an application for a permit from the Board.

Board means the Board of Police Commissioners or the Police Permit Review Panel if the Board delegates the authority to the Panel pursuant to Section 102.13.01(d).

Business means any occupation, trade, establishment or concern, regardless of form, which provides services, products or entertainment for which a permit is required under this article, whether or not a permit has been granted, sought, applied for, denied, revoked or suspended.

Department means the Los Angeles Police Department. **(Added by Ord. No. 181,776, Eff. 8/22/11.)**

Director of Finance means the Director of Finance for the City of Los Angeles, or his or her deputy.

Employee means any and all persons, including operators, managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of the business, whether or not the person is paid compensation by the business. This definition does not apply to persons incidentally involved with the business, such as persons delivering goods, food and beverages, or performing maintenance or repairs to the business premises.

Entertainer means any person who performs specified sexual activities or displays specified anatomical parts in a business.

Executive Director means the Executive Director of the Board of Police Commissioners. **(Added by Ord. No. 181,776, Eff. 8/22/11.)**

Hearing Examiner means any person appointed by the Board to conduct hearings provided by this article.

Manager means any person appointed by an owner, operator or permittee of a business, who manages, directs, administers, or is in charge of the affairs and/or the conduct or operation of a business. This definition includes assistant managers.

Owner means (1) a sole proprietor or person(s) who own or operate a business; (2) all general partners of a partnership that owns or operates a business; (3) all officers of a corporation and all persons who own a controlling interest in a corporation or other limited liability entity that operates a business.

Patron means any individual, other than an employee, present in or at the business premises at any time during the hours of operation. This definition does not apply to persons incidentally involved with the business, such as persons delivering goods, food and beverages, or performing maintenance or repairs to the business premises.

Permittee means any person having a valid permit issued by the Board as required by the Los Angeles Municipal Code.

Premises means the building and real property occupied or used in the operation of the business, or the space in the building occupied by the business if the business does not utilize the entire building in the operation of the business.

Sexually oriented material means any element of sexually oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, compact disc, or other written, oral or visual representation, which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

Sexually oriented merchandise means sexually oriented implements and paraphernalia, such as, but not limited to condoms, lap dance bags, benwa balls, dildos, auto sucks, sexually oriented vibrators, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices that are designed or marketed primarily for the stimulation of or use with the stimulation of human genital organs or for sadomasochistic activity.

Specified anatomical parts means:

1. Less than completely and opaquely covered human genitals, pubic hair, buttocks, natal cleft, perineum, anus, anal region, pubic region, or female breast below a point immediately below the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

1. Actual or simulated: sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, masturbation,

direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship; or any of the following depicted sexually oriented acts or conduct, whether actual or simulated: anilingus, buggery, coprophilia, coprophagy, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism, urophilia, zooerastia, zoophilia; or

2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks, natal cleft, anal region, anus, or female breast; or
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
6. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or
7. The presence of any person who performs a striptease, or appears in attire where specified anatomical parts are either not opaquely covered or minimally covered with bikinis, lingerie, or devices commonly referred to as pasties and G-strings, or any other similar opaque covering.

DIVISION 3

PERMIT APPLICATIONS

Section

- 103.02 Permit Required.
- 103.02.1 Permit Applications.
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- 103.09 Permit for Each Location.
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SEC. 103.02. PERMIT REQUIRED.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

No person may operate, engage in, conduct or carry on any business without first obtaining a permit issued by the Board of Police Commissioners.

SEC. 103.02.1. PERMIT APPLICATIONS.

(Amended by Ord. No. 177,412, Eff. 5/1/06.)

(a) **Written Application Requirements.** The owner of a business shall file an application for a permit with the Office of Finance. The application shall be in writing on forms provided, and shall be accompanied by the fee set forth in Section 103.12. The applicant shall provide all the information and documents requested on the application form, including fingerprints according to Department of Justice guidelines. In addition to the fee set forth in Section 103.12, each set of required fingerprints shall be accompanied by a fingerprint processing fee, which shall be equal to the fee charged by the State of California to the City of Los Angeles to process the fingerprints. Applications shall be signed under penalty of perjury by the applicant.

(b) **Changes to Applicant Information.** Any change to the applicant information that occurs while the application is pending shall be reported in writing within seven calendar days to the Board.

(c) **Application Information to be Maintained Confidential.** All information compiled pursuant to this section shall be held and maintained by the City as confidential, with the exception of the name of the applicant(s), business name, business address, and any other information that appears on the face of the permit.

(d) **Duty to Submit Complete Application; Determination of Completeness.** Upon submission of an application for a permit to be issued by the Board, the Office of Finance shall accept the application and indicate on the application the date and time the application was filed. If the Board determines that an application for a permit is not complete, the application shall be returned to the applicant without any further action of the Board. Incomplete applications for permits under Sections 103.102 and 103.109 shall be returned to the applicant within ten business days of the date the application was filed with the Office of Finance; all other incomplete applications shall be returned to the applicant within 30 business days of the date the application was filed with the Office of Finance. The returned application shall be accompanied by a written statement specifying all the reasons for its return. The applicant shall have 30 calendar days to submit additional information to render the application complete. Failure to do so within the 30 day period shall cause the application to be denied. If an amended application or supplemental information is submitted within the 30 day period, the Board shall again determine whether the application is complete in accordance with the procedures above.

SEC. 103.03. PUBLIC HEARINGS.

The Board may require a public hearing prior to taking action on an application for a permit or a renewal thereof. The Board may require an applicant to cause to be published a notice of public hearing two times at intervals of not less than five days within the 21-day period following the filing of an application in a newspaper of general circulation in the district where the business is to be located or conducted. Furthermore the Board may give notice, by mail, as prescribed by the Board to all property owners within three hundred feet of the proposed business.

The Board shall cause to be posted a suitable public notice at the location where the business is to be conducted. The applicant shall bear all expense involved in mailing, printing, publishing and posting such notice. **(Amended by Ord. No. 137,649, Eff. 1/6/69.)**

(a) **Notice – Contents.** Such public notices shall conform to rules and regulations adopted by the Board and shall be designed to inform the public as to the nature of the business to be engaged in its location, the name or names of the applicant or applicants, the time of the public hearing and the right of persons objecting to be heard. **(Amended by Ord. No. 134,317, Eff. 6/2/67.)**

(b) **Protests by Interested Persons.** Any interested person may file written protests or objections any time before or at the hearing on such application, The Board shall give consideration to all such protests in reaching a decision on such application. **(Amended by Ord. No. 134,317, Eff. 6/2/67.)**

SEC. 103.04. FALSE STATEMENTS.

Any person who makes a false statement in an application for a permit under this article, or in his report required by this article is guilty of a misdemeanor.

SEC. 103.05. OVERLAPPING BUSINESS.

If any person shall engage in, manage, conduct, or carry on at the same time more than one of the businesses for which a permit from the Board is required, such person shall comply with all of the provisions affecting such businesses.

SEC. 103.06. PERMITS – DURATION. **(Amended by Ord. No. 175,676, Eff. 1/11/04.)**

A permit issued by the Board shall be valid for a period of one year from the date of issuance.

SEC. 103.06.1. PERMITS – RENEWAL. **(Added by Ord. No. 175,676, Eff. 1/11/04.)**

A request for an annual permit renewal must be accompanied by a completed renewal form.

Any change or alteration in the nature or operation of the business will require the renewal to be reviewed by the Board. Any changed circumstance, which would have been grounds for denial of the application, suspension or revocation of the permit, is grounds for denying the permittee a renewed permit. Denial of a renewal permit under this section shall proceed in accordance with the procedures set out in Sections 103.32 and 103.33.

SEC. 103.06.2. TEMPORARY PERMITS. **(Amended by Ord. No. 176,066, Eff. 8/8/04)**

The Board may issue a temporary permit upon the acceptance of a complete application pursuant to Section 103.02.1(d) pending its action on an application. A temporary permit shall expire upon the Board's action on the application or the withdrawal of the application by the applicant.

The Board may also issue a temporary permit if a permittee or applicant seeks judicial review pursuant to Section 103.34.2. Within ten business days after the Board mails its final decision, the permittee may file a written application to the Board for a temporary permit pending judicial review. Within seven business days of acceptance of the application, the Board shall render its decision. If required to do so by law, the Board shall grant the temporary permit. This temporary permit shall expire when a court of competent jurisdiction renders a final decision in the litigation. In addition to any other grounds to suspend or revoke a temporary permit, the Board may revoke a temporary permit if the permittee fails to diligently pursue the judicial action.

In the event the Board denies an application for a temporary permit pending judicial review or the permittee rejects the board's proposed conditions, the original permit shall expire no sooner than 38 days from the mailing of the Board's action.

In issuing any temporary permit, the Board may impose conditions upon the permit as the Board finds necessary to assure the preservation of the public health and safety.

SEC. 103.07. PERMITS – ANNUAL FEE.

(a) **Annual Police Permit Fee – Payable.** The annual police permit fees required by this article for existing police permits shall become due and payable each year during the two months next preceding the first day of January of the calendar year for which annual police permit fee is paid. **(Amended by Ord. No. 137,438, Eff. 11/7/68.)**

(b) **Late Filing – Discretion of Board.** The Board may, in its discretion, authorize the acceptance of an annual police permit fee paid within 15 days after the annual police permit is due if the Board finds that the failure to pay said fee within the time allowed was due to inadvertence or excusable neglect. **(Amended by Ord. No. 137,438, Eff. 11/7/68.)**

(c) **Late Filing – Veterans.** Whenever a person who previously held a permit but failed to pay the prescribed fee within the time provided, shows to the satisfaction of the Board that his failure to pay such fee within the time provided herein resulted from his induction or entrance into the armed forces of the United States, or of any allied nation, and that the application for a permit is made within six months after the applicant's honorable discharge from the service, the annual police permit fee only shall be charged thereof. **(Amended by Ord. No. 137,438, Eff. 11/7/68.)**

(d) **Late Filing – Effect.** **(Amended by Ord. No. 143,868, Eff. 10/23/72.)** If the annual police permit fee is not received within the time allowed in Subsections (a), (b) and (c) of this section, the permit shall terminate and the former permittee shall cease engaging in the trade, business or occupation for which the permit was required. Application for a new permit may be made as set forth in this article.

The application shall be considered as an original application for a permit and the fee shall be that prescribed for the issuance of an original permit.

(e) Notwithstanding the provisions of Subsection (a), annual police permit fees, except those owed by Firearms Vendors and Firearms Salespersons required by this article to be paid for the year 2021 shall become due and payable on June 30, 2021. **(Amended by Ord. No. 187,119, Eff. 8/7/21.)**

SEC. 103.08. PERMITS NON-TRANSFERABLE.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

A permit issued by the Board may not be sold, transferred, or assigned by any permittee or by operation of law, to any other person, group, partnership, corporation, or any other entity. Any sale, transfer, or assignment or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of the permit and the permit shall thereafter be null and void. A permit held by a corporation or partnership or other business entity is subject to the same rules of transferability as stated above. A new permit shall be required for a transfer of stock that causes a change in the controlling interest in a corporate permittee, and for a change in the majority ownership of a partnership or other legal entity, whether by sale, exchange or other means.

SEC. 103.09. PERMIT FOR EACH LOCATION.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

A permit issued by the Board is valid only for the address or location specified on the permit.

SEC. 103.10. CHANGE OF LOCATION.

Where permitted by this article, a change of location may be endorsed on a permit by the Board upon written application by a permittee accompanied by the change of location fee prescribed in Section 103.12.

The fee imposed by this section shall not apply to the relocation of a business from a building or structure which was damaged or destroyed as a result of the earthquake of January 17, 1994 and its aftershocks, as determined by the Department of Building and Safety. (Paragraph Added by Ord. No. 170,126, Eff. 12/29/94.)

SEC. 103.11. ADDITIONAL LOCATIONS.

The Board may issue permits for additional locations to a permittee upon a written application accompanied by the original permit fee prescribed in Sec. 103.12, or the prescribed additional location fee where such fee is designated in this article.

DIVISION 4
PERMIT FEES

Section
103.12 Fees.

SEC. 103.12. FEES.

(Amended by Ord. No. 173,300, Eff. 6/30/00, Oper. 7/1/00.)

The Office of Finance shall receive all police permit fees. Applications for permits and applications for change of location shall not be accepted by the Office of Finance unless accompanied by the prescribed fee. Charges for applications for permits, applications for change of location and the annual police permit fee shall be made according to the following schedule:

BUSINESS PERMIT FEE SCHEDULE
(Amended by Ord. No. 186,611, Eff. 6/14/20.)

Type of Business	Original Fee	Annual Renewal Fee
Alarm System, Proprietor or Subscriber, other than a mechanical audible alarm system as defined by Section 103.206 of the Code, Protecting a residential building	43.00	26.00
Ammunition / Firearms Salesperson	272.00	272.00
Ammunition Vendor	999.00	302.00
Antique Shop	491.00	302.00
Arcade Game	199.00	199.00
Arcade Picture	337.00	302.00
Auto Park	303.00	302.00
Bath / Tanning Salon	213.00	213.00
Bowling Alley	213.00	213.00
Café Entertainment and Shows, Except Live Theatrical Productions in a Theater with a Seating Capacity of 99 Persons or Less	993.00	302.00
Card Club / School	475.00	302.00
Carnival	137.00	137.00
Collectors' Exchange or Antique Show Promoter	491.00	302.00
Cyber Café	199.00	199.00
Dance Hall	593.00	302.00
Dance, One Night Public	795.00	N/A
Dance, Teenage Public	470.00	N/A
Dancing Academy	199.00	199.00
Dancing Club	199.00	199.00
Escort	450.00	314.00

Escort Bureau	484.00	302.00
Family Billiard Room	199.00	199.00
Figure Studio	334.00	302.00
Firearms Vendor	999.00	302.00
Firefighter Organization Promoter	213.00	213.00
Firefighter Organization Solicitor	140.00	140.00
Game, Skills / Science	199.00	199.00
Hostess, Dance Hall	402.00	302.00
Junk Collector	152.00	152.00
Junk Dealer	491.00	302.00
Key Duplicator	164.00	164.00
Massage Establishment (On)	828.00	302.00
Motion Picture Show / Adult	337.00	302.00
Out-Call Massage Business	167.00	167.00
Parades	N/A	N/A
Pawnbroker	636.00	302.00
Peace Officer Organization Promoter	213.00	213.00
Peace Officer Organization Solicitor	140.00	140.00
Pool Room - Single	334.00	302.00
Pool Room - 2 or more	334.00	302.00
Rides (Mechanical)	160.00	160.00
Rummage Sale (Annual)	152.00	152.00
Sale, Close-Out	199.00	N/A
Sale, Fire	199.00	N/A
Secondhand (Auto)	491.00	302.00
Secondhand (Books / Magazines)	491.00	302.00
Secondhand (General)	491.00	302.00
Secondhand (Jewelry)	491.00	302.00
Shooting Gallery	322.00	302.00
Skating Rink	199.00	199.00
Swap Meet Operator	490.00	302.00
Towing Operation	416.00	302.00
Tow Unit Operator	343.00	314.00
Valet Parking Operator	303.00	302.00
Valet Parking Attendant	140.00	140.00

DIVISION 5

REGULATION OF PERMITTEES

- Section
- 103.13 Records.
 - 103.14 Inspection.
 - 103.15 Reports.
 - 103.16 Property.
 - 103.17 Advertising.
 - 103.18 Permittee – Responsibility.
 - 103.19 Signs Required.
 - 103.20 Display of Permit.
 - 103.21 Change in Owner Information.
 - 103.22 Identification Cards.

- 103.23 Surrender of Permits.
- 103.24 Hours of Business.
- 103.25 Doing Business with Minor.
- 103.26 True Name, Age and Address.

SEC. 103.13. RECORDS.

Permittees shall keep records on such forms and in the manner the Board deems necessary to carry out the purposes of this article. Such records shall be kept for five years.

SEC. 103.14. INSPECTION.

(Amended by Ord. No. 132,604, Eff. 8/8/66.)

(a) No person shall interfere with, prevent, or refuse to permit a police officer or a representative of the Board to make an examination or inspection, during all business hours, of any premises maintained by a permittee in the course of his business, for the purpose of determining whether the permittee is complying with all the rules and regulations of the Board and all provisions of the Los Angeles Municipal Code affecting said business.

(b) No person shall interfere with, prevent, or refuse to permit a police officer or a representative of the Board to make an examination, inspection or copy of any record kept by a permittee.

SEC. 103.15. REPORTS.

Permittees shall make such verified written reports to the Chief of Police concerning his business activities on such forms and in the manner the Board deems necessary to carry out the purposes of this article.

SEC. 103.16. PROPERTY.

No person shall interfere with, prevent, or refuse to permit a police officer or a representative of the Board to make an examination or inspection during all business hours of any property acquired by a permittee in the course of his business.

SEC. 103.17. ADVERTISING.

Permittees are responsible for the accuracy and truthfulness of their advertising whether placed in the advertising medium by themselves or by their agents or employees.

SEC. 103.18. PERMITTEE – RESPONSIBILITY.

Permittees are responsible for the actions of their agents or employees in the conduct of the permittee's business.

SEC. 103.19. SIGNS REQUIRED.

Permittees shall erect and maintain any signs required by rules and regulations of the Board.

SEC. 103.20. DISPLAY OF PERMIT.

(a) **Fixed Place of Business.** Every person engaging in, conducting, managing or carrying on, at a fixed location, a business for which a permit is required shall keep such permit posted and exhibited in some conspicuous part of the place of business.

(b) **No Fixed Place of Business.** Every person engaging in, conducting, managing or carrying on, at other than a fixed location, a business for which a permit is required shall carry such permit with him at all times while engaging in said business.

SEC. 103.21. CHANGE IN OWNER INFORMATION.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

Whenever any change in owner information occurs, the owner shall file a verified report with the Board within 30 days after the

change occurs. Matters that shall be reported include, but are not limited to, name changes, change of business address, criminal convictions, the association of one or more new partners, associates, members, directors, or officers, or a substantial change of stock ownership, unless the change requires a new permit pursuant to Section 103.08.

SEC. 103.22. IDENTIFICATION CARDS.

The Board may require permittees or their employees to carry identification cards.

(a) **Issuance.** The Board may issue identification cards to permittees or their employees in such form as the Board deems necessary to identify the permittee or employee.

(b) **Surrender of Card. (Amended by Ord. No. 137,438, Eff. 11/7/68.)** Each permittee shall immediately surrender to the Board any identification card issued by the Board upon the revocation or suspension or cancellation of his permit. Each permittee shall immediately surrender any identification card issued by the Board to an employee of the permittee when any such employee leaves the permittee's employ or when such permittee's permit is revoked or suspended or cancelled.

(c) **Violation. (Amended by Ord. No. 137,438, Eff. 11/7/68.)** No person shall carry any identification card issued to him pursuant to this section after his permit or his employer's permit has been revoked or suspended or cancelled. No person shall use the identification card issued to another person.

SEC. 103.23. SURRENDER OF PERMITS.

(Amended by Ord. No. 137,438, Eff. 11/7/68.)

Each permittee shall immediately surrender his permit to the Board upon the revocation or suspension or cancellation of his permit by the Board.

SEC. 103.24. HOURS OF BUSINESS.

No person engaging in, managing, conducting or carrying on any business requiring a permit under this article shall purchase or receive any article, or carry on or transact such business at other than the hours or days the Board may allow by rule or regulation. All permittees engaging in more than one of the businesses requiring a permit shall observe the hours of business that are the most restrictive.

SEC. 103.25. DOING BUSINESS WITH MINOR.

No permittee engaging in, managing conducting or carrying on the business of a junk dealer, junk collector, secondhand dealer, secondhand dealer-jewelry, or pawnbroker, or his employee or agent shall receive, buy, trade, exchange, or otherwise acquire an interest in any goods or thing, from any person under the age of 18 years. Any statement made to such permittee, employee or agent by a person under the age of 18 years to the effect that he is over the age of 18 years shall not excuse such permittee or employee from any violation of this provision.

SEC. 103.26. TRUE NAME, AGE AND ADDRESS.

No person who sells or otherwise disposes of goods, wares or merchandise to a permittee conducting a business listed in Sec. 103.25 or to said permittee's employee or agent shall fail or refuse to give his true name, correct age, and correct address.

DIVISION 6

POWERS OF BOARD

- Section
- 103.27 Administration.
- 103.28 Investigation by Board.
- 103.29 Timing of Action on Application.
- 103.29.01 Executive Director Action on Application.
- 103.30 Effect of Granting Permit.
- 103.31 Denial of Application.

- 103.31.1 Final Decisions.
- 103.31.2 Effective Date of Notices.
- 103.32 Denial – Notice to Applicant.
- 103.33 Hearing on Denial – Request by Applicant.
- 103.34 Suspension or Revocation of Permits Issued Under this Article.
- 103.34.1 Suspension or Revocation of Permits Issued Pursuant to Sections 103.101.1, 103.102 and 103.109.
- 103.34.2 Judicial Review of Board Actions on Applications and Permits Subject to Sections 103.101.1, 103.102 and 103.109.
- 103.35 Disciplinary Action – Grounds.
- 103.36 Suspension or Revocation Without Hearing.
- 103.37 Suspension or Revocation – Effect on Other Permits.
- 103.38 New Permit Application after Denial or Revocation.
- 103.39 Cancelled or Suspended Permit – Jurisdiction of the Board.
- 103.40 Pending Revocation or Suspension Proceedings – Effect on Permittee.
- 103.40.1 Power of Board to Limit and/or Condition a Permit.
- 103.40.2 Subject Matter of Limitations and/or Conditions to a Permit.
- 103.41 Prior Acts No Bar to Board Action.
- 103.42 Stolen Property – Investigation.
- 103.43 Record Search – Charge Authorized.
- 103.44 Instructional Materials – Custody – Fees for Rental or Sale.

SEC. 103.27. ADMINISTRATION.

(Amended by Ord. No. 137,438, Eff. 11/7/68.)

The Board may adopt and enforce reasonable rules and regulations to carry out the purposes of this article. The Board may amend such rules and regulations from time to time. The Board shall cause such rules and regulations to be printed and distributed to permittees affected thereby.

SEC. 103.28. INVESTIGATION BY BOARD.

(Amended by Ord. No. 137,438, Eff. 11/7/68.)

The Board shall investigate applications for permits. The Board may examine any applicant, officer, partner or member of an applicant under oath to determine who is the real party in interest in the business for which a permit is sought.

SEC. 103.29. TIMING OF ACTION ON APPLICATION.

(Title and Section Amended by Ord. No. 181,776, Eff. 8/22/11.)

(a) **Decision on Application.** Subject to Section 103.29.01, the Board shall act to either grant a Police Permit or deny an application pursuant to the grounds set forth in Section 103.31:

- (1) within 45 calendar days from receipt of a complete application for permits issued pursuant to Sections 103.101.1, 103.102 and 103.109;
- (2) within 90 calendar days of receipt of a complete application for all other permits;
- (3) if a hearing is requested, the time period in which the Board shall act is extended for a period of 15 calendar days.

(b) **Time Extension.** The time periods set forth above may be extended if mutually agreed upon by the Board and the applicant, or if a temporary permit has been issued.

SEC. 103.29.01. EXECUTIVE DIRECTOR ACTION ON APPLICATION.

(Added by Ord. No. 181,776, Eff. 8/22/11.)

The Executive Director is authorized to act on behalf of the Board to grant a Police Permit, except for applications made pursuant to Sections 103.101.1, 103.102 and 103.109, pursuant to the following:

- (a) If the recommendation of the Department is to grant a Police Permit without conditions, or with conditions to which the applicant agrees, the Executive Director, or his or her designee, may grant the permit.
- (b) If the recommendation of the Department is to grant a Police Permit with conditions over which the applicant disagrees, the permit application and a report prepared by the Department shall be forwarded to the Executive Director or his/her designee for review. If the Executive Director or designee concurs with the Department's recommendation, the application and Department report shall be forwarded to the Police Permit Review Panel for action. If the Executive Director or designee does

not concur with the Department's recommendation, he or she may grant the permit without conditions.

(c) If the recommendation of the Department is to deny the permit application, the permit application and Department report setting forth the basis for the recommended denial shall be forwarded to the Executive Director or his or her designee, for review. If the Executive Director or designee concurs with the Department's recommendation, the application and Department report shall be forwarded to the Police Permit Review Panel for action. If the Executive Director or designee does not concur with the Department's recommendation, he or she may grant the permit.

SEC. 103.30. EFFECT OF GRANTING PERMIT.

(Amended by Ord. No. 176,907, Eff. 9/25/05.)

The granting of a permit by the Board is not to be considered as approving or condoning any act, conduct or condition of the applicant/permittee committed or existing prior to the grant of the permit.

The granting of a permit by the Board does not:

- (a) Relieve the applicant/permittee from obtaining all appropriate permits or approvals required by the City of Los Angeles, or state or federal law;
- (b) Relieve an applicant/permittee from compliance with all applicable local, state, and federal laws, including those related to building, zoning, fire, and other public safety regulations;
- (c) Vest any development rights in the property or business; or
- (d) Relieve the permittee from complying with conditions imposed upon the operation of a business pursuant to a discretionary land use permit or a nuisance abatement proceeding. In case of a conflict, the more restrictive conditions shall control.

SEC. 103.31. DENIAL OF APPLICATION.

(Amended by Ord. No. 179,836, Eff. 6/7/08.)

If the Board determines that the application does not satisfy the requirements of this article, it shall deny the application. The Board may also deny a permit on any of the following grounds:

(a) Grounds for Denial of Application Issued Subject to this Article. (Except Sections 103.101.1, 103.102, or 103.109.)

- 1. The applicant made a false or misleading statement of a material fact or omission of a material fact in the application;
- 2. The applicant is under eighteen years of age;
- 3. The applicant has committed or aided or abetted in the commission of any act or omission, which, if committed by a permittee, would be a ground for suspension, revocation, or other disciplinary action under this article;
- 4. The applicant has had a similar type of permit previously denied, suspended or revoked within five years immediately preceding the date of the filing of the application, and the applicant can show no material change in circumstances since the denial, suspension or revocation;
- 5. The business for which the permit is sought is prohibited by any local or state law, statute, rule or regulation, or prohibited in the particular location by the provisions of Chapter I of this Code;
- 6. The business for which the permit is sought has been or is a public nuisance;
- 7. The applicant has within five years immediately preceding the date of the filing of the application been convicted of a felony crime in any jurisdiction involving theft, fraud, violence, sale of a controlled substance as specified in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code, or any moral turpitude offense;
- 8. The applicant has within three years immediately preceding the date of the filing of the application been convicted of any offense listed in Section 103.31(a)(7) that has been made the subject of Section 17(b) of the California Penal Code;
- 9. The applicant has within five years immediately preceding the date of the filing of the application been found to have violated any law involving deceptive trade practices or other illegal business practices reasonably and narrowly related to the nature of conduct of the business for which the application is made; **(Amended by Ord. No. 183,613, Eff. 7/19/15.)**
- 10. The business for which the permit is sought has failed to comply with all City business tax and Parking Occupancy

Tax laws; or **(Amended by Ord. No. 183,613, Eff. 7/19/15.)**

11. The applicant has within five years immediately preceding the date of filing of the application been found to have violated any law involving wages or labor as a violation of the California Labor Code or the Los Angeles Minimum Wage Ordinance, Los Angeles Municipal Code, Article 7, of Chapter XVIII or the Los Angeles Municipal Code, Article 8 of Chapter XVIII. **(Added by Ord. No. 183,613, Eff. 7/19/15.)**

(b) Grounds for Denial of Application Issued Subject to Sections 103.101.1, 103.102, or 103.109. In addition to the grounds set forth in 103.31 (a)(1) - (6) above, an application under this article may be denied for the following reasons:

1. The applicant has within five years immediately preceding the date of the filing of the application been convicted of any misdemeanor or felony classified by the state as a sex-related offense, or of any offense described in California Penal Code Sections 266h, 266i, 315, 318, 653.22, or 647(a) or (b);

2. The applicant has within five years immediately preceding the date of the filing of the application been convicted of any offense described in California Penal Code, Part One, Title 9, Chapters 7.5 and 7.6;

3. The applicant has within five years immediately preceding the date of the filing of the application been convicted of a charge of violating any lesser included or lesser related offense, including California Penal Code Section 415, in satisfaction of, or as a substitute for, an original charge of any of the offenses listed in this section;

4. The applicant has been convicted of any offense that requires registration as a sex offender under California Penal Code Section 290; or

5. The business for which the permit is sought has failed to comply with all City business tax and Parking Occupancy Tax laws.

SEC. 103.31.1. FINAL DECISIONS.

(Added by Ord. No. 175,676, Eff. 1/11/04.)

If the Board denies an application pursuant to this article, then the Board action is final upon mailing of a copy of the Board action to the applicant. If the Board acts to deny an annual permit renewal application or to revoke or suspend a permit pursuant to this article the Board action is final ten days after mailing of a copy of the Board action to the owner.

SEC. 103.31.2. EFFECTIVE DATE OF NOTICES.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

All notices required by this article shall be deemed given upon the date they are either deposited in the United States mail or the date upon which personal service of the notice is provided.

SEC. 103.32. DENIAL – NOTICE TO APPLICANT.

(Amended by Ord. No. 177,412, Eff. 5/1/06.)

The Board shall notify the applicant of its intention to deny an application for a permit, stating the reasons for the denial. Service of such notice shall be made personally or by certified mail. The notice shall include or be accompanied by a statement that the applicant may request a hearing by filing a written request therefor within ten days after service upon him of the notice of intention to deny, and that failure to do so will constitute a waiver of his right to a hearing.

SEC. 103.33. HEARING ON DENIAL – REQUEST BY APPLICANT.

(Amended by Ord. No. 176,546, Eff. 5/2/05.)

Within ten days after service upon him of a written notice of the intention of the Board to deny his application for a permit, the applicant may file a request for a hearing with the Board. The request for a hearing shall be in writing and signed by or on behalf of the applicant and shall state his mailing address. It need not be verified or follow any particular form. Failure to file such a request for a hearing shall constitute a waiver of the applicant's right to a hearing. The Board, in its discretion, may nevertheless grant a hearing. No further notice other than notice of the date and place of hearing need be served on the applicant. Hearings granted under this section, except for permits subject to Sections 103.101.1, 103.102 and 103.109, shall be conducted substantially in compliance with the provisions of Article 2 of Chapter 2 of this Code. Hearings granted under this section for permits subject to Sections 103.101.1, 103.102 and 103.109 shall be conducted substantially in compliance with the provisions of Article 2, Chapter 10.

SEC. 103.34. SUSPENSION OR REVOCATION OF PERMITS ISSUED UNDER THIS ARTICLE.

(Title and Section Amended by Ord. No. 176,546, Eff. 5/2/05.)

The Board may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any permittee and may temporarily suspend for a period not exceeding one year, revoke the permit, or impose conditions upon the retention of a permit of any permittee who commits any one or more of the acts or omissions constituting grounds for suspension, revocation or disciplinary action under this article. The procedure for suspension, revocation, or disciplinary action shall comply with the provisions of Article 2, Chapter 10.

SEC. 103.34.1. SUSPENSION OR REVOCATION OF PERMITS ISSUED PURSUANT TO SECTIONS 103.101.1, 103.102 AND 103.109.

(Added by Ord. No. 175,676, Eff. 1/11/04.)

The Board shall, upon its own motion or upon the verified complaint in writing of any person, suspend or revoke an existing permit issued pursuant to Sections 103.101.1, 103.102, or 103.109, or impose conditions upon the retention of the permit as the Board shall find to be necessary to assure the preservation of the public health and safety, if the evidence presented establishes that:

1. The business has been operated in violation of any of the applicable requirements of this article;
2. Any of the applicable requirements for issuance of a permit ceases to be satisfied;

3. **(Amended by Ord. No. 176,066, Eff. 8/8/04.)** The permittee, his or her employee, agent, partner, director, officer, or manager has been convicted by final judgment in a court of competent jurisdiction, which judgment has resulted from any trial or plea, including a plea of nolo contendere, of any of the following offenses occurring upon, or relating to the business premises:

- (a) The presentation, exhibition or performance of an obscene production or play;
- (b) The distribution of obscene material or material harmful to minors;
- (c) Sexual abuse, rape, and any offense classified by the State as an offense involving sexual crimes against children;
- (d) Prostitution or pandering;
- (e) Penal Code Sections 243.4, 261, 261.5, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288a, 311 through 311.10, inclusive, 314, 315, 316, or 647, or the violation of any crime requiring registration under California Penal Code Section 290, or violation of any successor sections;

(f) A court has declared the business to be a public nuisance.

4. The permittee, his or her employee, agent, partner, director, officer, or manager has knowingly allowed or permitted any act of sexual intercourse, sodomy, oral copulation or masturbation to be committed in or on the business premises, or has knowingly allowed or permitted prostitution, or solicitation of prostitution on the premises; or **(Amended by Ord. No. 176,066, Eff. 8/8/04.)**

5. The permittee, his or her employee, agent, partner, director, officer, or manager has knowingly made any false, misleading, or fraudulent statements of material fact in the application for permit, or in any report or record required to be filed with the Board, or has violated any rule or regulation duly adopted by the Board relating to the business. **(Amended by Ord. No. 176,066, Eff. 8/8/04.)**

SEC. 103.34.2. JUDICIAL REVIEW OF BOARD ACTION ON APPLICATIONS AND PERMITS SUBJECT TO SECTIONS 103.101.1, 103.102 AND 103.109.

(Amended by Ord. No. 176,066, Eff. 8/8/04.)

The following applies only to businesses subject to Sections 103.101.1, 103.102 or 103.109:

A permittee or applicant may, pursuant to California Code of Civil Procedure Section 1094.8, seek judicial review of any Board decision to deny a permit application, to suspend or revoke a permit or deny an annual renewal of a permit. If the decision was based on a violation of Subdivisions 1, 2, 4 or 5 of Section 103.34.1, and an action is timely filed pursuant to Code of Civil Procedure Section 1094.8(d)(3), the Board's final action is stayed for 75 days from the filing of court action.

SEC. 103.35. DISCIPLINARY ACTION – GROUNDS.

It shall be a ground for disciplinary action if any permittee, his agent or employee or any person connected or associated with the permittee as partner, director, officer, stockholder, general manager, or person who is exercising managerial authority of or on behalf of the permittee has:

- (a) Knowingly made any false, misleading or fraudulent statement of a material fact in an application for a permit, or in any report or record required to be filed with the Board; or
- (b) Violated any provision of this article or of any statute relating to his permitted activity; or
- (c) Been convicted of a felony or any crime involving theft, embezzlement or moral turpitude; or
- (d) Committed any act constituting dishonesty or fraud; or
- (e) A bad moral character, intemperate habits or a bad reputation for truth honesty or integrity; or
- (f) Committed any unlawful, false, fraudulent, deception or dangerous act while conducting a permitted business; or
- (g) Published, uttered or disseminated any false, deceptive or misleading statements or advertisements in connection with the operation of a permitted business; or
- (h) Violated any rule or regulation adopted by the Board relating to the permittee's business; or
- (i) Willfully failed to comply with the terms of any contract made as a part of the exercise of the permitted business; or
- (j) Conducted the permitted business in a manner contrary to the peace, health, safety, and general welfare of the public; or
- (k) Demonstrated that he is unfit to be trusted with the privileges granted by such permit; or **(Amended by Ord. No. 183,613, Eff. 7/19/15.)**
- (l) Been found to have violated any law involving wages or labor as a violation of the California Labor Code or the Los Angeles Minimum Wage Ordinance, Los Angeles Municipal Code, Article 7, of Chapter XVIII or the Los Angeles Municipal Code, Article 8 of Chapter XVIII. **(Added by Ord. No. 183,613, Eff. 7/19/15.)**

SEC. 103.36. SUSPENSION OR REVOCATION WITHOUT HEARING.

- (a) **Conviction.** If any person holding a permit under this article is convicted in any court of the violation of any law relative to his permit, the Board may revoke said permit forthwith without any further action thereon other than giving notice of revocation to the permittee.
- (b) **Failure to Comply with Order in Regard to Stolen Property.** The Board may, without a hearing, suspend or revoke the permit of a permittee who fails to comply with an order of the Board made pursuant to Sec.103.42.

SEC. 103.37. SUSPENSION OR REVOCATION – EFFECT ON OTHER PERMITS.

The Board may make any order suspending or revoking the permit of a permittee applicable with equal force and effect to all permits issued to such permittee pursuant to this article.

SEC. 103.38. NEW PERMIT APPLICATION AFTER DENIAL OR REVOCATION.

When the permit of any person is revoked for cause, no new or other application for a permit from the same person shall be accepted within one year after such revocation. When an application for a permit is denied for cause, no new or other application for a permit from the same person shall be accepted within one year after denial, unless the applicant can show a material change in his situation which would justify the issuance of such permit.

SEC. 103.39. CANCELLED OR SUSPENDED PERMIT – JURISDICTION OF THE BOARD. (Amended by Ord. No. 137,438, Eff. 11/7/68.)

The cancellation or suspension of a permit by operation of law, or by order or decision of the Board or a court of law, voluntary withdrawal of the application, or the voluntary surrender of a permit by a permittee shall not deprive the Board of jurisdiction to proceed with any investigation of, or disciplinary proceedings against, such permittee or to render a decision denying, suspending or revoking such permit.

SEC. 103.40. PENDING REVOCATION OR SUSPENSION PROCEEDINGS – EFFECT ON PERMITTEE.

(a) **Continuing Business.** Pending the final determination of a proceeding for revocation or suspension of a permit, a permittee may continue to engage in the business until the Board makes such final determination. **(Amended by Ord. No. 137,438, Eff. 11/7/68.)**

(b) **Annual Police Permit Fee – Application.** A permittee may submit the required police permit fee pursuant to Section 103.07 during the pendency of a proceeding to revoke or suspend his permit. Such payment shall continue such permit in full force and effect until the entry of the final order by the Board terminating the proceedings. Failure of the Board to revoke, suspend, limit or condition the permit shall have the effect of continuing in full force said permit. **(Amended by Ord. No. 137,438, Eff. 11/7/68.)**

(c) **Change of Location or Additional Locations – Application.** A permittee may file an application for a change of location or additional locations during the pendency of a proceeding to suspend or revoke his permit. The Board may authorize the change of location or additional locations.

(d) **Board Action on Applications.** Approval by the Board of applications pursuant to this section shall not be construed as having any effect on proceedings relative to revocation or suspension of the permit.

SEC. 103.40.1. POWER OF BOARD TO LIMIT AND/OR CONDITION A PERMIT.
(Added by Ord. No. 140,007, Eff. 2/20/70.)

The Board may place reasonable limits and/or conditions upon any permit in any of the following situations:

(a) In any proceeding concerning the issuance, denial or revocation of a permit if the Board finds that grounds exist for the denial or revocation of the permit which grounds may be removed by the imposition of such limitations or conditions.

(b) In any proceeding concerning the suspension or revocation of a permit, if findings are made which would justify such suspension or revocation, and where the imposition of such limitations or conditions are reasonably related to such findings. In the case of a suspension, the conditions may be in lieu of or in addition to such suspension.

(c) Where, after proceedings to suspend or revoke a permit, the Board issues an order suspending or revoking only a portion of the activities to be exercised under such permit.

(d) In any proceeding concerning the issuance, denial or revocation of a permit, if the Board finds the imposition of such limitations or conditions is necessary for the public welfare.

SEC. 103.40.2. SUBJECT MATTER OF LIMITATIONS AND/OR CONDITIONS TO A PERMIT.
(Added by Ord. No. 140,008, Eff. 2/20/70.)

The limitations and/or conditions authorized by Section 103.40.1 of the Los Angeles Municipal Code may cover any matter relating to the activities to be exercised under the permit, the conduct of the business or the condition of the premises, which will protect the public welfare including but not limited to the following:

(a) Restrictions as to hours during which the permitted activity may occur.

(b) The employment of designated persons including the number and the manner in which said persons are to be employed.

(c) Necessary sanitary facilities.

(d) Necessary parking facilities.

(e) Minimum seating and/or audience capacity.

(f) The manner and time within which the public is to pay in order to gain access to the permitted activity.

(g) Where the Board has determined that the cost of City services incident to the staging of the permitted activity will be increased because of the permitted activity, the Board may require the permittee to make payment into the general fund of the City of Los Angeles of an amount equal to the increased cost for the City Services.

(h) Where the Board determines there is a substantial danger of injury or damage to the public and/or property because of the permitted activity, the Board may require a policy of insurance naming the City of Los Angeles as an additional insured together with its agents, servants and employees as a co-insured and/or bond to cover the damage and/or injury which may occur. The amounts of the insurance and/or bond, if any, and type of coverage, are to be determined by the Board after it has determined the nature and extent of probable danger of injury or damage to the public.

SEC. 103.41. PRIOR ACTS NO BAR TO BOARD ACTION.

The Board may take disciplinary action against a permittee as provided in this article even though the grounds for disciplinary action arose prior to the granting of the permit.

SEC. 103.42. STOLEN PROPERTY – INVESTIGATION.

(a) **Determination of Validity of Claims.** Persons claiming ownership of property in the possession of a permittee or his agent shall file a verified report with the Board setting forth their ownership therein and the fact that such property was stolen. The Board may, after a hearing upon notice to all parties, determine the validity of such claim, and the ownership of such property.

1. **Hearing Examiners.** The Board may designate a hearing examiner or any member of the Police Department to hear the evidence at the hearing provided above. The hearing examiner shall report his findings on the evidence to the Board.

2. **Order of Board.** If the Board determines that the property was stolen, that the claimant is the owner thereof, and that there was no collusion between the thief and the claimant, the Board may direct that such property be returned forthwith to the claimant without payment of compensation. The Board shall take no summary action to recover property on behalf of a claimant who, in the course of his business, parted voluntarily with the possession thereof on a conditional sale, lease contract, deferred payment or rental basis.

3. **Failure to Comply with Order.** The Board may suspend or revoke without further hearing, the permit of a permittee who fails to comply with an order of the Board made pursuant to Subdivision 2 hereof.

4. **Effect of Suit to Determine Ownership.** If an action at law is brought by or against the person in possession of the alleged stolen property to establish the ownership of said property prior to a determination of the question by the Board, the Board shall suspend proceedings upon the claim when notified of such suit.

SEC. 103.43. RECORD SEARCH – CHARGE AUTHORIZED.

The Police Department may furnish information shown upon records kept pursuant to this article to persons asserting legal title to the property forming the subject matter of such records. A charge of \$1.10 shall be collected as to each article of property for which such record information is requested by any person engaged in the business of selling property on conditional sales contract basis or by other deferred payment plan where such request is made in the regular course of such business and is an incident thereto. **(Amended by Ord. No. 137,137, Eff. 9/29/68.)**

SEC. 103.44. INSTRUCTIONAL MATERIALS – CUSTODY – FEES FOR RENTAL OR SALE.

(Amended by Ord. No. 146,898, Eff. 3/ 3/75.)

(a) The Board may authorize the sale or rental of any instructional materials, including, but not limited to, films, tapes, recording, photographs, printed matter, or any other audio or visual-aid equipment produced as a police training or educational aid by the Department to any bona fide law enforcement agency or organization engaged in the training or education of law enforcement officers, or other qualified public or private organizations approved by the Board, upon the payment of fees to be established by the Board in accordance with Subsection (b) of this section.

(b) The Board shall establish a fee schedule for the rental and sale of such instructional materials based upon and not to exceed the entire pro rata cost to the City of the production, rental or sale of such materials. Such fee schedule shall be revised from time to time in order to adjust the fees to be charged to the costs incurred.

(c) The fees to be charged for such sale or rental shall be collected by the Department and remitted to the General Fund.

(d) The Chief shall have the care, custody and control of such instructional materials and shall perform such duties in connection with the custody rental or sale thereof as the Board may direct.

(e) The provisions of this section are not to be construed as making or extending to make such instructional materials public records.

DIVISION 7

AMUSEMENTS AND EXHIBITIONS

(Added by Ord. No. 111,348, Eff. 7/4/58.)

- 103.101 Picture Arcade.
 - 103.101.1 Picture Arcade Permits and Regulations.
 - 103.101.2 Compliance by Existing Permittees.
 - 103.101.3 Game Arcade.
 - 103.101.4 Cyber Cafés.
- 103.102 Cafe Entertainment and Shows.
 - 103.102.1 Additional Regulations.
 - 103.102.2 Compliance by Existing Permittees and Effect of Noncompliance.
- 103.103 Card Club – Social Card Club – Card School.
- 103.104 Carnivals.
- 103.105 Dancing Academies.
- 103.106 Dance Halls, Dancing Clubs, Public Dances.
 - 103.106.1 Hostess Dance Hall.
- 103.107 Escort Bureaus.
 - 103.107.1 Escort – Permit Required.
- 103.109 Motion Picture Shows.
- 103.111 Parades and Assemblies.
- 103.112 Billiard Rooms, Poolrooms, Bowling Alleys.
 - 103.112.1 Family Billiard Rooms.
- 103.113 Rides.
- 103.115 Skating Rinks.
- 103.116 Games of Skill and Science.
- 103.117 Rifle Range – Shooting Gallery.
- 103.118 Teenage Dances.
- 103.120 Soundproofing of Places of Amusement – When Required.

SEC. 103.101. PICTURE ARCADE.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

Picture Arcade. As used in this article, “picture arcade” shall mean any place, business or establishment that is open to the public, other than a hotel or motel, and that contains one or more coin or slug-operated, or electrically, electronically or mechanically controlled still or motion picture machines, projectors, videotape machines, compact disc or DVD players, or other image producing devices any one of which is maintained to display images, or still or motion pictures to five or fewer persons per machine at any one time.

Adult Picture Arcade. As used in this article, “adult picture arcade” shall mean a picture arcade that displays images, or still or motion pictures, which are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

SEC. 103.101.1. PICTURE ARCADE PERMITS AND REGULATIONS.

(Title and Section Amended by Ord. No. 177,412, Eff. 5/1/06.)

(a) **Permit Required.** No person shall operate, maintain, manage or conduct a picture arcade or an adult picture arcade without a written permit from the Board.

No permit shall be required under this section if the person engaged in the operation of the arcade has a valid carnival permit issued under the provisions of Division 7 of Chapter 10 of this Code in which a picture arcade is permitted.

(b) Notwithstanding any other provision and specifically the provisions of Sections 12.26 A.2., 102.02(d), 102.15 and 102.17, the following provisions apply to picture arcades and adult picture arcades.

(1) **Application.** An application for a picture arcade or an adult picture arcade permit shall be filed in person only at the main office of the Office of Finance. The person receiving the application shall record the date and time received on the application. An incomplete application for a permit under this section shall be returned within 30 days with a date stamp of the date of return and be accompanied by a written statement specifying the reasons for the return. Any refiled application shall also be processed within 30 days. If there is no final, judicially reviewable decision within 30 days, the permit shall be deemed granted except that any period during which a hearing or a decision on a hearing is pending shall not count toward the 30 days.

(2) **Building and Safety Verification.** An application for a picture arcade or adult picture arcade shall include proof that a request was filed with the Department of Building and Safety for verification that the proposed use is permitted: 1) in the zone where the site is located and 2) by the certificate of occupancy. The request for verification shall be filed at the Zoning Counter located at the downtown office of the Department of Building and Safety. Any response to the request for verification shall be included with the application. A permit for a picture arcade or adult picture arcade shall not be denied based upon the applicant's failure to obtain verification if the Department of Building and Safety has not responded to the request within the 30 day permit application processing period.

(3) **Denial of Application.** Prior to denial of the permit, the applicant shall be given written notice of the intention to deny the permit. The Board may deny the permit upon any of the grounds expressly set forth in 103.31(b), or any other zoning-related

grounds. A request for hearing on the intention to deny may be filed pursuant to Section 103.33. The hearing may be continued for up to 30 days by the applicant. Any denial of the permit shall set forth all bases for denying the permit. Additional bases may not be added to the denial following remand by a court or upon reconsideration. Any decision denying the permit shall be a final decision.

(4) **Suspension or Revocation for violation of Section 103.34.1 4.** The Police Department shall provide written notice to the on-premises manager or permittee of conduct that violates Section 103.34.1 4. Notice may be given pursuant to Section 102.02(f). A suspension or revocation order may not be based upon 103.34.1 4, unless the Board makes an affirmative finding of actual knowledge that the conduct regularly occurred on the premises and that the permittee thereafter failed to take steps to prevent the conduct.

(5) **Suspension or Revocation based on Orders of Other Agencies or City Departments.** Orders or determinations received from other agencies or City departments may be grounds for suspension or revocation only if they are final and in writing.

(6) **Service of Order of Revocation or Suspension.** An order revoking or suspending a permit for a picture arcade or an adult picture arcade shall be served by certified mail and shall be final upon service upon the permittee. The order shall not be enforced for a period of 35 days after the service.

(7) **Reconsideration of Board Decision of Suspension or Revocation.** The permittee may request reconsideration of the Board decision of suspension or revocation within ten days of service of the order in accordance with Section 103.33. If reconsideration is requested, enforcement of the decision shall be further deferred 35 days from the date of service of the Board's decision, service of which shall also be by certified mail.

(c) **Picture Arcade Requirements.** Picture arcades shall conform to the following requirements:

(1) Booths, stalls, rooms, or partitioned portions of a room shall have at least one side open to an adjacent public area or aisle so that the area inside the booth, stall, room or partitioned portion of a room is visible to persons in the adjacent public area or aisle. The side open to the public area or aisle shall not have a door, curtain or other device capable of blocking visibility into the interior of the booth, stall, room or partitioned portion of a room.

(2) The public area or aisle adjacent to any booth, stall, room or partitioned portion of a room shall be illuminated to a level of at least ten footcandles and the booths, stalls, rooms or partitioned portions of a room shall be illuminated to a level of at least five footcandles.

(3) The business shall comply with all signage, parking, landscaping, and design standards established by the City.

(4) The business shall remove all graffiti, as soon as it appears, but not later than 48 hours after it appears, from the premises and property controlled by the business.

(5) The business shall, on a daily basis, ensure that all trash, debris and litter from the premises and property controlled by the business, as well as from all common and public areas immediately adjacent to the business, is placed inside appropriate refuse containers.

(6) The business shall be carried on in a building, structure and location that complies with the requirements and meets the standards of the health, fire and safety laws of the State of California and ordinances of the City of Los Angeles.

(7) The business shall be carried on at a location that complies with the zoning standards established by the City.

(8) A manager shall be on duty at all times during hours of operation, or when patrons are present on the premises.

(9) No wall or partition of a booth, stall, room or partitioned portion of a room shall have a hole or similar opening or aperture.

(d) **Adult Picture Arcade Requirements.** Adult picture arcades shall conform to the following requirements:

(1) The requirements in Subdivisions (a) and (c) of this section.

(2) The business shall not display any sexually-oriented material or sexually-oriented merchandise so as to be visible from any location outside the business.

(3) No individual viewing area may be occupied by more than one person at any time. A sign containing the following language, in type at least two inches in height, shall be posted on the exterior of each booth, stall, room or partitioned portion of a room in a place where the sign is clearly visible and readable to any person entering the booth, stall, room or partitioned portion of a room:

"It is unlawful for more than one person to occupy this viewing area. There is no expectation of privacy in this viewing area and this area is frequently monitored by management and the police."

(4) If the business provides restroom facilities, separate facilities must be maintained for males and females. Restrooms shall be free from all sexually-oriented materials and sexually-oriented merchandise.

(5) No portion of the interior of the premises shall be visible from outside the premises during the hours of operation.

(6) No one under 18 years of age shall be allowed on the premises during hours of operation.

(7) At least one state licensed and bonded, uniformed security guard shall be employed exclusively to provide security for the business during business hours.

SEC. 103.101.2. COMPLIANCE BY EXISTING PERMITTEES.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

All picture arcade permittees must comply with the provisions of Section 103.101.1 upon its effective date, except that permittees must comply with Subsection (c)(3) within 30 days of the effective date of that section and Subsection (c)(4) within 180 days from the effective date of that section.

SEC. 103.101.3. GAME ARCADE.

(Former Sec. 103.101.1 Renumbered by Ord. No. 175,676, Eff. 1/11/04.)

(a) **Game Arcade Defined.** As used in this article, "Game Arcade" shall mean any place to which the public is admitted wherein five or more coin or slug-operated, or electrically, electronically or mechanically controlled amusement machines are maintained. **(Added by Ord. No. 150,184, Eff. 11/7/77.)**

(b) **Permit Required.** No person shall operate, maintain, manage or conduct a game arcade without a written permit for the Board. **(Added by Ord. No. 150,184, Eff. 11/7/77.)**

(c) **Persons Under 16.** **(Amended by Ord. No. 150,184, Eff. 11/7/77.)** No person under 16 years of age shall be permitted to enter or remain in a game arcade between the hours of 10:00 P.M. and 9:00 A.M. unless:

(1) Such person is accompanied by such person's parent or guardian;

(2) Such number of readily identifiable State licensed security guards or private security guards, as required by order of the Board of Police Commissioners, are on duty in and about the game arcade.

SEC. 103.101.4. CYBER CAFÉS.

(Added by Ord. No. 176,100, Eff. 8/21/04.)

(a) **Definitions:**

(1) "**Cyber Café**" is defined as an establishment that provides five (5) or more personal computers and/or electronic devices for access to the system commonly referred to as the "internet," electronic mail (E-mail), computer video games, and word processing, to the public for compensation and/or public access. A cyber café shall also include network gaming establishments that provide the equipment and technology for multiplayer personal computer games. Cyber cafés shall not include businesses where personal computer access is clearly incidental to the permitted use, as determined by the Zoning Administrator. Cyber cafés shall be synonymous with Personal Computer Arcades, PC Cafés, Internet Cafés, and Cyber Centers.

(2) "**Board**" means the Board of Police Commissioners for the City of Los Angeles.

(b) **Police Commission Permit Required.** No person shall operate, maintain, conduct or manage a Cyber Café without a valid permit having been issued for that purpose.

(c) **Permit Application.** Application for a Cyber Café permit must be in writing on a form provided by the Board. Applications must be accompanied by the permit fee established in Section 103.12 of this Code.

(d) **Issuance of Permits.** The Board shall issue a permit pursuant to Chapter X of the Los Angeles Municipal Code.

(e) **Permits – Conditions.** Permits to operate a Cyber Café shall be issued upon and subject to the following conditions:

(1) The business for which a permit is required herein shall be carried on in a building, structure and location which complies with the requirements and meets the standards of the health, zoning, fire and safety laws of the State of California and ordinances of the City of Los Angeles applicable thereto.

(2) There shall be a video or digital camera surveillance system that monitors all entrance and exit points and all interior

spaces, except bathrooms and private office areas, during all hours of operation. The system shall be maintained in good working order and is subject to inspection by the City during business hours. The videotapes or hard drive data shall be maintained for a minimum of 72 hours.

(3) The number of computers shall not exceed a ratio of one (1) user station per 20 square feet of floor area dedicated for the placement of computers for rent or charge.

(4) Booths, stalls, or partitioned portions of a room shall have at least one side open to an adjacent public area or aisle so that the area inside the booth, stall, or partitioned portion of a room is visible to persons in the adjacent public area or aisle. The side open to the public area or aisle shall not have a door, curtain or other device capable of blocking visibility into the interior of the booth, stall, or partitioned portion of a room. If private rooms are available for public use, the door must have a clear window measuring no less than three square feet placed in a manner to allow a clear and unobstructed view of the interior of the room.

(5) All exterior windows shall not be tinted. Any window coverings such as blinds or drapes must be drawn back or opened during hours of operation, except when needed to block sun glare. Any exterior window signage shall comply with all applicable provisions of the Los Angeles Municipal Code.

(6) Lighting to illuminate interior areas used by patrons shall be designed, located and arranged so as to provide no less than 1.5 foot-candles surface illumination on a plane 36 inches from the floor.

(7) An interior waiting area shall be provided to patrons waiting to use a computer or electronic device. Any outside seating shall comply with all applicable provisions of the Los Angeles Municipal Code.

(8) The business shall comply with all State and local laws pertaining to the regulation of sound amplification and noise.

(9) There shall be no consumption of alcohol on the premises, unless the cyber café has obtained a license from the Department of Alcohol Beverage Control (ABC). If the business has an ABC license, it is subject to all applicable ABC rules and regulations, and any applicable provisions of the Los Angeles Municipal Code.

(10) There shall be at least one employee over the age of 18, designated as manager, who is present at all times during business hours. If the cyber café has an ABC license, then the manager must be over 21 years old.

(11) There shall be no smoking pursuant to 41.50 of the Los Angeles Municipal Code.

(12) The business shall comply with all State and local laws relating to gambling and gaming.

(13) Patrons under the age of 18, unless legally emancipated, shall not enter or remain in a Cyber Café between the hours of 8:30 a.m. and 1:30 p.m. on regularly scheduled school days, excluding holidays and/or vacations, or between the hours of 10:00 p.m. on any day and sunrise of the immediately following day. This prohibition shall not apply when the minor is accompanied by a parent or legal guardian. The legal guardian should be able to authenticate guardianship. A sign shall be posted at the entrance of the business in lettering of a least two (2) inches in size advising patrons of the time restrictions applying to minors.

(14) If a patron who appears to the manager to be under the age of 18 wishes to remain in a Cyber Café during the hours of 8:30 a.m. to 1:30 p.m. on regularly scheduled school days, excluding holidays and/or vacations, or between the hours of 10:00 p.m. on any day and sunrise of the immediately following day, they must present a valid form of photo identification to the manager proving they are over the age of 18. The photo identification must include the patron's date of birth and be issued by a governmental agency or educational institution. Acceptable identification includes a state driver's license, state identification card, school identification card, or any government issued identification card.

SEC. 103.102. CAFE ENTERTAINMENT AND SHOWS.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

(a) **Cafe Entertainment and Shows Defined.** As used in this article, the terms "cafe entertainment and shows" mean every form of live entertainment, music, band or orchestra, act, play, burlesque, revue, pantomime, scene, song or dance act, participated in by one or more persons.

These terms shall also include the exhibiting or showing of still or motion pictures at a public place incidental to the primary business of selling or offering for sale food or beverages or where food or beverages are given away.

(b) **Cafe Entertainment and Shows Business Defined.** Cafe entertainment and shows business means the management or control of any premises:

1. To which the public is admitted on a regular basis for the primary purpose of viewing cafe entertainment and shows;
2. Not used primarily for cafe entertainment and shows, but which premises are available on a regular basis, for the purpose of viewing cafe entertainment and shows;

3. Not used primarily for cafe entertainment and shows, but which premises are available, for the purpose of viewing cafe entertainment and shows, provided however, the premises has an occupancy of 2500 or more.

(c) **Permit Required.** No person shall engage in the cafe entertainment and shows business without a written permit from the Board.

No permit shall be required if the operation of the show is already permitted under an existing carnival permit.

The provisions of this section are not applicable when a band, orchestra or instrumental group with or without a vocalist performs at a dance, cafe or public place for the purpose of providing music for dancing and the person or persons conducting, presenting or managing the dance has a current dance hall, dancing club or public dance permit.

SEC. 103.102.1. ADDITIONAL REGULATIONS.

(Amended by Ord. No. 176,907, Eff. 9/25/05.)

Any business providing live entertainment in which an entertainer is present shall conform to all the applicable requirements previously set forth in this article and shall also conform to the following additional requirements, whether or not a permit is required under Section 103.102:

(a) No person under the age of 18 years shall be permitted within the premises at any time during the hours of operation, or under the age of 21 years if the business serves alcohol.

(b) The business shall provide separate dressing room facilities for entertainers that are exclusively dedicated to the entertainers use.

(c) No portion of the interior of the premises shall be visible from outside the premises during the hours of operation.

(d) The premises shall be equipped with lighting fixtures of sufficient intensity to illuminate all interior areas of the premises accessible to patrons with an illumination of not less than 1.5 foot-candles evenly distributed as measured at floor level, except during performances, at which times lighting shall be at least 1.0 foot-candles.

(e) Except for restrooms, the premises must be configured so that there is an unobstructed view of all interior areas to which any patron is permitted access. There shall be no entertainment booths, rooms or cubicles. Visibility shall not be blocked or obscured by doors, curtains, drapes, partitions or room dividers of any kind. Partitions of any kind, including drapes made of opaque or other material, are not permitted. Nothing in this subsection precludes the installation of columns which are essential for the structural integrity of the building.

(f) The business shall provide separate restroom facilities for males and females.

(g) No operator, entertainer, employee, agent, or manager of the business shall knowingly permit any patron to intentionally caress, or fondle the clothed or unclothed breasts or genitals of any operator, entertainer, employee, agent, or manager of the business, or knowingly permit any operator, entertainer, employee or agent to intentionally caress or fondle the unclothed breasts or genitals of any patron.

(h) The business shall comply with all signage, parking, landscaping, and design standards established by the City.

(i) The business shall remove all graffiti as soon as it appears, but not later than 48 hours after it appears, from the premises and property controlled by the business.

(j) The business shall, on a daily basis, ensure that all trash, debris and litter from the premises and property controlled by the business, as well as from all common and public areas immediately adjacent to the business, is placed inside appropriate refuse containers.

(k) The business shall be carried on in a building, structure and location that complies with the requirements and meets the standards of the health, fire and safety laws of the State of California and ordinances of the City of Los Angeles.

(l) The business shall be carried on at a location that complies with the zoning standards established by the City.

(m) The business shall require its employees to maintain identification that includes a photograph of the employee in the form of a valid driver's license, State identification, or other government issued identification on the premises while working at the business.

(n) If the business serves alcohol, it shall comply with all applicable laws, rules, regulations and any conditions imposed by the Department of Alcoholic Beverage Control.

(o) A manager shall be on duty at all times during hours of operation, or when patrons are present on the premises. The manager on duty shall not be an entertainer.

(p) No permittee shall knowingly allow or permit any act of sexual intercourse, sodomy, oral copulation, or masturbation to be committed on the premises, or knowingly permit or allow the premises to be used as a place in which solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur.

(q) At least one state licensed and bonded uniformed security guard shall be employed exclusively to provide security for the business during business hours.

(r) There shall be no beds on the premises accessible to patrons at any time.

(s) The business shall submit with its application a floor plan, drawn to scale, showing all interior dimensions of the premises. Any change to the floor plan requires the business to submit to the Board a revised floor plan within seven calendar days of any alteration, modification or change.

(t) As used herein, the word "knowingly" does not remove a permittee's duties to supervise and take action. A permittee shall be responsible for the conduct of all employees and entertainers while they are on the premises and every act or omission by an employee or entertainer constituting a violation of any of the provisions of this article shall be deemed the act or omission of the permittee if such act or omission occurred with the authorization, knowledge or approval of the permittee, or as a result of the permittee's negligent failure to supervise the employee or entertainer's conduct or to take action after learning of conduct which violates this section.

SEC. 103.102.2. COMPLIANCE BY EXISTING PERMITTEES AND EFFECT OF NONCOMPLIANCE.

(Amended by Ord. No. 176,907, Eff. 9/25/05.)

(a) All cafe entertainment and shows permittees must comply with the provisions of Section 103.102.1 upon its effective date, except that these permittees shall comply with Subsections (b), (c), (e) and (f) no later than 180 days from the effective date of that section. Compliance with Subsection (e) is further extended 90 days from the date of amendment of that subsection.

(b) Violations of the regulations set forth in Section 103.102.1 shall not be prosecuted as misdemeanors, but shall be subject to administrative sanctions and civil remedies as provided by this Code, or at law or in equity, or any combination of these.

SEC. 103.103. CARD CLUB – SOCIAL CARD CLUB – CARD SCHOOL.

(Added by Ord. No. 111,348, Eff. 7/4/58.)

(a) **Definitions.** As used in this article:

1. “**CARD CLUB**” or “**SOCIAL CARD CLUB**” means any place maintained, operated or conducted, for the principal purpose of furnishing a place where members or guests or other persons play card games, and where:

(i) A fee is charged either as membership dues or for admission to such place, or for the privilege of playing at cards;
or

(ii) Any collection or donation of money is made or received.

2. “**CARD SCHOOL**” means any place maintained, operated or conducted for the purpose of giving instructions in the playing of card games of any type.

(b) **Permit Required.** No person shall maintain, operate, conduct or carry on any card club, social card club or card school without a written permit from the Board.

(c) **Games Prohibited by Law.** No permit issued by the Board shall authorize the conduct of any card game which is prohibited by the Penal Code of California or any ordinance of this City. Any permit issued in violation of this subsection shall be void.

(d) **Public Hearings.** The Board shall require a public hearing prior to taking action on an application for a permit pursuant to this section. The applicant shall cause to be published a notice of public hearing two times at intervals of not less than five days, within the 21-day period following the filing of an application, in a newspaper of general circulation in the district where the business is to be located. The Board shall cause a suitable public notice to be posted at the location where the business is to be conducted. The applicant shall bear all expense involved in printing, publishing and posting such notice. Such public notice shall conform to rules and regulations adopted by the Board and shall be designed to inform the public as to the nature of the business to be engaged in, its location, the names of the applicant or applicants, the time of the public hearing and the right of persons objecting to be heard. Any interested person may file written protests or objections or appear at the hearing. The Board shall give consideration to all such protests in reaching a decision on such application. **(Amended by Ord. No. 137,649, Eff. 1/6/69.)**

SEC. 103.104. CARNIVALS.

(Amended by Ord. No. 117,644, Eff. 1/1/61.)

(a) **Definitions.**

1. “**Carnival**” shall mean any fair, festival or like activity of a temporary nature having a concession or concessions.
2. “**Concession**” shall mean and include any booth or stand or any space, court or area at or in which any game or test of skill, science or amusement is offered and at or in which the public is permitted or invited to participate for a fee, charge or donation.
3. “**Operator**” or “**Conductor**” shall mean the operator or conductor of a carnival or concession, as more particularly set forth in Subsection (b) of Section 21.75 of this Code.

(b) **Permit Required.**

1. No person shall conduct, operate, maintain or carry on a carnival without a written permit from the Board unless exempted under the provisions of Subsection (g) of this section.
2. The operator or conductor shall be responsible for filing the application for a police permit.
3. The permit shall become immediately null and void and without force or effect upon failure to comply with any applicable provisions of this section, or upon the making of a false or misleading application therefor, or upon violation of the gambling statutes or ordinances of the State of California or City of Los Angeles, the hearing, suspension or revocation provisions of this article to the contrary notwithstanding.
4. The duration of a carnival operating under fee exempt permit shall not exceed ten calendar days.

(c) **Permit Application Requirements.**

1. The application shall be filed on a form and in a manner prescribed by the Board.
2. The application shall be for a specified time and for a specified location.
3. New applications shall be required for any renewal, change in location, or change in operating time period, and shall be accompanied by the required fees set forth in Section 103.12.
4. **(Amended by Ord. No. 173,300, Eff. 6/30/00, Oper. 7/1/00.)** The application shall be filed with the Office of Finance not less than 14 calendar days prior to the first day of operation of the carnival. No application shall be accepted by the Office of Finance which is not filed within the time limit prescribed herein.
5. A complete list of the names and a brief description of the method of play for each game or test of skill, science or amusement shall be attached to the application.

(d) **No Permit to Minors.** No application shall be accepted from any person under 18 years of age. **(Amended by Ord. No. 144,116, Eff. 12/31/72.)**

(e) **(None)**

(f) **Carnival Prohibited on Streets.** No permit shall be granted to any person to hold a carnival in or upon any of the streets or alleys belonging to this City.

(g) **Permit Exemptions.** No police permit and no police permit fee shall be required for any religious, charitable, educational or other nonprofit benevolent institution to operate or conduct a carnival when the net proceeds of the carnival are to be used exclusively for religious, charitable, benevolent, educational, or civic purposes, and the operator or conductor has applied for and obtained a tax exempt registration certificate pursuant to the provisions of Section 21.75 of this Code. **(Amended by Ord. No. 143,208, Eff. 5/6/72.)**

(h) **Public Hearings.** The Board shall require a public hearing prior to taking action on an application for a permit to conduct or operate a carnival. The applicant for such permit shall cause a notice of public hearing to be published two times at intervals of not less than five days within the 14-day period prior to the first day of operation of the carnival. Such notice shall be published in a newspaper of general circulation in the area where the carnival is to be located and the applicant shall bear all expenses involved in such printing and publishing. The Board shall cause a suitable public notice to be posted at the location where the carnival is to be conducted at least five calendar days prior to the first day of the carnival. All such public notices shall conform to rules and regulations adopted by the Board and shall be designed to inform the public of the proposed carnival, its location, the names of the applicant or applicants, the time of the public hearing and the right of objecting persons to be heard. Any interested person may file written protests, or objections or appear at the hearing. The Board shall give consideration to all such protests in reaching a decision on such application. The provisions of this subsection shall apply to all carnivals, the provisions of Section 103.03 of this Code to the contrary notwithstanding. **(Amended by Ord. No. 137,649, Eff. 1/6/69.)**

(i) **False Statement.** Any person who makes or causes to be made any false or misleading statements or omissions in an application for a carnival permit, shall be guilty of a misdemeanor.

SEC. 103.105. DANCING ACADEMIES.

(a) **Definitions.** As used in this article:

1. “**DANCING ACADEMY**” means a regularly established place of business maintained or conducted principally for the purpose of giving instructions in dancing.

(b) **Permit Required.** No person shall engage in, manage, conduct, maintain, or carry on the business of furnishing a place where instruction in dancing is given without a written permit from the Board.

(c) **Change of Location.** A change of location may be endorsed on a permit by the Board upon written application by the permittee accompanied by the change of location fee prescribed in Section 103.12.

(d) **Invitational Dance.** Persons other than those receiving regular instruction therein may be admitted to a dance, ball or dance instruction at a dancing academy by bona fide written invitation. Such invitation must be issued to a person named therein prior to the date specified in the invitation. Only the named person and not more than two other guests may be admitted by such invitation. The invitation shall be surrendered to a doorkeeper or ticket taker at the entrance to the dancing academy.

The invitee shall write the names and addresses of his guests on the back of the invitation before presentation to the doorkeeper or ticket taker. Nothing in this section shall apply to the admission to a dancing academy of musicians or other persons regularly employed in the conduct of the dance, ball or dancing instruction.

(e) **Public Dance – Unless Invitations.** Every dance or ball given by a dancing academy for or to which former pupils of such academy are admitted shall be deemed to be a public dance unless all the provisions in this section concerning the issuance of invitations are complied with.

(f) **Register Required.** Every person conducting, maintaining or carrying on a dancing academy shall keep at all times a register of all persons instructed in dancing therein, in which shall be entered:

1. The name of each and every such person;

2. The time when such instruction begins;

3. The time when the same terminates;

4. The dates upon which instruction is given or contracted to be given;

5. In the case of a female minor under the age of 18 years or a male minor under the age of 17 years, the name of the parent or guardian or other person exercising parental control over such minor with whom the contract for instruction for dancing was made on behalf of such minor. Said register shall be at all time open to the inspection of the Chief of Police and the members of the Police Department.

(g) **Intoxicating Liquor, Sale of.** No person shall sell, furnish, serve or give away any intoxicating liquor in any dancing academy or in any room or place connected with or used in connection with any such dancing academy or at any place upon the same premises or within the same enclosure in which such dancing academy is situated while dancing or dancing instruction is being carried on.

(h) **Invitations – Writing False Names.** No person shall write upon an invitation a false name or any name other than the true name of the persons accompanying the holder of any invitation as provided in this section.

(i) **Illumination.** No permittee or his employees shall hold or conduct any dance or instruction in dancing in any dancing academy after sunset unless the room or hall in which the dance or instruction in dancing is held is well lighted at all times. The intensity of such lighting shall not be less than a minimum of one foot candle at a plane three feet above the floor at all points on such floor

(j) **Shutting Off Light.** No person shall shut or turn off the lights or lighting or reduce the intensity below the minimum in Subsection (i).

SEC. 103.106. DANCE HALLS, DANCING CLUBS, PUBLIC DANCES.

(Title Amended by Ord. No. 115,510, Eff. 3/13/60.)

(a) **Definitions.** As used in this article:

1. “**DANCE HALL**” means any place where the holding or conducting of public dances is carried on.

2. “**DANCING CLUB**” means any club or association of persons which conducts dances, other than public dances for its members or bona fide guests at which a fee is charged, either for admission to such dance or for dancing therein, or at which any

collection or donation of money is made or received, or in which the amount of dues to be paid by each member is dependent upon attendance at such dances by such member.

3. **“PUBLIC DANCE”** means a gathering of persons in or upon any premises where dancing is participated in and to which premises the public is admitted.

(b) **Permit required.** No person shall conduct or maintain any dance hall, dancing club or public dance without written permit from the Board.

1. A permit shall be required to hold any public dance on one occasion.

(c) **Floor Space. (Amended by Ord. No. 150,081, Eff. 10/8/77.)** No permit shall be issued or be valid for any dance hall, dancing club or public dance for dancing to be held at any premises, or location which is a part thereof, that does not have designated and set aside for dancing purposes at each location identified therefor on the permit application for the premises, at least two hundred (200) square feet of dancing area, exclusive of hallway space. Nor shall a permit be issued unless the Board determines that the surface set aside and reserved for dancing at each specified location is sufficiently flat, level, hard and rigid to be suitable for dancing.

The application for permit shall specify each location on the premises, the dimensions and the nature of the surface designated for dancing. A surface area designated for dancing shall not be located in a manner which blocks or obstructs ingress or egress of patrons at the dance. All of each of the specified dancing areas set aside shall be reserved exclusively for dancing during the time any dance or dancing is taking place, or is scheduled to take place, at the location.

(d) **Dance – When Liquor May Be Served.** Alcoholic beverages may be served at a dance hall, dancing club, or at a public dance when the sale and service of such beverages is permitted by State law and not otherwise prohibited by this Code. **(Amended by Ord. No. 152,531. Eff. 8/6/79.)**

SEC. 103.106.1. HOSTESS DANCE HALL.

(Added by Ord. No. 141,580, Eff. 4/2/71.)

(a) **Hostess Dance Hall Defined.** As used in this article, “Hostess Dance Hall” shall mean any dance hall or place conducting public dances where partners are provided for dancing or social contacts by those conducting, managing, maintaining or operating such public dances for patrons or guests and for which such patrons or guests pay a fee or other consideration.

(b) **Permit Required.** No person shall conduct, manage, maintain or operate a Hostess Dance Hall without a written permit from the Board.

(c) **Floor Space.** No permit shall be issued for the conduct of any Hostess Dance Hall having less than 400 square feet of contiguous area set aside and reserved exclusively for dancing, such area to be exclusive of hallway space.

(d) **Hours of Operation.** No Hostess Dance Hall shall operate between the hours of 2:00 o'clock A.M. and 6:00 o'clock A.M. of any day.

(e) **Alcoholic Beverages – Prohibited.** No permit shall be issued at any establishment that serves or offers for sale any alcoholic beverages.

(f) **Possession of Alcoholic Beverages Prohibited.** No person shall possess an alcoholic beverage in or on the premises of a Hostess Dance Hall.

(g) **Employees – Hostess Dancers.** No person under the age of 18 years shall be employed as a dancer, hostess dancer or instructor. **(Amended by Ord. No. 144,116, Eff. 12/31/72.)**

(h) **Illumination.** The illumination shall conform with the provisions of Section 41.48 of the Los Angeles Municipal Code.

(i) **Public Hearings.** The Board may require a public hearing prior to taking action on an application for a permit pursuant to this section. The applicant shall cause to be published a notice of public hearing two times at intervals of not less than 5 days within the 21-day period following the filing of an application, in a newspaper of general circulation in the district where the business is to be located. Furthermore, the Board may give notice by mail to all property owners within three hundred feet of the proposed business. The Board shall cause a suitable public notice to be posted at the location where the business is to be conducted. The applicant shall bear all expense involved in mailing, printing, publishing and posting such notice. Such public notice shall conform to the rules and regulations adopted by the Board and shall be designed to inform the public as to the nature of the business to be engaged in, its location, the names of the applicant or applicants, the time of the public hearing, and the right of persons objecting to be heard. Any interested person may file written protests or objections, or appear at the hearing. The Board shall give consideration to all such protests in reaching a decision on such application.

(j) **Prior Operation.** Any business activity that qualifies under the Hostess Dance Hall Ordinance and is currently operating with a Dance Hall Cafe Permit at the time this ordinance first becomes effective shall be exempt from Subsection (i) of said Hostess Dance Hall Ordinance and shall be exempt from the original permit fee. The annual fee shall be effective when applicable.

SEC. 103.107. ESCORT BUREAUS.

(Added by Ord. No. 111,348, Eff. 7/4/58.)

(a) **Definition.** As used in this article:

1. “**ESCORT BUREAU**” means any business, agency or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters. **(Amended by Ord. No. 113,701, Eff. 7/11/59.)**

(b) **Permit Required.** No person shall conduct, manage or carry on any escort bureau without a written permit from the Board. No permit under this section shall be issued to, or in the name of, any organization, group, corporation, partnership or any entity other than an individual person. The business may be advertised and carried on by the permittee under a fictitious name in the manner permitted by law if such fictitious name is first approved by the Board.

(c) **Information Required.** Each application must state the names and addresses of all escorts intended to be employed by the applicant. Permittees shall notify the Board of any change in personnel in writing within 24 hours of such change. All such escorts shall be registered by the Board. No escort shall be registered unless the Board is furnished with satisfactory evidence of the good moral character of such escort. The registration of any escort may be cancelled for cause by the Board and thereafter no escort bureau shall employ, engage, or deal with such escort.

(d) **Change of Location.** A change of location may be endorsed on a permit by the Board upon written application by the permittee accompanied by the change of location fee prescribed in Section 103.12.

(e) **Records.** A record shall be kept by each permittee showing every transaction whereby any person or name of a person is furnished or arranged for on behalf of any patron or customer, the date and the approximate hour of the transaction, the name, address and telephone number of the patron or customer, the name of each escort involved and such other information as the Board may reasonably require by rule or regulation. Such record shall be kept available and open to inspection of any police officer at any time during business hours and shall be presented before the Board at any time upon written request therefor. **(Amended by Ord. No. 113,701, Eff. 7/11/59.)**

(f) **Exception.** Nothing in this section shall apply to the lawful business of any employment agency licensed under the laws of this State.

(g) **Persons Under 18 – Employment.** No permittee hereunder shall employ as an escort any person under 18 years of age. **(Amended by Ord. No. 144,116, Eff. 12/31/72.)**

(h) **Furnishing Escorts to Persons Under 18.** No permittee shall furnish any escort to, or accept employment from any patron, customer, or person to be escorted who is under 18 years of age, except at the special instance and request of the parent, guardian or other person in lawful custody of the person upon whose behalf the escort service is engaged. **(Amended by Ord. No. 144,116, Eff. 12/31/72.)**

SEC. 103.107.1. ESCORT – PERMIT REQUIRED.

(Added by Ord. No. 142,884, Eff. 2/6/72.)

(a) **Escort Defined.** As used in this article, “**Escort**” means any person who, for a fee, commission, hire, reward or profit, accompanies other persons to or about social affairs, entertainments or places of amusement or consorts with others about any place of public resort or within any private quarters.

(b) **Permit Required.** No person shall be engaged as an Escort without a written permit from the Board. Such permit shall be issued to the address of the employer.

(c) **Employment Prerequisite.** Before an application for an Escort will be acted upon by the Board, the applicant shall present satisfactory evidence that such person is at least 18 years of age and that employment has been offered by an Escort Bureau under permit by the Board, including name and address of prospective employer, and such employment is contingent upon the issuance of said permit. **(Amended by Ord. No. 144,116, Eff. 12/31/72.)**

(d) **Identification Card.** Each permittee shall be issued an identification card by the Board and shall carry such card when acting as an escort. Each permittee shall immediately surrender to the Board any identification card issued by the Board upon suspension, revocation or cancellation of the permit, and upon leaving employment.

(e) **Change of Location.** A change of location may be endorsed on a permit by the Board or its designated representative upon written application by the permittee, accompanied by the change of location fee as prescribed.

(f) **Persons Under 18.** No permittee shall escort or perform any activity covered by this section or offer to escort or perform any

other activity covered by this section to any person under 18 years of age, except at the special instance and request of the parent, guardian or other person in lawful custody of the person upon whose behalf the escort service is engaged. (Amended by Ord. No. 144,116, Eff. 12/31/72.)

SEC. 103.109. MOTION PICTURE SHOWS.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

(a) **Motion Picture Shows Defined.** As used in this article, "motion picture shows" means the exhibiting or presenting of motion pictures to the public in any theater, show house or other place of entertainment.

(b) **Permit Required.** No person shall engage in the business of exhibiting or presenting motion picture shows without a written permit from the Board.

SEC. 103.111. PARADES AND ASSEMBLIES.

(Title and Section amended by Ord. No. 176,617, Eff. 6/6/05.)

(a) **Purpose.** This Section establishes the standards and procedures for the issuance of permits for special events consisting of parades and assemblies in the City of Los Angeles. The purpose of this Section is to preserve and protect the public health and safety of the citizens of Los Angeles, the rights of individuals to engage in expressive activity protected under the First Amendment, and to provide for the recovery of costs to the City directly flowing from these events. This Section shall only apply to events that fall within the definition of "Parade" or "Assembly," as set forth below. All other street closures, including Athletic Events (as that term is defined in this Section), shall be governed by the procedures set forth in Los Angeles Municipal Code Section 41.20.

(b) **Definitions.** As used in this Article:

"**ASSEMBLY**" means any stationary formation, assembly, or gathering for the purpose of Expressive Activity upon any public street, sidewalk, alley, or other public place which does not comply with normal or usual traffic regulations or controls. This term does not include block parties, street festivals, carnivals or other Street Closures, as that term is defined in this Section.

"**ATHLETIC EVENT**" means an event, not involving as a primary component, "Expressive Activity," as that term is defined in this Section, in which a group of people collectively engage in a sport or form of physical exercise, including but not limited to jogging, bicycling, walking, roller skating, or running, upon any public street, sidewalk, alley or other public place, which does not comply with normal and usual traffic regulations and controls.

"**BOARD**" means the Board of Police Commissioners for the City of Los Angeles.

"**DEPARTMENT**" means the Los Angeles Police Department.

"**DESIGNATED POLICE COMMISSIONER**" means the Board Commissioner designated by the President of the Board to act on behalf of the Board to grant or deny event permits.

"**EVENT**" means a parade or assembly, or both, which is the subject of a permit application under this section.

"**EXPRESSIVE ACTIVITY**" includes conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinions, views, or ideas. It includes public oratory and the distribution of literature.

"**PARADE**" means any march or procession, other than an Athletic Event, consisting of persons, animals or vehicles, or combination thereof, upon any public street, sidewalk, alley or other public place, which does not comply with normal or usual traffic regulations or controls. This term does not include Street Closures, as that term is defined in this Section, funeral processions, or official governmental motorcades.

"**PERMIT APPLICATION FEE**" means a nonrefundable fee to be paid by the applicant at the time the permit application is submitted to the Department. The amount of the fee will be set from time to time by resolution of the City Council. The fee will be used to defray the direct costs of processing and investigating the Event application.

"**STREET CLOSURE**" means the closure of streets by the Department of Public Works for an Athletic Event or other activity pursuant to Section 41.20 of this Code.

(c) **Permit Required.** No person shall conduct, manage or sponsor any Parade or Assembly without a written permit from the Board. No person shall participate in any Parade or Assembly with the knowledge that its sponsor has not been issued the required permit.

(d) **Interference with Event.** No person shall knowingly join or participate in any Parade or Assembly conducted under permit from the Board in violation of any of the terms of the permit, or knowingly join or participate in any permitted Parade or Assembly without the consent and over the objection of the permittee, nor in any manner interfere with the progress or orderly conduct of a permitted Parade or

Assembly.

(e) Application for Permit.

1. Submission of Application.

A. Written applications for permits should be submitted to the Department at least 40 days prior to the date of the requested Event. However, all applications for permits shall be acted upon by the Department and the Board so long as they are received by the Department not less than five days before the date of the requested Event. The five-day time limitation shall be waived by the Designated Police Commissioner if the occurrence giving rise to the permit application did not reasonably allow the applicant time to file within the time prescribed, and imposition of the time limitation would place an unreasonable restriction on the right to free speech.

B. An application will be accepted by the Department only if it is fully completed, legible, and is accompanied by a receipt from the Office of Finance of payment of the Permit Application Fee as required pursuant to Subdivision (e)(2)C. below.

C. Applications shall be submitted no more than six months before the Event date.

2. Form of Application.

A. An application for a permit shall be made on a form provided by the Department and shall contain the following:

- (1) the name, address, and telephone number of the applicant;
- (2) the name, address, and telephone number of the sponsoring organization;
- (3) the specific date(s) of the Event, including date(s) for set-up and tear down;
- (4) the starting and ending times;
- (5) the exact location of the assembly and disbanding areas, indicating the particular portion of a street, corner of an intersection, portion of private property or park area, etc., if appropriate;
- (6) the exact route and direction of travel of the Parade;
- (7) the portion of the street needed for the Event;
- (8) the total number and type of bands, marching units, vehicles, animals, structures, or other elements/props which will be used in the Event;
- (9) the estimated number of participants and spectators expected at the Event;
- (10) a description of any sound amplification equipment which will be used in the Event;
- (11) the number of floats, if any, which will be used in the Parade and their size, type and method of power;
- (12) the cleanup activities planned; and
- (13) the parking contingencies planned.

B. If the Event is designed to be held by and on behalf of or for any organization other than the applicant, the applicant for the permit shall file a communication in writing from the organization authorizing the applicant to apply for such permit on its behalf.

C. The application for a permit shall be accompanied by a receipt from the Office of Finance evidencing payment of the requisite Permit Application Fee.

(f) Application Processing Procedure.

1. Timing of Action on Permit. The Board shall approve or deny an application as set forth in this subsection no later than the earliest date of the following: (i) 15 days after the complete application and receipt for payment of the Permit Application Fee were received by the Department, or (ii) three business days prior to the date of the scheduled Event; provided however that in the event that the Designated Police Commissioner waives the five-day notice requirement as set forth in Subsection (e), the application shall be approved or denied no later than 24 hours prior to the date of the scheduled Event.

2. Processing by the Department.

A. **Written Report.** Applications for permits shall be filed directly with the Department. The Department shall investigate the application and prepare a written report, including recommendations of whether the permit should be granted or denied and any conditions which should be imposed.

B. **Notification of Affected Agencies.** Upon receipt of the complete application and Permit Application Fee receipt, the Department shall notify and transmit a copy of the application to the following:

- (1) Chief Engineer of the Fire Department;
- (2) General Manager of the Department of Transportation;
- (3) General Manager of the Department of General Services;
- (4) Director of the Bureau of Street Services and Director of the Bureau of Sanitation, Department of Public Works;
- (5) CalTrans (where appropriate);
- (6) General Manager of the Metropolitan Transit Authority;
- (7) California Highway Patrol, only if a state highway is involved;
- (8) Entertainment Industry Development Corporation (EIDC);
- (9) General Manager of the County of Los Angeles Department of Beaches and Harbors (where appropriate);
- (10) General Manager of the Los Angeles City Department of Recreation and Parks (where appropriate);
- (11) The Mayor's Office of Special Events; and
- (12) The Office of the Council Member of the affected Council District.

This notification and transmittal shall be for the purpose of identifying any logistical or public safety issues surrounding the granting of the particular application, and to enable the Department of Transportation and the Bureau of Street Services to determine the traffic control and clean-up services that will be required and the costs to be paid by the applicant for those services.

Immediately upon the granting of a permit, the Board shall transmit a copy thereof to each of the above agencies.

3. **Action on Application.**

A. **Recommendations of Department.**

(1) If the recommendation of the Department is to approve the application without conditions or with conditions to which the applicant agrees, the Executive Director of the Board, on behalf of the Board, shall approve the permit.

(2) If the recommendation of the Department is to approve the application with conditions to which the applicant disagrees, the contested conditions shall be set forth in a report. The application, report, and recommendations shall be referred to the Designated Police Commissioner and a copy shall be provided to the applicant.

(3) If the recommendation of the Department is to deny the permit, the grounds for the recommendation shall be set forth in a report. The application, report, and recommendations shall be referred to the Designated Police Commissioner and a copy shall be provided to the applicant.

(4) If the Department simultaneously receives two or more applications from applicants requesting the same date, time, and location for the same or similar events, the Department will complete the processing on the applications and forward them to the Designated Police Commissioner for action on each application.

B. **Action by the Designated Police Commissioner.** If an application is referred to the Designated Police Commissioner, the Designated Police Commissioner shall act to grant or deny the application in compliance with Subdivision (f)(1). The applicant shall be notified in writing of the decision by the Designated Police Commissioner by facsimile or overnight courier and shall be informed that the applicant has the right to appeal the decision as set forth in Subsection (j) below.

(g) **Issuance of the Permit.** The Board shall issue a permit following:

1. Final action on the permit pursuant to Subsection (f);
2. An agreement by the applicant or sponsor in writing to comply with any conditions imposed on the Event by the permit, including payment of traffic control and clean-up costs; and
3. Compliance with all of the applicable requirements of Subsection (h) below.

(h) **Conditions to Issuance of Permit.** The Board may condition the issuance of a permit by imposing reasonable requirements concerning the time, place, and manner of the Event, as necessary to protect the safety of all persons and property, provided that the conditions shall not unreasonably restrict the right of free speech. These conditions include, but are not limited to:

1. Alteration of the date or time of the Event proposed on the application;
2. Alteration of the location of the Assembly, route of the Parade, and/or the area and manner of assembling and disbanding of the Parade;
3. Accommodation of pedestrian or vehicular traffic, including restricting the Event to only a portion of a street or highway;
4. Compliance with all ordinances or laws and obtaining all legally required permits or licenses;
5. Requirements for the training and use of volunteers, monitors, or parade officials;
6. Restrictions on the number and type of vehicles, animals, or structures at the Event, and prior inspection and approval of floats, structures, and decorated vehicles for fire safety by the Los Angeles Fire Department;
7. Requirements for the use of garbage containers, cleanup, and restoration of City property;
8. Requirements for providing notice of permit conditions to volunteers, monitors, parade officials, and event participants;
9. Requirements for providing a certain specified number of parade officials or volunteers to ensure a safe and expeditious parade;
10. Requirements for the provision of adequate first aid and sanitary facilities;
11. Requirements for the use of amplification devices or amplified sound; and
12. Requirements to provide proof of automobile insurance (where the Event involves the operating of vehicles, including motorized floats, upon the streets or highways).

(i) **Grounds for Denial of Application or Revocation of a Permit.**

1. The Board, through either the Executive Director or the Designated Police Commissioner, shall approve an application for a permit unless it determines from a consideration of the application or other pertinent information, the existence of any of the following, any of which shall also be justification for the Board to revoke a previously issued permit:

A. Information contained in the application, or supplementary information requested from the applicant, is false in any material detail;

B. The applicant failed to provide a complete application after being notified of the requirement of producing additional information or documents;

C. The Event will interfere with another Event, street closure or other activity for which a permit has previously been granted;

D. The concentration of persons, animals and/or vehicles at the site of the Event, or at the assembly and disbanding areas, will prevent proper police, fire, ambulance, or other public services to areas contiguous to the Event;

E. The time, route or size of the Event will disrupt to an unreasonable extent the safe and expeditious movement of traffic contiguous to the event site or route, or unreasonably disrupt the use of a street or highway when it is usually subject to great traffic congestion;

F. The size or duration of the Event will require the diversion of so great a number of police officers of the City that providing the minimum level of police services to other areas of the City is jeopardized. Nothing in this paragraph authorizes denial of a permit because of the need to protect Event participants from the conduct of others;

G. The Event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the affected City streets or highways, or a previously granted encroachment permit;

H. The parade will not move from its point of origin to its point of termination in five hours or less;

I. The length of the parade route exceeds 3 miles from its point of origin to its point of termination; or

J. The applicant fails to conduct the Event in accordance with the information contained in the permit application, or any terms and conditions imposed on the issued permit.

2. When the grounds for denial of the application for a permit specified in Subdivision (i)1. can be corrected by altering the time, place and/or manner of the Event as authorized by Subsection (h), the Board shall, instead of denying the application, conditionally approve the application provided the applicant accepts such conditions for permit issuance. The conditions imposed shall provide for only such modifications of the applicant's proposed Event as are necessary to achieve compliance with this subsection.

(j) Appeal Procedure.

1. **Right to Appeal.** The applicant shall have the right to appeal any permit conditions imposed upon an Event or the denial of a permit application. The applicant shall also have the right to appeal the amount of traffic control fees or clean-up deposits imposed pursuant to subsection (l).

2. **Notice of Appeal.** A notice of appeal stating the grounds for the appeal shall be filed with the Board no later than three days after delivery of the notice of the denial of the application or notice of the contested/disputed permit conditions.

3. **Hearing by the Board.**

A. If an applicant files a notice of appeal, the Board shall conduct a hearing on the appeal at the next scheduled meeting of the Board. The Board shall render its decision at the hearing unless the permit applicant or sponsor agrees to a continuance. The decision of the Board is final.

B. If the date of the next scheduled meeting of the Board following the receipt of a notice of appeal is later than two business days before the date of the scheduled Event, the Board shall convene a special meeting within 24 hours of the delivery of the notice of appeal. Notice of the time and place of said special meeting shall be given to all parties at least 24 hours prior to said hearing. The Board shall render its decision at the hearing unless the permit applicant or sponsor agrees to a continuance. The decision of the Board is final.

C. No Board member who did not hear the evidence or who was not read or heard the record or proceedings shall vote on the decision.

(k) Contents of Permit. In each permit, the Board shall prescribe:

1. The assembly area and time therefor;
2. The start time;
3. The minimum and maximum speeds for the Parade;
4. The exact route of the Parade;
5. What portions of streets to be traversed may be occupied by the Event;
6. The maximum number of units and the maximum and minimum interval of space to be maintained between the units of the Parade;
7. The maximum length of the Parade in miles or fractions thereof;
8. The disbanding area and disbanding time;
9. The number of persons required to officiate and/or monitor the Event;
10. The number and type of vehicles, if any;
11. The material and maximum size of any sign, banner, placard or carrying device therefor; and
12. All conditions imposed upon the Event pursuant to Subsection (h) of this Section.

(l) Fees and Indemnification.

1. Each applicant, and any other person, organization, firm or corporation on whose behalf the application is made, shall be required to agree in writing to jointly and separately indemnify, protect and defend and hold harmless the City of Los Angeles, its

officers and employees against all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of the permittee, its officers, agents or employees in connection with the Parade or Assembly.

2. **Traffic Control Costs.**

A. **Prepayment of Costs.** Upon approval by the Board of a permit for a Parade or Assembly but prior to the date of the scheduled Event, the Department of Transportation, through the Bureau of Street Services, shall provide the applicant with a statement of the estimated cost of providing traffic management at the Event. The applicant/sponsor shall be required to pay the traffic control costs either prior to the date of the Event or within 15 days thereafter. Traffic control consists of clearing the parade/assembly route of unauthorized vehicles, posting any parking restrictions necessary for the Event, diverting traffic around the Event, and directing pedestrian and vehicular traffic along the route of a parade.

B. **Computing Traffic Control Costs.** The traffic control costs shall be computed by determining the number of LADOT personnel who will be required for traffic control beyond that which would otherwise be required at that time, multiplied by the number of hours for which such additional service is rendered at the rate of the City's full cost of providing officers on an hourly basis as established by the Department of Transportation.

C. **Refunds or Additional Charges.** If the actual cost for traffic control on the date of the Event is less than the estimated cost pursuant to Subdivision (1)2.A. above, the applicant/ sponsor will be refunded the difference by the City. If more traffic officers' hours are required than originally charged, the applicant/sponsor will be billed the additional costs.

D. Traffic control costs shall not be assessed if the size of the parade/assembly can be controlled by 5 or fewer traffic officers over a two-hour period, as determined by LADOT.

3. **Clean-up Deposit.**

A. The applicant/sponsor of an Event involving horses or other large animals, the sale of food or beverages, or the erection of any structure shall be required to provide a clean-up deposit prior to the date of the Event, paid to the Department of Public Works, Bureau of Street Services. The clean-up deposit shall be in the amount established in a cleanup fee schedule adopted by the City Council.

B. The clean-up deposit shall be returned after the Event if the area used for the Event has been cleaned and restored to the same condition as existed prior to the Event, as determined by a representative of the Department of Public Works, Bureau of Street Services.

C. If the property used for the Event has not been cleaned or restored, the permittee shall be billed for the actual cost of the clean-up and restoration by the Office of Finance, and the clean-up deposit or portion thereof shall be applied toward the payment of the bill.

D. If the permittee disputes the bill, he or she may appeal to the Board of Public Works within 5 days after receipt of the bill. Should there be any unexpended balance on the deposit after completion of the work, this balance shall be promptly refunded to the permittee. Should the amount of the bill exceed the clean-up deposit, the difference shall become due and payable to the City upon the applicant's receipt of the bill.

4. **Waiver of Fees for Traffic Control and Clean-up Services.** Upon receipt of an application therefor to the Bureau of Street Services One Stop Special Events Permit Office, Traffic Control and Clean-up Services costs shall be waived for non-commercial Parades and Assemblies, so long as the particular event would qualify for a waiver applying all of the requirements, conditions and criteria set forth in Municipal Code Sections 41.20 and 41.20.1. Applications for such waivers shall be processed as set forth in Municipal Code Sections 41.20 and 41.20.1.

(m) **Waiver.** Except as specifically set forth herein, no requirements of this Section shall be waived.

(n) **Violation.** Willful violation of any of the provisions of this Section, or the terms or conditions of an Event permit by the permittee or any participant in said Event is a misdemeanor.

(o) **Severability.** If any subsection, subdivision, sentence, clause, phrase, or portion of this section, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section or its application to other persons. The City Council hereby declares that it would have adopted this section and each subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions, or the application thereof to any person, be declared invalid or unconstitutional.

SEC. 103.112. BILLIARD ROOMS, POOLROOMS, BOWLING ALLEYS.

(Amended by Ord. No. 157,104, Eff. 11/27/82.)

(a) **Definitions.**

1. “**BILLIARDS**” means any of the several games played on a table, the surface of which is surrounded by an elastic ledge or cushions within which balls are impelled by cues, and shall include all forms of a game known as “pool”.

2. “**BILLIARD ROOM**” or “**POOLROOM**” means any place where the game of billiards is permitted to be played on one or more tables designed for that purpose, referred to herein as “billiard tables” or “pool tables”.

3. “**BOWLING ALLEY**” means a place, usually indoors, where a game is conducted in which large balls made of composition rubber, plastic or other material are rolled along an alley or lane toward pins, arranged symmetrically.

(b) **Permit Required.** No person shall operate or maintain a billiard room, poolroom or bowling alley open to the public, whether or not operated for a profit, and to which the public is admitted either with or without charge, without a written permit from the Board.

(c) **Notice to Public.** Each applicant for a permit shall cause to be published in a newspaper of general circulation in the community wherein the activity is to be conducted, a notice of intent to conduct or maintain a billiard room, poolroom or bowling alley as defined herein. The notice shall be published twice at intervals of not less than three days within a ten-day period following the date of the filing of the application.

In addition, the Board shall cause a suitable public notice to be posted at the location where the activity is to be conducted within five days after the date of the filing of the application for the required permit.

Both the published and posted notices shall conform to the rules and regulations adopted by the Board and shall be designed to inform the public as to the nature of the business to be engaged in, including the location, and the name or names of the applicant or applicants. Said notices shall also state that persons who object to the proposed activity must present their objections to the Board in writing on or before a final date set forth in the notice, and that objections submitted subsequent to that date shall not be considered. Such final date shall be the date ten days following the first date of publication of the notice, excluding Saturdays, Sundays and holidays. The Board shall review the application for the permit, and, in the event objections are submitted within said time limit, shall likewise consider the objections and may withhold issuance of the permit applied for pending a public hearing and further determination thereon. In the event the Board conducts a public hearing with respect to the objections received, the Board shall provide at least a ten-day notice to the applicant and to the objecting parties, and shall permit these and every other interested party to be heard thereat.

All expenses and costs involved in publishing and posting any notices referred to herein shall be borne by the applicant.

The provisions of this subsection shall not apply to the issuance of a permit to operate or maintain a billiard room or poolroom containing no more than three billiard or pool tables, where the operation and maintenance thereof is not the principal business activity of the premises where such table or tables are located.

(d) **Minors.** No person under the age of eighteen (18) years shall enter or remain in, nor shall any person having charge or control of any billiard room or poolroom permit any person under the age of eighteen (18) to enter or remain in, any billiard room or poolroom with two or more pool tables or billiard tables.

EXCEPTION:

Notwithstanding anything in this section to the contrary, persons under the age of eighteen (18) years shall be permitted to enter and remain in family billiard rooms under the provisions of Section 103.112.1 of this Code.

SEC. 103.112.1. FAMILY BILLIARD ROOMS.

(Added by Ord. No. 139,204, Eff. 10/23/69.)

(a) **Definitions.**

1. “**FAMILY BILLIARD ROOM**” means any billiard room wherein minors are permitted to play billiards under the provisions of this section.

(b) **Permit Required.** No person shall conduct, operate or manage a family billiard room without a written permit from the Board.

(c) **Investigation.** Upon the filing of an application for a permit, the Board shall cause to be made such investigation as it deems necessary.

(d) **Public Hearings.** The Board shall hold a public hearing prior to taking action on an application for a permit pursuant to this section. The applicant shall cause to be published a notice of public hearing in a newspaper of general circulation in the district where the business is to be located. Said notice shall be published two times, at intervals of not less than five days, within the 21-day period following the filing of an application. Furthermore the Board may give notice by mail to all property owners within three hundred feet of the proposed business. The Board shall cause a suitable public notice to be posted at the location where the business is to be conducted. The applicant shall bear all expenses involved in mailing, printing, publishing and posting such notice. Such public notice shall conform to the rules and regulations adopted by the Board and shall be designed to inform the public as to the nature of the business to be engaged

in, its location, the names of the applicant or applicants, the time of the public hearing and the right of persons objecting to be heard. Any interested person may file written protests or objections, or appear at the hearing. The Board shall give consideration to all such protests in reaching a decision on such application.

If the Board shall find that the operation of the family billiard room for which the permit is requested at the location set forth in the application will not violate any law of the State of California or any ordinance of the City of Los Angeles or constitute a menace to the health, peace, or safety of the community, and the applicant has not had a permit revoked by the Board within one year prior to the application, then the Board shall issue a permit to the applicant.

(e) **Permits – Conditions.** Permits to operate family billiard rooms shall be issued upon and subject to the following conditions:

1. Physical Environment:

- (i) Family billiard rooms shall be located at street level or that level which most approximates street level.
- (ii) A clear and unobstructed view of the entire interior of the family billiard room shall be visible from the entrance to such room.
- (iii) No partitions forming rooms, stalls or other enclosures within which the public may congregate shall be permitted within the family billiard room. However, this shall not prohibit the maintenance of washrooms, toilet rooms or storage closets.
- (iv) The family billiard room shall be maintained in a separate room from other business activities of the owner or operator of such room unless the owner or operator has obtained the consent of the Board to do otherwise.
- (v) No alcoholic beverages shall be sold, consumed or available in family billiard rooms.

2. Conduct:

(i) Behavior within family billiard rooms shall conform to the rules and regulations of the Board in addition to the provisions of this section and of all other applicable laws. Sufficient adult supervision shall be provided by management to assure compliance with such rules, regulations and laws.

The owners, managers and operators, and each of them, of a family billiard room shall be strictly responsible for the enforcement of all rules and regulations, and shall not permit any person violating any rule, regulation or other applicable law to remain in such family billiard room.

(ii) No person shall bring any form of alcoholic liquor into a family billiard room. No person in an intoxicated condition shall enter or remain in a family billiard room. No person shall conduct himself in a boisterous or disorderly manner in a family billiard room.

(iii) No person having charge or control of any family billiard room shall permit any person to enter or remain therein who has any form of alcoholic liquor in his possession, or permit any intoxicated, boisterous or disorderly person to enter, be or remain in any family billiard room.

(f) **Age Limits.** Persons under the age of 18 years may enter and remain in family billiard rooms and play billiards therein with the following limitations:

- 1. No person having charge or control of a family billiard room shall allow a person under the age of 18 years to enter or remain in a family billiard room unaccompanied by his parent or guardian.
- 2. No person under the age of 18 years shall enter or remain in a family billiard room unless accompanied by his parent or guardian.

EXCEPTION:

A person under the age of 18 years may be present in a family billiard room and engage in the game of billiards, unaccompanied by a parent or guardian, if the parent or guardian of such person has signed and filed with the owner, manager or operator of the family billiard room a consent form of a type approved by the Board. Such form must be signed by the parent or guardian in the presence of the owner, manager or operator.

- 3. No person having charge or control of any family billiard room shall allow a person under the age of 18 years to enter and remain therein after the receipt of a notice signed by the parent or guardian of such minor person in which notice the parent or guardian has requested that said minor be prevented from entering or remaining in any such premises.
- 4. No person less than 18 years of age shall enter or remain in a family billiard room between the hours of 12:01 and 9:00 A.M. Nor shall any person having charge or control of a family billiard room permit a person less than 18 years of age to enter or remain in such family billiard room between the hours of 12:01 and 9:00 A.M.

SEC. 103.113. RIDES.

(a) **Definitions.** As used in this section:

1. “**RIDE**” includes any merry-go-round, Ferris wheel, carousel, rocket ride, loop ride, roller coaster, dive-ride or other similar device.

(b) **Permit Required.** No person shall operate or maintain any ride within 500 feet of any dwelling without a written permit from the Board. A separate application and permit shall be required for each location. One or more pieces of equipment described in the application may be installed under one permit at each location.

(c) **Public Hearings.** The Board shall require a public hearing prior to taking action on an application for a permit pursuant to this section. The applicant shall cause to be published a notice of public hearing two times at intervals of not less than five days, within the 21-day period following the filing of an application, in a newspaper of general circulation in the district where the business is to be located. The Board shall cause a suitable public notice to be posted at the location where the business is to be conducted. The applicant shall bear all expense involved in printing, publishing and posting such notice. Such public notice shall conform to rules and regulations adopted by the Board and shall be designed to inform the public as to the nature of the business to be engaged in, its location, the names of the applicant or applicants, the time of the public hearing and the right of persons objecting to be heard. Any interested person may file written protests or objections or appear at the hearing. The Board shall give consideration to all such protests in reaching a decision on such application. (Amended by Ord. No. 137,649, Eff. 1/6/69.)

SEC. 103.115. SKATING RINKS.

(a) **Definition.** As used in this article:

1. “**SKATING RINK, PUBLIC**” means a place where skating is regularly conducted on certain days as a business, whether for profit or not, and to which the public is admitted, either with or without charge or at which the public is allowed to participate in the skating either with or without charge.

(b) **Permit Required.** No person shall conduct or manage a skating rink without a written permit from the Board.

(c) **Special Police Officers.** A permittee conducting a skating rink may apply to the Board for the appointment of a special police officer to attend such skating rink for the purpose of preserving law and order. Such special police officer shall be paid by such permittee. The presence of a special police officer at a skating rink shall not relieve the permittee or his employees from the responsibility for violation of any law or ordinance.

(d) **Minors.** No minor less than 16 years of age may enter or remain in a skating rink establishment unaccompanied by a parent or guardian between the hours of 10:00 p.m. and 9:00 a.m. unless the parent or guardian of such person has signed and filed with the owner, manager or operator of the skating rink a consent form of a type approved by the Board. Such form must be signed by the parent or guardian in the presence of the owner, manager or operator. (Amended by Ord. No. 157,231, Eff. 12/30/82.)

(e) **Illumination.** All skating rinks must be properly lighted when open to the public.

(f) **Locations Prohibited.** No person shall erect, operate or maintain any skating rink or any building or other structure within which persons are permitted to use roller skates for skating within 200 feet of any schoolhouse, church or hospital.

(g) **Public Hearings.** The Board shall require a public hearing prior to taking action on an application for a permit pursuant to this section. The applicant shall cause to be published a notice of public hearing two times at intervals of not less than five days, within the 21-day period following the filing of an application, in a newspaper of general circulation in the district where the business is to be located. Furthermore, the Board may give notice by mail to all property owners within three hundred feet of the proposed business. The Board shall cause a suitable public notice to be posted at the location where the business is to be conducted. The applicant shall bear all expenses involved in mailing, printing, publishing and posting such notice. Such public notice shall conform to the rules and regulations adopted by the Board and shall be designed to inform the public as to the nature of the business to be engaged in, its location, the names of the applicant or applicants, the time of the public hearing and the right of persons objecting to be heard. Any interested persons may file written protests or objections, or appear at the hearing. The Board shall give consideration to all such protests in reaching a decision on such application. (Amended by Ord. No. 137,649, Eff. 1/6/69.)

SEC. 103.116. GAMES OF SKILL AND SCIENCE.

(a) **Definitions.** As used in this article:

1. “**GAME OF SKILL AND SCIENCE**” means any game of amusement, but not including athletic sporting events, which is participated in by one or more players for any prize, gift or award of anything of value where or when any charge is made by the

persons conducting, operating or maintaining such game, or any consideration is paid by any player for the right to play or participate in any such game, and the dominating factor in determining the result of such game is dependent upon the skill of the player or players and not upon chance, provided, that in any case where the result of such game may be dependent to some extent upon the judgment, intelligence or adroitness of the player, but nevertheless the dominating factor in determining the result of such game is chance. Such a game shall not be considered as a game of skill and science, but shall be considered as a game of chance.

(b) **Permit Required.** No person shall engage in, manage, operate, maintain, conduct, carry on or permit, suffer or allow the operation, maintenance, conducting or carrying on of any game of skill and science without a written permit from the Board.

(c) **Findings of Board.** If the Board finds that the game proposed to be conducted is a game of skill and science and that such game is not prohibited by the provisions of Chapter 10, Part 1, of the Penal Code of the State of California, or any other law of the State of California, or any law of the City, and that the conducting, operating or maintaining of such game at the location described in the application will comport with the public welfare, the Board may grant such application and issue a permit to conduct the same.

If in making its determination of the questions as to whether the game proposed to be operated, conducted or maintained is a game of skill and science or a game of chance, the Board is of the opinion that although the result of such game is dependent to some extent upon judgment, practice, intelligence or adroitness on the part of participants in such game but nevertheless the dominating factor in determining the result of such game is chance, the Board shall find that the proposed game is a game of chance and not a game of skill and science, the application for permit shall be denied.

(d) **Permits – Conditions.** Any such permit shall be issued upon and subject to the following conditions:

1. That such permittee will not permit, suffer or allow the game authorized to be played in any manner other than the manner described in detail in the application.

2. That no equipment, apparatus, device, material or contrivance of any kind be used in the conduct of or playing of such game that is not described or referred to in the application.

3. That such permittee shall not give or award any prize, award, or gift to any participant in any such game which is money, tokens, checks, warrants, certificates, or chips exchangeable for money by the permittee, his agent or employees; provided, that chips or tokens redeemable in or exchangeable for merchandise or the right to further participation in such game, may be used in playing the game authorized hereby;

4. That such permittee will not and does not enter into any agreement, combine or understanding with any person whatsoever to the effect that either the permittee, his agent or someone acting for and on behalf of himself as contractor, or otherwise, will buy any gift, prize or award given or awarded to any participant in any game, or exchange any such gift, prize or award for money.

Each of said conditions shall be incorporated in and made a part of each permit issued hereunder.

No person shall conduct, operate or maintain any such game, or permit, suffer or allow the conducting, operation or maintenance of any game in any manner or mode except in accordance with and in strict conformance with all of the conditions set forth in this subsection.

(e) **Summary Revocation.** If the permittee, his agent, employee or servant acting for and on behalf of such permittee in connection with the operation, maintenance or conduct of any game, is convicted in any court of having violated any law of the State of California prohibiting or regulating gaming, or of having violated any of the laws of this City prohibiting or regulating gaming, all permits therefore issued to such permittee shall be revoked by the Board immediately upon the filing of a certified copy of final judgment of conviction of the court with the Board and without hearing or previous notice.

(f) **Games Prohibited by Law.** No permit issued by the Board shall authorize the conduct of any game which is prohibited by the Penal Code of California or any other law of the State of California or of this City. Any permit issued in violation of the provisions of this section shall be void.

(g) **Public Hearings. (Amended by Ord. No. 137,649, Eff. 1/6/69.)** The Board shall require a public hearing prior to taking action on an application for a permit pursuant to this section. The applicant shall cause to be published a notice of public hearing two times at intervals of not less than five days, within the 21-day period following the filing of an application, in a newspaper of general circulation in the district where the business is to be located. The Board shall cause a suitable public notice to be posted at the location where the business is to be conducted. The applicant shall bear all expense involved in printing, publishing and posting such notice. Such public notice shall conform to rules and regulations adopted by the Board and shall be designed to inform the public as to the nature of the business to be engaged in, its location, the names of the applicant or applicants, the time of the public hearing and the right of persons objecting to be heard. Any interested person may file written protests or objections or appear at the hearing. The Board shall give consideration to all such protests in reaching a decision on such application.

No person shall conduct, manage, or operate any shooting gallery, rifle range, gun club, trap shooting range, or other place where firearms are discharged without a written permit from the Board.

SEC. 103.118. TEENAGE DANCES.

(Amended by Ord. No. 160,203, Eff. 9/2/85.)

(a) **Definitions.** As used in this article, the term “**premises**” shall mean any facility open to the public where activity regulated hereunder is occurring, the room or rooms where such activity is occurring and the area adjacent thereto to which direct access is available from such room and the term “**Teenager**” shall mean any person over the age of 13 years and under the age of 18 years.

(b) **Permit Required.**

1. No person, dancing club or other association shall, without first obtaining a permit from the Board, operate, manage or maintain any dance hall, “**disco**”, nightclub or hostess hall, or conduct any public dance or dances wherein teenagers are permitted to be present, except as herein provided.

2. Such permit shall be in addition to any other dance permit required by this article.

(c) **Permit – Application – Contents of.** An application for a permit shall be accompanied by certification that the premises where a dance is to be held or dancing activity is to occur is adequate for the purpose, and that the premises conform with the existing health, safety, fire and zoning ordinances of the City of Los Angeles. The certification shall also specify the maximum number of persons that may safely be accommodated at the location where the dance or dancing activity is to take place.

(d) **Exceptions.**

1. A permit shall not be required for any agency or department of the City of Los Angeles, County of Los Angeles, Board of Education, or other political subdivision of the State of California, or for any religious or charitable organization holding a valid tax exempt registration certificate under Section 21.22 of this Code and which is normally engaged in youth or child-serving activities.

2. A permit shall not be required for any hotel, cafe, restaurant, banquet hall or catering facility which does not predominantly cater to the patronage of teenagers and where no charge or admission is imposed for the privilege of entering or dancing.

(e) **Investigation.** Upon the filing of an application, the Board shall cause that investigation to be made which it deems necessary. The Board shall issue no permit to the applicant unless the following conditions are satisfied:

1. The dance or dancing activity for which an application has been filed conforms to the laws of the City of Los Angeles and of the State of California, and will not constitute a menace to the health, peace or safety of the community;

2. A sufficient number of adult supervisors who are employees of the location will be provided to insure compliance with the provisions of this section and any rules or regulations promulgated by the Board with respect thereto. For purposes herein, a sufficient number shall constitute, at a minimum, a ratio of one adult to every 35 teenagers in attendance at the teenage dance premises.

(f) **Lighting in Hall.** Each of the premises where any dance or dancing activity regulated under this section is held, shall be adequately lighted at all times when open for dancing. For purposes herein, the volume of illumination shall at no time be less than one foot-candle in any part of the building and premises accessible to participants.

(g) **Parking – Lighting.** All off-street parking facilities under the direct or indirect control of a permittee shall be adequately lighted and supervised so as to ensure that violations of this article or other laws do not occur. For purposes herein, adequate lighting and supervision will be established by the Board at the time of the granting or reviewing a permit.

(h) **Use of Drugs or Alcoholic Beverages – Prohibited.** No alcoholic beverages shall be sold, consumed or be available on the premises where there is a dance or dancing activity is being held which is regulated by this section. Admission to the premises shall be denied to any person showing evidence of drinking any alcoholic beverages or showing symptoms of being intoxicated as a result of the ingestion of any chemical substance.

(i) **Time Limit for Dances.** Teenage dancing regulated hereunder shall not be permitted after 1:00 a.m. on Saturdays, Sundays, and local public school holidays. On all other days, except Fridays, Saturdays, and the day before a legal holiday, teenage dancing regulated hereunder shall be prohibited after the hour of 10:00 p.m., provided however that permission to continue dancing after 10:00 p.m. on such other days may be granted by the Board during public school vacation periods if the Board finds the continuation of dancing after 10:00 p.m. does not unreasonably disturb the peace and quiet of the surrounding neighborhood. In no event shall such an establishment be permitted to continue such teenage dances or dancing activity later than 1:00 a.m.

(j) **Teenagers Under the Age of 15 Years .** No person under the age of 15 years shall be permitted to enter any premises where there is dancing activity regulated under this section unless such person is accompanied by a parent or legal guardian unless the parent or legal guardian of such person has signed and filed with the owner, manager or operator of the facility a consent form for such minor to be there

unaccompanied by said parent or guardian. The consent shall be set forth on a form approved by the Board. Such form must be signed by the parent or legal guardian in the presence of the owner, manager or operator of the facility and shall contain the minor's name, date of birth, address, and the parent or legal guardian's telephone number for use in case of an emergency. In the event no such consent form has been so completed and filed, such teenagers shall not be permitted to enter into or remain at the premises unless accompanied or escorted by his or her parent or legal guardian. Any teenager admitted and accompanied by a parent or legal guardian shall have the rights and privileges of other legally admitted teenagers. Any teenager entering pursuant to a consent form filed by his or her parent or legal guardian must present valid identification as defined in Subsection (n).

(k) **Persons Under the Age of 13 Years** . In no event shall any person under the age of 13 years be permitted to enter the premises where there is a dance or dancing activity being held which is regulated under this section.

(l) **Persons Over the Age of 20 Years** . No person over the age of 20 years shall be permitted to enter the premises where there is a dance or dancing activity being held which is regulated under this section unless that person is a parent or legal guardian accompanying a child as required by Subsections (j) and (m) herein.

(m) **Teenagers Between the Age of 15 and 18 Years** . No person between the ages of 15 and 18 years may be present at premises regulated under this section unless he or she (1) is accompanied by a parent or legal guardian, or, if unaccompanied, the parent or legal guardian of such person has signed and filed a consent form similar to that required by Subsection (j) herein; or (2) presents valid proof of age as defined in Subsection (n) herein.

(n) **Proof of Age**. Proof of age shall be required of each patron entering the establishment. Such proof may be established by identification issued by a governmental agency, the patron's school, or the Department of Motor Vehicles, and must contain the patron's name, date of birth, and a picture that has been taken within the preceding two years.

(o) **Denial of Entry on Request of Parent**. No person having charge or control of any premises regulated under this section shall allow a teenager to enter or remain at the premises after receiving a written notice signed by the parent or legal guardian of such teenager which requests that said teenager be prevented from entering the premises.

(p) **Attendance**. Except in emergency situations, no patron shall be permitted to leave the premises at which any dance or dancing activity regulated by this section is being held and thereafter re-enter prior to the conclusion of such dance or dancing activity. No pass or other indicia permitting re-entry shall be issued.

(q) **Criminal History of Supervisory Staff**. No person, dancing club, or other association or entity obtaining a permit under this section shall employ any person as a supervisory employee at the premises at the time of any dancing activity regulated hereunder who has been convicted of a misdemeanor or a felony in the last five (5) years, nor shall such permittee employ any person who has been arrested and is out on bail or on his or her own recognizance pending trial. As permitted by California Labor Code Section 432.7, such permittee shall ask all applicants for such employment at the premises about any conviction, as that term is used in said Labor Code Section, and about any arrest for which the applicant is out on bail or on his or her own recognizance pending trial. Copies of the employment applications of all persons hired shall be filed with the Board. Upon a showing of just cause a permittee may apply to the Board for a waiver of this provision. Just cause, as used in this subsection, shall include but is not limited to a demonstration that the prior conviction, or arrest as described herein, would not have an adverse effect on the employee's ability to supervise teenagers at a location as described within this section. While teenagers are present, all employees also present within the premises, as that term is defined by this section, shall be considered supervisory employees.

(r) **Duty of Management**. If a teenager is discovered inside the premises showing evidence or symptoms of being intoxicated as a result of the ingestion of alcohol or any chemical substance, that teenager shall be reported by management to local police authorities and to his or her parent or legal guardian. Management shall attempt to separate the teenager from other teenagers at the premises pending the arrival of police or the parent or legal guardian of the teenager. A notice shall be posted by all pay phones containing the local police telephone number and shall request all patrons to call the police if management neglects to take action to report a violation of this subsection.

(s) **Operation After 1:00 a.m. – 18 Year Olds** . If the premises intends to operate after the closing time set forth in Subsection (i) herein, the premises must first be vacated by all customers, and thereafter only those persons 18 years of age or older who present valid identification containing proof of age established as set forth in Subsection (n) herein may be permitted to enter the premises.

(t) **Additional Restrictions by the Board**. The Board may promulgate additional rules as necessary with respect thereto.

(u) **Regulation by Permittee**. Nothing herein is intended to preclude the imposition of more restrictive regulations by any permittee so long as the regulations are not in conflict with any provision of this section.

SEC. 103.120. SOUNDPROOFING OF PLACES OF AMUSEMENT – WHEN REQUIRED.

(a) **Places of Amusement Included**. This section applies to any place of public amusement or recreation for the operation of which a permit from the Board of Police Commissioners is required by this Code and in connection with which any loudspeaking system or public address system is used, or any other method of amplifying music, speech or sound employed.

(b) **Authority of the Board**. Whenever, upon notice and hearing, as required by this chapter, the Board shall determine that music or

noise from any such place of amusement or recreation, caused by the operation of any loudspeaking system, public address system or other method of amplifying music, speech or sound, interferes with the peace and quiet of a substantial number of persons dwelling in the vicinity as to deprive them of the reasonable enjoyment of their property, the Board may suspend the permit until the offending premises is sound-proofed in a manner that, in the judgment of the Board, will be effective to eliminate the annoyance complained of.

DIVISION 8

TRADES AND OCCUPATIONS

Section

- 103.202 Automobile Parking Lots.
- 103.203 Valet Parking.
 - 103.203.1 Valet Parking Attendant.
 - 103.203.2 On-Demand Valet Parking.
- 103.204 Towing Operation.
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- 103.205 Massage Therapy.
 - 103.205.1 Massage Therapists and Practitioners.
 - 103.205.2 Baths.
- 103.206 Alarm Systems.
 - 103.206.1 Alarm Company Operators.
 - 103.206.2 Commercial Unsecured Buildings.
- 103.208 Key Duplicator.
- 103.212 Soliciting – Peace Officers’ and Firefighters’ Organizations – Permits.
- 103.213 Figure Studios.

SEC. 103.202. AUTOMOBILE PARKING LOTS.

(a) **Definitions.** As used in this article:

1. “**AUTOMOBILE PARKING LOT**” or “**LOT**” means any lot, contiguous lots, or other parcels of land under single management or control where more than eight motor vehicles are kept stored or parked within or without a building, for a consideration, at any one time.

EXEMPTIONS:

The provisions of this section shall not apply to any automobile parking lot:

- (i) Which is operated and entirely controlled by the owner or operator of an apartment house, lodging house, hotel or multiple dwelling, motel, auto court, or other place of residence, or any office building, when such lot is used exclusively, with no fee or charge, for the accommodation of the vehicles of occupants, tenants or lessees of that place of residence or office building and their guests and invitees;
- (ii) Which is not operated for profit but is maintained and used exclusively for the accommodation of the vehicles of employees or customers of the owner or person in control of the lot; or
- (iii) Which is directly operated and maintained by the owner or operator of any retail or wholesale store or any theatre or other business or amusement establishment, and is used exclusively for the accommodation of vehicles of the customers or patrons thereof, with no fee or charge being made therefor.

(b) **Permit Required. (Amended by Ord. No. 180,922, Eff. 12/12/09.)**

1. No person shall conduct, manage or operate an automobile parking lot without a written permit from the Board. For purposes of this section, lots or parcels of land separated by a public street or public alley shall not be deemed contiguous lots or parcels.

2. Companies that conduct, manage, or operate multiple automobile parking lots shall obtain a Master Automobile Parking Lot permit. The Master Automobile Parking Lot permit application shall comply with the requirements set forth in Section 103.02.1 and shall separately identify each parking lot to which it applies. A Master Automobile Parking Lot permit shall apply only to those parking lots specifically identified in the permit at the time it is issued.

3. Companies that have obtained a Master Automobile Parking Lot permit shall file any applications for additional automobile parking lots in person only at the main office of the Office of Finance. Such applications for additional lots shall provide the

location of the additional lot and the name of a qualified manager designated to conduct, manage or operate the additional lot.

4. The Board may grant a temporary permit for an additional parking lot on the same day the application for such parking lot is submitted to the Office of Finance provided the following conditions are met:

- (i) A Master Automobile Parking Lot permit is on file at the Office of Finance;
- (ii) A complete application for the additional parking lot is on file at the Office of Finance;
- (iii) All permit fees and taxes owed to the City have been paid to the Office of Finance;
- (iv) Documentation of the proper zoning clearance has been submitted to the Office of Finance; and
- (v) A preliminary investigation by the Board does not reveal information which would normally constitute grounds for denial.

(c) **Prerequisite to Application.**

1. **Bond Required.** Before an application for a permit to operate a parking lot will be received or acted upon, the applicant must file and maintain with the Office of Finance (**Amended by Ord. No. 173,300, Eff. 6/30/00, Oper. 7/1/00.**) a bond in the amount of \$10,000 for each parking lot, or a blanket bond in the amount of \$50,000 covering all parking lots owned or operated by the same applicant. Such bond shall indemnify any person whose vehicle is accepted by the permittee for parking or storage against loss by reason of theft or other unlawful taking, or for damages to such vehicle for which the permittee is legally liable. Said bond shall provide that it will be continuous until cancelled by a 30 day written notice, and that it will cover each and every annual permit issued to the principal named until so cancelled. Notice of cancellation shall be sent by registered mail to the City Attorney 30 days in advance of the cancellation date.

All bonds shall be executed by a corporate surety approved by the Board and admitted to do business in this State. Such bond shall not be void upon the first recovery, but may be sued and recovered upon from time to time by any person aggrieved, until the whole amount is exhausted.

2. **Liability Under Bond – Restoration.** If the amount of liability under the bond is decreased for any reason, the permit shall be automatically suspended. In order to reinstate the permit, the permittee shall either file a new bond or restore the bond on file to the original amount.

(d) **Disciplinary Action – Additional Ground.** The following acts committed by a permittee hereunder shall be a ground for disciplinary action in addition to the grounds listed in Sec. 103.35:

1. The permittee, his agents or employees, through carelessness, negligence or failure to make proper provision for the safeguarding of vehicles left in their custody, have knowingly or unknowingly facilitated or contributed toward the theft or conversion of any such vehicle; or of the contents thereof, or the damaging of any such vehicle; or

2. The permittee, his agents or employees have failed to cooperate with the police to aid in the detection of any theft or other crime committed on the premises described in the permit or which arose out of the conduct of the business for which the permit was issued; or

3. The permittee, his agents or employees delivered a vehicle in their custody to a person who failed to present either the parking ticket issued therefor or a memorandum written and signed in the presence of said permittee or his attendant by the person to whom the ticket was delivered. Such memorandum must give a satisfactory reason for the inability to produce the ticket. No penalty for a violation of this subdivision shall be imposed against any permittee or attendant where the vehicle was delivered to the registered owner thereof or to any person lawfully entitled to possession of the vehicle.

(e) **Handling of Vehicles.**

(1) Neither the permittee, his agents or employees shall drive, park, stand, stop or store any vehicle parked or stored in any such parking lot on, upon or across any public street, public sidewalk, public alley or other public place, or drive or move any vehicle parked or stored in any automobile parking lot, except within the property lines of such automobile parking lot. Neither the permittee nor any agent or employee shall take or drive, or permit any person to take or drive, any vehicle left in the custody of the permittee away from such automobile parking lot for any purpose without the express permission of the bailor of such vehicle or his authorized representative, except that any such vehicle may be moved for safekeeping to another place in the event of fire, flood or other catastrophe or emergency.

(2) The permittee, his agents or employees shall notify the Police Department whenever a vehicle has been left on a parking lot for a period in excess of 48 hours without a prior contractual arrangement for such period of time in order to determine whether the vehicle is stolen or abandoned. Following such notification, the permittee, his agents or employees may remove or cause to be removed such vehicle to a facility within the City that is attended on a 24-hour basis, for the purpose of protecting the property for the account of and at the expense of the bailor of the vehicle.

(f) **Guarding of Vehicles.**

(1) **Attendants – Receipts.** There must be at least one attendant on the lot at all times during the hours the lot is open for business. At each closing time, each vehicle, except those locked by the persons bringing them to the lot, which then remains on the lot, shall be securely locked if a key thereto is available and said key deposited with a responsible person at a safe and convenient place, both previously approved by the Board, to be delivered to the person who parked the vehicle upon surrender of the parking receipt or ticket. A ticket or receipt must be delivered to each person leaving a vehicle on the lot at the time of such leaving, and must have printed on it the name of the person maintaining or operating such lot and the address thereof, and also the place where the key to the vehicle may be obtained after the lot has closed; except that a parking receipt or ticket need not be delivered at time of parking to contract or term customers of parking lots; in lieu of such ticket or receipt for contract or term customers, the parking lot shall issue a receipt to the customer at the beginning of each contract or term period for parking.

(2) **Return of Vehicles.** The permittee, his agents, or employees shall deliver each vehicle to the person who left that vehicle in his care upon presentation of the parking ticket or receipt therefor.

(3) **Lots Without Attendants – Regulations. (Amended by Ord. No. 133,317, Eff. 12/23/66.)** The Board may permit the operation of a parking lot without an attendant where the customer is required to drive, park and lock his vehicle if the Board finds that the design of the lot makes such operation feasible without causing traffic congestion or damage to property. In no event shall a permittee be allowed to operate a parking lot without an attendant where the vehicles are so parked that any vehicle has to be moved in order to move any other vehicle.

Each parking lot operated without an attendant which is equipped with an automatic device, whether coin operated or otherwise, which regulates ingress or egress or both ingress and egress, shall have posted on or about all such devices a sign, plainly visible to the public indicating the name, address and telephone number of a person to be contacted in case of emergency or failure of the automatic device to function. The person to be notified shall respond to any request for assistance within a reasonable time.

Each parking lot operated without an attendant shall have a workable device to inform the public when the lot is fully occupied, except that where parking is restricted to use of contract customers on a daily, weekly or monthly rental basis, a sign shall be posted informing the public of the parking restrictions applicable.

If the Board finds that the parking lot is so designed that the public can readily determine if parking spaces are open without driving onto the lot, it may exempt the lot from the requirement of an automatic device to indicate that the lot is full.

(g) **Signs – Closing Time – Parking Fees.**

(1) Each permittee shall install and maintain at each entrance of the lot for which the permit has been issued a sign plainly visible from the street with letters and numerals at least six inches high and one-inch stroke in contrasting colors, showing the permittee's name, the address of the business, the time the lot closes, and the parking fees; except, however, that the name and address of the permittee need not exceed three inches in height with a one-half inch stroke, in contrasting colors. If any letters or numerals on such signs exceed 12 inches in height, then all other numerals and letters relating to parking fees shall be not less than one-half the height of the largest numeral or letter on the sign. All fractions of time shall be spelled out in letters. Parking fees shall be posted at the entrance of the lot as follows:

- (i) Rates per hour;
- (ii) Rates per fraction of an hour, if any;
- (iii) Rates for subsequent hours or fraction thereof;
- (iv) The maximum charge;
- (v) The time the lot closes.

In the event that afternoon, evening, or night parking fees will be higher than the daytime fees, then such higher fees shall also be posted at the entrance of the parking lot in addition to the daytime parking fees.

Each permittee shall install and maintain in a conspicuous place on the parking lot, which place may be designated by the Board, a sign with letters and numerals at least six inches high and one-inch stroke in contrasting colors showing a complete schedule of parking fees applicable during any business day showing all rates, changes in rates and the hours such changes become effective. If any letters or numerals on such signs exceed 12 inches in height, then all other numerals and letters relating to parking fees shall be not less than one-half the height of the largest letter or numeral on the sign. All fractions of time shall be spelled out in letters.

It shall be unlawful for any permittee or his agents or employees to charge or collect any parking fees for the parking of any vehicle at a rate in excess of the rate posted at the entrance of the lot at the time the vehicle was accepted for storage, nor shall any permittee alter or change any of his posted schedules of fees by superimposing another and different sign thereon, or otherwise, during the course of any business day while the lot is open for business; provided, however, that any posted schedule

of fees may be changed prior to the opening of any lot for business at the beginning of any business day, and the fee schedule posted at the entrance of the lot may be changed at the time of change to a night rate and to a second night rate change after 1:00 o'clock A.M.

(2) Each permittee shall file with the Board and post on the parking lot within 30 days after the effective date of this subdivision a complete and accurate schedule of rates to be charged specifying therein the time and the dates for which such rates are applicable. Applicants for parking lot permits shall file such a schedule with their application and post such schedule on the lot before operating the parking lot. No charge other than the rates specified in such schedule shall be made except as hereinafter provided.

In the event a permittee desires to change his schedule of rates he shall give a 10-day written notice to the Board which shall contain the new schedule of rates. A duplicate copy of such notice shall be posted for a period of 10 days in a conspicuous place in the parking lot, which place may be designated by the Board. Upon the expiration of the 10-day period, the rates may be changed in accordance with such notice.

Upon the application to the Board and a showing of hardship by the permittee, the Board may permit a downward revision of the rate schedule within the said 10-day period. **(Amended by Ord. No. 113,316, Eff. 5/29/59.)**

(3) When an automobile parking lot has been filled to the safe capacity stated upon the permit for that lot, the operator shall not allow the entry of additional vehicles except when vacancies are created below that safe capacity. Each time that the parking lot is filled to its safe capacity, the operator shall place a sign at the entrance thereof with the word "FULL" thereon. The letters of such word shall be at least six inches high with a one-inch stroke, and the sign and letters shall be in contrasting colors. The sign shall be affixed to a stand at least 24 inches high.

(4) Each permittee shall post prominently at the attendant's booth or other approved location, notification of the "six-minute grace period" provided in Section 444 of the Vehicle Code where applicable.

(h) **Signs – Ticket Validation.** No permittee, operator, manager or any other person in charge of any parking lot shall install or maintain any billboard or sign at such parking lot indicating that the validation or endorsement of the parking receipt by any other person will be accepted in lieu of all or any portion of the parking fee, or entitle the customer to a refund thereof unless such validations or endorsements are accepted as advertised.

(i) **Attendants – Identification.** Attendants shall wear cards, buttons, tabs, badges or name plates with their correct, full names inscribed thereon attached to a conspicuous place on their clothing, except that where permittees have assigned non-duplicated, consecutive employee numbers to their attendants, such attendants may wear a button or tab containing such employee number in lieu of a name plate. Attendants shall identify themselves by giving their full, correct name or correct, assigned employee number to any patron of the parking lot who asks for such identification.

(j) **Fencing.** If the Board finds that protection is necessary to prevent theft of property, or to prevent injury or damage to pedestrians or property, it shall require that those portions of the parking lot not needed for access or egress be surrounded by a wall or fence to be approved by the Board. The height and the materials of such wall or fence shall be specified by the Board but in no event shall a fence higher than five feet be required nor shall such fence exceed in height the height of fences permitted by the provisions of Article 2, Chapter I of this Code.

(k) **Investigation.**

(1) Upon the filing of such application, the Board shall make such investigation as it deems necessary and if the Board finds that the conduct or operation of an automobile parking lot at the proposed location would not be detrimental or injurious to the neighborhood in general, and that the applicant is of good character and of good business repute and has not been convicted of theft or embezzlement, or of any offense involving the unlawful use, taking or conversion of a vehicle belonging to another, and is otherwise a fit and proper person to conduct an automobile parking lot, or if the applicant is a corporation, its officers, directors and principal stockholders are of good character and of good business repute and have not been convicted of theft or embezzlement, or of any offense involving the unlawful use, taking or conversion of a vehicle belonging to another, and are otherwise fit and proper persons to conduct such a lot, the permit shall issue, otherwise, the application shall be denied only after the Board shall conduct a hearing on said application.

(2) The Board shall cause to be shown on each permit issued the safe capacity of the parking lot, which safe capacity shall be determined by the Board during its investigation upon the filing of each application. Such safe capacity shall be determined by the judgment of the Board, with particular attention to ease of removal of any car from such lot within a reasonable period of time, without movement of other vehicles into the public right of way.

SEC. 103.203. VALET PARKING.

(Added by Ord. No. 182,742, Eff. 11/14/13.)

(a) **Definitions.** **(Amended by Ord. No. 186,443, Eff. 12/27/19.)**

1. "Master Valet Parking Operator Permit" shall mean a permit that is issued to any person engaged in the business of

Valet Parking at more than one location.

2. **"Permittee"** shall mean any person permitted by the City of Los Angeles to operate a Valet Parking business that uses the public rights-of-way for pick-up, drop-off or movement of vehicles to be parked.

3. **"Person"** shall mean a natural person, firm, partnership, association, corporation or other entity.

4. **"Public Right-of-Way"** shall mean any area dedicated for public use as a public street, pedestrian way or other thoroughfare, including but not limited to, roadways, parkways, alleys, sidewalks, and pedestrian ways.

5. **"Valet Parking"** shall mean the receiving, taking possession of, driving, moving, parking or storing of any vehicle that is left at one location to be driven to another location for parking, whether or not a charge is imposed for the valet parking service.

6. **"Valet Parking Attendant"** shall mean any employee or agent of the Valet Parking Operator who receives, takes possession of or moves any vehicle, or who handles the keys to any vehicle left with the attendant for Valet Parking.

7. **"Valet Parking Operator"** shall mean any person engaged in the business of Valet Parking.

8. **"Valet Parking Residential Sensitive Zone"** shall mean an area of the City designated by the Board of Police Commissioners with specific geographic boundaries and additional rules and regulations imposed on Valet Parking Operators conducting Valet Parking within the zone.

9. **"Valet Parking Residential Sensitive Zone One-Day Permit"** shall mean an additional permit that is required by a Valet Parking Operator in order to conduct Valet Parking within the zone.

(b) Permit Required. (Amended by Ord. No. 184,734, Eff. 2/13/17.)

1. No person shall engage in, conduct, or carry on the business of Valet Parking where movement of vehicles is on or over any public right-of-way or public property without a written Valet Parking Operator permit from the Board and the payment of all permit fees required pursuant to Chapter X, Article 3, Division 3 of this Code. **(Amended by Ord. No. 186,443, Eff. 12/27/19.)**

2. A Valet Parking Residential Sensitive Zone One-Day Permit shall also be required for a Valet Parking Operator conducting Valet Parking within a Valet Parking Residential Sensitive Zone; directing a person to park a vehicle in the zone; or transporting a person parked in a zone to a location outside the zone. The Board of Police Commissioners through its Executive Director may issue a Valet Parking Residential Sensitive Zone One-Day Permit to a Valet Parking Operator after a determination by the Executive Director that Valet Parking will not adversely affect public safety or create a public nuisance. The Executive Director, after investigation and review, may recommend to the Board of Police Commissioners the designation of a Valet Parking Residential Sensitive Zone with specific geographic boundaries and rules and regulations to be imposed on Valet Parking Operators when conducting Valet Parking within the zone. **(Amended by Ord. No. 186,443, Eff. 12/27/19.)**

3. Upon express written permission of the Board through its Executive Director, the provisions of Subsection (b) shall not apply to a Valet Parking Operator when there is a temporary disruption due to construction activity that directly interferes with the valet parking operation. The Executive Director, on behalf of the Board, may grant this permission, upon application in writing and after review of the reasons for the variance. The Executive Director will grant a variance for such permit subject to all conditions of the variance granted.

4. Permittees that conduct, manage or operate multiple Valet Parking locations shall obtain a Master Valet Parking Operator permit.

(i) The Master Valet Parking Operator permit application shall comply with the requirements set forth in Section 103.02.1 and shall separately identify each location to which it applies. A Master Valet Parking Operator permit shall apply only to those locations specifically identified in the permit at the time it is issued.

(ii) Permittees that have obtained a Master Valet Parking Operator permit shall file applications for additional Valet Parking locations in person only at the main office of the Office of Finance. Applications for additional locations shall identify the location and the name of the Valet Parking Operator employee designated to manage, supervise or operate the location.

(iii) The Board may grant a temporary permit for an additional location on the same day the application for such location is submitted to the Office of Finance, provided the following conditions are met:

(a) A Master Valet Parking Operator permit is on file at the Office of Finance;

(b) A complete permit application for the additional location is on file with the Board;

(c) All permit fees and taxes owed to the City have been paid to the Office of Finance; and

(d) A preliminary investigation by the Board does not reveal information which would constitute grounds for

denial.

(c) **Additional Application Requirements.** In addition to the requirements specified in Chapter X, Article 3, Division 3 of this Code, each applicant for a Valet Parking Operator permit shall furnish the following information with the application:

1. The name and location of the businesses to be served;
2. The seating capacity or other occupancy capacity of the businesses to be served;
3. A signed statement from the owners or managers of the businesses to be served requesting the services of the applicant. The applicant shall notify the Board within fifteen (15) days of any modification, transfer, amendment or termination of any agreement requesting the services of a Valet Parking Operator.
4. The hours of operation and the number of employees of the applicant who will be assigned to that location;
5. The name and location of the parking lot where vehicles will be parked or stored for the businesses served;
6. The name, location and telephone number of the employee or agent of the applicant who shall be available at all times during the hours of operation for that location;
7. The routes to be used between the passenger loading/unloading zone or other vehicle pickup point and the parking or storage location;
8. A copy of the written contract between the applicant and the operator of any parking facility designated as the parking or storage location. The applicant shall notify the Board within fifteen (15) days of any modification, transfer, amendment or termination of the contract;
9. A signed statement from the operator of any parking facility designated as the parking or storage location as to that facility's ability to accept the cars, the number of spaces to be reserved for the applicant's operations, and the total number of spaces in such parking facility. In cases where the parking facility is part of a building or premises devoted to other uses that require off-street parking, the statement shall also include information as to the number of parking spaces that were required by law to be provided in the parking facility to serve such other uses when said uses were established;
10. A copy of a valid Automobile Parking Lot permit issued under Los Angeles Municipal Code Section 103.202 to any parking facility designated as the parking or storage location, if applicable;
11. The location of any proposed Valet Parking signs and any proposed attendant stands;
12. Identify all Valet Parking equipment intended to be used during Valet Parking operations;
13. Proof that the applicant has insurance in force satisfying the requirements specified in subsection (d)16., below; and
14. Disclosure of all prior Valet Parking Operator permits issued to applicant by the City of Los Angeles.

(d) **Operating Requirements.**

1. **Operating in the Public Rights-of-Way.** The Permittee shall at no time, unless expressly authorized on the permit:
 - (i) Receive or take possession of (for the purpose of parking or temporary storage until the return of the same to the patron) a patron's vehicle upon any portion of the public right-of-way or other public property; or
 - (ii) Park and leave standing any patron's vehicle upon any portion of the public right-of-way or other public property (including any publicly owned off-street parking space); or
 - (iii) Use the public right-of-way for vehicle pickup and drop off locations; or
 - (iv) When use of the public right-of-way is permitted for Valet Parking purposes, the City may impose fees for the use of parking spaces and public streets:
 - a. **Use of Parking Meters.** The City may charge a parking meter usage fee for designated pickup and drop off valet parking locations on the public right-of-way, which fee shall be set from time to time by resolution of the City Council.
 - b. **Street Usage.** The City may charge a street usage fee for the use of city streets and properties by valet parking operations on the public right-of-way, which fee shall be set from time to time by resolution of the City Council.
2. **Claim Checks.** The Permittee shall issue a sequentially numbered claim check to each patron upon receipt of patron's

vehicle for valet parking. The claim check shall explicitly state the terms and conditions under which the vehicle is being accepted.

3. **Pedestrian Walkways.** The Permittee shall ensure that pedestrian walkways are not blocked at any time during valet parking operations.

4. **Parking on Private Property.** The Permittee shall at no time allow any patron's vehicle to be parked upon private property without a signed statement of authorization by the owner or other person having legal control of such private property.

5. **Valet Parking Attendants.** The Permittee shall employ Valet Parking Attendants sufficient in number to park vehicles so that traffic on streets or sidewalks will not be impeded by the activities of the Permittee. The Permittee shall ensure that each person employed or acting as a Valet Parking Attendant has a valid permit issued by the Board.

6. **Locking of Vehicles.** The Permittee shall ensure that Valet Parking Attendants who park a vehicle lock the ignition and the vehicle, remove the key and place the key in a safe place. The Permittee shall ensure that Valet Parking Attendants do not place the key in or upon the vehicle that is parked.

7. **Sign Requirements.** Each Permittee shall maintain, at each location at which a patron surrenders his or her vehicle for parking, a sign plainly visible from the street with letters/numerals in contrasting colors, showing the Permittee's name, the address and telephone number of the business, the hours of operation, the police permit number and the valet parking fees, if any. If fees are charged, such fees also shall be stated as follows:

- (i) Rates per hour;
- (ii) Rates per fraction of an hour, if any;
- (iii) Rates for subsequent hours or fractions thereof; and
- (iv) The maximum charge.

All fractions of time must be spelled out in letters. Valet parking signs must not be less than 24 by 36 inches in size. The "Valet Parking" and the maximum charge portion of the sign must have a minimum lettering/numeral size of three inches per character.

8. **Rate Restrictions.** The Permittee shall not charge any higher rates for parking than those rates posted.

9. **Closing Time.** At closing time, the Permittee shall lock all vehicles that remain in its possession or custody, except those locked by the patron. Permittee shall deposit the vehicle keys with a responsible person at a safe and convenient place, to be delivered to the person who left the vehicle with Permittee upon surrender of the claim check, or otherwise upon proof that such person has the right to possess the vehicle, and payment of any applicable fees or charges.

10. **Parking Longer Than 48 Hours - Notice to Police.** The Permittee shall notify the police whenever a vehicle has been left in its possession or custody for a period in excess of forty-eight (48) hours without a prior contractual arrangement for such period of time in order to determine whether the vehicle is stolen or abandoned.

11. **Employee Identification, Uniforms and Safety Equipment.** The Permittee shall ensure that all employees who drive a patron's vehicle or who handle a patron's vehicle keys have a current and valid California driver's license and wear a standard uniform that conspicuously identifies the employee by his or her full name and the name of the Valet Parking business. The Permittee shall ensure that all employees who receive, take possession of, or move a patron's vehicle upon any portion of the public right-of-way wear high-visibility safety vests.

12. **Employee Background.** The Permittee shall not allow any employee who has been convicted within the previous seven (7) years of a felony or any offense involving violence, dishonesty, automobile theft, automobile vandalism, reckless driving or driving under the influence of drugs or alcohol to drive a patron's vehicle or handle a patron's vehicle keys.

13. **Records.** Every Permittee shall maintain:

- (i) A continuously updated list of the names and residence addresses of its employees who perform Valet Parking. Such list shall be maintained at the business address listed on the permit application and shall be produced on demand of any peace officer.
- (ii) All financial records related to the Valet Parking operation for a minimum of three years and shall make them available to the Office of Finance for inspection at any time during the Permittee's hours of operation.

14. **Valet Parking Equipment.** Attendant stands and other equipment may be placed on the sidewalk in the public right-of-way during Valet Parking operations, as approved by the Board.

15. **Traffic Safety.** The Permittee shall ensure that Valet Parking operation at no time interferes with the normal flow of

vehicle traffic on the public right-of-way. No vehicle queuing is allowed on the public right-of-way at any time. No vehicle may stop or stand at a drop-off or loading area for longer than five minutes, except for a maximum of ten minutes where signs indicating a ten minute limit are posted.

16. Insurance Requirements.

(i) The Permittee shall obtain, carry, maintain and keep in full force and effect:

a. A policy or policies of comprehensive general liability insurance with minimum limits of One Million Dollars (\$1,000,000.00) per occurrence, combined single limit coverage and Two Million Dollars (\$2,000,000.00) in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the Permittee, its agents and employees.

b. Insurance coverage commonly known as garage keeper's legal liability coverage with minimum limits of Two Hundred Fifty Thousand dollars (\$250,000.00) per occurrence and One Million Dollars (\$1,000,000.00) in the aggregate. Garage keeper's legal liability coverage may be secured as a separate insurance policy or secured as part of an insurance policy providing other required coverages.

c. A policy or policies of comprehensive vehicle liability insurance covering personal injury and property damage with minimum limits of One Million Dollars (\$1,000,000.00) per occurrence, combined single limit, covering any vehicle in the possession of the Permittee, its agents and employees in conjunction with the operation of vehicles pursuant to the permit.

(ii) Insurance must be placed with insurers admitted in the State of California or have a current A.M. Best rating of no less than A:6.

(iii) Deductibles not to exceed Five Thousand Dollars (\$5,000.00) per occurrence are authorized in connection with the comprehensive general liability coverage, garage keeper's legal liability coverage and comprehensive vehicle liability coverage.

(iv) The Permittee shall maintain on file with the Board a certificate or certificates of insurance on the City's form, showing that the policies of insurance required by this section are in effect in the required amounts and showing the amount of any deductibles. The policies of insurance required by this section shall contain an endorsement naming the City as an additional insured. All of the policies required under this section shall contain an endorsement specifically stating that the coverage contained in the policies affords insurance pursuant to the terms and conditions as set forth in this section.

(v) The insurance provided by the Permittee shall be primary to any coverage available to the City. The policies of insurance required by this section shall include provisions for waiver of subrogation.

(vi) The Permittee shall obtain, carry, maintain and keep in full force and effect workers' compensation insurance as required by law.

(e) **Indemnification.** The Permittee, and any person acting under or pursuant to a Valet Parking Operator's permit, agrees to indemnify, hold harmless, release and defend (even if the allegations are false, fraudulent or groundless), to the maximum extent permitted by law, and covenants not to sue, the City, its Council and each member thereof, and its officers, employees, board and commission members and representatives, from any and all liability, loss, suits, claims, damages, costs, judgments and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, or arise out of: (1) any use or performance under the permit; (2) the activities and operations of the Permittee and its employees, subcontractors or agents; (3) any condition of property used in the permitted operation; or (4) any acts, errors or omissions (including, without limitation, professional negligence) of the Permittee and its employees, subcontractors or agents in connection with the Valet Parking operation.

(f) **Disciplinary Action - Additional Grounds.** The following acts committed by a Permittee shall be grounds for disciplinary action in addition to the grounds listed in Section 103.35:

1. The Permittee, its agents or employees, through carelessness, negligence or failure to make proper provision for the safeguarding of vehicles left in their custody, have knowingly or unknowingly facilitated or contributed toward the theft or conversion of any such vehicle, or of the contents thereof, or the damaging of any such vehicle; or

2. The Permittee, its agents or employees have failed to cooperate with the police to aid in the investigation of any theft or other crime committed on a parking lot used by Permittee, or which arose out of the conduct of the business for which the permit was issued; or

3. The Permittee, its agents or employees knowingly delivered a vehicle in their custody to a person neither the registered owner thereof nor entitled to possession of such vehicle; or

4. The Permittee's Valet Parking operation has negatively impacted traffic or disrupted the peace and quiet within any area of the City; or

5. The Permittee fails to comply with all City business tax and parking occupancy tax laws; or

6. The Permittee fails to comply with any of the operating requirements in Subdivision (d) of this section, or any rules or regulations adopted by the Board governing valet parking.

(g) **Violation.** Violations of the operating requirements in Subdivision (d) of this section, or any rules or regulations adopted by the Board governing valet parking, shall not be prosecuted as misdemeanors, but shall be subject to administrative sanctions and civil remedies as provided by this Code, or at law or in equity, or any combination of these.

Any person operating as a Valet Parking Operator without a permit as required in Subdivision (b) of this section shall be guilty of a misdemeanor.

(h) **Severability.** If any portion of this section is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this section shall remain in effect. The people of the City of Los Angeles hereby declare that they would have adopted each portion of this section, notwithstanding the fact that any one or more portions of this section is declared invalid or unenforceable and, to that end, the provisions of this section are severable.

SEC. 103.203.1. VALET PARKING ATTENDANT.

(Added by Ord. No. 182,742, Eff. 11/14/13.)

(a) **Definitions.** The words and phrases defined in Section 103.203(a) of this Code shall have the same meanings when used in this section.

(b) Permit Required.

1. No person shall engage in, act as or be employed as a Valet Parking Attendant until such time as said person has received a written permit from the Board and has paid all permit fees required pursuant to Chapter X, Article 3, Division 3, of this Code.

2. In lieu of a Board-issued temporary permit authorized by 103.06.2, a temporary permit for a period not to exceed 45 days may be issued to an applicant by the Executive Director of the Board or his or her designee, provided the following conditions are met:

- (i) An application for a Valet Parking Attendant permit is on file with the Board and all permit fees have been paid;
- (ii) A preliminary investigation by the Board's staff does not reveal information which would constitute grounds for denial; and
- (iii) The applicant possesses a valid California Driver's License.

The Executive Director of the Board or his or her designee may suspend such temporary permit at any time if the Executive Director or his or her designee has reason to believe that any of the above conditions have not been met. The Executive Director or his or her designee shall notify the applicant, in writing, of the reasons for any such suspension, and the application for a permanent permit shall continue to be processed according to provisions of this Code and any applicable rules and regulations of the Board.

No permit shall be required under this section if the Valet Parking Attendant is providing valet parking services for a Valet Parking Operator who is not required to obtain a permit under Section 103.203(b).

(c) Valet Parking Attendant Issuance and Denial.

1. Upon receipt of written application for a permit, the Board shall conduct an investigation to ascertain whether such permit should be issued. The permit shall be denied if the Board makes any of the following findings:

- (i) The applicant has been convicted within the previous seven (7) years of a felony or any offense involving violence, dishonesty, automobile theft, automobile vandalism, reckless driving or driving under the influence of drugs or alcohol.
- (ii) The applicant has committed an act, which, if done by a permittee under this section, would be grounds for suspension or revocation of a permit.
- (iii) The applicant has committed an act involving dishonesty, fraud or deceit with the intent to substantially benefit himself, herself or another, or substantially injure another, or an act of violence, which act or acts are substantially related to the duties of the Valet Parking Attendant.
- (iv) The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the permit application process.

(v) The applicant has not satisfied the requirements of this Code.

(d) **Identification Card.** Every person possessing either a temporary or permanent permit to act as a Valet Parking Attendant shall at all times while engaged as a Valet Parking Attendant visibly display upon his or her person, a valid identification card issued by the Board identifying the bearer as a Valet Parking Attendant, and shall make such card, available for inspection upon request, to any police officer or other City official charged with enforcement of this section.

The identification card shall be returned to the Board immediately upon suspension, revocation or termination of employment as a Valet Parking Attendant.

SEC. 103.203.2. ON-DEMAND VALET PARKING.

(Added by Ord. No. 184,450, Eff. 10/9/16.)

(a) **Definitions.** The words and phrases defined in Section 103.203(a) of this Code shall have the same meaning when used in this section. In addition thereto, the following words and phrases shall have the following meanings when used in this section:

1. "**On-Demand Valet Parking Operator**" means any person engaged in the business of Valet Parking who offers, makes available or provides prearranged valet parking services using an Internet-enabled application or digital platform to connect potential patrons with valet parking attendants who are employees or agents of the On-Demand Valet Parking Operator.

(b) **Permit Required.**

1. No person shall engage in, conduct, or carry on the business of On-Demand Valet Parking where the movement of vehicles is on or over any public right-of-way or public property without a written On-Demand Valet Parking Operator permit from the Board and the payment of all permit fees required pursuant to Chapter X, Article 3, Division 3 of this Code.

(c) **Additional Application Requirements.** In addition to the requirements specified in Chapter X, Article 3, Division 3 of this Code, each applicant for an On-Demand Valet Parking Operator permit shall furnish the following information with the application:

1. The name and location of the parking lots where vehicles will be parked or stored;

2. The name, address and telephone number of the employee or agent of the applicant who shall be available at all times during the hours of operation of the business;

3. A copy of the written contract between the applicant and the operator of any parking facility designated as the parking or storage location. The applicant shall notify the City within fifteen (15) days of any modification, transfer, amendment or termination of the contract;

4. A signed statement from the operator of any parking facility designated as the parking or storage location as to that facility's ability to accept the cars, the number of spaces to be reserved for the applicant's operations, and the total number of spaces in such parking facility. In cases where the parking facility is part of a building or premises devoted to other uses that require off-street parking, the statement shall also include information as to the number of parking spaces that were required by law to be provided in the parking facility to serve such other uses when said uses were established;

5. A copy of a valid Automobile Parking Lot permit issued under Los Angeles Municipal Code Section 103.202 to any parking facility designated as the parking or storage location;

6. Proof that the applicant has insurance in force satisfying the requirements specified in Section 103.203(d)16.; and

7. Disclosure of all prior On-Demand Valet Parking Operator permits issued to applicant by the City of Los Angeles.

(d) **Operating Requirements.**

1. **Operating in the Public Right-of-Way.** The Permittee shall at no time, unless expressly authorized on the permit:

(i) Receive or take possession of (for the purpose of parking or temporary storage until the return of the same to the patron) a patron's vehicle upon any portion of the public right-of-way or other public property, not including a legal parking space; or

(ii) Park and leave standing any patron's vehicle upon any portion of the public right-of-way or other public property (including any publicly owned off-street parking space); or

(iii) Use the public right-of-way for vehicle pickup and drop off locations, not including a legal parking space.

2. **Claim Checks.** The Permittee shall issue an electronic sequentially numbered claim check to each patron upon receipt of patron's vehicle for valet parking. The electronic claim check shall explicitly state the terms and conditions under which the vehicle is being accepted.

3. **Pedestrian Walkways.** The Permittee shall ensure that pedestrian walkways are not blocked at any time during valet parking operations.

4. **Parking on Private Property.** The Permittee shall at no time allow any patron's vehicle to be parked upon private property without a signed statement of authorization by the owner or other person having legal control of such private property.

5. **Pre-arranged Valet Parking Services.** Neither the Permittee nor any Valet Parking Attendants employed by the Permittee shall conduct valet parking services unless a request for such services has been made by using the prearranged On-Demand Valet Parking Internet-enabled application or digital platform.

6. **Valet Parking Fees.** The Permittee shall display the valet parking fees and rates, including the maximum charge, on the Permittee's website and Internet-enabled application or digital platform used by the Permittee to offer, make available or provide prearranged Valet Parking. In addition, the Permittee shall also display the Permittee's name, address and telephone number of the business, the hours of operation and the police permit number.

7. **Unclaimed Vehicles.** The Permittee shall notify the police whenever a vehicle has been left in its possession or custody for a period in excess of twenty-four (24) hours without a prior contractual arrangement for such period of time.

8. **Employee Identification, Uniforms and Safety Equipment.** The Permittee shall ensure that all employees who drive a patron's vehicle or who handle a patron's vehicle keys have a current and valid Valet Parking Attendant permit as required under Section 103.203.1, and wear a standard uniform that conspicuously identifies the employee by his or her full name and the name of the Valet Parking business. The Permittee shall ensure that all employees who receive, take possession of or move a patron's vehicle upon any portion of the public right-of-way wear high-visibility safety vests.

9. **Employee Background.** The Permittee shall not allow any employee who has been convicted within the previous seven (7) years of a felony or any offense involving violence, dishonesty, automobile theft, automobile vandalism, reckless driving or driving under the influence of drugs or alcohol to drive a patron's vehicle or handle a patron's vehicle keys.

10. **Records.** Every Permittee shall maintain:

(i) A continuously updated list of the names and residence addresses of its employees who perform Valet Parking. Such list shall be maintained at the business address listed on the permit application and shall be produced on demand of any peace officer.

(ii) All financial records related to the Valet Parking operation for a minimum of three years and shall make them available to the Office of Finance for inspection at any time during the Permittee's hours of operation.

11. **Traffic Safety.** The Permittee shall ensure that Valet Parking operation at no time interferes with the normal flow of vehicle traffic on the public right-of-way. The Permittee shall adhere to all traffic and parking regulations.

(e) **Indemnification.** The Permittee, and any person acting under or pursuant to a Valet Parking Operator's permit, agrees to indemnify, hold harmless, release and defend (even if the allegations are false, fraudulent or groundless), to the maximum extent permitted by law, and covenants not to sue, the City, its Council and each member thereof, and its officers, employees, board and commission members and representatives, from any and all liability, loss, suits, claims, damages, costs, judgments and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, or arise out of: (1) any use or performance under the permit; (2) the activities and operations of the Permittee and its employees, subcontractors or agents; (3) any condition of property used in the permitted operation; or (4) any acts, errors or omissions (including, without limitation, professional negligence) of the Permittee and its employees, subcontractors or agents in connection with the Valet Parking operation.

(f) **Disciplinary Action – Additional Grounds.** The following acts committed by a Permittee shall be grounds for disciplinary action in addition to the grounds listed in Section 103.35:

1. The Permittee, its agents or employees, through carelessness, negligence or failure to make proper provision for the safeguarding of vehicles left in their custody, have knowingly or unknowingly facilitated or contributed toward the theft or conversion of any such vehicle, or of the contents thereof, or the damaging of any such vehicle; or

2. The Permittee, its agents or employees failed to cooperate with the police to aid in the investigation of any theft or other crime committed on a parking lot used by Permittee, or which arose out of the conduct of the business for which the permit was issued; or

3. The Permittee, its agents or employees knowingly delivered a vehicle in their custody to a person not the registered owner or entitled to possession of such vehicle; or

4. The Permittee's Valet Parking operation negatively impacted traffic or disrupted the peace and quiet within any area of the City; or

5. The Permittee failed to comply with any City business tax and parking occupancy tax laws; or

6. The Permittee failed to comply with any of the operating requirements in Subdivision (d) of this section, or any rules or regulations adopted by the Board governing valet parking.

(g) **Violation.** Violations of the operating requirements in Subdivision (d) of this section, or any rules or regulations adopted by the Board of Police Commissioners governing valet parking, shall not be prosecuted as misdemeanors, but shall be subject to administrative sanctions and civil remedies as provided by this Code, or at law or in equity, or any combination of these.

Any person operating as a Valet Parking Operator without a permit as required in subdivision (b) of this section shall be guilty of a misdemeanor.

(h) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable.

SEC. 103.204. TOWING OPERATION.

(Added by Ord. No. 139,363, Eff. 11/23/69.)

(a) **Towing Operation Defined.** As used in this article, “**towing operation**” means the activity of towing vehicles for compensation within the City of Los Angeles. Towing operation includes the storing of vehicles and all other services performed incident to towing.

EXEMPTIONS:

The provisions of this section shall not apply to any towing operation:

(1) That provides tow service exclusively to members of an association, automobile club or similar organization, and receives remuneration only from the sponsoring association, automobile club or similar organization;

(2) That provides tow service without charge or fee for other vehicles owned or operated by the individual or organization furnishing tow service;

(3) That provides tow service for other vehicles owned or operated by the individual or organization furnishing the tow service, but which are being operated under terms of a rent or lease agreement or contract, and such towing is performed on a non-profit basis or said fee is a part of the rent or lease agreement or contract;

(4) That, being located in another city, enters the City of Los Angeles on a non-emergency towing assignment for the purpose of towing a disabled vehicle back to said city for repair.

A non-emergency towing assignment includes towing of vehicles that have been involved in a collision, but have been removed from the scene, that have experienced mechanical failure, but have been removed from the roadway and no longer constitute a hazard; or that, being mechanically operative, are towed for convenience. All non-emergency towing assignments require prior authorization by persons listed in (f)(1), (2), (3) or (4). Persons soliciting for such non-emergency towing assignments within the City of Los Angeles shall be deemed to come within the provisions of this article and are required to have a permit as specified herein.

(b) **Permit Required.** No person shall engage in, manage, conduct or operate a towing operation business without a written permit from the Board.

(c) **Business Location.** Any person conducting a towing operation-business shall maintain a physical location from which said business is conducted. Such physical location shall provide an office with an adjacent yard for vehicle storage. Such location shall be approved by the Board prior to the permit being issued.

(d) **Change of Location.** A change of location may be endorsed on a permit by the Board upon an application by the permittee accompanied by the change of location fee prescribed by Section 103.12 of this Code.

(e) **Towing Authorization.** A permittee shall not attach a vehicle to a tow unit without first receiving written authorization to do so by the registered owner, legal owner, driver, or other person in control of said vehicle. Such authorization shall list the services offered and the rates and charges required therefor. A copy of such authorization shall be furnished to the person authorizing the tow. Such copy shall list the name, address and telephone number of the towing operation business and the days and hours the business is open for release of vehicles. Such copy shall also be signed by the tow unit operator performing the authorized service.

(f) **Itemized Statement – When Required.** A permittee shall hereunder furnish an itemized statement to the person authorizing the towing service, or his agent. Such permittee shall furnish an itemized statement of services performed, labor and special equipment used in completing tow of vehicle and of the charges made therefor upon the request of:

(1) The registered owner; or

(2) The legal owner; or

(3) The insurance carrier of either (1) or (2); or

(4) The duly authorized agent of (1), (2), or (3).

Such permittee shall furnish a copy of the statement to any person authorized to receive the statement without demanding payment as a condition precedent.

(g) **Vehicle Repair or Alteration – When Permitted.** A permittee hereunder shall refrain from making any repairs or alterations to a vehicle without first being authorized by one of the persons listed in (f) (1), (2), (3), or (4). Parts or accessories shall not be removed from vehicles without authorization except as necessary for security purposes. Under such circumstances, the parts or accessories removed shall be listed on the itemized statement and stored in the business office. This section shall not be construed to prohibit permittees from making emergency alterations necessary to permit the removal by towing of such vehicle.

(h) **Disciplinary Action – Additional Grounds.** The following acts committed by a permittee hereunder shall be grounds for disciplinary action in addition to the grounds listed in Section 103.35 of this Code.

(1) The permittee, his agents or employees, obtained a tow contract by use of fraud, trick, dishonesty or forgery; or

(2) The permittee, his agents or employees, stopped on any street, highway or other public thoroughfare to render assistance to a person or disabled vehicle without first being requested to do so; or

(3) The permittee, his agents or employees, towed a vehicle to a location other than listed as the business address of such permittee without first receiving authorization to do so by the person authorizing the tow; or

(4) The permittee, his agents or employees, after towing a vehicle to the business location of permittee, without authorization, towed such vehicle to another location for storage; or

(5) The permittee, his agents or employees, have conspired with any person to defraud any owner of any vehicle, or any insurance company, or any other person financially interested in the cost of the towing or storage of any vehicle, by making false or deceptive statements relating to the towing or storage of any vehicle; or

(6) The permittee, his agent or employees, removed a vehicle involved in a collision prior to arrival by police, and; a person, as a result of such collision, suffered death or injury, or the driver of an involved vehicle, or a party to such collision, was under the influence of an intoxicant of any nature, or there is evidence that such vehicle was involved in a hit and run collision; or

(7) The permittee, his agent or employees, have charged for services not performed, equipment not employed or used, services or equipment not needed, or have otherwise materially misstated the nature of any service performed or equipment used.

(8) Failure of the permittee, his agent or employees, while on duty as an Official Police Garage Tow Unit Operator to wear the uniform of an Official Police Garage Tow Unit Operator as specified by the Board. **(Amended by Ord. No. 143,624, Eff. 8/24/72.)**

(i) **Prerequisite to Application.**

(1) **Insurance Required.** Before an application for a permit to operate a towing operation will be received or acted upon, the applicant must file with the City Attorney satisfactory evidence of insurance written by an insurance company admitted to do business in this State.

(2) **Insurance Coverage – Minimum Required.** Applicants are required to have minimum coverage as follows:

(A) Bodily injury – \$100,000 any one person, \$300,000 covering two or more persons in any one accident.

(B) Property damage – \$25,000 each accident.

(C) Comprehensive fire and theft covering auto and contents.

(j) **Release of Vehicle.** Permittees shall provide for release of vehicles Monday through Friday from 9:00 a.m. to 4:00 p.m., excluding officially recognized holidays. Permittees may additionally release vehicles on other days and hours.

Upon the application to the Board and a showing of hardship by the permittee, the Board may permit an adjustment in the days and hours during which vehicles are to be released.

(k) **Rates and Charges – Signs – Change of.**

(1) Permittees shall maintain a sign listing the rules and charges of all services offered. Such sign shall be conspicuously placed in the office or other place where customer financial transactions take place. The letters on such sign shall be a minimum of one inch high with one quarter inch stroke. The letters shall be a contrasting color from the background.

(2) Applicants for towing operation permits shall file a schedule of rates and charges for each service offered with their application. No charge other than the rates and charges specified in such schedule shall be made except as herein provided.

Changes in rates and charges shall be made by written notice containing the new schedule of rates and charges to the Board at least 10 days prior to becoming effective. A duplicate copy of such notice shall be posted for a period of 10 days in the office next to the posted schedule of the existing rates and charges. Upon the expiration of the 10-day period the rates and charges shall be changed in accordance with such notice.

The Board may, upon a showing of hardship, permit a revision of the rate and charge schedule within the 10-day period.

(l) **Notification to the Police Department – When Required.** The Board may require a permittee to make notification to the Police Department whenever a vehicle is towed under the provisions of this article. Such notification shall be made as prescribed by the Board.

(m) **Tow Unit Operator – Identification.** A tow unit operator shall wear his name insignia attached in a conspicuous place on his clothing. A tow unit operator shall identify himself by giving his full, correct name to any patron of the towing operation upon request.

(n) **Tow Unit – Identification.** A tow unit shall have the permittee's Police Commission identification number on both sides of the unit in a conspicuous place. Such marking shall be in addition to those required by the California Vehicle Code and shall meet the same requirements.

(o) **Investigation.** Upon the filing of such application the Board shall make investigation as it deems necessary, and if the Board finds that the conduct or operation of a towing operation would not be detrimental or injurious to the public welfare, and that the applicant is of good character and of good business repute, and has not been convicted of theft or embezzlement, or of any offense involving the unlawful use, taking or conversion of a vehicle belonging to another, and is otherwise a fit and proper person to conduct a towing operation, or if the applicant is a corporation, its officers, directors and principal stockholders are of good character and of good business repute, and have not been convicted of theft or embezzlement, or of any offense involving the unlawful use, taking or conversion of a vehicle belonging to another, and are otherwise fit and proper persons to conduct such business, issue the permit, otherwise, the application shall be denied only after the Board shall conduct a hearing on said application.

SEC. 103.204.1. TOW UNIT OPERATORS.

(Amended by Ord. No. 152,905, Eff. 10/19/79.)

(a) Permit Required. (Amended by Ord. No. 158,406, Eff. 11/20/83.)

(1) No person shall operate or drive a tow unit nor shall any person be employed as a tow unit operator until such time as said person has received a written permit from the Board to act as a tow unit operator except that any person employed as a tow unit operator may operate a tow truck without permit while under the immediate and direct supervision of a permitted tow unit operator for a period of not to exceed seven consecutive calendar days from the initial date of employment.

(2) In addition to or in lieu of a Board-issued temporary permit authorized by 103.06(b), a temporary permit not to exceed 45 days may be issued to an applicant by the Secretary of the Board provided the following conditions are met:

- a. An application for permit is on file at the main office of the City Clerk and all permit fees have been paid; and
- b. A preliminary investigation by Commission staff does not reveal information which would normally constitute grounds for denial; and
- c. The applicant possesses a valid California Driver's license.

The Secretary of the Board may suspend such temporary permit at any time if the Secretary has reason to believe that any of the above conditions have not been met. The Secretary shall notify the applicant in writing of the reasons for any such suspension, and the application for a permanent permit shall continue to be processed according to provisions of this Code and any applicable rules and regulations of the Board.

(b) **Identification Card.** Every person possessing either a temporary or permanent permit to act as a tow unit operator shall at all times while directly engaged in the operation of a tow unit carry upon his or her person an identification card issued by the Board identifying the bearer as a tow unit operator and shall display such card to any police officer upon request. The identification card shall bear the name, physical description, business address, and photograph of the permittee and the name and address of the garage employing the permittee.

The identification card shall be returned to the Board immediately upon suspension, revocation or termination of employment.

(c) **Official Police Garage Tow Unit Operator.** As used in this article, Official Police Garage Tow Unit Operator means the driver of a tow unit employed by an Official Police Garage to respond to police-initiated requests for tow service. No person shall operate as tow unit bearing an Official Police Garage insignia without written permission from the Board.

(d) **Change of Location.** A change of location may be endorsed on a permit by the Board upon a written application by the permittee accompanied by a change of location fee prescribed in Section 103.12 of this Code.

SEC. 103.205. MASSAGE THERAPY.
(Amended by Ord. No. 183,603, Eff. 7/25/15.)

The City recognizes that the practice of massage therapy without sufficient training and standards can be dangerous to the public. State law has been created to provide for consistent statewide certification and oversight of massage therapy professionals, and to ensure that schools approved by the California Massage Therapy Council are providing the appropriate level of instruction. The purpose and intent of this section is to regulate massage businesses in order to protect and promote the public health, safety and welfare.

(a) **Definitions.** Unless the context or subject matter clearly indicates that a different meaning is intended, the following words and phrases shall have the following meanings when used in this section.

1. **"Board"** means the Board of Police Commissioners.

2. **"California Massage Therapy Council"** or **"CAMTC"** means the State nonprofit organization created to regulate and issue massage practitioner and therapist certificates pursuant to Business and Professions Code section 4600 et seq.

3. **"Massage"** means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body with the hands or other parts of the body, or any other type of system for treating or manipulating the human body with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

4. **"Massage Establishment"** means any business or establishment having a fixed place of business where any person engages in, conducts, carries on, or permits to be engaged in, conducted, or carried on, any massage as defined in this section, for any form of consideration or gratuity.

5. **"Out-Call Massage Business"** means any business or enterprise that engages in or performs massage for any form of consideration or gratuity at a location other than a Massage Establishment.

6. **"Operator"** means any person who supervises, manages, directs, organizes, controls or in any other way is responsible for or in charge of the overall operation, conduct or activities of a Massage Establishment or Out-Call Massage Business.

7. **"Owner"** means any of the following:

(i) The sole proprietor of a Massage Establishment or Out-Call Massage Business. As used in this section, the term **"sole proprietor"** means a Massage Establishment or Out-Call Massage Business where the owner owns 100% of the business and is the only person who provides massage services for that Establishment or Out-Call Massage Business pursuant to a valid and active State certificate issued by the California Massage Therapy Council; or

(ii) All general partners of a partnership that owns and operates a Massage Establishment or Out-Call Massage Business; or

(iii) All officers of a corporation and all persons who own a controlling interest in a corporation or other limited liability entity that owns and operates a Massage Establishment or Out-Call Massage Business.

8. **"Massage Therapist"** means a person who is certified as a "Massage Therapist" by the California Massage Therapy Council under Chapter 10.5 of the California Business and Professions Code.

9. **"Massage Practitioner"** means a person who is certified as a "Massage Practitioner" by the California Massage Therapy Council under Chapter 10.5 of the California Business and Professions Code.

10. **"Permit"** means the permit required to be obtained from the Board for the operation of a Massage Establishment or Out-Call Massage Business.

(b) **Massage Establishment or Out-Call Massage Business – Permit Required.** No person shall engage in, promote, advertise, conduct, or carry on, in or upon any premises within the City of Los Angeles, the operation of a Massage Establishment or Out-Call Massage Business without a permit duly issued by the Board pursuant to this subsection for each business location. This required permit shall be in addition to any business tax registration certificate required by ordinance.

1. **Application for Permit.** Permit applications shall be made in accordance with Chapter X, Article 3, Division 3 of this Code.

2. **Additional Requirements.** In addition to those requirements specified in Chapter X, Article 3, Division 3 of this Code, each applicant for a Massage Establishment or Out-Call Massage Business permit shall furnish the following information to the

Board: all convictions for any crime involving conduct which requires registration under California Penal Code Section 290, or of conduct which is a violation of California Penal Code Sections 266i, 314, 315, 316, 318, 647(a), 647(b), or any crime involving dishonesty, fraud, deceit or moral turpitude. **(Amended by Ord. No. 184,710, Eff. 3/10/17.)**

(c) Public Hearings.

1. If public protest or adverse information concerning the applicant is received, the Board or, upon its direction, a Hearing Examiner may hold a public hearing to gather input from the public before issuance of a permit for the operation of a Massage Establishment or Out-Call Massage Business. All relevant information so obtained shall be used by the Board in determining whether or not to issue a permit for a Massage Establishment or Out-Call Massage Business. Public hearings shall be held in accordance with Chapter X, Article 3, Division 3 of this Code.

2. **Record.** The hearing procedure shall be recorded or summarized as directed by the Board. When proceedings are recorded and not summarized, they shall be transcribed at the request of any party or interested person upon the prepayment of a fee as set forth in Section 102.18. One copy of such transcript shall be furnished to the Board to be placed in its files.

3. **Hearings.** The public hearing shall be conducted by the Board or a Hearing Examiner at the Board's direction. After the conclusion of a public hearing conducted by a Hearing Examiner, the Hearing Examiner shall submit his or her report to the Board setting forth his or her conclusions and recommendations in writing and stating briefly the reasons therefore.

(d) Massage Establishment – Operating Requirements.

1. **Hours and Conditions of Operation.** No Massage Establishment shall operate, nor shall any massage be administered in any Massage Establishment, between the hours of 10:00 p.m. and 7:00 a.m. The hours of operation must be displayed in a conspicuous place in the lobby within the Massage Establishment and in any front window clearly visible from outside of the Massage Establishment.

(i) Each person employed or acting as Massage Practitioner or Massage Therapist shall have a valid certificate issued by the California Massage Therapy Council. It shall be unlawful for any owner, operator, responsible managing employee, manager or permittee in charge of, or in control of, a Massage Establishment to employ or permit a person to perform massage, as defined in this section, who is not in possession of a valid, unrevoked Massage Practitioner or Massage Therapist certificate issued by the California Massage Therapy Council. After December 31, 2015, all Massage Therapist permits previously issued by the Board shall be null and void, and in order to provide massage services in the City, a person must possess a valid, unrevoked California Massage Therapy Council Massage Practitioner or Massage Therapist certificate.

(ii) The possession of a valid Massage Establishment permit does not authorize the possessor to perform work for which state certification as a Massage Practitioner or Massage Therapist is required.

(iii) The Massage Establishment shall be supervised during all hours of operation by an operator specified in the permit application.

2. Posting Requirements.

(i) A recognizable and legible sign complying with the requirements of this Code shall be posted at the main entrance identifying the business as a Massage Establishment.

(ii) A list of services available and the cost of such services shall be posted in an open and conspicuous place on the premises. The services shall be described in readily understandable language. No services shall be performed and no sums shall be charged for such services other than those posted. Nothing herein prohibits a voluntary tip from being paid by the patron.

(iii) The Massage Establishment permit and a copy of the certificate and photo of each and every California Massage Therapy Council certified Massage Practitioner or Massage Therapist employed in the establishment shall be displayed in an open and conspicuous place on the premises.

3. Instruments, Equipment and Personnel.

(i) Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing any massage.

(ii) Pads used on massage tables shall be covered in a professional manner with durable, washable plastic or other waterproof material.

(iii) Clean and sanitary towels, sheets and linens shall be provided for each patron receiving massage services. No common use of towels or linens shall be permitted. Towels, sheets and linens shall be provided in sufficient quantity and shall not be used by more than one person unless they have been first relaundered. Heavy white paper may be substituted for sheets, provided that such paper is used once for each person and then discarded into a sanitary receptacle. Separate

closed cabinets or containers shall be provided for the storage of clean and soiled linen and shall be plainly marked: "clean linen" and "soiled linen".

(iv) All employees, including certified Massage Practitioners and Massage Therapists, shall not wear clothing that is transparent, see-through or exposes the certificate holder's undergarments.

4. Personnel Lists.

(i) The operator shall maintain on the premises of the Massage Establishment evidence that demonstrates that all persons providing massage services are certified by the California Massage Therapy Council. The operator shall make the state certificates immediately available for inspection upon demand of a representative of the Police Department or any other representative charged with enforcement of this section. Additionally, the operator shall be required to file copies of each state certificate with the Board within ten days of a Massage Practitioner or Massage Therapist beginning work at the Massage Establishment. Information required by this section shall be maintained at the Massage Establishment for a minimum of two years following the date that the person ceases to be employed or provide services at the Massage Establishment.

(ii) The operator shall have a continuing obligation to notify the Board in writing of any changes in Massage Practitioners, Massage Therapists and managers within ten days of such change.

(iii) The operator shall maintain on the premises of the Massage Establishment a register of all non-state certified persons employed, working or providing other services at the massage business. The register shall be maintained for a minimum of two years following the time that a person ceases to be employed or provide services at the Massage Establishment. The operator shall make the register immediately available for inspection upon demand of a representative of the Police Department, any health officer or any other official charged with enforcement of this section. The register shall include, but is not limited to, the following information:

- (a) Name, nicknames and/or aliases;
- (b) Home address and contact phone number;
- (c) Age, date of birth, gender, height, weight, eye color and hair color;
- (d) The date of employment, and termination, if any;
- (e) The duties of each person.

(iv) Every permittee operating a Massage Establishment under a permit issued pursuant to this section shall keep a record of the date and hour of each treatment, the name and address of the patron, the name of the employee administering such treatment and the type of treatment administered. Such record shall be maintained on a professionally printed form provided by the permittee. The information furnished or secured as a result of any such record shall be confidential. Any unauthorized disclosure or use of such information shall constitute a misdemeanor. Such records shall be maintained for a period of one year.

5. Prohibited Conduct.

(i) No person shall enter or remain in any part of a Massage Establishment location while in the possession of, consuming or using any alcoholic beverages or drugs, except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager or permittee shall not permit any such person to enter or remain upon such premises.

(ii) No storage or sale of sexually oriented material and/or sexually oriented merchandise, as defined by LAMC 103.01, shall be permitted within the Massage Establishment.

(iii) No operator shall hire, employ or allow a person to perform massage services unless such person possesses a valid state certificate. Each operator shall verify that all persons performing massage services hold the appropriate state certificate required by this section.

(iv) No audio or video recording or monitoring of the performance of massage services without the prior knowledge and written consent of the patron.

(v) No Massage Establishment shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services described in this section and posted on the premises as required by this section, nor shall any Massage Establishment employ language in the text of any advertising that would reasonably suggest to a prospective patron that any service is available other than those services described in this section and posted on the premises as required by this section.

(vi) No Massage Practitioner, Massage Therapist or employee shall expose his or her genitals, buttocks or, in the case of a female, her breast or make intentional contact with the genitals or anus of another person.

(vii) The Massage Establishment shall not refuse service on the basis of a customer's sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation or other arbitrary factor proscribed by the Unruh Civil Rights Act, Civil Code Section 51, et seq.

6. Building and Facility Requirements. (Amended by Ord. No. 184,444, Eff. 9/28/16.)

(i) Adequate dressing rooms shall be provided for patrons. Dressing rooms will be used only by patrons of the same sex at the same time. Dressing rooms need not be separate from the room in which the massage is being performed. If the massage takes place without disrobing of patrons, then separate dressing rooms are not required for each patron. A location for each patron served to safely store their valuables shall be provided.

(ii) Toilet facilities shall be provided for patrons and shall consist of at least one unisex toilet with lavatories or wash basins provided with soap. Both hot and cold running water shall be provided at all times in the toilet room or vestibule.

(iii) Minimum ventilation shall be provided in accordance with the Building Code of the City of Los Angeles. The premises shall be equipped with lighting fixtures of sufficient intensity to illuminate all interior areas of the premises accessible to patrons with an illumination of not less than two foot-candles evenly distributed as measured at floor level.

(iv) All walls, ceilings, floors, pools, showers, bathtubs, wet and dry heat rooms, steam or vapor rooms, tables and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or cabinets, showers, compartments and toilet rooms shall be thoroughly cleaned at least once each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

(v) No Massage Establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

(vi) The front door of the Massage Establishment and the doors of the interior treatment rooms in which massages are being performed must remain unlocked during all hours of operation unless the Massage Establishment is owned by one individual with one or no employees or independent contractors. No electronic locking device may be utilized on any entrance door. No warning devices such as buzzers may be installed.

(vii) No part of the Massage Establishment shall be used for residential sleeping purposes.

7. Inspections.

(i) The Chief of Police or his authorized representative shall have the right to enter each and every part of the Massage Establishment for the purpose of making unscheduled inspections to observe and enforce compliance with applicable regulations, laws, and provisions of this section. It shall be unlawful for any permittee to fail to allow an inspection of the premises or hinder the inspection in any manner.

(e) Out-Call Massage Business – Operating Requirements.

1. No out-call massage may be administered between 10:00 p.m. and 7:00 a.m.

2. The Massage Practitioner and Massage Therapist shall have his or her CAMTC identification card in his or her possession while providing massage services.

3. A record of treatment shall be maintained by each Massage Practitioner and Massage Therapist employed by the business. Such records shall be maintained for a period of one year.

4. No person operating an Out-Call Massage Business shall allow a person to perform massage therapy unless such person has a valid, unrevoked CAMTC Massage Practitioner or Massage Therapist certificate.

5. The operating requirements set forth in Section 103.205(d)(3) shall apply to an Out-Call Massage Business.

6. No Out-Call Massage Business shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services described in this section, nor shall any Out-Call Massage Business employ language in the text of any advertising that would reasonably suggest to a prospective patron that any service is available other than those services described in this section.

7. No Massage Practitioner, Massage Therapist or employee shall expose his or her genitals, buttocks or, in the case of a female, her breast or make intentional contact with the genitals or anus of another person.

8. The Out-Call Massage Business shall not refuse service on the basis of a customer's sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation or other arbitrary factor proscribed by the Unruh Civil Rights Act, Civil Code Section 51, et seq.

9. Upon any change of employees, the permittee shall inform the Board within ten days of such change.

(f) **Message Establishment / Out-Call Permit Issuance and Denial.** Upon receipt of written application for a permit, the Board shall conduct an investigation to ascertain whether such permit should be issued. The permit shall be denied if the Board makes any of the following findings:

1. The applicant or any person who will be employed in the Massage Establishment or Out-Call Massage Business has been convicted within the previous five years of a violation of Health and Safety Code Section 11550 or a violation of Penal Code Sections 266i, 314, 315, 316, 318, 647(a), 647(b); or has been convicted in any other state of any offense which, if committed in California, would have been punished as one or more of the above-mentioned offenses; or that any such person is required to register under the provisions of Penal Code Section 290. **(Amended by Ord. No. 184,444, Eff. 9/28/16.)**

2. The applicant or any person who will be employed in the Massage Establishment or Out-Call Massage Business who has been convicted of any felony offense within the previous five years involving the sale of a controlled substance specified in Health and Safety Code Sections 11054, 11055, 11056, 11057 or 11058; or has been convicted in any other state of any offense which, if committed in California, would have been punishable as one or more of the above mentioned offenses.

3. The applicant or any person who will be employed in the Massage Establishment or Out-Call Massage Business who has committed an act which, if committed by a permittee under this Section, would be grounds for suspension or revocation of the permit.

4. The operations of the Massage Establishment or Out-Call Massage Business would constitute a public nuisance.

5. The applicant has knowingly made a false, misleading or fraudulent statement of fact in the permit application process.

6. The application does not contain material information required by this section.

7. The applicant has not satisfied the requirements of this Code.

(g) **Violation.** Violations of the operating requirements in Subdivision (d) or (e) of this section, or any rules or regulations adopted by the Board governing Massage Establishments or Out-Call Massage Businesses, shall not be prosecuted as misdemeanors, but shall be subject to administrative sanctions and civil remedies as provided by this Code, or at law or in equity, or any combination of these.

Any person operating as a Massage Establishment or Out-Call Massage Business without a permit as required in Subdivision (b) of this section shall be guilty of a misdemeanor.

(h) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

SEC. 103.205.1. MASSAGE THERAPISTS AND PRACTITIONERS.

(Title and Section amended by Ord. No. 183,603, Eff. 7/25/15.)

(a) **Definitions.** The words and phrases defined in Section 103.205(a) of this Code, shall have the same meanings when used in this section.

(b) Effective January 1, 2016, all persons performing massage services from any location in the City shall be required to possess a valid, unrevoked California Massage Therapy Council Massage Practitioner or Massage Therapist certificate. All Massage Therapist permits issued by the Board prior to January 1, 2016, shall be considered null and void.

(c) **Exemptions.** The provisions of Subsection (b) shall not apply to the following classes of individuals, and no permit shall be required of such persons, while engaged in the performance of the duties of their respective professions:

1. Physicians, surgeons, chiropractors, osteopaths, podiatrists, acupuncturists or physical therapists who are duly licensed to practice their respective professions in the State of California.

2. Nurses who are registered under the laws of the State of California.

3. Barbers and beauticians who are duly licensed under the laws of the State of California.

4. Athletic trainers employed by, or on behalf of, an amateur, semi-professional or professional athletic team performing or training within California.
5. Coaches and athletic trainers of accredited high schools, junior colleges, colleges and universities.
6. Hospitals, nursing homes, sanitariums, or other health care facilities duly licensed by the State of California.
7. Any other business or profession exempted by state law.

(d) **Penalty.** Any person operating as a Massage Practitioner or Massage Therapist without a certificate as required in Subdivision (b) of this section shall be guilty of a misdemeanor.

(e) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

SEC. 103.205.2. BATHS.

(Added by Ord. No. 148,154, Eff. 4/17/76.)

(a) **Definitions.** The words and phrases defined in Section 103.205 (a) of this Code, shall have the same meanings when used in this section. In addition thereto, the following words and phrases shall have the following meanings when used in this section.

(1) As used herein, “**Bath**” means the activity of providing facilities for: steam baths; electric light bath; electric tub baths; shower baths; sponge bath; sun bath; mineral bath; Russian, Swedish or Turkish bath; public bathing, which has in connection therewith, a steam room, dry hot room, plunge, shower bath or sleeping accommodations; hydro-therapeutic pool, which is designed for whole or partial immersion of the human body for recreation or therapeutic use by one or more persons at a time and which is either drained or is not drained, cleaned, or refilled for each user, and may include but not be limited to hydrojet circulation, hot water, cold water, mineral water, oil, air induction bubbles or any combination thereof; therapeutic pools which may include whirlpools, hot tubs, baths, and cold water plunges; or any other type bath for treating the human body. **(Amended by Ord. No. 159,306, Eff. 9/27/84.)**

(b) **Bath Business – Permit Required.** No person shall engage in, manage, conduct or operate a “**Bath**” business without a written permit from the Board.

(1) **Exemptions.** This section shall not apply to any treatment administered in good faith in the course of any healing art or profession by any person licensed or permitted to practice any such art or profession under the provisions of the Business and Professions Code of California or any other law of this state.

(c) **Employees.** No person shall be permitted to work in a “**Bath**” business in any capacity that would require such person to touch the body of another without such person being previously authorized to do so by the Board consistent with provisions of Section 103.205.1 of this ordinance. No person under eighteen (18) years of age shall be permitted to work on the premises.

(d) **Persons Under Eighteen – Admission.** No person under eighteen (18) years of age shall be allowed on the premises of a “**Bath**” business, unless accompanied by one of his parents or guardians.

SEC. 103.206. ALARM SYSTEMS.

(Title Amended by Ord. No. 156,362, Eff. 3/15/82.) (Section Amended by Ord. No. 176,223, Eff. 11/8/04.)

(a) **Definitions.** Unless the context or subject matter otherwise requires, terms defined here shall have the following meaning when used in this chapter:

(1) **Alarm System.** Any assembly of equipment and devices installed on premises, buildings or structures for the purpose of signaling the presence of an Emergency or hazard requiring urgent attention, excepting any system, device, or mechanism primarily protecting a motor vehicle.

(2) **Alarm System User.** The person who controls both the Alarm System and the premises upon which it is installed, or the person who controls the premises and is the subscriber, client or customer of an Alarm Company Operator, as that term is used in Section 103.206.1 of this Code.

(3) **Burglar Alarm System.** An Alarm System designed or used to detect and report an unauthorized entry or attempted unauthorized entry upon the premises, building or structure protected by the system.

(4) **Department.** The Los Angeles Police Department.

(5) **Emergency.** The commission or attempted commission of a robbery, burglary, or other criminal activity.

(6) **False Alarm.** The activation of an Alarm System resulting in a response by the Department where an Emergency of the kind for which the Alarm System was designed to give notice does not exist.

(7) **Private Guard Responder.** A guard employed by an Alarm Company Operator, private guard company, or person or entity authorized by the Alarm System User to be responsible for Verification of an unauthorized entry, attempted unauthorized entry, or other crime which may have occurred at the premises, building or structure protected by the Alarm System.

(8) **Robbery Alarm System.** An Alarm System designed or used for alerting others of a robbery or other crime in progress which involves potentially serious bodily injury or death. For purposes of this definition, a Robbery Alarm System includes duress, panic, hold-up and robbery-in-progress alarms.

(9) **Verification.** Confirmation of an unauthorized entry or attempted unauthorized entry upon the premises, building or structure protected by the Burglar Alarm System. Confirmation may be made by the Alarm System User, other person at or near the scene of the activation, Private Guard Responder or Alarm Company Operator, and shall be based on a physical observation or inspection of the premises, or by remote visual inspection of the premises. For purposes of this definition, remote visual inspection of the premises is a visual inspection of the premises protected by the Burglar Alarm System which is accomplished through the use of a video camera or other similar device to capture and transmit visual images of the premises to the Alarm System User, Alarm Company Operator, Private Guard Responder, or person or entity authorized by the Alarm System User. The visual images must be sufficiently discernable to permit the viewer to confirm that an unauthorized entry, attempted unauthorized entry, or other crime has occurred at the premises protected by the Burglar Alarm System.

(b) **Permit Requirement.** No person shall install, connect, activate, operate or use an Alarm System without a valid Alarm System permit having been issued for that purpose.

(c) **Permit Application.** Application for an Alarm System permit must be in writing on a form provided by the Board. Applications must be accompanied by the permit fee established in Section 103.12.

(d) **Permit Denial, Suspension and Revocation.** The Board of Police Commissioners may suspend or revoke the permit of any Alarm System User whose Alarm System has experienced more than ten (10) False Alarms within a 365 day period. Failure to pay a False Alarm fee or penalty assessment within sixty (60) days of billing shall be grounds for revocation of a permit. Beginning February 1, 2005, and thereafter, no permit shall be issued or renewed until all Alarm System permit fees, False Alarm fees, late fees or penalty assessments due and owing are paid.

(e) **False Alarm Fees and Penalties.**

(1) **False Alarm Fees.** Alarm System Users shall pay a False Alarm Fee of \$235.00 for each False Alarm. **(Amended by Ord. No. 186,557, Eff. 4/14/20.)**

(2) **Penalty Assessments.** All penalties assessed under this section shall be in addition to any False Alarm fee.

(i) **Permitted Alarm System.** In addition to the False Alarm fee an Alarm System User with a valid permit shall pay a penalty assessment of \$50.00 for the second False Alarm within 365 days of the first False Alarm. The penalty assessment will increase by \$50.00 increments for each additional False Alarm incurred during a 365 day period.

(ii) **Non-permitted Alarm System.** In addition to the False Alarm fee an Alarm System User who does not possess a valid permit on the date of the False Alarm shall pay a penalty assessment of \$100.00 for the first False Alarm. The penalty assessment will increase by \$100.00 increments for each additional False Alarm incurred during a 365 day period.

(f) **Late Permit Penalties. (Amended by Ord. No. 181,718, Eff. 6/20/11.)** An alarm system user who fails to obtain an original permit as required by this Section shall pay a Late Permit Penalty of \$15.00 in addition to the permit fee established in Section 103.12. An Alarm System User who fails to pay the Annual Police Permit Fee before January 1, of each calendar year as required by Section 103.07(a), shall be assessed a Late Permit Penalty as follows:

(1) If the Annual Police Permit Fee is paid between January 1, and March 31, a \$15.00 Late Permit Penalty shall be assessed.

(2) If the Annual Police Permit Fee is paid after March 31, a \$30.00 Late Permit Penalty shall be assessed.

Any Late Permit Penalty shall be in addition to the original permit fee established in Section 103.12.

(g) **Waiver of Fees.** The Board of Police Commissioners may waive the fees and penalties provided it has adopted and follows guidelines for the waiver of fees.

(h) The Department shall advise the Office of Finance of all applicable fees and penalties. The Office of Finance shall bill the charges to the Alarm System User. The charges shall be due and payable to the Office of Finance within 30 days of the billing date.

(i) If the Office of Finance determines for any billing that a discrepancy exists between the charges paid and the amount due pursuant

to this section, which results in an underpayment or overpayment in an amount of \$3.00 or less, the Office of Finance may accept and record the billing as paid in full, without other notification to the person billed.

(j) If the Office of Finance determines that any amount due pursuant to this section cannot be collected or that efforts to collect this sum would be disproportionately costly in relation to the probable outcome of the collecting efforts relative to the amount due, the Office of Finance may prepare a report setting forth the findings and reason for that determination and submit that report to a Board of Review constituted under Section 11.04 of this Code and authorized to act as provided in that section. Upon unanimous approval of the finding by the Board of Review, the Office of Finance may remove any unpaid sum owing or believed to be owing from the active accounts receivable of the Department. The removal however shall not preclude the City from collecting or attempting to collect the sum if it later proves to be collectible, as provided by Section 11.04. In the event the City files an action in court to recover the sum, the City shall be entitled to recover its costs and attorney's fees in addition to the amount due and owing.

(k) Additional Duties of Alarm System User.

(1) The Alarm System User shall display on the premises, building or structure, at or near the main entrance, the Alarm System permit number and the telephone number of the person designated to respond to the location in the event of an alarm. Numbers shall be clearly visible and readable from the exterior of the premises. The premises shall display the street address at or near the front of the premises and at other places where access is available, such as, from an alley or parking lot. The street address shall be clearly visible.

(2) All Alarm System notifications to the Department shall begin with the Alarm System User's name, complete address including unit or apartment number, Alarm System permit number and shall include the state alarm company operator license number.

(3) The Alarm System User or a designee of the Alarm System User shall respond to the premises following activation of an alarm at the premises after being requested to do so by the Department. The response shall be made within a reasonable time and, in any event, not later than sixty (60) minutes after being requested to do so by the Department.

(4) The Alarm System User shall abide by all additional rules and restrictions adopted by the Board.

(l) Impermissible Systems and Uses.

(1) No person shall operate or use any Alarm System that emits a sound similar to that of an emergency vehicle siren or a civil defense warning system.

(2) No person shall operate or use an Alarm System that emits an audible sound where the emission does not automatically cease within thirty (30) minutes.

(3) No person shall operate or use a Robbery Alarm System for any purpose other than reporting robberies or other crimes involving potential serious bodily injury or death.

(4) No person shall operate or use a Burglar Alarm System for any purpose other than detecting and reporting an unauthorized entry or an attempted unauthorized entry upon the premises, building or structure protected by the system.

(5) No person shall operate or use an Alarm System that has been disapproved by the Board of Police Commissioners.

(6) No person shall operate or use a Burglar Alarm System that causes a request for service to be placed with the Department or with a 9-1-1 emergency service number prior to Verification if the Burglar Alarm System has already experienced two False Alarms within a 365 day period. Verification is not required for a Robbery Alarm System activation or for activations that occur at premises, buildings or facilities controlled or monitored by federal, state or local agencies, or the location of a licensed firearms business.

(7) No Alarm Company Operator shall cause a request for service to be placed with the Department until such time as it has made (2) attempts to verify the need for service by telephonic means. This provision does not modify or limit subsection l.(6).

(8) No Alarm Company Operator shall, within seven (7) days following a new Alarm System installation, cause a request for service to be placed with the Department prior to Verification.

(9) No person shall provide false information which causes the Department to dispatch officers to the location of an Alarm System.

(10) No person shall operate or use a Burglar Alarm System which causes a request for service to be placed with the Fire Department for any purpose other than for an emergency fire response.

(m) Violation. Violation of this section, other than by failure to pay a fee or penalty assessment, shall constitute a misdemeanor.

SEC. 103.206.1. ALARM COMPANY OPERATORS.

(Amended by Ord. No. 180,490, Eff. 3/7/09.)

(a) **Definitions.** The definitions contained in California Business and Professions Code Sections 7590.1 and 7590.2 shall be applicable to this section unless otherwise provided.

(b) **Business Tax Registration.** No person shall engage in the business of Alarm Company Operator without having first obtained a Business Tax Registration Certificate from the Office of Finance.

(c) **Permit Requirement.** Alarm Systems Installed by Alarm Company Operator.

(1) An Alarm Company Operator shall not install an Alarm System, as defined in Section 103.206, unless either:

(A) The Alarm System User or customer has already obtained a valid Alarm System permit issued by the Board of Police Commissioners for the premises, building, or structure at which the Alarm System is to be installed, or;

(B) The Alarm Company Operator collects a completed Alarm System permit application and applicable permit fee from the customer and files it on behalf of the customer as required by Sections 103.12 and 103.206 before installing the Alarm System.

(2) An Alarm Company Operator that installs any Alarm System pursuant to paragraph (B) of subdivision (1) shall, no later than the last day of each month, remit to the Office of Finance all Alarm System permit fees and completed permit applications collected that month, accompanied by a remittance form approved by the Office of Finance.

(d) Violation of this section shall constitute a misdemeanor.

SEC. 103.206.2. COMMERCIAL UNSECURED BUILDINGS.

(Added by Ord. No. 170,801, Eff. 1/21/96.) (Sec. No. Corrected by Ord. No. 170,910, Eff. 3/22/96.)

A. As used in this section, the following definition shall apply:

Secured Building Fee. A fee imposed pursuant to this section to recover the costs of securing a building.

B. Every person who has ownership or control of any business operated in any commercial building shall, upon the request of a member of the Los Angeles Police or Fire Department, provide the names and non-business telephone numbers of at least two persons who shall have authority to take control of and secure the property in the event the property is found in an unoccupied and unsecured condition. Such information shall be provided, received and maintained in confidence for the exclusive use by those departments to satisfy the purposes of this section. Information received by one department shall be transferred to the other department.

C. Any unoccupied and unsecured commercial building, for which the information required in Subsection A has been obtained and to which police have responded after actuation of a burglary alarm or other call for police service, is declared to be a public nuisance. Upon discovery after such response the Los Angeles Police Department may cause telephonic notice to be given to one or both of the persons whose name and non-business telephone numbers have been provided by the owner or person having control of the business pursuant to the provisions of Subsection A of this section. The telephonic notice provided for herein shall include the address of the building and the nature of the unsecured condition, shall cite this code section, and shall state that unless a representative of the owner or person having control thereof secures the building within one hour of the notice the City will secure the building and charge the owner of the business for the cost thereof.

D. If telephonic contact with either of the persons identified pursuant to Subsection A of this section cannot be made within one hour of the initial effort to make contact after response to a burglar alarm or if notice is given in accordance with the provisions of Subsection C of this section and the owner or the owners representative does not secure the building within one hour of such notice, the City or its contractor may enter upon the property and secure the building.

E. The Department shall give the owner of the business written notice of any action to secure any building in accordance with Subsection D of this section. Such notice shall be in a form prescribed by the Board.

F. All expenses incurred by the City pursuant to Subsection D of this section shall become an indebtedness of the owner of the business operated within the building.

G. Duties of the Department.

1. The Department shall develop written procedures to provide for training and the uniform implementation of this section.

2. The Department shall develop any form or document necessary to carry out the purposes of this section.

3. The Department shall develop an administrative appeal hearing procedure to determine whether the indebtedness incurred under this section was assessed to the proper person or was properly assessed.

H. Duties of the Office of Finance. (Amended by Ord. No. 173,300, Eff. 6/30/00, Oper. 7/1/00.)

1. The Office of Finance shall bill the owner of the business for any indebtedness incurred under this section as reported by the Department. The bill shall be due and payable to the Office of Finance within fifteen days of the billing date.
2. If the Office of Finance determines for any billing that a discrepancy exists between the service fee paid and the amount billed which results in an underpayment or overpayment in an amount of three dollars or less, the Office of Finance may accept and record the billing as paid in full without other notification to the person billed.
3. If the Office of Finance determines that any amount of the service fee billed hereunder cannot be collected or that efforts to collect would be disproportionately costly in relation to the probable outcome of the collection efforts, the Office of Finance may prepare a report setting forth the findings and reasons therefor and request that the Board of Review authorize the removal of any unpaid amount from the active accounts receivable of the Department pursuant to Section 11.04 of this Code. Upon unanimous approval of the Board of Review, the Office of Finance may remove from the active accounts receivable any service fee owing. If the Board of Review does not unanimously approve the findings, the matter shall be returned to the Office of Finance. Any removal, however, shall not preclude the Office of Finance from collecting or attempting to collect any such sum that later proves to be collectible as provided by Section 11.04.
4. At least monthly the Office of Finance shall report to the Department the outstanding accounts receivable, collections and write offs of service fees.
5. **Administrative Cost.** The total cost covered in Paragraph 1 of this subsection shall include, in addition to the cost to perform the actual work, an amount equal to forty percent of such cost to cover the cost of the City administering any contract and supervising the work required.

SEC. 103.208. KEY DUPLICATOR.

(Title and Section amended by Ord. No. 167,322, Eff. 11/9/91.)

- (a) **Definition.** As used in this article “**key duplicator**” means any person whose trade or occupation is the duplicating of keys for locks or similar devices. State licensed new car dealers and used car dealers or auto repairman who hold valid permits are not required to obtain key duplicator permits if they make automobile keys as an incident to their regular business.
- (b) **Permit Required.** No person shall engage in, manage, carry on or conduct the business of a key duplicator without a written permit from the Board. A permit shall not be required of each person performing mechanical key duplication, provided that there is a key duplicator permit for each location at which such mechanical key duplication is performed.
- (c) **Keys to be Stamped.** It shall be unlawful for any key duplicator to fail to stamp the serial number of such duplicator’s permit upon any key duplicated, sold or given away.
- (d) **Change of Location.** A change of location may be endorsed on a permit by the Board upon written application by the permittee accompanied by the change of location fee prescribed in Section 103.12.
- (e) **Duplication Prohibited.** No person shall duplicate any key which is stamped “**Do Not Duplicate**” or otherwise stamped or marked in a similar manner.

SEC. 103.211. HANDBILL DISTRIBUTION.

(Repealed by Ord. No. 170,421, Eff. 4/19/95.)

SEC. 103.212. SOLICITING – PEACE OFFICERS’ AND FIREFIGHTERS’ ORGANIZATIONS – PERMITS.

(Amended by Ord. No. 161,622, Eff. 10/5/86.)

- (a) **Definitions.** As used in this section:

1. “**Organization**” shall mean any actual or purported peace officers’ or firefighters’ organization.
2. “**Promoter**” shall mean any person who for pecuniary compensation or consideration, other than as an employee, conducts a solicitation or is engaged in the business of conducting solicitations on behalf of or in the name of any organization.
3. “**Solicitor**” shall mean any person, other than a promoter or a bona fide peace officer or firefighter, who for pecuniary compensation or consideration conducts a solicitation or makes a collection for or on behalf of or in the name of an organization or a promoter for an organization.
4. “**Solicitation**” shall mean any oral or written request for a contribution or donation to, or the purchase of any membership in, an organization, or the purchase of any ticket to any benefit, show or other entertainment or event, or any subscription to or

any advertising space in any magazine or other publication.

(b) Organizations.

1. No organization shall conduct a solicitation nor authorize any person to conduct a solicitation on its behalf without a valid permit from the Board of Police Commissioners authorizing such solicitation. Each permit issued under this subsection shall be accompanied by a form issued by the Board which shall bear on its face the name and address of the organization for whom the solicitation is conducted; an identification number; the date of its expiration; the percentage of anticipated collections that the organization will receive; the percentage of anticipated collections that will be retained by or paid to any promoter and/or any solicitor; the percentage of voting members of the organization who are either active or retired peace officers or firefighters; if the solicitation is for advertising, the state-wide circulation of the publication in which the solicited advertisement will appear; the percentage of the total contribution or purchase price which may be deducted as a charitable contribution under both federal and state law; and if no portion of the contribution or purchase price is deductible, a statement that "This contribution or purchase is not tax deductible."

2. Each organization, at the time of application for a permit to solicit, shall file with the Board a statement of any agreement made with any promoter or solicitor, together with a true copy of each such agreement which may be in writing. Within 48 hours after any change in any such agreement or the making of any new or further such agreement, a true copy of such change or new or further agreement, if in writing, or written details thereof, if not in writing, shall be filed with the Board.

3. Each organization shall maintain a system of accounting whereby all transactions are entered upon its books or records, either on the cash or accrual basis, according to established and customary accounting principles.

4. Within 30 days after the termination of its solicitation, each organization shall file with the Board an affidavit or declaration under penalty of perjury setting forth the total amount collected in the solicitation, the total amount received by the organization and the detailed expenses of the solicitation.

(c) Solicitations. (Amended by Ord. No 164,871, Eff. 6/23/89.) Each person shall, when conducting a solicitation, have the permit and accompanying form, or facsimiles thereof, required under Subsection (b) of this section on his or her person. When making a personal solicitation or collection each person shall exhibit such permit and accompanying form to the person solicited or from whom collection is being made. Each person soliciting or collecting on behalf of an organization shall state to the person solicited his or her true name and, if employed by or under contract to a promoter, the promoter's name and whether or not the promoter is a professional fund raiser. Each person soliciting as an employee of an organization shall inform the person solicited that he or she is an employee of the organization. No person shall attempt to collect a contribution or payment prior to 48 hours after any person has agreed to make such contribution or payment. Each person receiving a contribution or payment pursuant to a solicitation shall deliver a signed receipt to the person making the contribution or payment. If a publication or program is produced for an organization, such publication or program shall be provided to the Board within ten (10) days after publication or the date of the event for which the program was prepared.

(d) Promoters.

1. No promoter shall conduct any solicitation without a valid permit from the Board. A promoter holding a valid permit from the Board shall not conduct any solicitation on behalf of or in the name of any organization without first notifying the Board. It shall be the responsibility of each promoter to notify the Board in writing of all contracts and working agreements with each organization with which the promoter is associated. Insofar as applicable, each promoter shall comply with, and shall be responsible for each solicitor operating under his, her or its direction and control complying with, the provisions of Subsection (c) of this section.

2. At the time of filing an application for a promoter's permit the applicant shall file with the Board satisfactory proof of the existence of a good and sufficient surety bond or bonds, in the aggregate sum of not less than \$5,000.00, running to each organization for whom the applicant proposes to solicit. Such bond or bonds shall be issued by a surety company authorized to do business in the State of California and shall provide for the reimbursement for direct loss of money or property sustained through any dishonest or criminal act on the part of the applicant. Such bond or bonds or a substitute or substitutes therefor shall remain in force and effect for the entire period of the promoter's permit.

(e) Solicitors.

1. No solicitor shall conduct any solicitation or make any collection without a valid permit from the Board. Each solicitor shall be under the direction and control of a promoter holding a valid permit from the Board or an organization holding a valid permit from the Board. Each solicitor shall comply with the provisions of Subsection (c) of this section.

2. At the time of filing an application for a solicitor's permit the applicant shall file with the Board satisfactory proof of the existence of a good and sufficient bond or bonds, in the sum of not less than \$1,000.00 each, running to each organization for whom the applicant proposes to solicit or collect. Such bond or bonds shall be issued by a surety company authorized to do business in the State of California and shall provide for the reimbursement for direct loss of money or property sustained through any dishonest or criminal act on the part of the applicant. Such bond or bonds or a substitute or substitutes therefor shall remain in force and effect for the entire period of the solicitor's permit.

SEC. 103.213. FIGURE STUDIOS.

(Added by Ord. No. 121,058, Eff. 2/15/62.)

(a) **Purpose.** The purpose of this section is to provide for the regulation in accordance with the public interest of the operation within the City of studios as defined in this section, wherein bona fide artists and art students may practice and develop their talents in portraying the human form, subject to such controls as will prevent the operation of such studios as places which appeal primarily to the prurient interests of members of the public.

(b) **Definitions.** As used in this article, the following words shall mean:

1. **“Studio.”**

(i) Any premises on which there is conducted the business of furnishing models who pose for the purpose of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted in the nude by persons who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity so to depict the model, or for admission to, or for permission to remain upon, or as a condition of remaining upon the premises.

(ii) Any premises where there is conducted the business of furnishing or providing or procuring for a fee or other consideration or compensation or gratuity, models to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted in the nude.

2. **“Model.”** Any person, male or female, who poses to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.

3. **“Nude”** shall include:

(i) Completely without clothing.

(ii) With any pubic area exposed, or with the pubic area covered in such a manner that the private parts are visible or the form thereof discernible.

(iii) With the breasts exposed by a female so that the nipples thereof are exposed.

(c) **Permit Required. (Amended by Ord. No. 134,704, Eff. 8/6/67.)**

1. No person shall operate a studio without first obtaining a permit from the Board. No permit shall be issued except upon a finding by the Board that the studio is proposed to be operated for the purpose of providing facilities for use by persons pursuing a course of study including the artists portrayal of the nude human form, and by persons who engage in artistic portrayal of the nude human form, and by persons who engage in artistic portrayal as a means of livelihood.

2. An applicant for a studio permit shall file a verified application therefor with the Board on such forms and containing such information as the Board may require.

3. No studio permit shall be issued to any person under 18 years of age, nor to a corporation, any of whose officers are under 18 years of age. **(Amended by Ord. No. 144,116, Eff. 12/31/72.)**

EXCEPTIONS:

(i) No permit shall be required for any studio operated by any public junior college, state college, The University of California or any governmental agency.

(ii) An exemption from the requirement that a permit be obtained may be granted for any studio upon a showing satisfactory to the Board that the applicant for such permit has met the requirements established in Division 21 of the Education Code for the issuance or conferring of, and is in fact authorized thereunder to issue and confer a diploma or honorary diploma.

(iii) An exemption from the requirement that a permit be obtained may be granted for any studio upon a showing satisfactory to the Board that the applicant therefor is a tax exempt, non-profit corporation devoted to the development of art and its appreciation.

(d) **Required Revocation or Denial.**

1. In addition to the grounds for permissive denial or revocation stated in this article, the Board shall refuse to issue, or shall revoke, a permit required or issued under the provisions of this section upon a finding that the applicant or permittee is not of good moral character. Anyone convicted of a morals offense shall be deemed not to be of good moral character for the purposes of this section.

2. The Board shall also revoke a permit issued under the provisions of this section upon a finding that a model under 18 years of age was permitted or allowed to pose in the nude on the premises, or that a person under 18 years of age or persons other than

those described in the first paragraph of subsection (c) hereof were admitted to any part of the premises in which a model was posing in the nude. (Amended by Ord. No. 144,116, Eff. 12/31/72.)

DIVISION 9

DEALERS – SALES

Section

- 103.301 Antique Shops.
- 103.301.1 Antique Show or Collectors Exchange Show.
- 103.304 Junk Collectors.
- 103.305 Junk Dealers.
- 103.306 Pawnbroker.
- 103.307 Rummage Sale.
- 103.308 Sales – Fire and Closing Out.
- 103.309 Secondhand Auto Parts Dealer.
- 103.310 Secondhand Book Dealers.
- 103.311 Secondhand Dealers.
- 103.311.1 Firearms Sales by Secondhand Dealers Prohibited.
- 103.314 Sellers of Firearms.
- 103.314.1 Sellers of Firearm Ammunition.

SEC. 103.301. ANTIQUE SHOPS.

(a) **Definitions.** As used in this article:

1. “**ANTIQUE SHOP**” means a shop where secondhand merchandise is sold at retail but where at least 90% measured according to value, of the used or secondhand merchandise on hand at any time consists of objects of art, bric-a-brac, curios, or household furniture or furnishings, offered for sale upon the basis, express or implied, that the value of the property, in whole or in substantial part, is derived from its age or from its historical association.

(b) **Permit Requirements.** The operator of any antique shop may, in lieu of the secondhand dealers’ permit required by Section 103.311, apply for and obtain a special permit to conduct an antique shop. Every application hereunder must be accompanied by an investigation fee of \$50.00. If the application is approved, an additional fee of \$25.00 shall be collected upon the issuance of the permit, except in those cases where the applicant has already paid the secondhand dealer’s permit fee for the same place of business. (Amended by Ord. No. 114,879, Eff. 12/20/59.)

(c) **Change of Location.** A change of location may be endorsed upon a permit hereunder upon written application by a permittee accompanied by a change of location fee as prescribed in Sec. 103.12.

(d) **Must Comply with Secondhand Dealers Regulations.** The holder of an antique shop permit shall obey all of the requirements of this article and the rules and regulations of the Board pertaining to the receipt, handling, disposal, and sale of secondhand merchandise generally, but shall be exempt from the hours of business limitations.

SEC. 103.301.1. ANTIQUE SHOW OR COLLECTORS EXCHANGE SHOW.

(Added by Ord. No. 147,883, Eff. 1/1/76.)

(a) **Definitions.** As used in this article.

1. “**ANTIQUE SHOW**” Means an occasional display-type show consisting of booths, rooms or display areas wherein antique merchandise is displayed, exhibited or offered for sale or exchange. For the purpose of this section the merchandise must be displayed, exhibited or offered for sale or exchange upon the basis, express or implied, that the value of the property, in whole or in substantial part is derived from its age or from its historical associations. For the purposes of this section, merchandise shall be considered antique because of age if it is at least 50 years old. (Amended by Ord. No. 149,484, Eff. 5/19/77.)

2. “**COLLECTORS EXCHANGE SHOW**” means an occasional display type show consisting of booths, rooms or display areas wherein a single, specific category of secondhand collector’s personal property, of a like or similar character, is displayed, exhibited or offered for sale or exchange to the general public or other participating collectors or exhibitors. (Added by Ord. No. 147,883, Eff. 1/2/76.)

3. “**LIKE OR SIMILAR CHARACTER**” means a particular identifying characteristic of specific items which places them in

a class by themselves, such as dolls, electric trains, miniature furniture, chinaware, musical instruments, vases, lamps, clocks, or other similar items collected because of such similarity. **(Added by Ord. No 147,833, Eff. 1/2/76.)**

4. For the purposes of this section, the terms “promoter” and “exhibitor” do not include promoters of, or exhibitors at shows or events billed or conducted exclusively as “**coin**” and/or “**stamp**” shows, events or exhibits where numismatic or philatelic objects and related supplies and materials are displayed, exhibited or offered for sale or exchange. **(Added by Ord. No. 149,484, Eff. 5/19/77.)**

(b) Permit Required.

1. **Promoter.** No person shall arrange, advertise or promote an antique show or a collectors exchange show without a written permit from the Board. **(Added by Ord. No. 147,883, Eff. 1/2/76.)**

2. **Exhibitor.** For the purposes of this section, the term “**exhibitor**” shall mean any person who displays, exhibits or offers for sale or exchange any secondhand personal property at an antique show or at a collector’s exchange show. **(Amended by Ord. No. 161,524, Eff. 8/17/86.)**

3. **Professional Societies. (Added by Ord. No. 156,264, Eff. 2/6/82.)**

(i) Upon written application, the Board may grant to a professional society or association of bona fide collectors and to its bona fide collector members named in the application, a single event exemption from the requirements of this section in order that it may conduct an antique show or a collectors exchange show, provided that the Board is first informed and determines that the society or association:

- a. holds such an event in the City of Los Angeles no more frequently than annually;
- b. deals solely in, and is limiting this event to, personal property one of the types referred to in Subsections (a)1, (a)2, or (a)3 of this section;
- c. has, and for the event will employ, procedures competent to prevent the exhibition, display for sale, or sale of stolen property; and
- d. will amend its application not less than 7 days before the beginning of the event applied for to set forth the names of any additional members of the society or organization who are bona fide collectors who will participate in the event.

(ii) The display for sale, or sale of stolen property at any event for which there has been a grant of exemption under (i) shall cause said grant of exemption to have no further force or effect as to the collector or collectors involved.

4. The provisions of this section shall not apply to or preclude the sale of donated property wherein all the proceeds or profits from such sale are to be donated to any religious, charitable, benevolent, civic or other nonprofit organization which has a valid social services permit issued by the Police Department. **(Amended by Ord. No. 173,300, Eff. 6/30/00, Oper. 7/1/00.)**

(c) Conditions of Issuance of Permits. (Amended by Ord. No. 149,484, Eff. 5/19/77.) The Board may issue permits for collector’s exchange shows and antique shows subject to the following conditions with respect to application for permits and the promoting of and participation in such shows:

1. When the Board has determined that the cost of police investigation services will be increased because of the conduct of an antique or collectors’ exchange show, the Board may require the promoter to make payment into the general fund of the City of Los Angeles an amount calculated at the current hourly rate of a Detective II for each hour of investigation on a weekday and 150% of the current hourly rate of a Detective II for each hour of investigation on a Saturday, Sunday or holiday involving the show, up to a maximum of 16 hours per day of show operation, plus 23.1% of such amount for administrative costs. The promoter shall pay the amount due to the Office of Finance within 30 days after the bill is mailed to the promoter by the Board. **(Amended by Ord. No. 173,300, Eff. 6/30/00, Oper. 7/1/00.)**

2. The promoter, prior to the event, shall verify to the Police Department that all exhibitors will display only the unique type of merchandise permitted to be displayed, exhibited, or entered for sale or exchange at such show and that each exhibitor has submitted his catalog or inventory list to the Police Department, as required by this subsection, and has consented to an inspection by a police officer of all goods under such exhibitor’s control at the show before permitting any exhibitor to participate in such show. Failure on the part of the promoter to verify the above information is grounds for the Police Department to close the show or event.. **(Amended by Ord. No. 161,524, Eff. 8/17/86.)**

3. **(None)**

4. **(None)**

5. An antique show or collector’s exchange show shall be conducted in a building or other structure at a location which meets and complies with all current zoning, health, safety and fire regulations and standards of the laws of the State of California and

ordinances of the City of Los Angeles applicable to such an operation. The promoter shall be responsible for obtaining all necessary permits and approvals under this requirement. **(Amended by Ord. No. 149,484, Eff. 5/18/77.)**

6. Each exhibitor shall file a written notice of intent to participate in an antique or collector's exchange show with the promoter at least 14 days prior to the scheduled date of the show or event. The promoter shall deliver all such notices to the Board at least 14 days prior to the scheduled date of the show or event. Upon application by the promoter and the exhibitor, the Board may approve the participation of an exhibitor who has not filed an application 14 days prior to the scheduled date of the show or event if it determines that such exhibitor has failed to comply with the provisions herein for reasons beyond the exhibitor's control and that strict application of the 14 day provision herein shall result in practical difficulties or unnecessary hardships inconsistent with the purpose and intent of that time limitation. **(Amended by Ord. No. 149,484, Eff. 5/19/77.)**

7. Each exhibitor shall provide the Police Department with a catalog or inventory listing all items intended to be displayed, exhibited or offered for sale or exchange at the event or show at least 7 days prior to the scheduled date thereof, except that any exhibitor whose application for participation in a show or event has been approved by the Board pursuant to the provisions of Subdivision 6 of this subsection within 7 days prior to the scheduled date thereof shall submit said catalog or inventory on the date of the Board's approval. Each exhibitor shall make available for inspection by the Department on each day of the event or show a list of all modifications and changes to the original list. The catalog or inventory need not include items previously reported to the Department and held pursuant to departmental rules and regulations for the handling of secondhand merchandise, nor need it include items imported into the United States which are received by the exhibitor subsequent to the submission of said inventory listing, provided, however, that proof of importation must be presented to the Department upon request. Any catalog or inventory prepared for submission to the Department may, for convenience, group together or otherwise categorize items, provided that unique markings, serial numbers or other specific identifying characteristics, where available, shall be detailed and listed therein. **(Amended by Ord. No. 161,524, Eff. 8/17/86.)**

(d) **Identification of Buyer or Recipient.** Each exhibitor shall give to each buyer or recipient of any item set forth in a catalog or inventory list required by this section and sold or disposed of at the show or event, a written invoice for any sale over \$5.00. The invoice shall contain a description of the article, the selling price thereof, and the name and address of the purchaser. The copies of all such invoices shall be kept by the exhibitor for 6 months after the sale or disposition and shall be available for inspection by a police officer or other representative of the Board. **(Amended by Ord. No. 149,484, Eff. 5/19/77.)**

(e) **Mixing of Personal Property.** The display, exhibition, offer, sale or exchange of dissimilar items of secondhand personal property or general merchandise shall not be allowed or permitted under this section. Such shall be governed by applicable ordinances regulating sales of secondhand goods; wares and merchandise. **(Added by Ord. No. 147,883, Eff. 1/2/76.)**

SEC. 103.304. JUNK COLLECTORS.

(Added by Ord. No. 111,348, Eff. 7/4/58.)

(a) **Definition.** As used in this article.

1. "JUNK COLLECTOR" means a person not having a fixed place of business in this City, who personally gathers, collects, buys, sells, or otherwise deals in any scrap metals, old rags, bags, sacks, bottles, paper, boxes, barrels, rope, and other articles commonly known as junk, any of which is not used for the same purpose for which it was originally made; the term includes any individual who assists a junk collector or junk dealer in the operation of the business by soliciting, handling the materials, or driving the vehicle used in the collection of said materials.

(b) **Permit Required.** No person shall engage in, manage, conduct or carry on the business of or act as a junk collector without a written permit from the Board.

(c) **Goods to be Disposed of.** Junk collectors shall dispose of all junk collected, gathered or acquired, before the end of each business day. Such disposition shall be made only to such junk dealer, secondhand dealer, or other person holding a permit from the Board and permitted to deal in junk or secondhand goods, wares or merchandise.

(d) **Hold-Order by Police.** A police officer may place a hold-order upon property acquired by a junk collector in the course of his business, for a period of 90 days, and upon release of such property may require such junk collector to keep a record of the disposition of such property. It shall be unlawful for any person to dispose of any property contrary to any hold-order issued by a police officer.

SEC. 103.305. JUNK DEALERS.

(Added by Ord. No. 111,348, Eff. 7/4/58.)

(a) **Definition.** As used in this article.

1. "JUNK DEALER" means a person having a fixed place of business in this City, and engaging in, conducting, managing, or carrying on the business of buying, selling, or otherwise dealing in either at wholesale or retail any scrap metals, old rags, bags, sacks, bottles, paper, boxes, barrels, rope, and other articles commonly known as junk, any of which is not used for the same purpose for which it was originally made.

(b) **Permit Required.** No person shall engage in, manage, conduct or carry on the business of a junk dealer without a written permit from the Board.

(c) **Change of Location.** A change of location may be endorsed on a permit by the Board upon written application by the permittee accompanied by the change of location fee prescribed in Section 103.12.

(d) **Hold-Order by the Police.** A police officer may place a hold-order upon property acquired by a junk dealer in the course of his business, for a period of 90 days, and upon release of such property may require such junk dealer to keep a record of the disposition of such property. It shall be unlawful for any person to dispose of any property contrary to any hold-order issued by such police officer.

SEC. 103.306. PAWNBROKER.

(Added by Ord. No. 111,348, Eff. 7/4/58.)

(a) **Definitions.** As used in this article:

1. **“PAWNBROKER”** means any person engaged in any one or more of the following businesses:

(i) Pawnbroking.

(ii) Lending money for himself or any other person upon personal property, pawns or pledges, in the possession of the lender.

(iii) Purchasing articles of personal property and reselling or agreeing to resell such articles, to the vendors or assignees at prices agreed upon, at or before the time of such purchase.

2. **“PAWNSHOP”** means any room, store or place in which the business of a pawnbroker is carried on or conducted.

(b) **Permit Required.** No person shall engage in, manage, conduct or carry on the business of a pawnbroker without a written permit from the Board.

(c) **Change of Location.** A change of location may be endorsed on a permit by the Board upon written application by the permittee, accompanied by the change of location fee prescribed in Section 103.12.

(d) **Hold-Order by Police.** A police officer may place a hold-order upon property acquired by a pawnbroker in the course of his business, for a period of 30 days, and upon release of such property may require such pawnbroker to keep a record of the disposition of such property. It shall be unlawful for any person to dispose of any property contrary to any hold-order issued by a police officer.

(e) **Auctions.** It shall be unlawful for any person operating, managing, or carrying on the business of a pawnbroker to permit, allow or conduct an auction sale as defined in this article on his premises except under the following conditions:

1. **Notice to Board.** The pawnbroker, or the auctioneer employed by him, in addition to complying with all the provisions of this Code relating to auction sales shall give ten days notice, in writing, to the Board prior to commencing such auction sale. Such notice shall contain the location of the sale, the name of the auctioneer, the date of the sale, the hours during which the sale shall be conducted, and a complete list of all the property to be sold at such sale, with detailed identifying description of the property, including the original loan number.

2. **Unredeemed Pledges.** The only property that may be sold at an auction sale at such location, shall be the unredeemed pledges in the original condition in which such property was received by the pawnbroker and as listed in the notice. Each such unredeemed pledge shall have attached to it a tag describing it, the original loan number, and the number of the item on the list in the notice. Property not listed in the notice shall not be sold at such auction sale.

3. **Two-Day Limit.** The total time during which a pawnbroker may conduct auction sales shall not exceed two days in any calendar month.

SEC. 103.307. RUMMAGE SALE.

(a) **Definitions.** As used in this article:

1. **“RUMMAGE SALE”** means any charitable, religious, eleemosynary, fraternal, benevolent, civic, or other nonprofit organization or any individual purporting to act on behalf of such an organization which gathers, collects, sells or offers for sale to the public any secondhand property or junk, including reclaimed or salvaged goods, for the real or purported purpose of devoting the proceeds to charitable, religious, fraternal, benevolent, civic or other nonprofit uses. The term includes occasional or temporary sales, as well as continued or permanent activities at a fixed place of business.

2. **“DEPARTMENT”** shall mean the Los Angeles Police Department. **(Added by Ord. No. 173,283, Eff. 6/26/00, Oper. 7/1/00.)**

(b) **Permit Required. (Amended by Ord. No. 173,283, Eff. 6/26/00, Oper. 7/1/00.)** No person shall conduct or advertise a rummage sale open to the public without a permit therefor. Issuance of annual permits shall be under the jurisdiction of the Board of Police Commissioners. The Department may permit, without fee, the holding of three-day rummage sales by applicants qualified to receive an Information Card pursuant to Section 44.03 hereof.

(c) **Advertising – Restrictions.** No permittee shall advertise any goods for sale which are not actually for sale at the premises at the time the advertisement is inserted in the newspaper or medium.

Within 24 hours after any goods advertised for sale are sold, the permittee shall withdraw or cancel such advertisement.

(d) **Hold-Order by Police.** A police officer may place a hold-order upon any property acquired by the permittee in the course of his business for a period of 90 days, and upon release of such property may require the permittee to keep a record of the disposition of such property. It shall be unlawful for any person to dispose of any property contrary to any hold-order issued by a police officer.

(e) **Investigation. (Title and Subsec. Amended by Ord. No. 173,283, Eff. 6/26/00, Oper. 7/1/00.)** Each application for a permit as provided for in this section shall be transmitted to the Department for investigation and report within 10 days after receipt of the application. If the Department fails to report upon the application within 10 days it shall be deemed that said Department has no objection to the issuance of the permit. The report of the Department shall include a finding as to whether there is reasonable cause to believe that the profits of the proposed rummage sale will be devoted to religious, benevolent, fraternal, educational, civic or other nonprofit purposes.

(f) **Board Finding – Issuance of Permit.** If the Board finds that the proceeds from the operation of the rummage sale are to be used for religious, benevolent, fraternal, educational, civic, or other nonprofit purposes, the Board may issue a permit to conduct a rummage sale.

SEC. 103.308. SALES – FIRE AND CLOSING OUT.

(a) **Definitions.** As used in this section:

1. “**SALE**” means any sale of, or any offer to sell, to the public, or any group thereof, goods, wares or merchandise on order, in transit or in stock, in connection with a declared purpose as set forth by advertising that such sale is anticipatory to or to avoid the termination, liquidation, revision, windup, discontinuance, removal, dissolution or abandonment of the business or that portion of the business conducted at any location; and

(Amended by Ord. No. 119,432, Eff. 8/13/61.) All sales advertised in any manner calculated to convey to the public the belief that upon the disposal of the goods to be placed on sale the business or that portion thereof being conducted at any location will cease, be removed, be interrupted, discontinued or changed; and all sales advertised to be “Adjuster’s Sale,” “Adjustment Sale,” “Assignee’s Sale,” “Bankruptcy Sale,” “Benefit of Administrator’s Sale,” “Benefit of Creditor’s Sale,” “Benefit of Trustee’s Sale,” “Bought Out Sale,” “Building Coming Down Sale,” “Buy Out Sale,” “Close Outs,” “Closing Sale,” “Closing Out Sale,” “Creditors’ Committee Sale,” “Creditors’ Sale,” “Damaged Goods Sale,” “Disposal Sale,” “End Sale,” “Executors’ Sale,” “Final Days Sale,” “Fire Sale,” “Fixtures for Sale,” “Forced Out Sale,” “Forced Out of Business Sale,” “Insolvent Sale,” “Insurance Salvage Sale,” “Last Days Sale,” “Lease Expires Sale,” “Lease Expiring Sale,” “Liquidation Sale,” “Loss of Lease Sale,” “Mortgage Sale,” “Out-selling Sale,” “Receiver’s Sale,” “Removal Sale,” “Reorganization Sale,” “Salvage Sale,” “Selling Out Sale,” “Smoke Sale,” “Smoke and Water Sale,” “Trustee’s Sale,” “Quitting Business Sale,” “Wholesale Closing Out Sale,” “We Quit Sale,” “We Give Up Sale,” or advertised by any other expression or characterization similar to any of the foregoing and calculated to convey a similar meaning; and

All sales advertised in a manner calculated to indicate that the goods, wares or merchandise to be sold or any part thereof have been involved in any business failure or have been derived from a business which has failed, been closed, discontinued or liquidated; and

All sales accompanied by notices or advertising indicating that the premises are available for purchase or lease or are otherwise to be vacated; and

All sales accompanied by advertising indicating a business emergency or failure affecting the seller or any previous holder of the goods to be disposed of.

2. “**ADVERTISING,**” “**ADVERTISEMENT,**” “**ADVERTISE,**” “**PUBLISH,**” “**PUBLICATION,**” means any and all means, whether oral, written, lettered or printed, used for conveying to the public notice of the conduct of a sale as defined herein, or notice of intention to conduct such sale, including but not limited to oral or written announcements by proclamation or outcry, newspaper advertisement, magazine, advertisement handbill, written or printed notice, printed display, billboard display, poster, and radio announcement.

(b) **Permit Required.** No person shall advertise or conduct any sale of the type herein defined without a written permit from the Board.

(c) **Application for Permit.** The Board may require the following information in an application:

1. **Cause of Sale.** A recital of the facts in regard to the insurance bankruptcy, insolvency, assignment, mortgage, forecloser, administration, receivership, trusteeship, removal, executorship removal, or other cause advertised to be the reason for the proposed sale;

2. **Inventory. (Amended by Ord. No. 119,432, Eff. 8/13/61.)** An inventory shall be submitted with the application on a form and in a manner prescribed by the Board which will clearly and readily identify the merchandise which is the subject of the sale. Special information tags shall be affixed upon such merchandise by the applicant whenever it is found necessary by the Board for identification or investigational purposes.

(d) **Investigation. (Amended by Ord. No. 119,432, Eff. 8/13/61.)** The Board may make an audit or investigation of the applicant and his affairs in relation to the proposed sale.

The Board may refuse a permit because of the insufficiency of the information set forth in the application, but shall grant the applicant permission to file an amended application.

No permit shall be granted where an applicant has not been in business and had in his possession the goods, wares and merchandise for 60 days prior to filing the application except where the merchandise has been purchased for the express purpose of liquidating the same.

(e) **Conditions of Permit. (Amended by Ord. No. 119,432, Eff. 8/13/61.)** A permit issued under this section shall authorize the one type of sale named in the application, at the place named therein, for a period of not more than 30 calendar days. It shall only permit the sale of goods listed in said application. Such goods must be definitely separated from any other goods displayed at or within the store or place of business. All advertising, signs or notices calling attention to the sale must be confined to the goods involved in the sale. The Board may renew such permit for a period of 30 days. The application for renewal shall set forth a complete list of the goods listed in the original application which are unsold. Such application shall not include a list of goods, wares or merchandise not named in the original application.

No sale shall be permitted at any one location for more than 60 calendar days in any one 12 month period unless there is proof of a complete change of business and parties of interest.

(f) **Addition of Goods.** Permits shall be valid only for the advertising representation and sale of the particular goods, wares or merchandise described in the original application. Any renewal, replenishment or substitution of such goods, wares or merchandise, shall render such permit void. No person in contemplation of conducting any such sale or special sale, or during the continuance of such sale, shall order any goods, wares or merchandise for the purpose of selling them at such sale. Any unusual purchase or additions to the stock of such goods, wares or merchandise, within 60 days before the filing of such application for a permit to conduct such a sale shall be presumptive evidence that such purchase or additions were made in contemplation of such sale and for the purpose of selling them at such sale.

Each sale of goods, wares or merchandise not inventoried and described in the original application shall constitute a separate offense under this section.

(g) **Loss of Identity.** A removal of any goods, wares or merchandise inventoried and described in the original application from the place of sale mentioned in such application shall cause such goods to lose their identity as the stock of any of the sales defined herein. No permits will be issued for the conducting of a sale of any such goods, wares or merchandise in such manner as to identify them with the store, store name, store owner or location referred to in the original application.

(h) **Enforcement.** Upon commencement and throughout the duration of any sale, as herein defined, the permit issued by the Board shall be prominently displayed near the entrance to the premises. A duplicate original of the application and stock list pursuant to which such permit was issued, shall at all times be available to police officers and representatives of the Board. The permittee shall permit police officers and representatives of the Board to examine all merchandise in the premises for comparison with such stock list.

(i) **Exemptions.** This section shall not apply to or affect the following persons:

1. **Court Orders.** Persons acting pursuant to an order or process of a court of competent jurisdiction;
2. **Public Officers.** Persons acting in accordance with their powers and duties as public officers such as sheriffs and marshals;
3. **Auctioneer Permittees.** Duly licensed auctioneers, selling at auction;
4. **Publishers.** Any publisher of a newspaper, magazine or other publication, who publishes any such advertisement in good faith, without knowledge of its false, deceptive, or misleading character or without knowledge that the provisions of this section have not been complied with.

(j) Notwithstanding any other provision of this article to the contrary, the permit shall become immediately null and void and without force or effect upon failure to comply with any applicable provision of this section; or upon the using or providing of any false or misleading information in the application, inventory or advertising; or if any provisions of this article are violated; or if the advertising has been changed from that originally submitted and is false or misleading. **(Added by Ord. No. 119,432, Eff. 8/13/61.)**

SEC. 103.309. SECONDHAND AUTO PARTS DEALER.

(a) **Definition.** As used in this article:

1. “**SECONDHAND AUTO PARTS DEALER**” means a person engaged in the business of buying, selling, exchanging, storing or dealing in used, rebuilt or secondhand motor vehicle accessories or parts. For the purpose of this definition only, a “motor vehicle” includes automobiles, automobile trucks and motorcycles.

EXCEPTIONS:

(Amended by Ord. No. 117,755, Eff. 1/22/61.)

The following shall not be deemed to constitute engaging in the business of dealing in secondhand motor vehicle parts or accessories:

1. The acceptance, sale or disposal of used automobile tires or used automobile batteries taken in part payment for new tires and batteries by persons whose regular business consists in whole or in part of selling new automobile tires or batteries.

2. **(Amended by 130,575, Eff. 9/11/65.)** The acceptance, by bona fide wholesale and retail automobile parts dealers, of used automobile parts tendered in exchange for, or in part payment of new or previously rebuilt, reconstructed or remanufactured automobile parts and; the acceptance, sale or disposal, by wholesale and retail automobile parts dealers, distributors, and remanufacturers, of automobile parts which have been previously rebuilt, reconstructed or remanufactured.

(b) **Permit Required.** No person shall engage in the business of a secondhand auto parts dealer without a written permit from the Board.

(c) **Change of Location.** A change of location may be endorsed on a permit by the Board upon written application by the permittee accompanied by the change of location fee prescribed in Section 103.12.

SEC. 103.310. SECONDHAND BOOK DEALERS.

(a) **Definitions.** As used in this section:

1. “**SECONDHAND BOOK DEALER**” means a person engaging in, conducting, managing or carrying on the business of buying, selling, exchanging or otherwise dealing in secondhand books and magazines, secondhand text books or secondhand educational materials.

2. “**SECONDHAND TEXT BOOKS**” or “**SECONDHAND EDUCATIONAL MATERIALS**” means those text books or other materials required or designated by any university, college, school, or other educational institution to be used or which were used by students in studying the courses offered by said institutions. Such text books or other materials voluntarily used by said students in conjunction with those books required or designated by said institutions are included.

(b) **Permit Required.** No person shall engage in, conduct, manage, or carry on the business of secondhand book dealer without a written permit from the Board.

(c) **Change of Location.** A change of location may be endorsed on a permit by the Board upon written application by the permittee accompanied by the change of location fee prescribed in Section 103.12.

(d) **Bills of Sale.** Every secondhand book dealer buying, selling or exchanging or otherwise dealing in secondhand books, secondhand text books or secondhand educational materials or exchanging new text books or new educational materials for secondhand text books or secondhand educational materials, as whole or part payment therefor, shall immediately upon receiving the same, require the seller or other person from whom said secondhand text books or materials are bought, or received in exchange, to execute a bill of sale therefor. Said bills of sale shall be numbered consecutively and shall be kept on file and open during business hours to the inspection of any police officer or representative of the Board.

(e) **Contents of Bill of Sale.** Said bill of sale shall show:

1. **Date.** The date of purchase or receiving in exchange;

2. **Name of Seller.** The name and address of the person selling or exchanging such articles and the name of the educational institution said person is attending or in which he is registered;

3. **Name of Institution.** The name of the educational institution, if any, requiring or designating the use of such textbooks or materials, including the date of the term or semester during which the same were used;

4. **Name of Purchaser.** The name and address of the purchaser or person receiving said secondhand books, secondhand text books or materials, said name and address coinciding with those showing upon the permit issued by the Board and held by said person;

5. **Description.** A description of the secondhand books, secondhand text books or materials purchased by him sufficient in all respect to clearly identify the same.

(f) **Right to Sell.** A secondhand book dealer who purchases or receives in exchange secondhand books, secondhand text books or other secondhand educational materials shall, prior to making such purchase or exchange, ascertain that the person selling or delivering for exchange any such secondhand books or materials has a legal right to do so.

(g) **Identification of Books.** The secondhand book dealer shall immediately upon purchasing or receiving in exchange any such secondhand books or materials stamp, write, print or otherwise permanently affix to each article so purchased or received the number of the bill of sale covering said articles.

(h) **Signs.** Secondhand book dealers shall maintain on the premises where said business is located a sign plainly printed in the English language of sufficient size so that the same may be easy to read from the sidewalk in front of said place of business. Such sign shall state the business in which such person is engaged. If said business is located in an office building the sign shall be placed on the door of said office. If the business is located in a department of any building, the sign shall be placed at the entrance to said department.

(i) **Exemptions.** This section shall not apply to the receipt or sale of secondhand books, secondhand text books or secondhand educational materials by any person who receives or purchases such books or materials from any other person when such other person has made required reports as fixed by rule or regulation of the Board and shall have held the said books or materials for the length of time therein required.

SEC. 103.311. SECONDHAND DEALERS.

(a) **Definitions.** As used in this article:

1. “**SECONDHAND DEALER**” means a person engaging in, conducting, managing, or carrying on the business of buying, selling, or otherwise dealing in secondhand or rebuilt or reconditioned goods, wares and merchandise. The term does not include secondhand dealer-jewelry, or persons holding permits as auto wreckers or used car dealers or secondhand book dealers. The acceptance, sale or disposal of used automobile tires or automobile batteries taken in part payment for new tires or batteries shall not be deemed to constitute the doing of the business of a secondhand dealer.

2. “**SECONDHAND DEALER – JEWELRY**” means a person engaging in, conducting, managing or carrying on the business of buying, selling, or otherwise dealing in secondhand jewelry, precious and semi-precious stones and metals and imitations thereof, watches, rings, bracelets, and other similar goods, wares and merchandise.

(b) **Permit Required.** No person shall engage in, manage, conduct or carry on the business of a secondhand dealer or a secondhand dealer-jewelry without a written permit from the Board.

(c) **Change of Location.** A change of location may be endorsed on a permit by the Board upon written application by the permittee accompanied by the change of location fee prescribed in Section 103.12.

(d) **Permittee, Responsible for Conduct of Premises.** It shall be the duty of permittee to see that no secondhand goods are sold or purchased by his agent or any other person in or upon the permittee’s premises or location other than in the course of permittee’s business.

(e) **Advertising Restrictions.** No permittee shall advertise any goods for sale when such goods are not actually for sale at the premises at the time the advertisement is inserted in the newspaper or medium.

Within 24 hours after the sale of any goods that have been advertised for sale, the permittee shall withdraw or cancel any advertisement relative to such goods.

(f) **Hold-Order.** A police officer may place a hold-order upon property acquired by the permittee in the course of his business, for a period of 90 days, and upon release of such property, may require the permittee to keep a record of the disposition of such property. It shall be unlawful for any person to dispose of any property contrary to any hold-order issued by a police officer.

(g) **Holding Period.** Property acquired in the course of permittee’s business shall be reported and held for such period of time as is fixed by rule and regulation of the Board.

(h) **Violation.** No permittee shall clean, alter, repair or otherwise change the appearance, melt, destroy, sell, export or otherwise dispose of any article, goods, wares, merchandise, waste materials, junk or things obtained in the course of his business until such articles have been held for the period required by the Board.

(i) **Exemption. (Added by Ord. No. 158,621, Eff. 2/20/84.)** Any person engaging in, conducting, managing, selling, exchanging,

displaying or offering for sale or exchange, secondhand personal property at a swap meet is exempt from Subsections (a) through (h), inclusive, of this section, and any rules and regulations promulgated by the Board pursuant to said subsections, but is subject to the following provisions and conditions:

1. **Definitions.** As used in this subsection:

a. **“Swap Meet”** means any event where secondhand goods are offered or displayed for sale or exchange and

(1) A fee is charged for the privilege of offering or displaying secondhand goods for sale or exchange; or

(2) A fee is charged to prospective buyers for admission to the area where secondhand goods are offered or displayed for sale or exchange.

b. **“Swap Meet Operator”** means any individual, partnership, corporation, business association or other person or entity which sponsors, controls, manages or otherwise conducts a swap meet.

c. **“Swap Meet Vendor”** means any individual, partnership, corporation, business association or other person or entity which sells, exchanges, displays, or offers for sale or exchange, any secondhand goods at a swap meet.

2. **Permit Required.** No person or entity shall operate a swap meet without a written permit from the Board, except that a permit shall not be required for any event sponsored by and for the exclusive benefit of any community chest, fund, foundation, association or corporation organized and operated solely for religious or charitable purposes provided that no portion of any admission fee charged swap meet vendors or prospective purchasers, or the receipts from the sale or exchange of new or secondhand goods, inures to the benefit of any shareholder, officer, employee, person or entity organizing, sponsoring or conducting such event.

a. No permit shall be issued which will permit the sale or display of firearms, flammables, and hash pipes or other manipulative instruments relating to the use or consumption of drugs or their derivatives.

b. No permit shall be issued unless the swap meet operator has first obtained a business tax registration certificate.

c. No permit shall be issued for a swap meet requiring a conditional use pursuant to Section 12.24 of this Code until such conditional use has been obtained.

d. When the Board has determined that the cost of police investigation services will be increased because of the operation of a swap meet, the Board may require the swap meet operator to make payment into the general fund of the City of Los Angeles an amount calculated at the current hourly rate of a Detective II for each hour of investigation on a weekday and 150% of the current hourly rate of a Detective II for each hour of investigation on a Saturday, Sunday or holiday involving the swap meet, or up to a maximum of 16 hours per day of swap meet operation, plus 23.1% of such amount for administrative costs. The swap meet operator shall pay the amount due to the Office of Finance within 30 days after the bill is mailed to the swap meet operator by the Board. **(Amended by Ord. No. 173,300, Eff. 6/30/00, Oper. 7/1/00.)**

e. A permit shall be issued, denied or revoked pursuant to the provisions of this chapter; however, the Board shall place no other conditions on the operation of a swap meet permitted pursuant to Section 12.24 of this Code other than those permitted by this subsection.

f. Each swap meet operator, prior to each swap meet, shall verify to the Police Department that each swap meet vendor has consented to an inspection by a police officer of all goods under such vendor’s control at the swap meet before permitting such vendor to participate in the swap meet. Failure on the part of the swap meet operator to verify the above information is grounds for the Police Department to close the swap meet. **(Added by Ord. No. 161,524, Eff. 8/17/86.)**

SEC. 103.311.1. FIREARMS SALES BY SECONDHAND DEALERS PROHIBITED.

(Added by Ord. No. 171,268, Eff. 10/6/96.)

All secondhand dealers, as that term is defined in Section 103.311, are prohibited from vending any weapon defined as a **“Saturday Night Special”** as that term is defined in Section 103.314.

SEC. 103.314. SELLERS OF FIREARMS.

(Amended by Ord. No. 170,212, Eff. 2/5/95.)

(a) **Definitions.**

1. **“Firearm”** means any pistol, revolver, rifle, shotgun or other device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or any other form of combustion, or any device which is capable of being altered so as to expel a projectile in such manner.

2. **“Firearms Dealer”** means any person engaged in the business of selling, transferring or leasing at retail, advertising for sale, transfer or lease at retail or offering or exposing for sale, transfer or lease at retail, any firearm.

3. **“Residential Neighborhood”** means any district of the City zoned for residential use or, if not so zoned, any street segment bounded by intersecting streets wherein over fifty percent of the buildings on that street segment are used for residential purposes.

(b) **Presumption.** For the purposes of this section there shall be a presumption that any person who has been issued a valid Federal firearms license has acquired such license with an intent to engage in the sale of firearms.

(c) **Permit Required.** No person shall engage in, manage, conduct or carry on the business of a firearms dealer without a written permit from the **“Board.”**

(d) **Fixed location.** Each permittee must have a fixed place of business. Sales of firearms may be made only at said fixed location.

(e) **Overlapping Business.** If any person engages in, conducts, manages or carries on at the same time more than one business requiring police permits, such person shall comply with all of the provisions affecting each business.

(f) **Condition of Issuance.** No permit or renewal permit shall be issued unless:

1. The applicant has a valid Federal firearms license, a valid seller’s permit issued by the State of California Board of Equalization and a certificate of eligibility as described in Section 12071 of the Penal Code of the State of California;

2. The applicant has obtained all other required permits for the operation of the business as proposed and has complied with all other applicable laws;

3. The applicant provides evidence of a possessory interest such as owner, lessee or renter, in the property at which the business is proposed to be conducted;

4. The proposed location of the business is other than in a residential neighborhood;

5. The applicant has obtained a policy of insurance as provided in Subdivision (g).

6. The applicant agrees to indemnify, defend and hold harmless the City, its officers, agents and employees, from claims arising from the negligence of the applicant or permittee; and

7. The applicant has been provided and has read copies of Municipal Code Section 103.314 and the Police Commission Board Rules relating to that section.

(g) **Insurance Requirements.** The permittee shall maintain in full force and effect a policy of insurance on file with the City Attorney. Such policy shall be executed by an insurance company admitted to do business in this state, and shall be in a form that the City deems proper. It shall insure the applicant or permittee against liability for damage to property and for injury to or the death of any person as a result of the sale, transfer or lease, or the advertising for sale, transfer or lease, or the offering or exposing for sale, transfer or lease, of any firearm. The policy shall also name the City and its officers, agents and employees as additional insureds. The minimum liability limit shall not be less than One Million Dollars (\$1,000,000.00) for damage to or destruction of property in any one incident, and One Million Dollars (\$1,000,000.00) for the death or injury to any one person. Provided, however, that additional amounts may be required by the City if deemed necessary.

Such policy of insurance shall contain an endorsement providing that the policy will be continuous until canceled by a 30-day written notice sent by registered mail to the City Attorney 30 days in advance of the cancellation date. Prior to cancellation of any such policy, permittee shall secure equivalent insurance. Failure to so do is grounds for revocation of the permit.

(h) **Denial of Permit.** Any applicant who is denied a permit shall be informed of the reasons for denial.

(i) **Permit Valid for Issuance.** When issued the permit shall state on its face **“Valid for Retail Sale of Firearms.”**

(j) **Consent to Inspection.** The acceptance of a permit to engage in the business of a firearms dealer constitutes consent to inspection of the books, records and business premises in the manner set forth in Section 103.14 of this Code.

(k) **Permit Assignment.** The assignment or attempted assignment of any permit issued pursuant to this section, otherwise than in connection with a change of ownership as provided in Section 103.08, is unlawful and any such assignment or attempted assignment shall render the permit null and void.

(l) **Permittee Responsible For The Conduct Of Business.** No firearms or ammunition shall be sold or leased or offered for sale or lease or advertised for sale or lease by the permittee, nor shall the permittee otherwise conduct its business, in violation of the Penal Code of the State of California, this section or any other applicable law.

(m) **Sale of Saturday Night Specials Prohibited.** (New Subsec. (m) Added by Ord. No. 171,268, Eff. 10/6/96.)

1. **Definition.** Except as provided in Subdivision 2 of this subsection, the term “**Saturday Night Special**” shall mean any of the following:

(i) A pistol, revolver or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which contains a frame, barrel, breechblock, cylinder or slide that is not completely fabricated of heat treated carbon steel, forged alloy or other material of equal or higher tensile strength;

(ii) A semi-automatic pistol which:

(a) is not originally equipped by the manufacturer with a locked-breech action; and

(b) is chambered for cartridges developing maximum permissible breech pressures above 24,100 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute;

(c) for purpose of this subdivision, “**semi-automatic pistol**” shall mean a firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired with one hand, and which does the following upon discharge:

(i) fires the cartridge in the chamber;

(ii) ejects the fired cartridge case; and

(iii) loads a cartridge from the magazine into the chamber. “**Semi-automatic pistol**” shall not include any assault weapon designated in California Penal Code Section 12276.

(iii) A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which:

(a) uses an action mechanism which is substantially identical in design to any action mechanism manufactured in or before 1898 that was originally chambered for rimfire ammunition developing maximum permissible breech pressures below 19,000 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

(b) is chambered to fire either centerfire ammunition or rimfire ammunition developing maximum permissible breech pressures above 19,000 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

(c) is not originally equipped by the manufacturer with a nondetachable safety guard surrounding the trigger; or

(d) is equipped with a barrel of less than 20 bore diameters in overall length protruding from the frame.

(e) for purpose of this subdivision, “**action mechanism**” shall mean the mechanism of a firearm by which it is loaded, locked, fired and unloaded.

2. **EXCLUSIONS:** The term “**Saturday Night Special**” does not include any of the following;

(i) Any pistol which is an antique or relic firearm or other weapon falling within the specifications of Paragraphs (5), (7) and (8) of Subsection (b) of California Penal Code Section 12020; or

(ii) Any pistol for which the propelling force is classified as pneumatic, that is, of, or related to, compressed air or any other gases not directly produced by combustion.

(iii) Children’s pop guns or toys; or

(iv) An “**unconventional pistol**” as defined in California Penal Code Section 12020(c)(12); or

(v) Any pistol which has been modified to either render it permanently inoperable or permanently to make it a device no longer classified as a “**Saturday Night Special**”.

3. **Roster of Saturday Night Specials.** Within 30 days after the effective date of this Subsection, the Chief of Police shall compile, publish and distribute to dealers licensed under this section to sell guns at retail, a roster of Saturday Night Specials which shall list those firearms, by manufacturer and model number, which the Chief determines satisfy the definition of “**Saturday Night Specials**” set forth in this subsection.

4. **Publication.** The Chief shall publish the roster of Saturday Night Specials on a semiannual basis and shall send a copy of the roster to every dealer licensed under the provisions of this section.

5. **Sale Prohibited.** No firearms dealer licensed to sell firearms under this section shall sell, offer or display for sale, give, lend or transfer ownership of, any firearm listed on the roster of Saturday Night Specials received by the licensee. This section shall prohibit a licensee from processing firearm transactions between unlicensed parties pursuant to Section 12072(d) of the Penal Code of the State of California. **(Amended by Ord. No. 171,758, Eff. 11/23/97.)**

6. **Exemptions:** Nothing in this section shall prohibit the disposition of any Saturday Night Special by police departments, sheriff's offices, marshall's offices, the California Highway Patrol, other local, state and federal law enforcement agencies, or the military and naval forces of this state or the United States for use in the discharge of their official duties; nor shall anything in this section prohibit the use of any Saturday Night Special by regular, salaried, full-time officers, employees or agents thereof when on duty and the use of such firearms is within the scope of their duties.

(n) Conditions of Employment by Permittee. (Amended by Ord. No. 180,451, Eff. 2/7/09.)

1. No officer, employee or agent of the permittee, hereinafter referred to collectively as "employee", who will have access to and control of firearms or ammunitions shall:

- (i) be under twenty-one years of age;
- (ii) have had a Federal firearms license revoked or denied within the last year;
- (iii) be prohibited by law from owning, possessing or having custody or control of any firearm as defined in such law;
- (iv) have been convicted of any firearms related offense within the last five years.

2. Prior to employment, all prospective employees of the permittee shall make application to the Board for employment authorization and shall submit all required information and fees, together with fingerprints as required by Section 103.02.1 of this Code, to the Board. The applicant for employment shall be advised by the Board as to the approval of the application as soon as processing has been completed. No applicant for employment may be hired until and unless the application for employment has been approved by the Board. This provision shall also apply to any employee in the employment of the permittee who has access to and control of firearms or ammunition at the time the provision becomes effective, and such an employee must also submit an application to the Board. An employee in the employment of the permittee at the time this provision becomes effective who does not meet all of the above conditions must be released from employment within ninety days after notification to the permittee that the employee has failed to meet all of the above conditions.

(o) Trigger Locks. (New Subsec. (o) Added by Ord. No. 171,758, Eff. 11/23/97.) A trigger lock is a device which is designed to prevent the firearm from functioning and which is locked by a padlock, key lock, combination lock, or a similar locking device, that is reusable, and, when applied to the weapon, renders the weapon inoperable. The permittee shall not sell, lease or otherwise transfer a firearm without also selling or otherwise providing a trigger lock with each such firearm sold, leased or otherwise transferred. In the event trigger locks are not manufactured for a particular firearm, the requirement is satisfied by selling a similar device designed to prevent the unintentional discharge of firearms.

(p) Rules For The Protection Of Firearms. (Subsec. (n) Redesignated as (p) by Ord. No. 171,758, Eff. 11/23/97.) The Board shall adopt and enforce by rules and regulations security requirements consistent with State law for the protection from theft of firearms and ammunition sold and maintained by any permittee. Such rules may require that any permittee provide burglar alarms systems, separate storage areas for ammunition and other measures designed to prevent the theft of such merchandise from the premises of the permittee.

(q) Warning Regarding Dangers of Firearms in the Home. (New Subsec. (q) Added by Ord. No. 178,996, Eff. 9/3/07.) Within 30 days after the effective date of this subsection, the permittee shall do the following:

1. Post conspicuously within the premises the following warning in block letters not less than one inch in height:

WARNING: THE CITY OF LOS ANGELES HAS DETERMINED THAT GUNS IN THE HOME ARE MUCH MORE LIKELY TO BE USED TO KILL OR INJURE A HOUSEHOLD MEMBER THAN TO PROTECT AGAINST AN ATTACKER. IT IS SAFEST NOT TO KEEP A GUN IN THE HOME. IF A GUN IS KEPT IN THE HOME, IT SHOULD BE KEPT UNLOADED AND SECURELY LOCKED AND AMMUNITION SHOULD BE LOCKED SEPARATELY.

2. Provide all firearm purchasers with a bill of sale for the purchase of the firearm(s), which includes the warning language required in Subdivision 1. of this subsection.

(r) Physical Inventory Inspections. (New Subsec. (r) Added by Ord. No. 180,451, Eff. 2/7/09.) Within the first five business days of April and October of each year, permittees shall cause a physical inventory to be taken that includes a listing of each firearm held by the permittee by make, model, and serial number. In addition, the inventory shall include a listing of each firearm lost or stolen that is required to be reported pursuant to Penal Code Section 12071(b)(13). Permittees shall maintain a copy of the inventory on the premises for which the license was issued. Immediately upon completion of the inventory, permittees shall forward a copy of the inventory to the address specified by the Board, by such means as specified by the Board. With each copy of the inventory, permittees shall include an

affidavit signed by the permittee (or, if the permittee is not a natural person, by an officer, general manager, or other principal of the permittee) stating under penalty of perjury that within the first five business days of that April or October, as the case may be, the signer personally confirmed the presence of the firearms and all other information reported on the inventory.

(s) **Revocation of Permit. (Subsec. (r) Redesignated as (s) by Ord. No. 180,451, Eff. 2/7/09.)** In addition to any other grounds for revocation of a permit, such permit shall be revoked if permittee's Federal firearms license is revoked or expires.

(t) **(Subsec. (s) Redesignated as (t) by Ord. No. 180,451, Eff. 2/7/09.)** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions, which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

SEC. 103.314.1 SELLERS OF FIREARM AMMUNITION.

(Added by Ord. No. 180,447, Eff. 2/2/09, Oper. 6/18/09.)

(a) Definitions.

1. **"Board"** means the Board of Police Commissioners.

2. **"Firearm Ammunition"** means any self-contained unit consisting of the case, primer, propellant charge, and projectile for use in pistols, revolvers, rifles, shot guns, or any other device designed to be used as a weapon from which is expelled a projectile by the force of explosion or other form of combustion. **"Firearm Ammunition"** shall not include blank ammunition used solely in the course of motion picture, television, video, or theatrical productions.

3. **"Residential Neighborhood"** means any district of the City zoned for residential use or, if not so zoned, any street segment bounded by intersecting streets wherein over fifty percent of the buildings on that street segment are used for residential purposes.

4. **"Vendor"** means any person who is engaged in the retail sale of firearm ammunition.

(b) Permit required. No person shall engage in, manage, conduct, or carry on the business of the sales of firearm ammunition without a written permit from the Board.

(c) Fixed location. Each vendor must have a fixed place of business. Sales of ammunition may be made only at said fixed location.

(d) Overlapping Business. If any person engages in, conducts, manages or carries on at the same time more than one business requiring police permits, such person shall comply with all of the provisions affecting each business.

(e) Condition of Issuance. No permit or renewal permit for the sale of Firearm Ammunition shall be issued unless:

1. The applicant has obtained all other required permits for the operation of the business as proposed and has complied with all other applicable laws;

2. The applicant provides evidence of a possessory interest such as owner, lessee or renter, in the property at which the business is proposed to be conducted;

3. The proposed location of the business is in other than a residential neighborhood;

4. The applicant has obtained a policy of insurance as provided in Subdivision (f).

5. The applicant agrees to indemnify, defend and hold harmless the City, its officers, agents and employees, from claims arising from the negligence of the applicant or permittee; and

6. The applicant has been provided and has read copies of Municipal Code Section 103.314.1 and the Police Commission Board Rules relating to that section.

(f) Insurance Requirements. The vendor shall maintain in full force and effect a policy of insurance on file with the City Risk Manager. Such policy shall be executed by an insurance company admitted to do business in this state, and shall be in a form that the City deems proper. It shall insure the vendor against liability for damage to property and for injury to or the death of any person as a result of the sale, transfer or lease, or the advertising for sale, transfer or lease, or the offering or exposing for sale, transfer or lease, of any Firearm Ammunition. The policy shall also name the City and its officers, agents and employees as additional insureds. The minimum liability limit shall not be less than One Million Dollars (\$1,000,000.00) for damage to or destruction of property in any one incident, and One Million Dollars (\$1,000,000.00) for the death or injury to any one person. Provided, however, that additional amounts may be required by the City if deemed necessary.

Such policy of insurance shall contain an endorsement providing that the policy will be continuous until canceled by a 30-day written notice sent by registered mail to the City Risk Manager 30 days in advance of the cancellation date. Prior to cancellation of any such policy, the vendor shall secure equivalent insurance. Failure to so do is grounds for revocation of the permit.

(g) **Denial of Permit.** Any applicant who is denied a permit shall be informed of the reasons for denial.

(h) **Permit Valid for Issuance.** When issued, the permit shall state on its face "Valid for Retail Sale of Firearm Ammunition".

(i) **Consent to Inspection.** The acceptance of a permit to engage in the business of a Firearms Ammunition dealer constitutes consent to inspection of the books, records and business premises in the manner set forth in Section 103.14 of this Code.

(j) **Permit Assignment.** The assignment or attempted assignment of any permit issued pursuant to this section, otherwise than in connection with a change of ownership as provided in Section 103.08, is unlawful and any such assignment or attempted assignment shall render the permit null and void.

(k) **Permittee Responsible For The Conduct Of Business.** No Firearm Ammunition shall be sold or leased or offered for sale or lease or advertised for sale or lease by the vendor, nor shall the vendor otherwise conduct his or her business, in violation of the Penal Code of the State of California, this section or any other applicable law.

(l) **Conditions of Employment by Permittee.** No officer, employee or agent of the vendor, hereinafter referred to collectively as "employee", who will have access to or control of Firearm Ammunition shall:

(i) be under twenty-one years of age;

(ii) have had a Federal firearms license revoked or denied within the last year;

(iii) be prohibited by law from owning, possessing or having custody or control of any firearm as defined in such law;

(iv) have been convicted of any firearms or ammunition related offense within the last five years.

Prior to employment, all prospective employees of the vendor shall make application to the Board for employment authorization and shall submit all required information, and fees together with fingerprints as required by Section 103.02.1 and 103.12 of this Code, to the Board. The applicant for employment shall be advised by the Board as to approval of the application as soon as processing has been completed. No applicant for employment may be hired until or unless the application for employment has been approved by the Board. This provision shall also apply to any employee in the employment of the vendor who has access to or control of Firearm Ammunition at the time this provision becomes effective, and such an employee must also submit an application to the Board. An employee in the employment of the vendor at the time this provision becomes effective who does not meet all of the above conditions must be released from employment within ninety days after notification to the vendor that the employee has failed to meet all of the above conditions.

(m) **Recording of Information.** The vendor shall comply with all requirements related to ammunition sales, as set forth in Los Angeles Municipal Code section 55.11.

(n) **Penalty.** Violation of this section shall constitute a misdemeanor.

(o) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

ARTICLE 4

CANNABIS PROCEDURES

(Added by Ord. No. 185,343, Eff. 12/19/17.)

[Editor's note: Former Article 4, "Airport Hospitality Enhancement Zone Ordinance", was repealed by Ord. No. 183,241, Eff. 11/10/14.]

Section

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SEC. 104.00. PURPOSE.

(Amended by Ord. No. 187,095, Eff. 7/1/21.)

In November 2016, the people of the State of California voted to approve Proposition 64, the Adult Use of Marijuana Act (AUMA), which decriminalized certain activities related to non-medical cannabis in California. Subsequently, the State enacted the Medicinal and Adult-Use Cannabis Regulation and Safety Act to establish a system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing and sale of both medicinal and recreational cannabis. The AUMA also provided for State licensing of commercial cannabis businesses, starting January 1, 2018. State law requires city approval in order to obtain a State License. The City desires to create a licensing system for certain cannabis-related businesses. Therefore, the City has created a Department of Cannabis Regulation and a Cannabis Regulation Commission to implement this article and otherwise coordinate administration of the requirements of this article.

SEC. 104.01. DEFINITIONS.

(Amended by Ord. No. 186,703, Eff. 7/10/20.)

(a) The following definitions shall apply to this article. Words and phrases not defined herein shall be construed as defined elsewhere in this Code, as required by the context:

1. "**Act**" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).
2. "**Applicant**" means a Person applying for a City License pursuant to this article.
3. "**Application**" means all records submitted to the Department by an Applicant requesting Temporary Approval or a License to conduct Commercial Cannabis Activity.
4. "**Branded Merchandise**" means clothing, hats, pencils, pens, keychains, mugs, water bottles, beverage glasses, notepads, lanyards, cannabis accessories, or other types of merchandise approved by the DCR with the name or logo of a commercial cannabis business licensed pursuant to the Act. Branded Merchandise does not include items containing cannabis or any items that are considered food as defined by California Health and Safety Code Section 109935.
5. "**BTRC**" means a Business Tax Registration Certificate issued by the City's Office of Finance.
6. "**Business Day**" is a day Monday through Friday from 9:00 a.m. to 4:00 p.m. Pacific Time, excluding City holidays.
7. "**Business Premises**" means the designated structure or structures and land specified in an application for a License that is owned, leased, or otherwise held under the control of the Applicant or Licensee where the licensed Commercial Cannabis Activity will be or is conducted.
8. "**Cannabis**" means cannabis as defined in Section 26001 of the California Business and Professions Code, included in the Medicinal and Adult Use Cannabis Regulation and Safety Act, as currently defined or as may be amended.
9. "**Cannabis Accessories**" has the same meaning as in California Health and Safety Code Section 11018.2.
10. "**Canopy**" means the designated area(s) at a Business Premises that will contain mature plants at any point in time.
11. "**City**" means the City of Los Angeles.
12. "**City Council**" means the Council of the City of Los Angeles.

13. "**Commercial Cannabis Activity**" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of Cannabis or Cannabis products in the City as provided for in Division 10 of the California Business and Professions Code and the California Code of Regulations, as currently defined or as may be amended.
14. "**Commission**" means the City of Los Angeles Cannabis Regulation Commission, as described in Chapter 31 of Division 22 of the Los Angeles Administrative Code.
15. "**Community Plan Area**" shall have the same meaning as within Article 1.5, Chapter 1 of the Los Angeles Municipal Code.
16. "**Cultivated Area**" means the designated area(s) at a Business Premises that will contain mature plants at any point in time. **(Added by Ord. No. 187,095, Eff. 7/1/21.)**
17. "**Cultivation**" means cultivation as defined in Section 26001 of the California Business and Professions Code, included in the Medicinal and Adult Use Cannabis Regulation and Safety Act, as currently defined or as may be amended.
18. "**Day**" means calendar day unless another meaning is provided.
19. "**DCR**" or "**Department**" means the City of Los Angeles Department of Cannabis Regulation, as described in Chapter 31 of Division 22 of the Los Angeles Administrative Code.
20. "**Delivery Employee**" means an individual employed by a licensed retailer or licensed microbusiness authorized to engage in retail sales who delivers cannabis goods from the licensed retailer or licensed microbusiness premises to a customer at a physical address.
21. "**Disproportionately Impacted Area**" is defined in Section 104.20 and incorporated herein by reference.
22. "**EMMD**" means an existing medical marijuana dispensary that is in compliance with all restrictions of Proposition D, notwithstanding those restrictions are or would have been repealed, including, but not limited to, either possessing a 2017 L050 BTRC and current with all City-owed business taxes, or received a BTRC in 2007, registered with the City Clerk by November 13, 2007 (in accordance with the requirements under Interim Control Ordinance 179027), received a L050 BTRC in 2015 or 2016 and submits payment for all City-owed business taxes before the License application is deemed complete. For purposes of this subsection only, an EMMD that has entered into a payment plan with the City's Office of Finance pursuant to LAMC Section 21.18 to pay all outstanding City-owed business taxes is deemed current on all City-owed business taxes and is deemed to have submitted payment for all City-owed business taxes.
23. "**Employee**" means a person who works for the Licensee or the Licensee's Management Company regardless of compensation and is under the control of an employer. Employee as defined herein includes seasonal and contract employees.
24. "**Equity Share**" is defined in Section 104.20 and incorporated herein by reference.
25. "**Final Inspection**" is a required inspection of the Business Premises conducted by DCR prior to the issuance of an annual License.
26. "**Immature Cannabis Plant**" or "**Immature Plant**" means a plant that is nonflowering and is shorter and narrower than 18 inches. This definition is applicable to retail activities.
27. "**Individual**" means a natural person. The terms "individual" and "natural person" are used interchangeably throughout this article.
28. "**Initial Inspection**" is a required inspection of the Business Premises conducted by DCR prior to the issuance of a Temporary Approval.
29. "**License**" means a City license issued under this article.
30. "**License Renewal Inspection**" is a required inspection of the Business Premises conducted by DCR prior to the renewal of a License.
31. "**Licensee**" means any Person holding a License under this article.
32. "**Limited-Access Area**" means an area in which cannabis goods are stored or held and is only accessible to a licensee and its employees and authorized individuals.
33. "**Low Income**" is defined in Section 104.20 and incorporated herein by reference.
34. "**Management Company**" means a Person who manages Commercial Cannabis Activity on a Licensee's behalf, or a

Person who directs or controls another Person who manages Commercial Cannabis Activity on a Licensee's behalf. A Management Company does not include an Employee of a Licensee or an Owner of a Licensee.

35. "**Neighborhood Liaison**" means a natural person specifically designated by the Licensee to interact with the community, including, but not limited to, responding to complaints.

36. "**Non-Retailer Commercial Cannabis Activity**" means Commercial Cannabis Activity not involving the sale or distribution of Cannabis directly to a consumer.

37. "**Owner**" means owner as defined in Section 26001 of the California Business and Professions Code, included in the Medicinal and Adult Use Cannabis Regulation and Safety Act, as currently defined or as may be amended.

38. "**Person**" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

39. "**Primary Personnel**" means any of the following: (i) a natural person with an aggregate ownership interest of 20 percent or more in the Person applying for a License or a Licensee, unless the interest is solely a security, lien, or encumbrance; (ii) the chief executive officer, managing member(s), or a general partner of a nonprofit or other entity seeking licensure; or (iii) the chief executive officer, managing member(s), or a general partner of any Person with an aggregate ownership interest of 20 percent or more in the Person seeking licensure.

40. "**Program**" means the Social Equity Program.

41. "**Proposition D**" means the initiative adopted by the voters of the City of Los Angeles on May 21, 2013.

42. "**Proposition M Priority Processing Application**" or "**Proposition M Priority Processing**" means an application filed by an EMDD pursuant to the priority processing for EMDD dispensaries as provided by Measure M, adopted by the voters of the City of Los Angeles on March 7, 2017.

43. "**Retail Commercial Cannabis Activity**" means Commercial Cannabis Activity involving the sales or distribution of Cannabis directly to a consumer.

44. "**Rules and Regulations**" mean detailed requirements meant to clarify and aid in the administration of this article, which are approved by the City Council or promulgated by DCR.

45. "**Social Equity Applicant**" means the Person applying for a City License subject to Section 104.20.

46. "**Social Equity Individual Applicant**" is defined in Section 104.20 and incorporated herein by reference.

47. "**State License**" means a license issued by the state of California pursuant to Division 10 of the Business and Professions Code and the California Code of Regulations as currently defined or as may be amended.

48. "**Temporary Approval**" means a DCR-issued temporary license that authorizes an Applicant to engage for a limited period of time in Commercial Cannabis Activity as would be permitted under the privileges of a non-temporary license of the same type. An Applicant with Temporary Approval shall follow all applicable Rules and Regulations as would be required if the Applicant held a non-temporary License of the same type.

49. "**Undue Concentration**" means the Applicant's Business Premises is located within a higher cannabis license/population ratio within the community plan based on the American Community Survey, updated annually, than the following: ratio of one license per 10,000 residents for Retailer (Type 10); ratio of one license per 7,500 residents for Microbusiness (Type 12); a maximum aggregate number of 15 Licenses at a ratio of one License for every 2,500 square feet of allowable cultivated area for Cultivation (Types 1A, 1C, 2A, 3A, and 5A); and ratio of one license per 7,500 residents for Manufacture (Type 7). An EMDD is not subject to a finding of Undue Concentration. An Applicant eligible for processing under Section 104.08 is not subject to a finding of Undue Concentration. A Microbusiness involved in on-site retail counts towards the Undue Concentration License limits applied to Retailer (Type 10) Licenses, and a Microbusiness involved in Cultivation counts towards the Undue Concentration limits applied to Cultivation Licenses (Types 1A, 1C, 2A, 3A, and 5A).

50. "**Unlawful Establishment**" means any Person engaged in Commercial Cannabis Activity if the Person does not have a City issued Temporary Approval or License.

SEC. 104.02. LICENSE REQUIRED.

(Added by Ord. No. 185,343, Eff. 12/19/17.)

(a) A License is required for any of the following Commercial Cannabis Activity and shall be issued as A (Adult) and/or M (Medical) categories: **(Amended by Ord. No. 185,608, Eff. 7/23/18.)**

1. RETAILER COMMERCIAL CANNABIS ACTIVITY - Type 10 - Retailer; Type 9 - Non-Storefront Retailer as currently defined or amended by the State of California.
2. A Person may not hold more than three Type 10 Licenses. A Person with an aggregate ownership or profit-sharing interest of 20 percent or more in the Person applying for a License may not hold more than three Type 10 Licenses, unless the interest is solely a security, lien, or encumbrance. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**
3. MICROBUSINESS COMMERCIAL CANNABIS ACTIVITY - Type 12 - Microbusiness as currently defined or amended by the State of California.
4. INDOOR COMMERCIAL CANNABIS CULTIVATION ACTIVITY - Type 1 through Type 5 as defined herein; Type 1A - Cultivation, Specialty Indoor, Small; Type 2A - Cultivation, Indoor Small; Type 3A - Cultivation; Indoor, Medium; Type 4 - Cultivation, Nursery (limited to indoor cultivation); and Type 5A - Cultivation, Indoor, Large; Type 1C - Specialty Cottage Small (limited to indoor cultivation); Processor as currently defined or amended by the State of California.
5. A Person shall not hold more than three Type 3A Medium - Indoor Cultivation Licenses or any combination of cultivation license types where the aggregate allowable cultivation area would exceed 1.5 acres. A Person with an aggregate ownership or profit sharing interest of 20 percent or more in the Person applying for a License may not hold more than three Type 3A Medium - Indoor Cultivation Licenses or any combination of cultivation license types where the aggregate allowable cultivation area would exceed 1.5 acres. This provision does not apply to applications submitted prior to the effective date of this ordinance provided that any changes or modifications to the license do not exceed the total allowable aggregate cultivation area or the number of allowable cultivation licenses held by a Person. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**
6. MANUFACTURE COMMERCIAL CANNABIS ACTIVITY
 - (i) Type 6 - Manufacturer 1 as currently defined or amended by the State of California.
 - (ii) Type 7 - Manufacturer 2 as currently defined or amended by the State of California.
 - (iii) Type N - Infusion.
 - (iv) Type P - Packaging.
 - (v) Type S - Shared-use facility. **(Added by Ord. No. 185,629, Eff. 7/2/18.)**
7. TESTING COMMERCIAL CANNABIS ACTIVITY - Type 8 - Testing Laboratory as currently defined or amended by the State of California.
8. DISTRIBUTOR COMMERCIAL CANNABIS ACTIVITY - Type 11- Distributor as currently defined or amended by the State of California.
9. OTHER COMMERCIAL CANNABIS ACTIVITY - Any Commercial Cannabis Activity which requires a State of California license as currently defined or amended by the State of California and which is not identified in this article. **(Added by Ord. No. 185,629, Eff. 7/2/18.)**

SEC. 104.03. APPLICATION PROCEDURE.

(Amended by Ord. No. 186,703, Eff. 7/10/20.)

(a) **Application – Pre-Application Review.** Prior to filing an application pursuant to Subsection (b), an Applicant shall submit a Pre-Application, including all documents as determined by DCR, and pay a Pre-Application Review Fee pursuant to Section 104.19 for DCR to conduct a preliminary review of the application to determine compliance of the Business Premises location pursuant to Section 104.03(a)(3) and Article 5 of Chapter X of this Code. Pre-Applications that are incomplete or missing required documents shall not be eligible for further processing. If the Pre-Application is deemed eligible for further processing, the Applicant shall pay a Temporary Approval Application Fee pursuant to Section 104.19 within 30 days of receiving an eligibility determination for further processing. An EMMD seeking a License under Section 104.07 shall pay the EMMD Temporary Approval Application Fee pursuant to Section 104.19(a). An Applicant seeking a License under Section 104.08 shall pay the Section 104.08 Temporary Approval Application Fee pursuant to Section 104.19(a). DCR may request additional information or documents from the Applicant at any time during the pre-application review, subject to payment of any fees under Section 104.19(h). If the Applicant fails to provide the additional information or documents in the time allotted by DCR, the application shall be deemed abandoned. Except for a Social Equity Individual Applicant who is an Owner on an application subject to processing under Section 104.06.1, an individual Applicant, Owner, or Primary Personnel who is disqualified under Subdivision 1. or 2. may be permitted to amend the application to cure those defects, subject to the payment of any applicable modification fee in Section 104.19. An Applicant whose Business Premises location is deemed ineligible under Section 104.03(a)(3) or Article 5 of Chapter X of this Code shall not be permitted to amend their application, but may submit a new application subject to the payment of any applicable fee in Section 104.19. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

1. Primary Personnel convicted of any of the following offenses within the time specified shall be disqualified in any of the following circumstances and are prohibited from applying for or holding a Temporary Approval or License. Primary Personnel

may be subject to LiveScan or a similar review of criminal history. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(i) Illegal volatile Cannabis manufacturing under Health and Safety Code Section 11379.6 for a period of five years from the date of conviction.

(ii) A violation of any State or local law involving wage or labor for a period of five years from the date of conviction.

(iii) A violation of any law involving distribution of Cannabis to minors for a period of five years from the date of conviction.

(iv) Illegal Commercial Cannabis Activity after April 1, 2018, for a period of five years from the date of conviction.

(v) A violation of any State or local law involving distribution or sales of tobacco or alcohol to minors for a period of five years from the date of conviction.

(vi) A violent felony as defined in California Penal Code Section 667.5, a serious felony conviction as defined in California Penal Code Section 1192.7, or a felony conviction for violating any law involving violent crimes, sex trafficking, rape, crimes against children, gun crimes or hate crimes for a period of 20 years from the date of conviction or completion of a term of imprisonment, supervised release or probation imposed as a sentence for the conviction, whichever is later.

(vii) A felony conviction for a crime involving fraud, deceit, or embezzlement for a period of 20 years from the date of conviction. In addition, an individual with a felony conviction under this paragraph shall be prohibited from serving as an authorized agent or agent for service of process on any Application.

(viii) A civil judgment concerning illegal Commercial Cannabis Activity for a period of 5 years from the date of the judgment. **(Added by Ord. No. 187,095, Eff. 7/1/21.)**

2. Persons are prohibited from being Owners of Persons applying for or holding a Temporary Approval or License and shall be disqualified in any of the following circumstances:

(i) An individual who holds office in, is employed by, or is appointed to, any agency of the State of California and any of its political subdivisions, including the City and any of its agencies, departments, commissions or boards, when the individual's duties include the enforcement or regulation of Commercial Cannabis Activity or any other penal provisions of law of the State of California prohibiting or regulating Commercial Cannabis Activity.

(ii) Any entity that is incorporated outside of the United States.

3. In the following circumstances a Business Premises location is ineligible for Licensure:

(i) The Business Premises is owned or managed by a Person who holds office in any agency of the State of California and any of its political subdivisions, including the City and any of its agencies, departments, commissions or boards of the State of California or its political subdivisions when the individual's duties include the enforcement or regulation of Commercial Cannabis Activity or any other penal provisions of law of the State of California prohibiting or regulating Commercial Cannabis Activity.

(ii) The Business Premises was the site of illegal volatile Cannabis manufacturing under Health and Safety Code Section 11379.6 as evidenced by a conviction, for a period of five years from the date of conviction.

(iii) The Business Premises was the site of distribution of Cannabis to minors as evidenced by a conviction, for a period of five years from the date of conviction.

(iv) The Business Premises was the site of any illegal Commercial Cannabis Activity after April 1, 2018, as evidenced by a conviction, for a period of five years from the date of conviction.

(v) The Business Premises was the site of a disconnection of utilities under Section 104.15(e) for a period of five years from the date of the disconnection.

(vi) The Business Premises was the site of padlocking under Section 104.15.1 for a period of five years from the date of the padlocking. **(Added by Ord. No. 187,095, Eff. 7/1/21.)**

4. **Public Convenience or Necessity Process. (Amended by Ord. No. 187,095, Eff. 7/1/21.)** If the Applicant's proposed Business Premises is located in a Community Plan Area that has reached Undue Concentration, the Applicant must request that the City Council find that approval of the License application would serve the public convenience or necessity. Prior to seeking a finding from City Council, the Applicant shall submit Pre-Application and pay a Pre-Application Review Fee pursuant to Section 104.19 for DCR to determine compliance of the Business Premises location pursuant to Section 104.03(a)(3) and Article 5 of Chapter X of this Code.

(i) If DCR determines that the Pre-Application is not eligible for further processing, the Applicant shall not file a request that the City Council find that approval of the License application would serve the public convenience or necessity and DCR shall not further process the application. The Applicant may submit a new Pre-Application for a new proposed location, subject to the payment of fees under Section 104.19.

(ii) If DCR determines the Pre-Application is eligible for further processing, the Applicant shall file a request, on a form provided by DCR, that the City Council find that approval of the License application would serve the public convenience or necessity, supported by evidence in the record. The Applicant shall also pay a Public Convenience or Necessity Application Fee pursuant to Section 104.19(g) within 30 days from the date of invoice issuance. DCR shall transmit the request to the City Clerk within 30 days of the Applicant's payment of the Public Convenience or Necessity Application Fee. The Applicant shall engage with and seek written input from the following key stakeholders for the area in which the proposed Business Premises will be located, which at a minimum should include: area Neighborhood Council; Los Angeles Police Department (LAPD) Division; local chamber of commerce; and at least one substance abuse intervention, prevention and treatment organization within the Community Plan Area. LAPD shall provide the City Council with crime data for the area, and a letter stating their position on the application request. DCR shall promulgate standards subject to City Council approval by resolution, which may be amended from time to time. DCR shall provide written notice of the Applicant's request pursuant to Section 104.05(b). If the City Council does not act on the Applicant's request within 90 calendar days of the City Clerk's date of receipt, then the City Council shall be deemed to have not made the necessary findings to support the public convenience and necessity, the request shall be denied by operation of law, and the License application shall not be processed by DCR. If the City Council finds that approval of the License application would serve the public convenience or necessity, the Applicant shall pay a Temporary Approval Application Fee pursuant to Section 104.19 within 30 days of the City Council's action becoming final.

(b) Application – Filing and Fees. DCR shall consider the application filed following a determination of eligibility pursuant to Subsection (a) and the payment of the applicable Temporary Approval Application Fee for each Commercial Cannabis Activity pursuant to Section 104.19(a). The Temporary Approval Application Fee shall be due within 30 days from the date of invoice issuance. If the fees are not paid within the allotted time, the application shall be deemed abandoned. An Applicant shall submit all required information and documents pursuant to the Rules and Regulations. All Applicants are required to pay the Annual License Application Fee for each activity requested in the application pursuant to Section 104.19(a). **(Amended by Ord. No. 186,919, Eff. 2/24/21.)**

(c) Application – Determination of Completeness. DCR shall determine if the Application is complete as provided in the Rules and Regulations. A determination of completeness includes an Initial Inspection and environmental clearance as required by Section 104.06(e). The applicant shall pay the applicable environmental assessment fee pursuant to Section 104.19(c). DCR may request additional information and documents from the Applicant at any time during application processing, subject to payment of any fees under Section 104.19(h). If the Applicant fails to provide the additional information, documents or payment in the time allotted by DCR, the Application shall be deemed abandoned. An Annual License Application Fee for each Commercial Cannabis Activity pursuant to Section 104.19 shall be paid within 30 days of DCR's determination that the Application is complete. If the fees are not paid within the allotted time, the application shall be deemed abandoned. DCR will conduct a Final Inspection and, when applicable, schedule a community meeting pursuant to Section 104.04. **(Amended by Ord. No. 186,919, Eff. 2/24/21.)**

(d) Application – Withdrawal. An Applicant may withdraw an Application prior to the City's approval or denial of the License. An Application shall not be considered withdrawn until DCR has consented to its withdrawal in writing. An Applicant may re-apply at any time if an Application is withdrawn or abandoned, but the Applicant must file a new application. DCR shall not refund any fee for a withdrawn or abandoned application. A request to withdraw an application must be submitted in writing, dated and signed by the Owner(s) representing a majority ownership share. Withdrawal of an application shall not, unless consented by DCR, deprive DCR of its authority to institute or continue a proceeding against the Applicant for the denial of the License upon any ground provided by law or to enter an order denying the license upon any such ground.

(e) Application – Modification. An Applicant or Licensee shall not make modifications to an Application or License without prior written approval by DCR in accordance with this subsection. An Applicant or Licensee shall submit a modification request on a form provided by DCR and pay a modification request fee pursuant to Section 104.19(h). Upon payment, DCR, in its sole discretion, will review and determine if the modification request is eligible for further consideration. DCR's determination is final and not appealable. If the requested modification(s) can be further considered, the Applicant or Licensee shall submit any additional documents or information DCR deems necessary to process the request and pay any additional modification fees pursuant to Section 104.19. Modification requests shall not be processed until all required documents, information, and fees have been submitted to DCR. DCR may require Licensees to obtain approval for the proposed modification(s) from the applicable State licensing or regulatory agency or agencies. DCR may also require business entities formed as corporations, limited partnerships or limited liability companies to update their filings with the California Secretary of State. DCR shall provide written notification when the requested modification has been fully processed. Persons shall not be permitted to sell, lease, lend, or otherwise transfer an Application, Temporary Approval, or License separate and apart from a transfer of the Person who owns the Application, Temporary Approval, or License. DCR may adopt guidelines, rules or regulations in accordance with this section. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

1. Business Premises Relocation. An Applicant or Licensee shall not relocate Commercial Cannabis Activity without prior written approval by DCR. The Applicant or Licensee shall submit a modification request form and pay the required Modification Request Form Review fee pursuant to Section 104.19. Upon payment of the modification fee, DCR shall review the relocation request and notify the Applicant or Licensee if the proposed location complies with Article 5 of Chapter X of this Code. Upon notification, the Applicant or Licensee shall provide at a minimum: (1) a copy of an executed lease or property deed for the new location; (2) a landowner acknowledgment that the Applicant or Licensee has the right to occupy the property for Commercial

Cannabis Activity for which the Applicant or Licensee is seeking a license; (3) a site plan; and (4) a Business Premises diagram. Upon notification, the Applicant or Licensee shall pay the Business Premises Relocation Fee pursuant to Section 104.19. An Applicant shall not conduct Commercial Cannabis Activity at the new Business Premises location until Temporary Approval is issued at that location. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(i) An Applicant or Licensee applying for or authorized to conduct non-volatile manufacturing (Type 6), Non-Storefront Retailer (Type 9) and distribution (Type 11) may relocate to another location within the City subject to Subdivision 1. of this section.

(ii) An Applicant or Licensee applying for or authorized to conduct cultivation (Types 1A, 1C, 2A, 3A, 5A), volatile manufacturing (Type 7), and retail store-front (Types 10, 12) activities may relocate within the same Community Plan Area provided the Community Plan Area has not reached Undue Concentration and subject to Subsection (e)(1). A relocation request within the same Community Plan Area which has reached Undue Concentration may be permitted provided the application was submitted prior to the Community Plan Area reaching Undue Concentration.

(iii) If the application was submitted pursuant to a finding by the City Council that approval of the license would serve the public convenience or necessity, the relocation request shall comply with the following requirements:

(1) **Businesses without a License.** If the City Council found that approval of the Application would serve the public convenience or necessity for the original Business Premises location and DCR has not issued a License at the location, the Applicant shall request that the City Council find that approval of the License application at the new Business Premises location within the community plan area would serve the public convenience or necessity pursuant to Section 104.03(a)(4) and subject to Subsection (e)(1).

(2) **Businesses with a License.** If the City Council found that approval of the Application would serve the public convenience or necessity for the original Business Premises location and DCR has issued a License at that location, the Licensee may be permitted to relocate within the same Community Plan Area which has reached Undue Concentration subject to Subsection (e)(1).

(iv) **Relocations for Applicants Under Section 104.06.1(b).** Applicants deemed eligible for further processing under Section 104.06.1(b) may submit one relocation request prior to December 31, 2021, and not be subject to the Business Premises Relocation Fee. Applicants shall pay Modification Request Form Review fee(s) pursuant to Section 104.19. For the purposes of compliance with LAMC Sections 105.02(a)(1)(B) or 105.02(a)(2)(B), the payment of the Modification Request Form Review fee(s) shall be the "Application Date" under LAMC Section 105.01. Any subsequent relocation request(s) shall be subject to payment of the Business Premises Relocation Fee and LAMC Sections 105.02(a)(1)(B) or (a)(2)(B). **(Added by Ord. No. 187,095, Eff. 7/1/21.)**

(v) **Relocations After the Issuance of Temporary Approval.** If an Applicant has been issued Temporary Approval for the location from which it seeks to relocate, the Applicant must request cancellation of its Temporary Approval at that location before Temporary Approval at the new Business Premises location may be issued. **(Added by Ord. No. 187,095, Eff. 7/1/21.)**

2. Ownership Structure. Except for the Social Equity Individual Applicant who is an Owner on an application subject to processing under Section 104.06.1, DCR shall review and approve modifications to ownership for an Applicant's or Licensee's Applications, Temporary Approvals or Licenses. After submitting an application under Section 104.06.1, an Applicant shall not be permitted to modify its application to remove or replace the individual Owner who is the Social Equity Individual Applicant, as defined in Section 104.20(a) or (b). Applications, Temporary Approvals, and Licenses are not transferable or assignable to another Person unless a request is submitted and approved by DCR. Business entities formed as corporations, limited partnerships, or limited liability companies must update their filings with the California Secretary of State. The Applicant or Licensee shall pay the applicable modification fees pursuant to Section 104.19, as determined by DCR, and submit the following: (1) a copy of Statement of Information filed with the Secretary of State, if applicable; (2) a copy of the Amended Articles of Organization or Incorporation, if applicable; (3) Ownership and Financial Interest Holder Disclosure Form for all Persons associated with the Application, Temporary Approval, or License; (4) organizational chart showing all owners and entities in any multi-layer business structure; and (5) any additional information or documents DCR deems necessary to consider the request. Applicants and Licensees subject to Section 104.20 shall also provide all business records and agreements necessary to demonstrate that the Social Equity Individual Applicant owns the minimum Equity Share required under Section 104.20(a)(2). Modifications to the ownership structure shall be made in accordance with the following: **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(i) All entities and individuals with a financial interest shall be disclosed to DCR. This includes all entities in a multi-layer business structure, as well as the chief financial officer, members of the board of directors, partners, trustees, and all Persons who have control of a trust, and managing members or non-members managers of the entity. Each entity disclosed as having a financial interest must disclose the identities of Persons until only individuals remain.

(ii) If at least one existing Owner is not transferring his or her ownership interest and will remain as an Owner under the new structure, the business may continue to operate if a Temporary Approval or License has been issued while DCR reviews the eligibility of the new Owner(s) pursuant to Section 104.03(a)(1) and (2).

(iii) If all Owners will be transferring their ownership interest, the Applicant or Licensee shall resubmit all application documents and pay all required application fees. The business shall not operate under the new ownership structure until a new License has been issued by DCR.

(iv) A change of ownership does not occur when one or more Owners leave the business by transferring their ownership interest to the other existing Owner(s).

(v) In cases when an Owner leaves the business by transferring their ownership interest to other existing Owner(s), written approval shall be required from the Owner that is transferring the ownership interest.

3. Legal Entity Name Change. Business entities formed as corporations, limited partnerships or limited liability companies must register with the California Secretary of State and provide the Entity (File) Number to DCR upon application submission. Applications, Temporary Approvals, or Licenses may change the legal entity name under which the Application, Temporary Approval, or License was submitted or issued, provided that the Entity (File) Number registered with the Secretary of State remains the same. The Applicant or Licensee shall submit a modification request form and pay the required modification fee pursuant to Section 104.19 within 30 days of the date the invoice is issued. DCR may require that the Applicant or Licensee submit the documents to demonstrate that the changes have been filed with the Secretary of State or approved by the State licensing agency or agencies. DCR may require that a new Application be submitted if it determines that the Application, Temporary Approval, or License has been sold, leased, lent, or otherwise transferred to another Person and shall deem the existing Application abandoned. Any new Application will be considered in the order received with respect to sensitive uses and, if applicable, to activities subject to Undue Concentration. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

4. Physical Modification of Business Premises. An Applicant or Licensee shall not perform interior physical modifications, alterations, additions, or expansions of the Business Premises without written approval from DCR. The Applicant or Licensee shall submit a modification request form and pay the required modification fees pursuant to Section 104.19. Requests to modify the Business Premises shall comply with the following: **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(i) Except for business subject to Paragraph (ii), expansion of the Business Premises shall be limited to 50 percent of the existing Business Premises floor area before the addition, or 2,500 square feet, whichever is less, and shall comply with Article 5 of Chapter X of this Code. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(ii) Any Business Premises expansion by EMMDs shall comply with: (1) the distance and sensitive use restrictions of Los Angeles Municipal Code Section 45.19.6.3 L. and O. of Proposition D notwithstanding those restrictions are or would have been repealed; (2) the zoning requirements of Article 5 of Chapter X of this Code; and (3) any physical expansion that involves cultivation Commercial Cannabis Activity shall be limited to the maximum Cultivated Area allowed by the cultivation License type issued by DCR. **(Added by Ord. No. 187,095, Eff. 7/1/21.)**

(iii) The Applicant or Licensee shall submit a proposed Business Premises diagram which clearly indicates the proposed construction, alterations, addition, or expansion of the Business Premises. The diagram shall be drawn to scale (1/8" = 1' - 0" minimum scale) with dimensions and indicate the existing floor area, the added floor area, and clearly label each Commercial Cannabis Activity on the Business Premises and all ancillary uses.

(iv) An Applicant or Licensee may increase the cultivation area within the existing Business Premises, or may expand the existing Building Premises floor area in accordance with Paragraph (i), provided that the resulting cultivation area does not exceed the maximum cultivation area allowed for the license type under which the Application was submitted.

(v) **Additional Requirements.** If applicable, DCR may require: (1) a copy of an executed lease with proof of a deposit or property deed if the expansion includes additional adjacent units; (2) landowner acknowledgement that the Applicant or Licensee has the right to occupy the Business Premises; (3) a site plan if the Business Premises diagram has been expanded; and (4) any additional documents or information DCR deems necessary to consider the request.

5. Fictitious Business Name Change. Applicants who register a Fictitious Business Name (FBN) with the Los Angeles County Registrar must provide the FBN to DCR upon application submission. A new FBN, or a change to the existing FBN after the Application is submitted, must be requested by submitting a modification request form and paying the required modification fees pursuant to Section 104.19. The Applicant or Licensee shall submit the necessary documents to demonstrate that the changes have been registered with the Los Angeles County Registrar and approved by the State. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

6. Other Modifications. DCR may consider other application modifications on a case-by-case basis. The Applicant or Licensee shall submit a modification request form and pay the required modification fees to Section 104.19. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(f) **Calculation of Time.** Unless otherwise specified, when the final day for the filing of an application or appeal, or the payment of fees, falls on a Saturday, Sunday or City holiday, the time for filing shall be extended to the close of the next Business Day, and the effective or final date of any action, decision or determination shall be extended by the same amount of time.

(g) **Payments.** Unless otherwise specified, all payments due under this Article may be considered timely paid if enclosed in a properly addressed envelope with sufficient postage, deposited in the mail, and postmarked by the payment deadline. Unless otherwise

specified, payments may also be considered timely paid if an Applicant or Licensee schedules and confirms a payment appointment with the Office of Finance by the date of the payment deadline, notwithstanding that the payment appointment may occur after the date of the payment deadline. **(Added by Ord. No. 186,919, Eff. 2/24/21.)**

(h) **Abandonment.** If at any time, DCR determines that an Application or modification request is incomplete, fee payments required under Section 104.19 are not timely paid, or records or information requested by DCR have not been provided within the time allotted by DCR, the Application or modification request may be deemed abandoned. DCR shall not refund fees for an abandoned application or modification request. An Applicant may reapply following an abandoned application or modification request. **(Added by Ord. No. 187,095, Eff. 7/1/21.)**

SEC. 104.04. FINAL INSPECTION AND COMMUNITY MEETING.

(Title and Section Amended by Ord. No. 186,703, Eff. 7/10/20.)

(a) DCR shall conduct Final Inspections in the manner as provided in the Rules and Regulations. A completed application shall be referred by DCR for Final Inspection as provided in the Rules and Regulations. All applicants must pass a Final Inspection prior to the issuance of a License.

(b) DCR shall conduct a community meeting via video or telephone conferencing or within the defined geographic area of the Area Planning Commission within which the Business Premises is situated. At the meeting, DCR shall accept written and oral testimony regarding the application and then prepare a written report to the Cannabis Regulation Commission summarizing the testimony in favor and against the application. Notice of the community meeting shall be provided as specified in Section 104.05(b). This subsection shall not apply to an application for Non-Retailer Activity in a Business Premises less than 30,000 square feet or Non-Storefront Retailer Activity. The Applicant shall pay the required Community Meeting Fee pursuant to Section 104.19(e).

(c) Within 10 days of receipt of the Notice of Complete application, the Applicant or a designated representative shall contact the Neighborhood Council and offer to appear before the Neighborhood Council to address questions about the application. Written evidence shall be provided to DCR such as an email to the Neighborhood Council or a copy of their meeting minutes.

SEC. 104.05. NOTICE.

(Amended by Ord. No. 186,703, Eff. 7/10/20.)

(a) **General.** Whenever notice is required under this article, the Applicant shall bear the cost of mailing and posting of the notice in accordance with the mailing procedures in the Rules and Regulations and the applicable notice fees pursuant to Section 104.19(d). The Department or Executive Director may adopt Rules and Regulations consistent with this section for the posting of notices.

(b) **Types of Notice.**

1. **Written Notice.** Written notices shall contain the following information: purpose of the notice, name of the Applicant, application number, Business Premises address, Commercial Cannabis Activities requested, and the Council District and Community Plan Area in which the Business Premises is located. The notice shall also inform interested parties on how to provide DCR with information about the application. DCR shall post written notices on its website and shall send via electronic mail to: (1) the closest neighborhood council; (2) the business improvement district, if applicable; and (3) the City Council Office within which the Business Premises is situated.

2. **Mailed Notice.** Mailed notices shall contain the following information: date, time and place where the community meeting or public hearing will be held, or if the community meeting will be held online, a link to the webinar or virtual meeting. The notice shall also include: the purpose of the meeting, name of the Applicant, application number, Business Premises address, Commercial Cannabis Activities requested, and the Council District and Community Plan Area in which the Business Premises is located. The notice shall inform interested parties how to provide DCR with information about the application. DCR shall post the mailed notice on its website and shall send the notice by U.S. mail to: (1) the Applicant; (2) Applicant's authorized agents or representatives; (3) Owner or owners listed on the Application; and (4) the owners and occupants of all property within 500 feet of the property line of the lot on which the subject Business Premises is located. For the purpose of notification of property owners, the last known name and address of owners as shown on the records of the City Engineer or the records of the County Assessor shall be used. For occupants, the notice shall be addressed to "occupant" and mailed to all property addresses within the 500-foot radius. Where all property within the 500-foot radius is under the same ownership as the Business Premises, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of-way or other easement, shall also be notified as set forth above. In addition, DCR shall post the notice on its website and shall send the notice by electronic mail to: (1) the closest neighborhood council; (2) the business improvement district, if applicable; and (3) the City Council Office within which the Business Premises is situated.

3. **Posted Notice.** Posted notices shall contain the following information: date, time and place where the meeting or public hearing will be held, or if the meeting will be held online, a link to the webinar or virtual meeting. The notice shall also include: the purpose of the meeting, name of the Applicant, application number, Business Premises address, Commercial Cannabis Activities requested, and the Council District and Community Plan Area in which the Business Premises is located. The notice shall also inform interested parties how to provide DCR with information about the application. The notice shall be posted in a conspicuous place on the property where the Business Premises is located. The notice shall be provided by DCR electronically

and printed by the Applicant on a minimum of 11" x 17" paper size with a minimum 20 font size. The notice shall be posted immediately upon receipt from DCR.

(c) **Required Notices.**

1. **Notice of Complete Application.** Within 10 days of DCR's determination that an application is complete, DCR shall provide written notice as described in Subsection (b)(1). The Applicant shall provide written evidence to DCR that the Applicant offered to appear before the relevant neighborhood council to address questions about the application.

2. **Notice of Community Meeting.** No less than 20 days prior to the date of any community meeting required under this article, DCR shall provide Mailed and Posted Notice of the meeting as described in Subsections (b)(2) and (3).

3. **Notice of Cannabis Regulation Commission Public Hearing.** No less than 20 days prior to the date of any Cannabis Regulation Commission hearing required under this article, DCR shall provide mailed and posted notice of the hearing as described in Subsection (b)(2) and (3).

4. **Notice of Public Convenience or Necessity (PCN) Request Filing.** Within 10 days of DCR transmitting an applicant's request to the City Clerk that the City Council find that approval of the license application would serve the public convenience or necessity, DCR shall provide written notice under Section 104.05(b)(1). **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

5. **Notice to Interested Parties.** Upon written request to DCR, any Person shall be placed on DCR's interested party notification list to receive notices required under this section by email.

SEC. 104.06. ISSUANCE OF LICENSE.

(Amended by Ord. No. 186,703, Eff. 7/10/20.)

(a) **Storefront Retailer Commercial Cannabis Activity.** With respect to an application for a License for Storefront Retailer Commercial Cannabis Activity or for Microbusiness Commercial Cannabis Activity that includes Storefront Retailer Commercial Cannabis Activity, DCR shall either deny the issuance of the License with no hearing at any time during application processing, or, within 90 calendar days of the date DCR deems the application complete, make a recommendation to the Commission to issue the License. The date of the recommendation shall be the date when DCR transmits its report to the Commission for consideration to be scheduled at a future Commission meeting. DCR shall process applications specified in this subsection consistent with the Social Equity Program processing specified in Section 104.20(c)(4)(i). Except as otherwise permitted under Section 104.07, Type 10 Licenses shall be limited to only Social Equity Applicants, as defined in Section 104.20(a) and (b), until January 1, 2025.

1. DCR may deny, with no hearing and based upon written findings and evidence in the record, the issuance of a License where the Applicant fails to meet any of the requirements of Article 5 of Chapter X of this Code, or for any of the following reasons:

(i) The Applicant's Business Premises is substantially different from the diagram of the Business Premises submitted by the Applicant, in that the size, layout, location of common entryways, doorways, or passage ways, means of public entry or exit, or limited-access areas within the Business Premises are not the same;

(ii) The Applicant denied DCR employees or agents access to the Business Premises;

(iii) The Applicant made a material misrepresentation or false statement on the application, or knowingly failed to disclose a material fact or any documentation required by the Department;

(iv) The Applicant failed timely to provide DCR with additional requested information, including documentation;

(v) The Applicant was denied a license, permit or other authorization to engage in Commercial Cannabis Activity by any state or other local licensing authority due to any illegal act or omission of the Applicant;

(vi) Issuance of a License would create a significant public safety problem as documented by a law enforcement agency;

(vii) The Applicant's Business Premises is located in a Community Plan Area which has reached Undue Concentration, unless the City Council has adopted written findings that approval of the License application would serve public convenience or necessity, supported by evidence in the record;

(viii) The Applicant failed to adhere to the requirements of this article or the Rules and Regulations;

(ix) The Applicant engaged in unlicensed Commercial Cannabis Activity in violation of Section 104.15;

(x) The Applicant's Business Premises was the site of Unlicensed Commercial Cannabis Activity, in violation of Section 104.15, on or after January 1, 2018;

(xi) Temporary Approval has been revoked; or

(xii) The Applicant is ineligible for a License under Section 104.03.

2. DCR's decision to deny the issuance of the License is final and effective upon the close of the 15-day appeal period if not timely appealed to the Commission by the Applicant as provided in Section 104.10. There is no further appeal to the City Council. A final denial of a License or exhaustion of all administrative appeals shall terminate any active Temporary Approval.

3. If the decision by DCR is to recommend approval of the application, then the Commission shall make the determination whether to issue the License after it conducts a public hearing. Notice of the public hearing shall be made pursuant to Section 104.05(b). Prior to making its decision, the Commission shall accept and consider written information submitted and oral testimony. The Commission shall consider the decision by DCR to recommend approval of the application, the written summary of the community meeting prepared by DCR, the record before DCR and any written information and oral testimony timely provided to the Commission.

(i) The Commission may deny the issuance of the License for any of the reasons stated in Section 104.06(a)(1) of this article, based upon written findings and evidence in the record. The Commission's decision to deny the issuance of the License is final and effective upon the close of the 15-calendar day appeal period if not timely appealed to the City Council by the Applicant as provided in Section 104.10.

(ii) The Commission may approve the issuance of the License with written findings and evidence in the record to support that the Applicant and Business Premises meet the restrictions of Article 5 of Chapter X of this Code. The Commission may impose conditions to address public safety concerns based on findings and evidence in the record. The Commission shall not approve the issuance of a License for an Applicant with a Business Premises located in a Community Plan Area of Undue Concentration unless the City Council has found that approval of the application would serve public convenience or necessity.

(iii) The Commission's decision to approve the issuance of the License is final and effective upon the close of the 15-day appeal period if not timely appealed to the City Council by the Applicant or any other person aggrieved by the decision, as provided in Section 104.10.

(b) Non-Retailer Commercial Cannabis Activity in a Business Premises Less than 30,000 Square Feet or Non-Storefront Retailer Commercial Cannabis Activity. With respect to an application for a License for Non-Retailer Commercial Cannabis Activity where the Business Premises is less than 30,000 square feet or Non-Storefront Retailer Commercial Cannabis Activity, DCR shall either deny the issuance of the License with no hearing at any time during application processing or, within 90 calendar days of the date DCR deems the application complete, approve the issuance of the License with no hearing. Prior to making its decision, DCR shall consider written information submitted by the public and other interested parties. DCR's decision shall be based on written findings and evidence in the record to support that the Applicant and Business Premises meet the restrictions of Article 5 of Chapter X of this Code. DCR may approve the issuance of the License with the imposition of conditions to address public safety concerns. DCR shall process applications specified in this subsection consistent with the Social Equity Program processing specified in Section 104.20(c)(4)(i). Except as otherwise permitted under Sections 104.07 and 104.08, Types 1A, 1C, 2A, 3A, 4, 5A and 9 Licenses shall be limited to only Social Equity Applicants, as defined in Section 104.20(a) and (b), until January 1, 2025. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

1. DCR's decision to approve or deny the issuance of the License is final and effective upon the close of the 15 calendar-day appeal period if not timely appealed to the Commission by the Applicant or any other person aggrieved by the decision, as provided in Section 104.10. A final denial of a License or exhaustion of all administrative appeals shall terminate any active Temporary Approval.

(c) Non-Retailer Commercial Cannabis Activity in a Business Premises 30,000 Square Feet or Larger. With respect to an application for a License for a Non-Retailer Commercial Cannabis Activity in a Business Premises 30,000 square feet or larger, DCR shall either deny the issuance of the License with no hearing at any time during application processing or, within 90 calendar days of the date DCR deems the application complete, make a recommendation to the Commission to issue the License. The date of the recommendation shall be the date when DCR transmits its report to the Commission for consideration to be scheduled at a future Commission meeting. DCR shall process applications specified in this subsection consistent with the Social Equity Program processing specified in Section 104.20(c)(4)(i). Except as otherwise permitted under Sections 104.07 and 104.08, Types 1A, 1C, 2A, 3A, 4, 5A and 9 Licenses shall be limited to only Social Equity Applicants, as defined in Section 104.20(a) and (b), until January 1, 2025. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

1. DCR may deny the issuance of the License based on written findings, evidence in the record, and for any of the reasons listed in Section 104.06(a)(1). DCR's decision to deny the issuance of the License is final and effective upon the close of the 15-calendar day appeal period if not timely appealed to the Commission by the Applicant, as provided in Section 104.10. There is no further appeal to the City Council. A final denial of a License or exhaustion of all administrative appeals shall terminate any active Temporary Approval.

2. If DCR recommends approval of the application, then the Commission shall make the determination whether to issue the License after it conducts a public hearing. Notice of the public hearing shall be made pursuant to Section 104.05(c)(3). Prior to making its decision, the Commission shall accept and consider written information submitted and oral testimony. The Commission shall consider the decision by DCR to recommend approval of the application, the written summary of the

community meeting prepared by DCR, the record before DCR and any written information and oral testimony timely provided to the Commission. The Commission may approve the issuance of the License based on written findings and evidence in the record to support that the Applicant and Business Premises meet the restrictions of Article 5 of Chapter X of this Code. The Commission may also impose conditions to address public safety concerns. The Commission may deny the issuance of the License based on written findings, evidence in the record and for any of the reasons stated in Section 104.06(a)(1) of this article.

3. The Commission's decision to approve or deny the issuance of the License is final and effective upon the close of the 15 calendar-day appeal period if not timely appealed to the City Council by the Applicant or any other person aggrieved by the decision, as provided in Section 104.10. A final denial of a License or exhaustion of all administrative appeals shall terminate any active Temporary Approval.

(d) **Temporary Approval. (Amended by Ord. No. 187,095, Eff. 7/1/21.)** DCR may, at its discretion, issue a Temporary Approval to engage in Commercial Cannabis Activity at a Business Premises location provided that the Applicant pays the Temporary Approval Application Fee for each Commercial Cannabis Activity, pursuant to Section 104.19, and the following requirements are met: (1) the Business Premises location passes an Initial Inspection; (2) the Applicant submits the required documents, attestations and forms, as determined by DCR; (3) the Applicant indemnifies the City on a form provided by DCR; and (4) if applicable, Applicants and Licensees subject to Section 104.20 shall also provide all business records and agreements necessary to demonstrate that the Social Equity Individual Applicant owns at least the minimum Equity Share required under Section 104.20(a)(2). These requirements do not apply to Temporary Approvals issued under the authority of Sections 104.07 and 104.08. Issuance of a Temporary Approval does not create a vested right in the holder to either an extension of the Temporary Approval, or to the issuance of a subsequent non-temporary License. Temporary Approval authorizes the Applicant to conduct Commercial Cannabis Activities, subject to the Applicant obtaining all necessary permits from the City, State or other public agencies. Temporary Approval does not waive or otherwise circumvent other City or State requirements or necessary permits from the City, State, or other public agencies, including, but not limited, to, a Certificate of Occupancy, permit or authorization of the Los Angeles Fire Department, health permit from the County of Los Angeles, or authorization from the State. If at any time during the processing of an Application or after the issuance of Temporary Approval it is discovered that an Application has been improperly prepared or required information has not been submitted in accordance with the Rules and Regulations, upon notification to the Applicant, processing of that Application shall be suspended and shall not continue until the Application has been corrected or the required information provided.

1. DCR may immediately suspend a Temporary Approval without a hearing based upon: (1) notice from another City, State, or other public agency that an Applicant's use of or conduct at the Business Premises poses an imminent threat to life or public safety; (2) notice to DCR or DCR's discovery that the Applicant is conducting Commercial Cannabis Activity without all necessary permits, inspections or similar clearances to operate from another City, State or other public agency; or (3) notice from the State or DCR's discovery that the Applicant is conducting Commercial Cannabis Activity without an active State license for that Commercial Cannabis Activity. DCR's written findings shall conform with Section 104.13(c). After suspension, the Applicant may request an administrative hearing pursuant to Section 104.14. An Applicant may not conduct Commercial Cannabis Activity while Temporary Approval is suspended.

(i) If DCR suspends a Temporary Approval because the Applicant is conducting Commercial Cannabis Activity at Business Premises without authorization from the State or without a required permit inspection or clearance to operate from another City, State or public agency, DCR may reinstate Temporary Approval if the Applicant provides evidence of the relevant State license(s) or required permit, inspection or clearance to operate, or if such a showing is made during an administrative hearing.

2. DCR may issue a Notice of Violation based upon notice from another City, State, or other public agency, including but not limited to the Los Angeles Fire Department or Department of Building and Safety, that the Applicant has not taken the necessary corrective action to cure a violation, notice to correct, or other form of non-compliance within 90 days, or other time allotted by the citing agency. DCR's written findings shall conform with Section 104.13(c). The Applicant may request an administrative hearing pursuant to Section 104.14.

3. DCR may issue a Notice of Violation based upon evidence that the Temporary Approval was procured by fraud, misrepresentation, deceit, or material misstatement of fact in the application for licensure. DCR's written findings shall conform with Section 104.13(c). The Applicant may request an administrative hearing pursuant to Section 104.14.

(e) **CEQA.** Compliance with the California Environmental Quality Act (CEQA).

1. **CEQA Definitions.** The following definitions shall apply in this subsection:

(i) "**CEQA**" means the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. (CEQA Guidelines, Section 15353.)

(ii) "**Environment**" means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The "environment" includes both natural and man-made conditions. (CEQA Guidelines, Section 15360.)

(iii) "**Lead Agency**" means the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will

cause the document to be prepared. Criteria for determining which agency will be the Lead Agency for a project are contained in Section 15051. (CEQA Guidelines, Section 15367.)

(iv) **"Project"** means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment as defined by CEQA Guidelines Section 15378.

(v) **"Responsible Agency"** means a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency which have discretionary approval power over the project. (CEQA Guidelines, Section 15381.)

(vi) **"Significant Effect on the Environment"** means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (CEQA Guidelines, Section 15382.)

2. Prior to the submission of an annual License Application containing a complete project description for a License, and payment of all applicable fees, DCR shall consider whether the Project has been subject to prior environmental review under CEQA and, if not, what form of environmental review for the License is appropriate. If DCR proposes to act as the local Lead Agency under CEQA, DCR shall prepare, or oversee the preparation of, the appropriate CEQA document which may include: reliance on one or more categorical or statutory exemptions, a negative declaration or mitigated negative declaration, an environmental impact report, a sustainable communities environmental assessment, an addendum or other document provided by CEQA. The Commission or its designee shall consider and adopt the CEQA document prior to issuance of the License. If a Significant Effect on the Environment is identified, the Commission or its designee shall adopt one or more findings, supported by substantial evidence in the record, consistent with Public Resources Code Sections 21081 and 21081.6, and CEQA Guidelines Section 15091. Alternatively, if DCR acts as a Responsible Agency under CEQA, the Commission or its designee, prior to approval of a License, shall consider the Lead Agency's environmental document and make the findings required by Public Resources Code Section 21081, and CEQA Guidelines Sections 15096(g)-(h) and 15050(b). **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

3. Appeals concerning CEQA may be filed pursuant to the procedures in LAMC Section 197.01 et seq. **(Added by Ord. No. 187,095, Eff. 7/1/21.)**

SEC. 104.06.1. SOCIAL EQUITY PROGRAM COMMERCIAL CANNABIS ACTIVITY APPLICATION PROCESSING.

(Title and Section Amended by Ord. No. 186,703, Eff. 7/10/20.)

(a) DCR shall process an Application under this section consistent with Section 104.20(c)(4)(i). Applications that meet the requirements of this section shall be eligible for further processing pursuant to Section 104.06.

(b) Type 10 Application Processing – Round 1.

1. **Social Equity Individual Applicant Verification.** For a period of 60 calendar days, beginning on a date at DCR's sole discretion, an individual may apply to be verified as a Tier 1 or Tier 2 Social Equity Individual Applicant as defined in Section 104.20(a). DCR's determination of whether an individual is a Social Equity Individual Applicant shall be made with no hearing, is final and not appealable. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

2. **Application Period.** DCR shall, on a date starting at its sole discretion, accept Type 10 applications for processing under this subsection for a period of 14 calendar days, provided that DCR posts written notice of the processing period on its website at least 15 calendar days before the start date of the processing period. DCR shall not accept or process applications under this subsection before it has made technical assistance available for a period of at least 45 calendar days to prospective or verified Social Equity Applicants, as defined in Section 104.20.

3. To be eligible to apply in Round 1, an Applicant shall have an individual Owner that is a Tier 1 or Tier 2 Social Equity Individual Applicant verified pursuant to this subsection and who owns an Equity Share in the Applicant that meets the requirements of Section 104.20(a). An individual may not be the Tier 1 or Tier 2 Social Equity Individual Applicant for more than one Applicant in Round 1. An individual who is an Owner of an EMD shall not be eligible to be the Tier 1 or Tier 2 Social Equity Individual Applicant for an Applicant, but may be an Owner of an Applicant if otherwise allowed under this article.

4. During the 14-calendar-day application period, an Applicant shall submit, in a form and manner determined by DCR, an application that includes all of the following: (1) a copy of an executed lease agreement or property deed for its Business Premises; (2) an ownership and financial interest holder form; (3) a financial information form; (4) a Business Premises diagram; (5) proposed staffing and security plans; (6) a dated radius map including horizontal lines and labeling of any sensitive uses relative to a Type 10 License; (7) a labor peace agreement attestation form; (8) an indemnification agreement provided by DCR; and (9) all business records and agreements necessary to demonstrate that a Tier 1 or Tier 2 Social Equity Applicant owns the

minimum Equity Share in the Applicant required under Section 104.20. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

5. An Applicant's Business Premises shall meet the following requirements:

(i) The Business Premises meets all applicable requirements of Article 5 of Chapter X of this Code;

(ii) The Business Premises is outside of a 700-foot radius of another Type 10 Applicant's Business Premises, as measured in the manner specified in Section 105.02(b) of this Code. If two or more Round 1 Applicants' Business Premises are within a 700-foot radius of one another, the Applicant who first submitted an application that meets the requirements of this subsection shall be eligible for further processing and all other Round 1 Applicants within a 700-foot radius of the first Applicant shall be ineligible for further processing in Round 1.

(iii) The Business Premises is not subject to a finding of Undue Concentration. For purposes of this subsection only, DCR shall determine whether the Business Premises is subject to a finding of Undue Concentration based upon the time and date an Applicant submitted an application that meets the requirements of this subsection.

6. The first 75 Tier 1 Applicants and the first 25 Tier 2 Applicants who meet the requirements of this subsection shall be eligible for further processing pursuant to Section 104.06. If less than 75 Tier 1 Applicants meet the requirements of this subsection, DCR may process additional Tier 2 applications, based upon the time and date of application submission, until DCR has identified 100 Tier 1 and Tier 2 Applicants who meet the requirements of this subsection. All Applicants who submitted an application that are not eligible for further processing and qualify under Section 104.06.1(c)(3) may apply for Type 10 Application Processing - Round 2. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

7. DCR shall, subject to review of any applications previously deemed ineligible as described below, process Applications up to and including DCR Record No. LA-C-19-310245-R-APP from the list published by DCR titled "Phase 3 Retail Round 1 Submissions (09/03/19, 10 am to 09/17/2019 10 am)", dated September 26, 2019. Notwithstanding any prior notice and/or action by DCR, Applicants that were deemed ineligible for further processing due to a Community Plan Area having reached Undue Concentration on or after September 3, 2019, or the failure to submit proof of deposit may be deemed eligible for further processing if all other requirements are met. Applications deemed eligible for further processing under Section 104.06.1(b)(6) as of January 1, 2020, and Applications deemed eligible for further processing under Section 104.06.1(b)(7) after January 1, 2021, shall not be included in the calculation of Undue Concentration, as defined in Section 104.01(a)(49). **(Amended by Ord. No. 187,058, Eff. 7/4/21.)**

8. An Applicant shall pay all required application fees pursuant to Section 104.19 within 30 days of being issued an invoice by DCR or its application shall be deemed abandoned. **(Amended by Ord. No. 186,919, Eff. 2/24/21.)**

(c) Type 10 Application Processing – Round 2.

1. **Applicant Eligibility Verification.** DCR shall establish a 60 calendar day eligibility verification period for individuals to apply to be verified under the revised eligibility criteria in Section 104.20(b). An Applicant shall pay the SEIA Eligibility Verification Fee pursuant to Section 104.19(a) within 30 days of being issued an invoice by DCR. DCR shall have at least 90 calendar days to determine Social Equity Applicant eligibility which shall not run concurrently with the 60-calendar day eligibility verification period. DCR's determination of whether an individual is a Social Equity Individual Applicant shall be made with no hearing, is final and not appealable. **(Amended by Ord. No. 186,919, Eff. 2/24/21.)**

2. **Application Period.** DCR shall, on a date beginning at its sole discretion, accept Type 10 applications for processing under this subsection for a period of 30 calendar days. DCR shall not accept or process applications under this subsection before it has made technical assistance available for a period of at least 45 calendar days to prospective or verified Social Equity Applicants, as defined in Section 104.20(b).

3. **Social Equity Individual Applicant.** To be eligible to participate in the Application lottery pursuant to Subsection (c)(4), the Applicant shall have an individual Owner that is a Social Equity Individual Applicant verified pursuant to Subsection (c)(1). The Social Equity Individual Applicant must have a prior California Cannabis Arrest or Conviction and must also meet one of the following two criteria, as defined in Section 104.20(b)(1)(i): (1) Low-Income; or (2) ten years' cumulative residency in Disproportionately Impacted Area. A Social Equity Individual Applicant shall be disqualified from participating in the Application lottery for any of the offenses specified in Section 104.03(a)(1) or for any of the circumstances in Section 104.03(a)(2).

4. **Application Lottery.** Verified Social Equity Applicants shall be entered into an Application Lottery. DCR may identify as many Social Equity Applicants eligible for further processing through an Application Lottery as there are total available licenses in Community Plan Areas that have not reached Undue Concentration. Social Equity Applicants shall be randomly selected during the lottery, which shall take place at a location, date and time determined by DCR. DCR shall post a notice at least 15 calendar days prior to the lottery which shall include the procedures and protocol to conduct the lottery and information regarding how the public can view or live stream the event. Applications drawn at the lottery shall be processed pursuant to Subsection (c) (5). **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

5. **Business Premises.** Social Equity Applicants selected during the Application lottery shall be afforded a maximum of one year from the date of the Application Lottery to complete the Pre-Application Review process using a compliant property in any

Community Plan Area that has not reached Undue Concentration on a first come, first served basis until each Community Plan Area has reached Undue Concentration. A Social Equity Individual Applicant's Business Premises location must comply with Chapter 5, Article X of this Code and Section 104.03(a)(3). Business Premises locations shall be reviewed and approved in the order received by DCR. An Applicant whose Business Premises location is deemed ineligible under Section 104.03(a)(3) or Article 5 of Chapter X of this Code shall be permitted to amend their Application subject to the payment of any applicable fee in Section 104.19, and provided that the new Business Premises location is submitted to DCR within the one year time limitation. Social Equity Applicants shall comply with the Equity Share requirements in effect at the time DCR deems the location eligible under Section 104.03(a)(3). **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

6. **Additional Application Lottery.** If additional capacity is available in any Community Plan Area after a lottery ends, DCR will hold another lottery pursuant to Subsection (c)(4).

7. **Application Fees.** An Applicant shall pay all required application fees pursuant to Section 104.19 within 30 days of being issued an invoice by DCR, or the application shall be deemed abandoned. **(Amended by Ord. No. 186,919, Eff. 2/24/21.)**

(d) **Public Convenience or Necessity Application Processing.** **(Amended by Ord. No. 187,095, Eff. 7/1/21.)** In addition to Type 10 applications processed in Round 1 and Round 2 under this section, on or after September 3, 2019, DCR shall process any Type 10 application with a Business Premises located in a Community Plan Area that has reached Undue Concentration if the Applicant meets the following requirements:

1. The Applicant has an individual Owner who is a Social Equity Individual Applicant who has been verified pursuant to Section 104.20;

2. The Applicant submits a Pre-Application and pays a Pre-Application Review Fee pursuant to Section 104.19 for DCR to determine compliance of the Business Premises location pursuant to Section 104.03(a)(3) and Article 5 of Chapter X of this Code;

3. The Business Premises location complies with Section 104.03(a)(3) and Article 5 of Chapter X of this Code, and the Applicant submits, in a form and manner determined by DCR, all required documents and information;

4. The City Council, pursuant to Section 104.03(a)(4), has found that approval of the application would serve public convenience or necessity;

5. Applicants who submit an application that meets the requirements of Subdivisions 1., 2., 3. and 4. of this subsection shall then submit a Temporary Approval Application Fee pursuant to Section 104.19 within 30 days of the City Council's action becoming final. Applicants shall also submit, in a form and manner determined by DCR, the information and documents required in Section 104.06(d). An Applicant who fails to meet these requirements in the time allotted by DCR shall have its application deemed abandoned.

6. Applicants who submit an application that meets the requirements of this subsection shall be eligible for further processing pursuant to Section 104.06.

7. An Applicant shall pay all required application fees under Section 104.19 within 30 days of being issued an invoice by DCR or its application shall be deemed abandoned.

(e) **Type 9 Application Processing.**

1. **Applicant Eligibility Verification.** Social Equity Individual Applicants verified pursuant to Section 104.20(a) or (b) may participate in application processing under this subsection. DCR's determination of whether an individual is a Social Equity Individual Applicant shall be made with no hearing, is final and not appealable.

2. **Application Period.** DCR shall, on a date beginning at its sole discretion, accept applications for processing under this subsection, provided that it posts written notice on its website at least 15 calendar days before the start date of the processing period. To be eligible for processing under this subsection, a Type 9 Applicant shall submit the following application documents: (1) a copy of an executed lease agreement with proof of a deposit or property deed for its Business Premises; (2) a Business Premises diagram; and (3) a dated radius map including horizontal lines and labeling of any sensitive uses relative to a Type 9 License.

3. An Applicant who submitted a complete application pursuant to Subsection (b) of this section, but was ineligible for further processing because its Business Premises was in a Community Plan Area that reached Undue Concentration or was within a 700-foot radius of another Type 10 application, shall receive priority processing for a Type 9 License relative to all other Social Equity Applicants applying for Type 9 License.

4. **Application Fees.** An Applicant shall pay all required application fees pursuant to Section 104.19 within 30 days of being issued an invoice by DCR, or its application shall be deemed abandoned. **(Amended by Ord. No. 186,919, Eff. 2/24/21.)**

(f) **Non-Retail Application Processing.**

1. **Applicant Eligibility Verification.** Social Equity Applicants verified pursuant to Section 104.20(a) or (b) may participate in application processing under this subsection. DCR's determination of whether an individual is a Social Equity Individual Applicant shall be made with no hearing, is final and not appealable.

2. **Application Period.** DCR shall, on a date beginning at its sole discretion, accept applications for processing under this subsection, provided that it posts written notice on its website at least 15 calendar days before the start date of the processing period. To be eligible for processing under this subsection, an Applicant shall submit the following application documents: (1) letter from the landlord or other evidence of a legal right to occupy the Business Premises; (2) a Business Premises diagram; and (3) a dated radius map including horizontal lines and labeling of any sensitive uses relative to a Type 10 License. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

3. **Application Fees.** An Applicant shall pay all required application fees pursuant to Section 104.19 within 30 days of being issued an invoice by DCR, or its application shall be deemed abandoned. **(Amended by Ord. No. 186,919, Eff. 2/24/21.)**

SEC. 104.07. PROPOSITION M PRIORITY PROCESSING.

(Added by Ord. No. 185,343, Eff. 12/19/17.)

(a) Proposition M Priority Processing Applications for Retailer Commercial Cannabis Activity, which includes delivery, and on-site cultivation consistent with Proposition D, shall be accepted and processed by DCR for the first 60 days after DCR starts accepting applications. EMMD Applicants may apply for a maximum of one Microbusiness License (Type 12); or a maximum combination of one Retailer License (Type 10), one Distributor License (Type 11), one Manufacturer License (Type 6 only) and one Cultivation, Indoor (Type 1A, 1C, 2A or 3A) License for the one location identified in its original or amended BTRC and as demonstrated in previous Commercial Cannabis Activity as of March 7, 2017. **(Amended by Ord. No. 185,608, Eff. 7/23/18.)**

(b) An EMMD that as of January 1, 2018, meets all of Proposition D requirements shall continue to have limited immunity up until the time the EMMD receives Temporary Approval. The limited immunity shall terminate if the EMMD Applicant fails to seek or obtain a Temporary Approval, although the limited immunity shall be extended through any appeal of the Temporary Approval denial. The limited immunity shall be as follows: the EMMD shall not be subject to the remedies set forth in Los Angeles Municipal Code Sections 11.00 or 12.27.1 solely on the basis of engaging in medical Commercial Cannabis Activity, provided however that, as authorized by California Health and Safety Code Section 11362.83, this limited immunity is available and may be asserted as an affirmative defense only so long as the requirements of this Section are adhered to by the EMMD and only by an EMMD at the one Business Premises operated by the EMMD. This limited immunity shall not be available to and shall not be asserted as an affirmative defense to any violation of law except as expressly set forth in this Section. Further, nothing contained in this limited immunity is intended to provide or shall be asserted as a defense to a claim for violation of law brought by any county, state or federal governmental authority.

(c) DCR's determination of whether an EMMD Applicant is eligible for Proposition M Priority Processing shall be made with no hearing and shall be final and effective upon the close of the 15-day appeal period if the EMMD Applicant does not timely request an administrative hearing, as provided in Section 104.10. In making its determination, DCR may request additional information from the EMMD Applicant. DCR shall make written findings when the EMMD Applicant does not meet the requirements for priority processing for EMMDs. In determining whether an EMMD Applicant meets the requirements for priority processing, DCR shall consider whether the EMMD Applicant cured any non-substantive administrative violations in C. through F., and M. under LAMC Section 45.19.6.3. Once DCR deems a Proposition M Priority Processing Application is complete and eligible for a Proposition M Priority Processing, DCR shall issue the EMMD a Temporary Approval. EMMDs issued a Temporary Approval shall have their License(s) processed and reviewed pursuant to Section 104.06. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**

(d) If Proposition M Priority Processing is denied by DCR and, if appealed to the Commission or hearing officer and is also denied by the Commission or the hearing officer, the EMMD Applicant shall immediately cease all Commercial Cannabis Activity at the Business Premises and the EMMD Applicant shall not be entitled to the limited immunity from prosecution afforded by Proposition D. An EMMD Applicant determined ineligible for Proposition M Priority Processing may apply for a License by filing a new application and abiding by the application priority in effect at that time. DCR shall not refund any fee for an application determined ineligible for Proposition M Priority Processing. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**

(e) An EMMD otherwise eligible for Proposition M Priority Processing shall not be denied a Temporary Approval or a License based upon the EMMD's Business Premises location initially or amended prior to the enacted date of Section 45.19.7.2, or subsequent location approved pursuant to Section 45.19.7.2, if located in a Community Plan Area that has reached Undue Concentration. An EMMD otherwise eligible for Proposition M Priority Processing shall not be denied a Temporary Approval or a License based upon the location of: (1) the EMMD's original Business Premises; (2) Business Premises amended prior to the enactment of Section 45.19.7.2; or (3) subsequent Business Premises approved pursuant to Section 45.19.7.2, if located in a Community Plan Area that has reached Undue Concentration. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(f) An EMMD shall submit to a financial audit by the City's Office of Finance and clear all City tax obligations prior to the issuance of a Temporary Approval or a License, and the renewal of a Temporary Approval or a License. For purposes of this subsection only, an EMMD that has entered into a payment plan with the City's Office of Finance pursuant to LAMC Section 21.18 to pay all outstanding City-owed business taxes is deemed current on all City-owed business taxes and is deemed to have submitted payment for all City-owed business taxes. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**

(g) An Initial Inspection for a Temporary Approval is not required for an EMMD whose Proposition M Priority Processing

Application is accepted by DCR. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**

(h) An EMMD issued a License pursuant to Proposition M Priority Processing is not required to adhere to the zone, distance and sensitive use restrictions stated in Section 105.02 of this Code as long as, and on the condition that, the EMMD operates and continues to operate in compliance with the distance and sensitive use restrictions (Los Angeles Municipal Code Section 45.19.6.3 L. and O.) of Proposition D notwithstanding those restrictions are or would have been repealed. This limited grandfathering shall not create, confer, or convey any vested right or non-conforming right or benefit regarding any activity conducted by the EMMD beyond the term and activities provided by the City License. This limited grandfathering shall cease on December 31, 2025, after which all EMMDs shall be required to cease conducting any Commercial Cannabis Activities on Business Premises that do not meet the zone requirements of Article 5 of Chapter X of this Code. If an EMMD issued a License fails to operate in compliance with the specified provisions of Proposition D, the EMMD's Temporary Approval or License shall be subject to revocation. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

SEC. 104.08. NON-RETAILER COMMERCIAL CANNABIS ACTIVITY PRIOR TO JANUARY 1, 2016, PROCESSING.

(Added by Ord. No. 185,343, Eff. 12/19/17.)

(a) An Applicant who applies for a License for Non-Retailer Commercial Cannabis Activity and who meets the following criteria, as determined by DCR, shall receive Temporary Approval to operate pending the review of its application: (1) the Applicant was engaged prior to January 1, 2016 in the same Non-Retailer Commercial Cannabis Activity that it now seeks a License for; (2) the Applicant provides evidence and attests under penalty of perjury that it was a supplier to an EMMD prior to January 1, 2017; (3) the Business Premises meets all of the land use and sensitive use requirements of Article 5 of Chapter X of this Code; (4) the Applicant passes a pre-license inspection; (5) there are no fire or life safety violations on the Business Premises; (6) the Applicant paid all outstanding City business tax obligations; (7) the Applicant indemnifies the City from any potential liability on a form approved by DCR; (8) the Applicant provides a written attestation that it will enter into an agreement with a testing laboratory for testing of all Cannabis and Cannabis products and attests to testing all of its Cannabis and Cannabis products in accordance with state standards; (9) the Applicant is not engaged in Retailer Commercial Cannabis Activity at the Business Premises; (10) the Applicant attests that it will cease all operations if denied a State license or City License; (11) the Applicant qualifies under the Social Equity Program as it existed as of January 1, 2020; and (12) the Applicant attests that it will comply with all operating requirements imposed by DCR and understands that DCR may immediately suspend or revoke the Temporary Approval if the Applicant fails to abide by any City operating requirement. For purposes of this subsection only, an Applicant who has entered into a payment plan with the City's Office of Finance pursuant to LAMC Section 21.18 to pay all outstanding City-owed business taxes is deemed current on all City-owed business taxes and is deemed to have submitted payment for all City-owed business taxes. Prior to determining that an Applicant is eligible for processing under this section, DCR, at its discretion, may provide an Applicant with local authorization to apply for a temporary license from the Bureau of Cannabis Control, the California Department of Food and Agriculture or the California Department of Public Health. This local authorization shall not permit an Applicant to engage in Commercial Cannabis Activities unless DCR grants the Applicant a Temporary Approval. This local authorization must be renewed pursuant to Section 104.12. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**

(b) A completed application accepted by DCR as eligible for processing under this section shall be processed and reviewed pursuant to Section 104.06. DCR may request additional information from the Applicant. DCR shall make written findings when the Applicant does not meet the requirements for processing under this section. DCR's determination of whether an Applicant is eligible for processing under this section shall be made with no hearing and shall be final and effective 15 days after the date of its mailing if the Applicant does not timely request an administrative hearing, as provided in Section 104.10. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**

(c) An Applicant that submitted an application pursuant to this section by September 13, 2018, paid all fees required under Section 104.19, and received from DCR local authorization under this section shall not be subject to the remedies set forth in Los Angeles Municipal Code Sections 11.00 or 12.27.1 solely on the basis of Non-Retailer Commercial Cannabis Activity; provided, however, that, as authorized by California Health and Safety Code Section 11362.83, this limited immunity is available and may be asserted as an affirmative defense only so long as the requirements of this section are adhered to by the Applicant and only by an Applicant at the one Business Premises identified in its application. This limited immunity shall terminate upon the close of the 15-day appeal period if the Applicant does not timely request an administrative hearing, as provided in Section 104.10. This limited immunity shall not be available to and shall not be asserted as an affirmative defense to any violation of law except as expressly set forth in this section. Further, nothing contained in this limited immunity is intended to provide or shall be asserted as a defense to a claim for violation of law brought by any county, state or federal governmental authority. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**

(d) Once application processing pursuant to Section 104.07 begins, DCR may, at its discretion, accept Section 104.08 applications for a period of 30 business days. **(Amended by Ord. No. 185,608, Eff. 7/23/18.)**

(e) An Applicant under this section that has not received Temporary Approval shall report to DCR by July 1, 2019, whether it has made substantial progress, as determined by DCR, towards preparing its Business Premises to pass an Initial Inspection. An Applicant who cannot report substantial progress by July 1, 2019, shall have its application deemed abandoned. An Applicant who reports substantial progress by July 1, 2019, shall be required to pass an Initial Inspection by December 31, 2019, or its application shall be deemed abandoned unless DCR grants the Applicant an extension due to extenuating circumstances as determined by DCR in its sole discretion. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**

SEC. 104.09. TESTING LAB LICENSES.

(Amended by Ord. No. 185,629, Eff. 7/2/18.)

An Applicant seeking a Testing Lab License (Type 8) may submit an application to DCR at any time after DCR first accepts applications for any License. If an Applicant obtains or attests that it has or intends to seek ISO/IEC 17025 accreditation for all testing methods required by Title 16, Div. 42 of the California Code of Regulations and meets all laboratory-employee qualifications required by Title 16, Div. 42 of the California Code of Regulations, DCR may issue a Temporary Approval to the testing lab before completion of a pre-licensing inspection. If an Applicant is denied an ISO/IEC 17025 accreditation, its Temporary Approval shall be immediately revoked and it shall immediately cease all Testing Commercial Cannabis Activity.

SEC. 104.10. LICENSE APPEAL PROCEDURE.

(Amended by Ord. No. 185,850, Eff. 11/28/18.)

(a) Appeals.

1. An appeal as authorized in Section 104.06, 104.07 or 104.08 must be filed with DCR within 15 days of the date of the mailing of the written decision by DCR or the Commission (lower level decision maker). The appeal shall set forth the specific basis upon which the appellant claims there was an error or abuse of discretion by the lower level decision maker. Any appeal not filed within the 15-day period shall be rejected as untimely. The lower level decision maker shall transmit to the appellate body the appeal, the file of the matter, along with any report if one was prepared responding to the allegations made in the appeal.

2. The Commission shall hold a public hearing to consider an appeal as authorized in Section 104.06 within 60 days of the Commission's receipt of the appeal. DCR shall provide notice of a Commission public hearing under this subsection pursuant to Section 104.05(b). The City Council shall hold a public hearing to consider an appeal of a Commission decision as authorized in Section 104.06 within 15 City Council meeting days of City Council's receipt of the appeal. Notwithstanding the notice requirements in Section 104.05(b), no later than 5 days prior to any City Council hearing under this subsection, DCR shall provide notice of the hearing via email to the appellant's agent for service of process and all Persons on DCR's Interested Party Notification list.

3. An administrative hearing officer shall hold a hearing to consider an appeal as authorized in Section 104.07 or 104.08 within 60 days of the date DCR receives the request for an administrative hearing. An administrative hearing under this subsection shall be conducted in the manner specified in Section 104.14.

4. The time for holding a hearing under this section may be extended by mutual agreement between the appellate body and the appellant. Failure of the appellate body to act within the time period allowed shall be deemed a denial of the appeal.

5. The appellate body may consider the decision and record before the lower level decision maker and any new written information and oral testimony timely provided to the appellate body. The appellate body shall, however, rule on the record and evidence de novo, substituting its own judgment for that of the lower level decision maker without deferring to the lower level decision maker's findings and determinations. The appellate body may reverse or modify, in whole or in part, any decision of the lower level decision maker. The appellate body shall make the same written findings required to be made by the lower level decision maker, supported by evidence in the record.

6. The appellate body shall issue its decision within 30 days of the closure of the hearing on the appeal. Failure of the appellate body to issue its decision timely shall be deemed a denial of the appeal.

SEC. 104.11. MANDATORY REQUIREMENTS.

(Added by Ord. No. 185,343, Eff. 12/19/17.)

(a) A License is not transferable unless the change to the Licensee's organizational structure or ownership is submitted to and approved by DCR. The Licensee shall complete a change of ownership application, pay all applicable fees and obtain the written approval of the change of ownership by DCR, pursuant to the Rules and Regulations. A change from non-profit status to for-profit status by an EMMD is exempt from this requirement if no other ownership change is made in accordance with Proposition D's ownership rules and notice is provided to DCR within five business days. This exemption is not available after a License is issued.

(b) A License must be prominently displayed at the Business Premises in a manner that makes it readable from the exterior of the Business Premises.

(c) A Licensee shall designate a supervisor, manager or person-in-charge at all times during regular business hours.

(d) The name and contact number of the Neighborhood Liaison must be prominently displayed at the Business Premises in a manner that makes it readable from the exterior of the Business Premises.

(e) Every Applicant or Licensee shall attest that he/she will not manufacture, prepare, package or label any products other than Cannabis products or accessories related to Cannabis use at the Business Premises.

(f) Every Applicant and Licensee shall adhere to all the operational requirements in the Rules and Regulations.

(g) An Applicant and Licensee shall be subject to inspection, investigation or audit by DCR or its agents, with no notice required, to determine compliance with this article. An inspection, investigation or audit is a review of any books, records, accounts, inventory, or onsite operations specific to the Business Premises and License.

1. Inspections, investigations, or audits may include, but are not limited to, employees or agents of the Los Angeles County Department of Public Health or the following City departments: DCR, Department of Building and Safety, Department of City Planning, Police Department, Fire Department and the Office of Finance. The Fire Department shall enforce the City's Fire Code and California Code of Regulation, Title 24, Part 9.

2. DCR and its agents may conduct an on-site inspection prior to issuing a new or renewal License in accordance with the requirements of the State of California and the Rules and Regulations. DCR may record the inspection, investigation, or audit.

3. An Applicant or Licensee shall allow DCR access to the Business Premises for any of the following purposes: determine accuracy and completeness of the application; determine compliance with this article and the Rules and Regulations; audit or inspect records; investigate a complaint received by DCR regarding the application or License; inspect incoming or outgoing shipments of Cannabis and Cannabis products, storage areas, production processes, labeling and packaging processes, and conveyances used in the manufacture, storage or transportation of Cannabis products; inspect pertinent equipment, raw material, finished and unfinished materials, containers, packaging and labeling that relates to whether the Cannabis or Cannabis product is compliant; investigate the adulteration or misbranding of any Cannabis product, or production of any Cannabis product without a License, including the ability to inspect any place where any Cannabis product is suspected of being illegally manufactured or held; and investigate the operations and other activities associated with Commercial Cannabis Activity engaged in by the Licensee.

(h) For purposes of any notice to an Applicant or Licensee required pursuant to this article, DCR shall provide such notice to the Applicant's or Licensee's agent for service of process as updated by the Applicant or Licensee. **(Amended by Ord. No. 185,850, Eff. 11/28/18.)**

(i) Failure to cooperate fully with an inspection, investigation or audit is a violation of this article.

(j) In construing and enforcing this article and the Rules and Regulations, any act, omission, or failure of an agent, officer, or other person acting for or employed by a Licensee, within the scope of his or her employment or office, shall in every case be deemed the act, omission, or failure of the Licensee.

(k) If Applicant or Licensee contend that any information provided to the City is confidential, Applicant or Licensee shall mark that information as confidential at the time of submitting it to the City. If the City obtains a request for disclosure of the information, the City may provide Applicant or Licensee notice of the request for disclosure and allow Applicant or Licensee a period of time determined by the City to seek a court protective order. The City may publically release the information absent the issuance of the protective order or if the City is required by law to release the information.

(l) If the state adopts a law requiring a state Cannabis license applicant to agree to enter into a Labor Peace Agreement with any bona-fide labor organization who requests such an agreement, then an Applicant for a City Licensee shall meet that same requirement, with the exception that the requirement applies to Applicants with 10 or more Employees.

(m) A Licensee shall make a good-faith effort to have no less than 30% of the weekly hours of the Licensee's workforce performed by Employees whose primary place of residence is within a three mile radius of the Business Premises. A Licensee shall make a good-faith effort to have no less than 10% of the weekly hours of the Licensee's workforce performed by Employees who are Transitional Workers. Transitional Worker means a person who, at the time of starting employment at the Business Premises, resides in an Economically Disadvantaged Area or Extremely Economically Disadvantaged Area, as those terms are defined in Section 11.5.6 of this Code, and faces at least two of the following barriers to employment: (1) being homeless; (2) being a custodial single parent; (3) receiving public assistance; (4) lacking a GED or high school diploma; (5) having a criminal record or other involvement with the criminal justice system; (6) suffering from chronic unemployment; (7) emancipated from the foster care system; (8) being a veteran; or (9) over the age of 65 and financially compromised. At a minimum, a Licensee is required to contact local community-based organizations, City of Los Angeles Work Source Centers, and other such similar organizations to facilitate job outreach, development, and placement services. A Licensee is required to provide a detailed semiannual report on the first business day of January and the first business day of July every year that provides evidence of its outreach efforts, including the number of persons interviewed, and details on who was hired to satisfy the good-faith effort requirement.

(n) It shall be unlawful for a Licensee or any other party to discriminate in any manner or take adverse action against any Employee in retaliation for exercising rights protected under this article. These rights include, but are not limited to: the right to file a complaint or inform any person about any party's alleged noncompliance with this article; and the right to inform any person of his or her potential rights under this article and to assist him or her in asserting such rights. Protections under this article shall apply to any Employee who mistakenly, but in good faith, alleges noncompliance with this article. Taking adverse action against an Employee within 90 days of the Employee's exercise of rights protected under this article shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

(o) Effective April 1, 2018, a Licensee may only transact Commercial Cannabis business with a Person who possesses a State License

for Commercial Cannabis Activity. Failure to comply with this requirement is a Moderate Violation under Section 104.13(b).

(p) An Applicant with Temporary Approval or a Licensee engaged in Storefront Retail Activity (Type 10) shall display an authorized cannabis business emblem placard as required by this Article. If the County of Los Angeles establishes a cannabis business emblem placard program, DCR may require an Applicant with Temporary Approval or a Licensee engaged in Storefront Retail Activity to participate in the program. **(Added by Ord. No. 185,850, Eff. 11/28/18.)**

SEC. 104.12. RENEWAL AND CANCELLATION.

(Added by Ord. No. 185,343, Eff. 12/19/17.)

(a) Every License, including Temporary Approvals, shall be renewed annually. If a License is not timely renewed, it shall expire after 11:59 p.m. on December 31 for the year issued. Applicants shall pay the applicable renewal fee pursuant to Section 104.19(b). To renew a License, a License renewal application shall be submitted and applicable renewal fee shall be paid by the Licensee no earlier than 120 calendar days before the expiration of the License, and no later than 60 calendar days before the expiration of the License. Failure to receive a notice for License renewal from DCR does not relieve a Licensee of the obligation to renew a License. In the event the License is not renewed prior to the expiration date, the Licensee shall cease all Commercial Cannabis Activity until such time that the Licensee is issued a new License from DCR and a license from the State of California. **(Amended by Ord. No. 186,919, Eff. 2/24/21.)**

1. Notwithstanding the deadlines in Subsection (a), after January 1, 2021, Licensees may submit a late renewal application and/or make a late renewal fee payment between November 3rd and December 31st before the expiration date of a License or Temporary Approval. Late renewal applications and/or late renewal fees submitted between November 3rd and December 31st shall be subject to the Expedited Services Fees (Time and a Half Rate), provided in Section 104.19(h), which shall be due by December 31st.

2. Notwithstanding the deadlines in Subsection (a), after January 1, 2021, Licensees may submit a late renewal application and/or make a late renewal fee payment between January 1st and the final day of February after the expiration date of a License or Temporary Approval. Late renewal applications and/or late renewal fees submitted between January 1st and the final day of February shall be subject to the Expedited Services Fees (Double Time Rate), provided in Section 104.19(h), which shall be due by the final day of February. All commercial cannabis businesses with an expired License or Temporary Approval must cease unlicensed Commercial Cannabis Activity until a new License or Temporary Approval is issued. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

3. **One-Time Extension Due to COVID-19.** Due to the COVID-19 pandemic and the Mayor's emergency orders relating to COVID-19, Licensees may submit a late 2019, 2020, and/or 2021 renewal application and/or make late renewal fee payments for 2019, 2020, and/or 2021 renewal applications on or before July 31, 2021. All renewal applications and/or renewal fees submitted pursuant to this one-time extension shall be subject to the Expedited Services Fees (Double Time Rate), set forth in Section 104.19(h), which shall be due at the time of renewal fee payment. Expired licenses may be reinstated if all applicable renewal fees and/or Expedited Services Fees are timely paid. **(Amended by Ord. No. 187,058, Eff. 7/4/21.)**

(b) At the time a License renewal application is submitted to DCR, a Licensee must include updated annual licensing documents required by Rule and Regulation No. 3. As part of the License renewal process, DCR may require modification to the Licensee's security plan. Except for Tier 3 Licensees, Licensees subject to Section 104.20 shall also submit Equity Share documents in compliance with Section 104.20(a)(2). **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**

(c) To renew a license, a Licensee shall be in good standing with the requirements in this article and shall not be delinquent on any City tax or fee. For purposes of this subsection only, a Licensee who has entered into a payment plan with the City's Office of Finance pursuant to LAMC Section 21.18 to pay all outstanding City-owed business taxes shall not be deemed delinquent on any City tax. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**

(d) Any Licensee who has ceased a Commercial Cannabis Activity at a Business Premises for a continuous period of 180 days shall not be authorized to renew its license unless authorized by DCR in accordance with the Rules and Regulations. **(Amended by Ord. No. 186,703, Eff. 7/10/20.)**

(e) DCR may cancel any License upon the request of the Licensee.

(f) The Licensee may file an administrative appeal of the decision to deny License renewal pursuant to Section 104.14 within 15 days of the date of DCR mailing the denial letter. Failure to file an administrative appeal shall constitute a failure to exhaust administrative remedies. **(Added by Ord. No. 186,703, Eff. 7/10/20.)**

SEC. 104.13. ADMINISTRATIVE VIOLATIONS AND PENALTIES.

(Amended by Ord. No. 185,850, Eff. 11/28/18.)

(a) **Violations of this Article.** Within five years of discovering a Licensee or owner of Business Premises has violated this article, the Rules and Regulations, or a License condition (violation), DCR may issue a Notice of Violation (NOV) and impose any administrative penalties or order corrective actions as provided in Section 104.13(b). Any action of DCR does not preclude any enforcement agency

from taking its own enforcement action for violation of any local, state or federal law or regulation.

(b) Administrative Penalties and Corrective Actions.

1. Administrative fines: In addition to any of the remedies and penalties set forth in this article or any other law, DCR may impose administrative fines on a Licensee or owner of a Business Premises using the violation classes and fine amounts specified below. The types of violations associated with each class shall be delineated in the Rules and Regulations.

(i) "Minor" violation – amount equal to 50% of the current Cannabis License fee for each and every violation;

(ii) "Moderate" violation – amount equal to 150% of the current Cannabis License fee for each and every violation;
and

(iii) "Serious" violation – amount equal to 300% of the current Cannabis License fee for each and every violation.

Repeat Minor or Moderate violations that occur within a two-year period and result in an administrative fine may result in escalation to a higher class of violation.

DCR, at its discretion, may impose a reduced administrative fine after considering factors, including: 1) the extent of harm or potential harm caused by the violation; 2) the nature and persistence of the violation; 3) the length of time over which the violation occurs; 4) the history of past violations; 5) any mitigating evidence; and 6) the Licensee's or owner of the Business Premises' financial resources.

2. License Suspension or Revocation or More Restrictive License Conditions: In addition to any of the remedies and penalties set forth in this article or any other law, DCR may suspend or revoke a License or impose more restrictive License conditions after considering factors, including: 1) the extent of harm or potential harm caused by the violation; 2) the nature and persistence of the violation; 3) the length of time over which the violation occurs; 4) the history of past violations; and 5) any mitigating evidence.

3. Corrective Action: In addition to any of the remedies and penalties set forth in this article or any other law, DCR may order a Licensee or Business Premises owner to undertake corrective action to remedy the violation or prevent future violations.

4. Reinstatement: DCR may reinstate a Licensee's authorization to conduct Commercial Cannabis Activity after suspension if the Licensee completes any corrective action(s) to remedy the violation, or if a hearing officer orders reinstatement following an administrative hearing authorized by Section 104.14. **(Added by Ord. No. 187,095, Eff. 7/1/21.)**

(c) Notice of Violation.

1. DCR shall issue a NOV by mail to the Licensee's agent for service of process or the owner of the Business Premises as shown on the records of the City Engineer or the records of the County Assessor. The NOV shall contain all of the following:

(i) a brief description of the violation;

(ii) a brief description of and rationale for the administrative penalties and corrective action, if any, imposed; and

(iii) a timeframe in which the Licensee or owner of the Business Premises shall take corrective action, if any, and comply with the administrative penalties, if any, which shall not be sooner than 15 days from the date of mailing of the NOV.

The NOV shall also inform the Licensee or owner of the Business Premises that they may request an administrative hearing, pursuant to Section 104.14, within 15 days of the date DCR mailed the NOV. The Licensee or the Business Premises owner's right to an administrative hearing shall be deemed waived if he or she fails to file a timely request for an administrative hearing.

2. The NOV shall be final and effective 15 days after the date of its mailing if no hearing was timely requested. If a Licensee or owner of a Business Premises timely requests a hearing, any portion of the NOV upheld or modified by an appellate body shall be final and effective 15 days after the date the appellate body's decision is deemed final under Section 104.14.

3. If after a NOV becomes final and effective, a Licensee or owner of a Business Premises fails to comply with the administrative penalties and corrective action, if any, in the NOV, DCR may take one or more of the following actions: 1) denial of a License renewal; 2) revocation or suspension of a License; or 3) imposition of more restrictive License conditions.

4. **Stipulated Agreements.** Prior to or after issuing an NOV, DCR, at its discretion, may enter into a written agreement with a Licensee or owner of a Business Premises whereby the Licensee or owner of a Business Premises stipulates to committing a violation in exchange for a negotiated administrative penalty or corrective action, if any. If a Licensee or owner of a Business Premises violates a stipulated agreement, DCR may issue or re-issue an NOV and impose any administrative penalties authorized under Section 104.13(b).

(d) Administrative Hold. To prevent destruction of evidence, illegal diversion of Cannabis or a Cannabis product, or to address a

potential threat to the environment or public safety, DCR may order an administrative hold of Cannabis or a Cannabis product. DCR shall give written notice, by mail, of the administrative hold to the Licensee and shall provide a description of the Cannabis and/or Cannabis product subject to the administrative hold, along with a statement for the basis of issuing the administrative hold. Within 24 hours of receipt of the notice of administrative hold, the Licensee shall physically segregate all applicable Cannabis and/or Cannabis products subject to the hold and shall safeguard and preserve the subject property as required in the notice and the Rules and Regulations. Following the issuance of a notice of administrative hold to the Licensee, DCR shall identify the Cannabis and/or Cannabis product subject to the administrative hold in DCR's track-and-trace system. While the administrative hold is in effect, the Licensee is restricted from selling, donating, transferring, transporting, or destroying the administratively held property. Nothing herein shall prevent a Licensee from the continued possession, cultivation, or harvesting of Cannabis subject to the administrative hold. During the hold period, all Cannabis and/or Cannabis products subject to an administrative hold shall be put into separate batches. Nothing herein shall prevent a Licensee from voluntarily surrendering Cannabis and/or a Cannabis product that is subject to an administrative hold. The Licensee shall identify the Cannabis and/or Cannabis product being voluntarily surrendered in DCR's track-and-trace system. Voluntary surrender does not waive the right to an administrative hearing pursuant to Section 104.14 within 15 days of the date of mailing of the written notice by DCR.

SEC. 104.14. ADMINISTRATIVE HEARING PROCEDURE.

(Amended by Ord. No. 187,095, Eff. 7/1/21.)

(a) A request for an administrative hearing may be filed for the following DCR actions:

1. Issuance of a NOV by DCR.
2. Denial of an application for License renewal by DCR.
3. Notice of an administrative hold by DCR.
4. Determination by DCR that an Applicant is not eligible for processing pursuant to Section 104.07 or 104.08.
5. A suspension order pursuant to Section 104.06(d)(1).

(b) For hearings authorized by subsection (a) and Section 104.06(d)(1), an administrative hearing shall be held within 10 days of the suspension order, unless the Licensee and DCR mutually agree to a later date. Pre-hearing disclosures pursuant to subsection (e) shall be sent by simultaneous email service upon the other party and the hearing officer no later than two (2) days before the hearing. An Applicant may not conduct Commercial Cannabis Activity pending the outcome of the administrative hearing. Failure to request an administrative hearing within 5 days of the suspension order shall constitute a failure to exhaust administrative remedies.

(c) For all other hearings authorized by Subsection (a), a request for an administrative hearing shall be filed with DCR within 15 days of the date of mailing of the notice of DCR's action, unless a later date is provided in the notice. Failure to timely request an administrative hearing shall constitute a failure to exhaust administrative remedies. An Applicant or Licensee may continue to conduct Commercial Cannabis Activity until receipt of a hearing officer's final order upholding DCR's denial, suspension or other action that requires the Applicant or Licensee to cease Commercial Cannabis Activity. If DCR places an administrative hold on Cannabis and/or a Cannabis product, the hold shall remain in effect pending the outcome of the administrative hearing.

(d) DCR shall select a hearing officer and schedule an administrative hearing within 45 calendar days from the date DCR received the appeal, except that hearings as authorized in Sections 104.07 or 104.08 shall be scheduled within 60 days of the date DCR received the appeal. DCR shall mail the notice of the hearing to the appellant and the appellant's authorized agent or representative no later than 20 calendar days prior to the date of the hearing. The time for holding a hearing may be extended by mutual agreement between DCR and the appellant.

(e) **Pre-Hearing Disclosures.** No later than seven calendar days prior to an administrative hearing, DCR and the appellant shall make the following pre-hearing disclosures to the hearing officer, with simultaneous email service upon the other party: (i) a brief statement of the facts and issues relating to the appeal; (ii) a copy of all documentary evidence to be offered at the hearing; and (iii) a list of all witnesses to be presented at the hearing. The hearing officer shall not issue any decision relating to the appeal before the hearing.

(f) DCR may promulgate Administrative Hearing Procedures concerning hearing processes and procedures. Administrative hearings shall be conducted as follows:

1. The hearing shall be recorded by an audio device provided by DCR. Any party to the hearing may, at its own expense, cause the hearing to be audio recorded and transcribed by a certified court reporter;
2. DCR shall have the burden of proof by the preponderance of the evidence;
3. The hearing officer may accept evidence on which persons would commonly rely in the conduct of their business affairs;
4. The hearing officer may continue the hearing and request additional relevant information from any party; and
5. Within 30 days of the conclusion of the hearing, the hearing officer shall issue a written decision that includes a statement of the

factual and legal basis of the decision. The hearing officer shall use a de novo standard of review and may uphold or reject, in whole or in part, DCR's action. The hearing officer may waive or reduce the administrative penalties in an NOV after considering the factors specified in 104.13(b).

The hearing officer's decision shall be sent by mail to the appellant and the appellant's authorized agent or representative and shall become final on the date of mailing date. The issuance of a final order from a hearing officer after an administrative appeal hearing exhausts administrative remedies.

SEC. 104.15. ENFORCEMENT AND PENALTIES FOR UNLAWFUL CANNABIS RELATED ACTIVITY.
(Added by Ord. No. 185,343, Eff. 12/19/17.)

(a) Prohibitions on Unlicensed Commercial Cannabis Activity and Certain Medical Marijuana Collectives.

1. It is unlawful for a Person to establish, operate, or participate as an Employee, contractor, agent or volunteer, in any unlicensed Commercial Cannabis Activity in the City.

2. It is unlawful for a Person to establish, operate or participate in a medical marijuana collective or cooperative unless in a dwelling unit with three or fewer qualified patients, persons with identification cards or primary caregivers, or any combination thereof.

3. The prohibitions in Subsections (a)1. and (a)2., include renting, leasing to or otherwise allowing any unlicensed Commercial Cannabis Activity or a medical marijuana collective or cooperative to occupy or use any building or land.

(b) Starting on January 1, 2018, it is unlawful to:

1. Own or operate an Unlawful Establishment;
2. Participate as an Employee, contractor, agent or volunteer or in any other capacity in an Unlawful Establishment;
3. Use any portion of any parcel of land as an Unlawful Establishment; or
4. Lease, rent to, or otherwise allow an Unlawful Establishment to occupy any portion of parcel of land.

(c) A violation of this section is a public nuisance and may be abated by the City or by the City Attorney, on behalf of the people of the State of California, as a nuisance by means of a restraining order, injunction or any other order or judgment in law or equity issued by a court of competent jurisdiction. The City or the City Attorney, on behalf of the people of the State of California, may seek injunctive relief to enjoin violations of, or to compel compliance with, this section or seek any other relief or remedy available at law or equity. Each day that a violation continues is deemed to be a new and separate offense and subject to a maximum civil penalty of \$20,000 for each and every offense.

(d) Any Person violating this section shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment. Each day that a violation continues is deemed to be a new and separate offense. A violation of this section by an Employee, contractor, agent or volunteer, who has no financial interest in the Unlawful Establishment, may be punishable by means of a citation issued under the City's Administrative Citation Enforcement Program. **(Amended by Ord. No. 185,850, Eff. 11/28/18.)**

(e) The Department of Water of Power (DWP) is authorized to disconnect utilities at a location occupied by an Unlawful Establishment if (i) the Police Department or other City Department provides written confirmation to DWP that commercial cannabis activity is occurring at the location, and (ii) DCR provides written confirmation to DWP that the City has not issued Temporary Approval or a License to engage in commercial cannabis activity at the location. The manner and form of the written confirmation shall be established and agreed to by the referenced departments. **(Added by Ord. No. 186,029, Eff. 3/14/19.)**

(f) The remedies specified in this section are cumulative and in addition to any other remedies available under state or local law for a violation of this article. **(Relettered by Ord. No. 186,029, Eff. 3/14/19.)**

(g) Nothing in this section shall be construed as requiring the City to allow, permit, license, authorize or otherwise regulate medical or nonmedical Cannabis, or as abridging the City's police power with respect to enforcement regarding medical or nonmedical Cannabis. **(Relettered by Ord. No. 186,029, Eff. 3/14/19.)**

(h) A City Department may recover its costs incurred through the abatement of, or enforcement activity against, an Unlawful Establishment as provided under Los Angeles Administrative Code Section 7.35.3 or any other applicable law. **(Added by Ord. No. 186,223, Eff. 8/14/19.)**

SEC. 104.15.1. PADLOCKING, BARRICADING, AND FENCING PROPERTY WHERE UNLICENSED COMMERCIAL CANNABIS ACTIVITY OCCURS.
(Added by Ord. No. 186,918, Eff. 3/27/21.)

(a) **Public Nuisance.** Unlicensed Commercial Cannabis Activity is a public nuisance.

(b) **Installation of Protective Devices.** The Department of Building and Safety (LADBS), after notice pursuant to Subsection (c), is authorized to padlock, barricade, and fence (protective devices) any location occupied by an Unlawful Establishment if: (i) the Police Department provides written confirmation to LADBS that Commercial Cannabis Activity is occurring at the location; and (ii) DCR provides written confirmation to LADBS that the City has not issued a Temporary Approval or a License to engage in Commercial Cannabis Activity at the location. If the property owner or authorized occupant requests a hearing pursuant to Subsection (d), LADBS shall not padlock, barricade, or fence the property without the authorization of the hearing officer.

(c) **Notice.** The notice required in Subsection (b) shall be posted on the property and a copy mailed first class to the owner of the property as shown on the last equalized assessment roll. The notice shall state that the City has information that unlicensed Commercial Cannabis Activity is occurring on the property and the City may padlock, barricade, and fence the property if, within 10 calendar days of the notice, the activity is not abated or the property owner or authorized occupant fails to request a hearing pursuant to Subsection (d). The notice shall further state that the property owner and authorized occupant shall be jointly and severally responsible to pay the City's costs for installing, maintaining, and removing the protective devices plus an amount equal to 40 percent of such cost to cover the City's expense to administer and supervise the required work. The notice shall explain how the property owner and authorized occupant can request a hearing.

(d) **Opportunity for Hearing Before Installing Protective Devices.** If the property owner or authorized occupant requests a hearing within 10 calendar days of the mailing of the notice in Subsection (c), LADBS shall not padlock, barricade, or fence the property without the authorization of the hearing officer. The hearing shall be set on a date within 30 calendar days of the mailing of the notice in Subsection (c). If the hearing officer determines that unlicensed Commercial Cannabis Activity is not occurring on the property, then the property shall not be padlocked, barricaded, and fenced. If the hearing officer determines that unlicensed Commercial Cannabis Activity is occurring on the property, then the hearing officer may authorize LADBS to padlock, barricade, and fence the property. The hearing officer may consider whether unlicensed Commercial Cannabis Activity was occurring on the property before the hearing date and the benefit of authorizing the protective devices to curb such future activity.

(e) **Opportunity for Hearing to Remove Protective Devices.** The property owner or authorized occupant may request a hearing to remove the protective devices. The protective devices may be removed at the direction of a hearing officer who holds a hearing and determines that unlicensed Commercial Cannabis Activity is not occurring on the property. The hearing shall be set on a date no more than 15 calendar days after the date of the request by the property owner or authorized occupant. If the hearing officer determines that unlicensed Commercial Cannabis Activity is not occurring on the property at the time of the hearing and the property owner and occupant demonstrate to the hearing officer that they have taken reasonable measures to prevent the occurrence of unlicensed Commercial Cannabis Activity on the property, then the hearing officer shall order the removal of the padlock, barricade, and fence. If the hearing officer determines that unlicensed Commercial Cannabis Activity was not occurring on the property at the time of the notice in Subsection (c), then the property owner and authorized occupant shall not be responsible to pay the City's costs for installing, maintaining, and removing the protective devices.

(f) **Hearing Process.** Hearings afforded under Subsections (d) and (e) are the property owner's and authorized occupant's exclusive means for administrative review of the City's actions. Requests for hearings must be made by the property owner or authorized occupant in writing on a form approved by the City. At the hearing, the City, property owner, and authorized occupant may present any evidence or testimony relevant to whether unlicensed Commercial Cannabis Activity is occurring on the property and evidence and testimony relevant to the reasonable measures taken by the property owner and/or authorized occupant to prevent the occurrence of unlicensed Commercial Cannabis Activity. The City, property owner, and authorized occupant may cross examine witnesses. If the property owner or authorized occupant fail to appear at the hearing, then the hearing may proceed in their absence. For good cause only, the hearing officer, at the request of the property owner or authorized occupant, may continue the hearing for up to 10 calendar days. The decision of the hearing officer shall be based on the preponderance of the evidence and testimony provided at the hearing. The decision shall be rendered within five business days of the hearing and include a statement of the factual and legal basis of the decision. A copy of the hearing officer's decision shall be posted on the property and mailed to the property owner and the authorized occupant at the address of the property location, and provided to LADBS and DCR. The decision by the hearing officer is the exclusive means of review and shall be final and not administratively appealable.

(g) **Possession and Responsibility to Maintain Property.** In exercising the powers authorized in this section, the City takes no legal possessory interest in the property or anything contained on the property. The property owner or authorized occupant, as applicable, shall remain responsible to maintain the property in a safe and sanitary condition and in good repair.

(h) **Personal Property.** It shall be the responsibility of the property owner or authorized occupant to remove or secure any personal property or other possessions on the property.

(i) **Limited Access of Areas Secured by Protective Devices.** During the time LADBS has padlocked, barricaded, or fenced the property under this section, no person shall access any portion of the area secured by the protective devices, except that the property owner, including the agent of the property owner, or authorized occupant may access the property pursuant to Subsections (g) and (h). Any person who violates this subsection shall be guilty of a misdemeanor. This subsection shall not apply to law enforcement personnel, public officers, or public employees acting within the course and scope of their employment or in the performance of their official duties.

(j) **Recordation.** A copy of the notice described in Subsection (c) shall be recorded with the Office of the County Recorder. After the City has determined that unlicensed Commercial Cannabis Activity is not occurring on the property, the City shall file with the

Office of the County Recorder a certificate terminating the above recorded status of the property.

(k) **Reimbursement of City Costs.** The property owner and authorized occupant shall be jointly and severally responsible to reimburse the City's costs for installing, maintaining, and removing the protective devices plus an amount equal to 40 percent of such cost to cover the cost of administering and supervising the required work. The City may pursue collection of any costs imposed under this section as provided in Los Angeles Administrative Code Sections 7.35.1 through 7.35.10, or through any legal remedy before any court of competent jurisdiction.

SEC. 104.16. ADMINISTRATION.

(Amended by Ord. No. 185,629, Eff. 7/2/18.)

DCR shall administer the Rules and Regulations as adopted by the City Council. DCR may promulgate and enforce Rules and Regulations related to this article, which shall have the force and effect of law, and may be relied upon by Applicants, Licensees, or other parties to determine their rights and responsibilities. The Commission may recommend to the City Council or DCR amendments to the Rules and Regulations.

SEC. 104.17. SEVERABILITY.

(Added by Ord. No. 185,343, Eff. 12/19/17.)

If any section, subsection, subdivision, clause, sentence, phrase or portion of this article is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the remaining sections, subsections, subdivisions, clauses, sentences, phrases or portions of this measure shall remain in full force and effect, and to this end the provisions of this article are severable. Notwithstanding anything to the contrary in the prior sentence, if any State or City licensure requirement is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the Commercial Cannabis Activity subject to such licensure requirement shall be prohibited in the City.

SEC. 104.18. NO VESTED OR NONCONFORMING RIGHTS.

(Added by Ord. No. 185,343, Eff. 12/19/17.)

Neither this article, nor any other provision of this Code, or action, failure to act, statement, representation, recognition, certificate, approval, permit or License issued by the City, DCR, the Commission, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any Commercial Cannabis Activity beyond the period of time and range of activities specifically provided by the licenses issued by the State of California and the City. This article does not create, confer, or convey any right or benefit regarding any activity beyond the lawfulness of any License issued by the City to engage in Commercial Cannabis Activity or any applicable State of California license for such activity. If any City License or any applicable State license is held unconstitutional, invalid or unenforceable for any reason by any court or tribunal of competent jurisdiction, the Commercial Cannabis Activity subject to such license shall be prohibited in the City of Los Angeles and all operations shall immediately cease in the City. The owner of any City License or any applicable State license assumes all risk associated with the validity of such licenses. The owner of any license found to be unconstitutional, invalid or unenforceable and required thereby to cease Commercial Cannabis Activity, shall not be entitled to any compensation from the City based upon such license; the finding that such license is unconstitutional, invalid or unenforceable; or the requirement that any Commercial Cannabis Activity must thereby immediately cease in the City.

SEC. 104.19. FEES AND FINES.

(Amended by Ord. No. 186,708, Eff. 8/10/20.)

(a) **Application and License Filing Fees.** The following fees shall be payable pursuant to Section 104.03 and any other sections specified in accordance with the following schedule:

Type	Fee
Pre-Application Review ^(a)	\$597
Temporary Approval Application ^(b)	\$5,720
Annual License Application ^(b)	\$7,691
EMMD Temporary Approval Application ^(b) (Section 104.07)	\$9,360
Sec. 104.08 Temporary Approval Application ^(b) (Section 104.08)	\$11,806

SEP ¹ Temporary Approval Application ^(b) (Section 104.06.1(b))	\$8,059
SEP ¹ Temporary Approval Application ^(b) (Section 104.06.1(c) - (f))	\$6,969
LAFD Inspection ^{(a)(d)}	Actual Cost
Annual Primary Personnel LiveScan Review ^{(c)(e)}	\$450
Primary Personnel Background Review ^(a)	\$614
SEIA ² Eligibility Verification (Section 104.06.1)	\$597

(a) Fee is charged per Application.

(b) Fee is charged per Activity.

(c) Fee is charged per Individual.

(d) Fee is based on the actual cost. Cannabis LAFD Inspection Fee shall be based on the current LAFD hourly Inspector Rate, at a four-hour minimum. The Fire Department will invoice the Applicant separately to recover any inspection costs exceeding four hours.

(e) Fee is based on the annual review and assessment of any criminal offender record information on Primary Personnel obtained via LiveScan.

1 SEP - Social Equity Program pursuant to Sec. 104.20.

2 SEIA - Social Equity Individual Applicant pursuant to Sec.104.20.

(b) **License Renewal Fees.** The following renewal fees shall be payable pursuant to Section 104.12 in accordance with the following schedule:

Type	Fee
Temporary Approval Renewal Fee ^(b)	\$4,233
License Renewal ^(b)	\$8,486
SEP ¹ License Renewal ^(b)	\$9,735

(b) Fee is charged per Activity.

1 SEP - Social Equity Program pursuant to Sec. 104.20.

(c) **Environmental Assessment Fees.** For the processing of each initial study prepared or filed in connection with an Application, or for the processing of any supplemental report or for the preparation of a general exemption pursuant to City's California Environmental Quality Act Guidelines, the following environmental assessment fees shall be payable, pursuant to Sections 104.03(c) and 104.06(e) in accordance with the following schedule:

Type	Fee
Environmental Assessment / Initial Study ^(a)	\$6,024
Addendum prior to Environmental Determination ^(a)	\$4,137
Categorical Exemption	\$2,596
Mitigated Negative Declaration / Negative Declaration - Expanded Initial Study ^(a)	\$16,454
Environmental Impact Report - Initial Deposit ^(a)	\$16,454
Environmental Analysis Review Services ^{(a)(d)}	Actual Cost
Publication Fee ^{(a)(d)}	\$732 plus Actual Cost ^(d)

(a) Fee is charged per Application.

(d) Fee is based on the actual cost. The Department shall calculate actual costs and the resultant fee in accordance with Section104.19(j).

(d) **Notice Fees. (Amended by Ord. No. 187,095, Eff. 7/1/21.)** Notice fees shall be payable pursuant to Section 104.05 in accordance with the following schedule:

Type	Fee
Written Notice ^(a)	\$484
Mailed Notice ^{(a)(d)}	\$1,683 plus Actual Cost ^(d)
Printed Notice ^(a)	\$484

(a) Fee is charged per Application.

(d) Fee is based on the actual cost. In addition to the Department's fee for Mailed Notice, the Applicant shall pay the actual mailing and postage costs directly to the Department's mailing services contractor.

(e) **Meeting, Hearing and Appeal Filing Fees.** Meeting and hearing appeal fees shall be payable pursuant to Sections 104.04 and 104.06 in accordance with the following schedule:

Type	Fee
Community Meeting ^(a)	\$986
Cannabis Regulation Commission Hearing ^(a)	\$1,940
Appeal to the Cannabis Regulation Commission ^(a)	\$6,802
Appeal to City Council ^(a)	\$6,210

(a) Fee is charged per Application.

(f) **Administrative Hearing Appeal Filing Fees.** Administrative hearing appeal filing fees shall be payable pursuant to Section 104.14 in accordance with the following schedule:

Type	Fee
Notice of Violation	\$4,669
Denial of License Renewal	\$4,669
Notice of Administrative Hold	\$4,669
Notice of Ineligibility (Section 104.07, 104.08)	\$4,669
Notice of Ineligibility	\$12,927
Temporary Approval Suspension or Revocation	\$12,927
License Suspension/Revocation	\$18,676

(g) **Public Convenience or Necessity (PCN) Filing Fees.** PCN fees shall be payable pursuant to Section 104.03(a)(4) and in accordance with the following schedule:

Type	Fee
Cannabis Public Convenience or Necessity Filing Fee ^(b)	\$1,592

(b) Fee is charged per Activity.

(h) **Modification and Other Filing Fees.** Modification and other fees shall be payable pursuant to Section 104.03(e) and in accordance with the following schedule:

Type	Fee
Modification Request Form Review ^(f)	\$542
Business Premises Relocation ^(f)	\$3,554
Business Diagram Modification ^(f)	\$3,368
Ownership Structure Modification ^(f)	\$2,335
SEP ¹ Ownership Structure Modification ^(f)	\$3,870
Primary Personnel Background Review ^(a)	\$614
Primary Personnel LiveScan Review ^(c)	\$450
Land-Use Document Review ^{(f)(g)}	\$186
Dated Radius Map Document Review ^{(f)(g)}	\$186
Site Plan Document Review ^{(f)(g)}	\$123
Evidence of Legal Right to Occupy Document Review ^{(f)(g)}	\$101

Executed Lease or Property Deed Document Review ^{(f)(g)}	\$597
Business Premises Diagram Document Review ^{(f)(g)}	\$489
Business Formation and Organization Document Review ^{(f)(g)}	\$1,194
Organizational Chart Document Review ^{(f)(g)}	\$428
Ownership Disclosure Form Document Review ^{(f)(g)}	\$131
History of Denial Document Review ^{(f)(g)}	\$244
Equity Share Documents / Social Equity Agreement Review ^{(f)(g)}	\$1,248
Indemnification Agreement Document Review ^{(f)(g)}	\$56
Waste Management Plan Document Review ^{(f)(g)}	\$597
Certificate of Occupancy Document Review ^{(f)(g)}	\$131
Commercial Cannabis Activity Plan Document Review ^{(f)(g)}	\$597
Financial Information Document Review Fee ^{(f)(g)}	\$624
Labor Peace Agreement Document Review ^{(f)(g)}	\$131
Management Company Agreement Document Review ^{(f)(g)}	\$597
Proof of Bond or Insurance Document Review ^{(f)(g)}	\$131
Security Plan Document Review ^{(f)(g)}	\$597
Staffing Plan Document Review ^{(f)(g)}	\$597
Standard Operating Procedures Document Review ^{(f)(g)}	\$1,221
Standard Inspection ^(h)	\$2,468
Off-Hours Inspection ^(h)	\$3,623
Extraordinary Projects or Services ^(d)	Actual Cost ^(d)
Expedited Services (Time and a Half Rate)	142.04% of Regular Fee
Expedited Services (Double Time Rate)	189.38% of Regular Fee

(a) Fee is charged per Application.

(c) Fee is charged per Individual.

(d) Fee is based on the actual cost. The Department shall calculate actual costs and the resultant fee in accordance with Section 104.19(j).

(f) Fee is charged per modification request by the Applicant.

(g) Fee is charged for supplemental document review when requested by DCR to assess compliance.

(h) Fee is charged per inspection trip. If the Department determines that, in addition to the routine inspections pursuant to this article or the rules and regulations, additional inspections or abatement actions are required to process an application or enforce compliance with this article or the rules and regulations, the Applicant or Licensee shall pay separate fees for each inspection.

1 SEP - Social Equity Program pursuant to Sec. 104.20.

(i) **Fines, Violations, and Non-Compliance Fees^(h)**. Fines, violations, and non-compliance fees shall be payable pursuant to Section 104.13 and the Rules and Regulations in accordance with the following schedule:

Type	Fee
Cannabis Code Violation Inspection	\$2,317
Cannabis Code Violation Inspection (Off-Hours)	\$3,051
Cannabis License Non-Compliance Inspection Fee	\$4,416

Cannabis License Non-Compliance Inspection (Off-Hours)	\$5,886
Cannabis License Violation Fine - Minor Violation ⁽ⁱ⁾	\$7,004
Cannabis License Violation Fine - Moderate Violation ⁽ⁱ⁾	\$21,013
Cannabis License Violation Fine - Major Violation ⁽ⁱ⁾	\$42,026

(h) Fee is charged per inspection trip. If the Department determines that, in addition to the routine inspections pursuant to this article or the rules and regulations, additional inspections or abatement actions are required to process an application or enforce compliance with this article or the rules and regulations, the Applicant or Licensee shall pay separate fees for each inspection.

(i) Fee is charged per violation.

(j) **Actual Cost.** In addition to the fees expressly set forth in this article, the Department may negotiate with an Applicant or Licensee (the "Requestor") for reimbursement of the actual costs associated with the City's processing of applications, licenses, or related services which requires another City department, a City contractor, or unusually heavy commitments of Department resources. Actual Cost may be charged for Commercial Cannabis Activity services not expressly enumerated in this Article provided the Department and the Requestor agree upon:

(i) The processing services required, including environmental reviews, and the personnel, time and physical resources which the City will need to accomplish those processing services.

(ii) The costs which are to be funded shall consist of the actual costs to the City which include, but are not limited to: wages, including overtime, retirement, compensated time off and other benefits, bureau/divisional overhead, departmental overhead and general City overhead, which are incurred in connection with the employees assigned to perform the processing services for the major project, the direct costs of material and equipment required to furnish the processing services, the reasonable out-of-pocket expenses incurred by any employee assigned to furnish the processing services, and the cost of hiring outside consultants necessary to provide the City with special expertise.

(iii) The Requestor shall deposit funds into the Cannabis Regulation Special Revenue Trust Fund based on the estimated costs of providing the processing services.

(iv) The Department shall promptly advise the Requestor if, at any time during the processing period, the Department believes that the costs of accomplishing the processing services will exceed the estimated costs. The Department and the Requestor shall agree to a procedure for deposit of additional funds if the funds deposited are not adequate to fund the agreed upon processing services.

(v) The Department shall maintain appropriate records of the actual costs of the processing services, prepare a report for the Requestor upon completion of processing services, and refund any unused portion of the deposit to the Requestor.

(vi) Entering into the processing service agreement is voluntary.

(k) **Filing Fee Credit.** At the discretion of the Department, an Applicant for any determination for which fees are required by this section may be allowed credit for the fees paid upon a reapplication for the same activity under a different application procedure when the Department finds that the Applicant made a good-faith attempt to file the application properly and that the application could be more appropriately approved if filed under a different procedure. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(l) **Refunds.** DCR has the sole discretion to consider and approve the issuance of partial or full refunds depending on the actual services performed for the full cost. This subdivision shall not be construed to allow a credit or refund to be given at the Applicant's option. **(Added by Ord. No. 187,095, Eff. 7/1/21.)**

SEC. 104.20. SOCIAL EQUITY PROGRAM.

(Amended by Ord. No. 186,703, Eff. 7/10/20.)

(a) **Program – Original Eligibility Verification.** Except for Tier 3 Applicants, as defined in Section 104.20(a)(1)(iv), an Applicant that submitted an Application subject to Section 104.08 by September 13, 2018, or submitted an application for program eligibility verification during the verification period between May 28, 2019, and July 29, 2019, and/or met the criteria in this subsection for a Commercial Cannabis Activity License pursuant to Section 104.06.1(b), shall comply with Section 104.20(a)(2) when a License is issued or renewed. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

1. **Social Equity Individual Applicant – Individual Eligibility Verification.** An individual subject to this subsection shall be verified as Social Equity Individual Applicant. A Social Equity Individual Applicant may be further verified as a Tier 1 Social Equity Individual Applicant, Tier 2 Social Equity Individual Applicant, or a Tier 3 Applicant in accordance with the definitions and criteria in this subsection.

(i) The following definitions shall apply in this subsection:

(1) **"California Cannabis Arrest or Conviction"** means an arrest or conviction in California for any crime under the laws of the State of California or the United States relating to the sale, possession, use, manufacture, or cultivation of Cannabis that occurred prior to November 8, 2016. An arrest, prosecution or conviction for a violation of Proposition D, as codified in former Article 5.1 of Chapter IV of the Los Angeles Municipal Code, notwithstanding that Proposition D has been repealed, is not a California Arrest or Cannabis Conviction. A Social Equity Applicant with a California Cannabis Arrest or Conviction shall be ineligible to apply for a License in any of the circumstances specified in Section 104.03(a), subject to the time restrictions therein.

(2) **"Disproportionately Impacted Area"** means eligible zip codes based on the "More Inclusive Option" as described on page 23 of the "Cannabis Social Equity Analysis Report" commissioned by the City in 2017, and referenced in Regulation No. 13 of the Rules and Regulations, or as established using the same methodology and criteria in a similar analysis provided by an Applicant for an area outside of the City.

(3) **"Low-Income"** means 80 percent or below of Area Median Income for the City based on the 2016 American Community Survey and updated with each decennial census.

(4) **"Tier 1 Social Equity Individual Applicant"** is an individual who meets the following criteria at the time of applying for a license: (1) Low-Income and prior California Cannabis Arrest or Conviction; or (2) Low-Income and a minimum of five years' cumulative residency in a Disproportionately Impacted Area.

(5) **"Tier 2 Social Equity Individual Applicant"** is an individual who meets the following criteria at time of applying for a license: (1) Low-Income and a minimum of five years' cumulative residency in a Disproportionately Impacted Area; or (2) a minimum of 10 years' cumulative residency in a Disproportionately Impacted Area.

(6) **"Tier 3 Applicant"** is a Person who applied for a Commercial Cannabis Activity License under Section 104.08 and does not meet the criteria of a Tier 1 Social Equity Individual Applicant or Tier 2 Social Equity Individual Applicant.

2. Social Equity Applicant – Entity Eligibility Verification. A Social Equity Applicant shall comply with the Equity Share criteria in this subdivision before a License is issued or renewed. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(i) **Ownership Percentage.** A Tier 1 Social Equity Individual Applicant shall own no less than a 51 percent Equity Share in the Person to whom the License is issued. A Tier 2 Social Equity Individual Applicant shall own no less than a 33 1/3 percent Equity Share in the Person to whom the License issued.

(ii) **"Equity Share"** means all of the following:

(1) **Unconditional ownership of the Equity Share.** The Equity Share shall not be subject to conditions precedent, conditions subsequent, executory agreements, voting trusts, restrictions on or assignments of voting. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(2) **Profits, dividends, and distributions.** Social Equity Individual Applicants shall receive all of the following:

(A) At least their Equity Share percent of the distribution of profits paid to the owners of the Social Equity Applicant or Licensee;

(B) 100 percent of the value of each share of stock, member interest, partnership interest, or other equivalent owned by them in the event that the stock, member interest, or partnership interest is sold; and

(C) At least their Equity Share percent of the retained earnings of the Social Equity Applicant or Licensee and 100 percent of the unencumbered value of each share of stock, member interest, or partnership interest owned in the event of dissolution of the corporation, limited liability company, or partnership.

(3) **Voting rights and control.** Social Equity Individual Applicants shall receive the following at all times:

(A) At least their Equity Share percent of the voting rights on all business decisions, including, but not limited to, long-term decisions, daily business operations, retention and supervision of the executive team, managers, and management companies, and the implementation of policies.

(B) The highest officer position in the Social Equity Applicant or Licensee, such as the position of chief executive officer, unless another natural person is appointed to that position by mutual agreement of the parties. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(4) **Successors.** The Equity Share shall not be subject to arrangements causing or potentially causing ownership benefits in the Social Equity Applicant or Licensee to go to another in any circumstance other than after death or incapacity. In the case of death or incapacity, a Social Equity Individual Applicant shall identify his or

her own successor in interest or assignee of their Equity Share. If a Social Equity Individual Applicant dies, the Social Equity Applicant or Licensee will continue to qualify under this section with the requisite Equity Shares so long as the surviving spouse of the deceased Social Equity Individual Applicant inherits or otherwise acquires all of such individual's ownership interest in the Social Equity Applicant or Licensee. The continued qualification by the surviving spouse shall begin on the date of the Social Equity Individual Applicant's death and terminate on the earlier of: (1) the date in which the surviving spouse remarries; (2) the date in which the surviving spouse relinquishes his or her ownership interest in the Social Equity Applicant or Licensee; or (3) the date that is ten (10) years after the date of the death of the Social Equity Individual Applicant. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(iii) **Additional Equity Share Requirements.**

(1) All Owners shall: (1) comply in all respects with the Equity Share criteria and requirements in this section ("Equity Share Requirements") in dealings with one another; (2) keep records evidencing their compliance; and (3) on the other party's reasonable request, provide these records of compliance to the other party.

(2) Any action or inaction taken by a party in violation of the Equity Share Requirements shall entitle the other party to initiate a legal action in the Superior Court of Los Angeles, including, but not limited to, an action for specific performance, declaratory relief, and/or injunctive relief, to enforce the Equity Share Requirements against the other party.

(3) Any annual License(s) issued to a Social Equity Applicant may be suspended or revoked, or a License renewal denied, if it can be shown, by a preponderance of the evidence, that any provision in an operating agreement, contract, business formation document, or any other agreement between Owners of the Social Equity Applicant violates any of the Equity Share Requirements and is not cured within the time allotted by DCR. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(4) All Owners are required to incorporate the following addendum into operating agreement documents to evidence compliance with Equity Share Requirements: "To the extent that any provision of this agreement, or part thereof, is or may be construed to be inconsistent with or in violation of the "Equity Share" requirements set forth in Los Angeles Municipal Code section 104.20, such provision(s) shall be ineffective, unenforceable, and null and void."

(b) **Program – Expanded Eligibility Verification.** An individual seeking to participate in the Social Equity Program shall meet the criteria and requirements in this subsection

1. **Social Equity Individual Applicant – Individual Eligibility Verification.** An Applicant subject to this subsection shall be verified as a Social Equity Individual Applicant in accordance with the definitions and criteria in this subsection.

(i) **"Social Equity Individual Applicant"** means an individual who meets two of the following three criteria: (1) Low-Income; (2) a prior California Cannabis Arrest or Conviction; (3) ten years' cumulative residency in a Disproportionately Impacted Area. For the purposes of Section 104.06.1(c), "Social Equity Individual Applicant" means an individual with a prior California Cannabis Arrest or Conviction and who also meets one of the following two criteria: (1) Low-Income; or (2) ten years' cumulative residency in a Disproportionately Impacted Area.

(ii) The following definitions shall apply in this subsection:

(1) **"Asset"** means net assets at, or below, four times the Low-Income thresholds based on Household Size. Examples of liquid accounts that shall be disclosed include but are not limited to, saving accounts, checking accounts, certificates of deposit, money market accounts, stocks, trusts, and gifts. Qualified retirement accounts and an applicant's primary residence shall be excluded for purposes of the calculation, but other forms of real estate shall be included. Such retirement accounts are limited to accounts that are intended for retirement and that would incur a penalty if withdrawn before a specified retirement age per each account.

(2) **"Household Size"** means the number of individuals that meet any of the following criteria:

(A) All spouses or domestic partners must be included in the household and must appear in the submission content.

(B) All household members who are under 18 years of age must be the legal dependent of an adult household member, except in the case of emancipated minors, as claimed on the most recent income tax return, or legal minor children of title holders.

(C) Pregnant applicants will only be counted as two household members with verifiable medical documentation.

(D) Temporarily absent household members who intend to live in the residence upon return may be considered, if verifiable documentation supporting their absence is provided. Such household members

include, but are not limited to, household members serving temporarily in the armed forces, or who are temporarily institutionalized.

(E) Live-in assistants, foster children will not be counted toward household size. Individuals not listed on the Social Equity Individual Applicant's most recent tax return, such as elderly relatives, live-in assistants, and foster children will not be counted toward household size.

(3) "**California Cannabis Arrest or Conviction**" means an arrest or conviction in California for any crime under the laws of the State of California or the United States relating to the sale, possession, use, manufacture, or cultivation of Cannabis that occurred prior to November 8, 2016. An arrest, prosecution or conviction for a violation of Proposition D, as codified in former Article 5.1 of Chapter IV of the Los Angeles Municipal Code, notwithstanding that Proposition D has been repealed, is not a California Arrest or Cannabis Conviction. A Social Equity Applicant with a California Cannabis Arrest or Conviction shall be ineligible to apply for a License in any of the circumstances specified in Section 104.03(a), subject to the time restrictions therein.

(4) "**Disproportionately Impacted Area**" means Police Reporting Districts as established in the Expanded Social Equity Analysis, or as established using the same methodology and criteria in a similar analysis provided by an Applicant for an area outside of the City.

(5) "**Low-Income**" means both of the following definitions are met: (1) the Social Equity Individual Applicant meets the low-income thresholds established in the annual U.S. Department of Housing and Urban Development (HUD) income limits based upon the Area Median Income (AMI) for Los Angeles County based on household size; and (2) the Social Equity Individual Applicant does not have Assets in excess of the amount as defined in this subsection. For the purpose of assessing whether the low-income threshold has been met, DCR shall calculate the Household Size based the criteria in Subsection (b)(1)(ii)(2)(A) through (E).

2. **Social Equity Applicant – Entity Eligibility Verification.** An Applicant must comply with the Equity Share requirements in this subsection before a License is issued or renewed. **(Amended by Ord. No. 187,095, Eff. 7/1/21.)**

(i) **Ownership Percentage.** The Social Equity Individual Applicant shall own no less than a 51 percent Equity Share in the Person to whom the License is issued.

(ii) "**Equity Share**" is defined in Subsection (a)(2) and incorporated herein by reference.

(iii) Additional Equity Share Requirements in Section 104.20(a)(2)(iii) which are incorporated herein by reference. **(Added by Ord. No. 187,095, Eff. 7/1/21.)**

(c) **Programming – Benefits and Requirements.**

1. **Programming – Ownership and Disclosure Requirements.** Social Equity Applicants shall comply with the requirements in this subsection and in the Rules and Regulations.

(i) Social Equity Applicants may only transfer control or ownership to Persons who meet the same Equity Share requirements, and only upon the prior written approval of DCR. DCR shall promulgate Rules and Regulations for the transfer of control or ownership.

(ii) Social Equity Applicants shall provide to DCR bylaws or operating agreements which specify the percentage of ownership and control by each Person.

(iii) Social Equity Applicants shall disclose to DCR any management or employee staffing agreements it has or will enter into during the period of the License.

(iv) Social Equity Applicants shall disclose any options to purchase equity or control in the Social Equity Applicant.

(v) At the time of requesting an annual license renewal pursuant to Section 104.12, Social Equity Applicants shall provide to DCR a financial statement for its most recently completed fiscal year.

2. **Programming – Workforce Requirements.** Social Equity Applicants and Tier 3 Applicants shall comply with the workforce requirements in this subdivision.

(i) **Definitions.**

(1) "**Social Equity Worker**" means an individual who meets the criteria in Section 104.20(a), except for Tier 3 Applicants, or who meet the criteria in Section 104.20(b).

(2) "**Transitional Worker**" means an individual who, at the time of starting employment at the Business Premises, resides in an Economically Disadvantaged Area or Extremely Economically Disadvantaged Area, as those terms are defined in Section 11.5.6 of this Code, and faces at least two of the following barriers to

employment: (1) being homeless; (2) being a custodial single parent; (3) receiving public assistance; (4) lacking a GED or high school diploma; (5) having a criminal record or other involvement with the criminal justice system; (6) suffering from chronic unemployment; (7) emancipated from the foster care system; (8) being a veteran; or (9) over the age of 65 and financially compromised.

(ii) **Social Equity Applicants.** A Social Equity Individual Applicant shall make a good faith effort to have no less than 50 percent of the weekly hours of the Licensee's workforce performed by Employees whose primary place of residence is within a 3-mile radius of the Business Premises location. Of those Employees, 20 percent shall be Social Equity Workers and 10 percent shall be Transitional Workers.

(iii) **Tier 3 Applicants.** A Tier 3 Applicant shall make a good faith effort to have no less than 50 percent of the weekly hours of the Licensee's workforce performed by Employees whose primary place of residence is within a five-mile radius of the Business Premises. Of those employees, 30 percent shall be Social Equity Workers and 10 percent Transitional Workers. At a minimum, a Licensee is required to contact local community-based organizations, City of Los Angeles Work Source Centers, and other similar organizations to facilitate job outreach, development, and placement services. A Licensee is required to provide a detailed semiannual report on the first business day of January and the first business day of July every year that provides evidence of its outreach efforts, including the number of persons interviewed, and details on who was hired to satisfy the good faith requirement.

3. Programming – Social Equity Agreement Requirements. Tier 3 Applicants shall comply with the requirements in this subsection.

(i) Prior to the issuance of a License, a Tier 3 Applicant shall enter into a Social Equity Agreement with the City to provide to a Social Equity Individual Applicant for a period of three years: (1) Ancillary Business Costs; (2) Property; and (3) Education and Training. Social Equity Agreements shall be processed and approved by DCR.

(1) **Ancillary Business Costs.** Tier 3 Applicants shall provide security, management, equipment and other ancillary business costs to a Social Equity Individual Applicant.

(2) **Education and Training.** Tier 3 Applicants shall provide a minimum of 50 hours per year in business development education and training to a Social Equity Individual Applicant. Education and Training provided by Tier 3 Applicants may include: accounting, inventory management, payroll practices, tax preparation, employee recruitment, retention and workforce outreach, or reporting requirements training.

(3) **Property – Onsite.** Tier 3 Applicants shall provide floor area, at no cost and inclusive of utilities, within their Business Premises location, or at an off-site location, pursuant to Subsection (c)(3)(i)(4), established as a separate Business Premises for a Social Equity Individual Applicant, for a period of three years to engage in a Commercial Cannabis Activity in accordance with Article 5, Chapter X of this Code. The minimum requirements of the floor area provided shall be: (1) Cultivation - minimum 500 square feet or 10 percent of Tier 3 Applicant's entire Business Premises, whichever is greater; (2) Manufacturing - minimum 800 square feet or 10 percent of Tier 3 Applicant's entire Business Premises, whichever is greater; (3) Testing - minimum 1,000 square feet or 10 percent of Tier 3 Applicant's entire Business Premises, whichever is greater; (4) Distributor - minimum 1,000 square feet or 10 percent of Tier 3 Applicant's entire Business Premises, whichever is greater; (5) Non-storefront retail - minimum 1,000 square feet or 10 percent of Tier 3 Applicant's entire Business Premises, whichever is greater; (6) Storefront retail - minimum 1,000 square feet or 10 percent of Tier 3 Applicant's entire Business Premises, whichever is greater.

(4) **Property – Off-site.** A Tier 3 Applicant shall provide floor area meeting the minimum requirements under Subsection 104.20(c)(3)(i)(3), at no cost and inclusive of utilities, to a Social Equity Individual Applicant at a different off-site Business Premises location in the City, unless property is provided on-site as specified in this section, subject to the following conditions:

(A) The Social Equity Individual Applicant can conduct the Commercial Cannabis Activity for its License type at the off-site location without violating any of the land use or sensitive use requirements in Article 5, Chapter X of this Code.

(B) A Tier 3 Applicant shall be responsible for all costs to bring the off-site location into compliance with all site specific and property related regulations, including, but not limited to, Building Code and Fire Code regulations.

(C) The Social Equity Individual Applicant has the legal right to occupy and use the new location for Commercial Cannabis Activity.

(D) DCR finds that the facilities at the off-site location are substantially similar to the facilities at the Tier 3 Applicant's Business Premises.

(5) **Property Support.** In lieu of providing the minimum property requirements in Subsections (c)(3)(i)(3) and (4), a Tier 3 Applicant may provide property support directly to the Social Equity Individual Applicant equal to

the greater of the following:

(A) The actual monthly cost per square foot of leased space at the Tier 3 Applicant's Business Premises multiplied by the amount of space required by this subsection multiplied by 36 months; or

(B) The arithmetic mean of the cost per square foot of leased space for a total of 10 commercial cannabis businesses within a one mile radius, and authorized by DCR for the same Commercial Cannabis Activity, of the Tier 3 Social Equity Applicant's Business Premises multiplied by the amount of space required by this subsection multiplied by 36 months. If there are less than 10 commercial cannabis businesses within the one mile radius, the radius shall be increased in 100-foot increments until a total of 10 businesses are included.

(6) A Tier 3 Applicant shall provide property support directly to the Social Equity Individual Applicant in one of the following manners: (1) in full upon the first effective day of the Social Equity Agreement; (2) in three equal payments on dates determined by DCR within the first 24 months of the term of the Social Equity Agreement; (3) in 36 equal monthly payments during the term of the Social Equity Agreement; or (4) as agreed upon by the Social Equity Individual Applicant and the Tier 3 Applicant, and approved by DCR.

4. **Programming – Benefits.** Social Equity Applicants verified in accordance with Subsections (a) and (b) may receive benefits outlined in this subsection. Tier 3 Applicants shall not be processed under this subsection but shall be afforded priority processing as described in Section 104.08.

(i) **Processing.**

(1) DCR shall process Applications for Social Equity Applicants in accordance with Section 104.06.1.

(2) DCR shall provide priority processing to Social Equity Applicants applying for a Non-Retailer License on a 1:1 ratio with all non-Social Equity Individual Applicants.

(3) DCR shall process Applications or renewals from Social Equity Applicants in accordance with Subsections (a) or (b) before processing an Application or renewal from non-Social Equity Applicants.

(ii) **Fee Deferral Program.** DCR shall administer the Fee Deferral Program based on requirements and restrictions established in the Rules and Regulations. Participation in the Fee Deferral Program may be subject to the availability of resources.

(iii) **Business, Licensing and Compliance Assistance.** DCR shall provide Business, Licensing and Compliance Assistance through programming and curriculum development and training in the areas of state and local licensing requirements, commercial cannabis regulations, general business development, cannabis-specific business development and workforce development.

(iv) **Financial Grant Program.** DCR shall administer the Financial Grant Program based on requirements and restrictions established in the Rules and Regulations. Participation in this Financial Grant Program may be subject to the availability of resources.

(v) **Ancillary Business Costs.** Social Equity Applicants may receive security, management, equipment and other ancillary business costs provided by a Tier 3 Applicant pursuant to a Social Equity Agreement as defined in Section 104.20(c)(3). Participation may be subject to the availability of resources.

(vi) **Education and Training.** Social Equity Applicants may receive a minimum of 50 hours per year in business development, education and training provided by a Tier 3 Applicant pursuant to a Social Equity Agreement as defined in Section 104.20(c)(3). Education and training provided by Tier 3 Applicants may include: accounting, inventory management, payroll practices, tax preparation, employee recruitment, retention and workforce outreach, and reporting requirements training. Participation may be subject to the availability of resources.

(vii) **Property.** Social Equity Applicants may receive Property as specified in Section 104.20(c)(3) provided by a Tier 3 Applicant. Participation may be subject to the availability of resources.

SEC. 104.21. MANAGEMENT COMPANIES.

(Amended by Ord. No. 186,703, Eff. 7/10/20.)

(a) A Licensee shall provide to DCR a copy of all written agreements and contracts, including all amendments thereto, with every Management Company that manages Commercial Cannabis Activity on its behalf and all other information and documents DCR requires to determine the nature and scope of a Management Company's participation in Commercial Cannabis Activity.

(b) DCR may prohibit a Licensee from permitting a Management Company to manage Commercial Cannabis Activity on the Licensee's behalf if:

1. Any Owner of the Management Company would be ineligible to apply for a License pursuant to Section 104.03(a) or to receive a License pursuant to Section 104.06(a)(1);

2. DCR or another Cannabis licensing authority has determined that the Management Company has failed to comply with State or City operating requirements while managing Commercial Cannabis Activity; or

3. The Management Company cannot manage Commercial Cannabis Activity on behalf of any additional Licensees pursuant to the restrictions set forth in Section 104.21(f).

(c) Every Management Company shall register with DCR pursuant to procedures established by DCR and provide DCR all requested information and documents regarding its participation in Commercial Cannabis Activity in the City.

(d) A Management Company shall not hold an equity interest in a Licensee on whose behalf it manages Commercial Cannabis Activity. Notwithstanding the foregoing restriction, a Management Company may receive a share of a Licensee's revenues or profits in exchange for management services rendered, subject to limitations established by DCR.

(e) A Management Company shall manage Commercial Cannabis Activity on a Licensee's behalf in adherence to the operational requirements in this article and the Rules and Regulations that apply to the License type. In construing and enforcing this article and the Rules and Regulations, any act, omission, or failure of a Management Company, including its officers, Employees and agents, shall in every case be deemed the act, omission, or failure of the Licensee.

(f) Every Management Company shall be subject to the following restrictions:

1. Through June 30, 2019, a Management Company shall not manage Commercial Cannabis Activity on behalf of more than three percent of the Licensees in the City engaged in the same type of Commercial Cannabis Activity;

2. From July 1, 2019, through June 30, 2020, a Management Company shall not manage Commercial Cannabis Activity on behalf of more than four percent of the Licensees in the City engaged in the same type of Commercial Cannabis Activity;

3. From July 1, 2020, through June 30, 2021, a Management Company shall not manage Commercial Cannabis Activity on behalf of more than five percent of the Licensees in the City engaged in the same type of Commercial Cannabis Activity;

4. From July 1, 2021, through June 30, 2022, a Management Company shall not manage Commercial Cannabis Activity on behalf of more than six percent of the Licensees in the City engaged in the same type of Commercial Cannabis Activity; and

5. On or after July 1, 2022, a Management Company shall not manage Commercial Cannabis Activity on behalf of more than seven percent of the Licensees in the City engaged in the same type of Commercial Cannabis Activity.

SEC. 104.22. CANNABIS CORPORATE RESPONSIBILITY REPORT.

(Amended by Ord. No. 186,703, Eff. 7/10/20.)

(a) DCR shall develop criteria and guidelines for Cannabis Corporate Responsibility Reports (Report). DCR shall post the criteria, guidelines and any amendments on its website.

(b) Prior to the issuance of a License or renewal pursuant to Section 104.12, a Licensee shall submit to DCR a Report that describes the Licensee's community engagement, corporate philanthropy, relationship with the neighborhood surrounding the Licensee's Business Premises, and compliance with applicable City and State Cannabis laws and regulations within the previous calendar year. If a Licensee fails to timely submit a Report, DCR may impose administrative penalties or order corrective action as provided in Section 104.13(b). Reports may be publicly disclosed, including but not limited to posting on DCR's website.

(c) If a Licensee holds Licenses for multiple Business Premises, the Licensee shall submit a separate Report for each Business Premises.

SEC 104.23. STOREFRONT RETAILER EMBLEM PROGRAM.

(Added by Ord. No. 185,850, Eff. 11/28/18.)

(a) **Emblem Program Purpose.**

1. A Licensee engaged in Storefront Retail Activity shall prominently display an Emblem Placard upon receipt from DCR, which shall serve as notice to the public that the Licensee is authorized by the City to engage in Storefront Retail Activity at its Business Premises. The Emblem Placard shall not create, confer or convey any vested or nonconforming right or benefit, including the right to engage in Commercial Cannabis Activity, to any Person in possession of the Emblem Placard. The Emblem Placard may not be sold, assigned, or otherwise transferred, and shall not be removed from the Licensee's Business Premises without written authorization from DCR.

(b) **Procedure for Issuance, Posting, Inspection, and Revocation of Emblem Placard.**

1. **Issuance.** DCR shall design and issue an Emblem Placard to all Licensees engaged in Storefront Retail Activity. A Licensee shall not, in any manner, copy, duplicate or reproduce an Emblem Placard provided by DCR.

2. **Posting.** Immediately upon receipt of an Emblem Placard, a Licensee shall post the Emblem Placard in a location where it is clearly visible from the exterior of the Business Premises at all times and that is within 5 feet of the door used for patron access. If DCR, at its discretion, determines that the Emblem Placard would be more visible to the general public and patrons in another location on the Business Premises, the Licensee shall immediately move the Emblem Placard to that location.

A Licensee shall ensure that at all times the Emblem Placard is sufficiently illuminated, free from obstructions, and protected from damage, theft and tampering. A Licensee shall notify DCR within 24 hours after an Emblem Placard is damaged, stolen, or otherwise lost.

3. **Inspection.** Not less than once per year, DCR shall inspect every Licensee's Business Premises to determine whether the Emblem Placard is posted in compliance with the provisions of this regulation.

4. **Revocation.** If a Business Premises' License is revoked, not renewed, or cancelled, the Licensee shall immediately remove the Emblem Placard from public view and return the Emblem Placard to DCR.

(c) **Prohibited Uses of Emblem Placard.** It shall be a violation of this Code for any Person to display or use an Emblem Placard without authorization from DCR, or to use any placard, symbol, or rendering that is substantially or confusingly similar to an Emblem Placard.

ARTICLE 5

COMMERCIAL CANNABIS ACTIVITY

(Added by Ord. No. 185,345, Eff. 12/19/17.)

Section

- 105.00 Purposes and Intent.
- 105.01 Definitions.
- 105.02 Location and Other Requirements for Commercial Cannabis Activity.
- 105.03 Limited Grandfathering of Existing Medical Marijuana Dispensaries.
- 105.04 No Authority to Permit Use in Any Zone.
- 105.05 No Vested or Nonconforming Rights.
- 105.06 Unlawful Cannabis Activity.
- 105.07 No Conflict with State Law.
- 105.08 No Conflict with Federal Law.

SEC. 105.00. PURPOSES AND INTENT.

(Added by Ord. No. 185,345, Eff. 12/19/17.)

The purpose of this article is to stem the negative impacts and secondary effects associated with Cannabis related activities in the City, including, but not limited to, those documented in case law and in the legislative histories of cannabis regulations in the City, including but not limited to: neighborhood disruption and intimidation caused in part by increased transient visitors; exposure of school-age children and other residents sensitive to cannabis; cannabis sales to minors; and violent crimes.

This article is part of the City's first comprehensive set of regulations addressing Commercial Cannabis Activity in the City. The purpose of this article is to strike a balance to protect local communities and neighborhoods from the known negative effects of cannabis activities, while also to provide for Commercial Cannabis Activity recognized by State law. This article may be reviewed by the City within four years after its adoption with the purpose to determine whether the public health, welfare, and safety would be served by either expanding or restricting the locations where Commercial Cannabis Activity occurs.

This article is not intended to conflict with federal or state law. It is the intention of the City Council that this article be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

SEC. 105.01. DEFINITIONS.

(Added by Ord. No. 185,345, Eff. 12/19/17.)

The following words or phrases, when used in this article, shall be construed as defined below. Words and phrases not defined here shall be construed as defined in Sections 11.01 and 12.03 of this Code; and in Sections 1746, 11362.5, and 11362.7 of the Health and Safety Code:

"Alcoholism or Drug Abuse Recovery or Treatment Facility" means any non-medical alcoholism and drug abuse recovery or treatment facilities licensed or certified by the State of California Department of Health Care Services to provide residential non-medical services to individuals who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services. **(Amended by Ord. No. 187,094, Eff. 7/1/21.)**

"Applicant" means an Applicant as defined in Section 104.01 of this Code. **(Added by Ord. No. 187,094, Eff. 7/1/21.)**

"Application Date" means the date the Applicant pays all Pre-Application Review or Modification Request Form Review fees associated with a Business Premises relocation request, whichever is applicable, required under Los Angeles Municipal Code Section 104.19. **(Added by Ord. No. 187,094, Eff. 7/1/21.)**

"Business Premises" means the designated structure or structures and land specified in an application for a License that is owned, leased, or otherwise held under the control of the Applicant or Licensee where the licensed Commercial Cannabis Activity will be or is conducted.

"Cannabis" means Cannabis as defined in Section 26001 of the California Business and Professions Code, included in the Medicinal and Adult Use Cannabis Regulation and Safety Act, as currently defined or as may be amended.

"City" means the City of Los Angeles.

"Commercial Cannabis Activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in Division 10 of the California Business and Professions Code as implemented by the California Code or Regulations, as currently defined or as may be amended.

"Day Care Center" means a child care-infant center, child care center, or child care center preschool licensed by the State of California Department of Social Services that is not located on a residential zoned property. **(Amended by Ord. No. 187,094, Eff. 7/1/21.)**

"EMMD" means an existing medical marijuana dispensary that is in compliance with all restrictions of Proposition D, notwithstanding those restrictions would have been repealed, including, but not limited to, either possessing a 2017 L050 BTRC and current with all City-owed business taxes, or received a BTRC in 2007, registered with the City Clerk by November 13, 2007 (in accordance with the requirements under Interim Control Ordinance 179027), received a L050 BTRC in 2015 or 2016, and submits payment for all City-owed business taxes before the application is deemed complete.

"Permanent Supportive Housing" means Supportive Housing as defined in the Draft Permanent Supportive Housing Ordinance initiated August 30, 2017, CPC-2017-3136-CA, as may hereafter be adopted or amended, to include housing with no limit on length of stay that is occupied by persons with low incomes who have one or more disabilities and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people, but only to the extent such Permanent Supportive Housing provides on-site Supportive Services. As may hereafter be adopted or amended, Supportive Services means services that are provided on a voluntary basis to residents of Supportive Housing, including, but not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

"Public Library" means a place in which literary, musical, artistic, or reference materials, such as books, manuscripts, newspapers, recordings, or films, are kept for use but not for sale, which is under the control, operation or management of the City Board of Library Commissioners, and which allows access to members of the public.

"Public Park" means an open space, park, playground, swimming pool, beach, pier, reservoir, golf course, or similar recreational facility, which is under the control, operation or management of the City Board of Recreation and Park Commissioners; the Santa Monica Mountains Conservancy; the Mountains Recreation and Conservation Authority; the County of Los Angeles Department of Beaches and Harbors; the County of Los Angeles Department of Parks and Recreation; the California Department of Parks and Recreation; or the National Park Service; and shall further include any property in the City of Los Angeles zoned Open Space ("OS") as defined under Section 12.04.05 of the Los Angeles Municipal Code that is maintained or operated as a parks and recreation facility, including bicycle trails, equestrian trails, walking trails, nature trails, park land/lawn areas, children's play areas, child care facilities, picnic facilities, and athletic fields used for park and recreation purposes. **(Amended by Ord. No. 187,094, Eff. 7/1/21.)**

"Publicly Available" in reference to a Sensitive Use, means identified on an official list posted on one of the following official websites maintained by or on behalf of the following respective responsible governmental agencies. This list of official websites may hereinafter be amended as necessary by DCR's Rules and Regulations. **(Added by Ord. No. 187,094, Eff. 7/1/21.)**

- (a) Alcoholism or Drug Abuse Recovery or Treatment Facilities shall be identified on the official website for the California Department of Health Care Services;
- (b) Day Care Centers shall be identified on the official website for the California Department of Social Services;
- (c) Public Libraries shall be identified on the official website for the Los Angeles Public Library;
- (d) Public Parks shall be identified on the official website for the City of Los Angeles Department of Recreation and Parks;
- (e) Schools shall be identified on the official website for the California Department of Education; and
- (f) Permanent Supportive Housing shall be identified on the City's Open Data Portal list titled "HCIDLA Affordable Housing Projects List (2003 to Present)", or as may be amended.

"Residentially Zoned Property" means any lot located in the RA Suburban Zone, RE Residential estate Zone, RS Suburban Zone, R1 One-Family Zone, RU Residential Urban Zone, RZ Residential Zero Side Yard Zone, RW1 Residential Waterways Zone, R2 Two-Family Zone, RD Restricted Density Multiple Dwelling Zone, RMP Mobilehome Park Zone, RW2 Residential Waterways Zone, R3 Multiple Dwelling Zone, RAS3 Residential / Accessory Services Zone, R4 Multiple Dwelling Zone, RAS4 Residential / Accessory Services Zone, or R5 Multiple Dwelling Zone.

"School" means an institution of learning for minors, whether public or private, which offers in-person instruction in grades K through 12 in those courses of study required by the California Education Code, and is licensed by the State Board of Education. This definition includes kindergarten, elementary, junior high, senior high or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university. **(Amended by Ord. No. 187,094, Eff. 7/1/21.)**

"Sensitive Use" means an Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, Public Library, Public Park, School, and/or Permanent Supportive Housing. **(Added by Ord. No. 187,094, Eff. 7/1/21.)**

"Verification Date" means the first business day of the calendar quarter beginning February 1, May 1, August 1, or November 1, which immediately precedes the Application Date. **(Added by Ord. No. 187,094, Eff. 7/1/21.)**

SEC. 105.02. LOCATION AND OTHER REQUIREMENTS FOR COMMERCIAL CANNABIS ACTIVITY.

(Added by Ord. No. 185,345, Eff. 12/19/17.)

The Commercial Cannabis Activity described in Subsections (a)1. - (a)7. shall be limited to such activity conducted by a person licensed by the state of California and the City to engage in such Commercial Cannabis Activity described in this article.

The Commercial Cannabis Activity described in Subsections (a)1. - (a)7. shall not be required to comply with the distance restriction from a school, day care center, or youth center stated in Business and Professions Code Section 26054. In place and stead of these State law distance and sensitive use restrictions, the Commercial Cannabis Activity shall be required to meet the distance and sensitive use restrictions stated in this article.

(a) Commercial Cannabis Activity.

1. **Retailer Commercial Cannabis Activity.** Commercial Cannabis Activity falling under the category "Type 10 - Retailer" in Section 26050 of the California Business and Professions Code or "Type 9 - Non-Storefront Retailer" in California Code of Regulations Title 16 Division 42 Chapter 3 Section 5414; only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) *Chapter 1 of the Los Angeles Municipal Code:* C1 Limited Commercial Zone, C1.5 Limited Commercial Zone, C2 Commercial Zone, C4 Commercial Zone, C5 Commercial Zone, CM Commercial Manufacturing Zone, M1 Limited Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) *Commercial Manufacturing (Glencoe/Maxella) Zone:* CM(GM) Zone under the Glencoe/Maxella Specific Plan; or

(3) *Central City West Specific Plan Zone:* RC4(CW) Residential Mixed-Use Category, RC5(CW) Residential Mixed-Use Category, C1(CW) Limited Commercial Category, C2(CW) Commercial Category, C4(CW) Commercial Category, or CM(CW) Commercial Manufacturing Category, under the Central City West Specific Plan; or

(4) *Warner Center Specific Plan Zone:* WC Warner Center Specific Plan Zone where "Retail Store, general

merchandise" or "Hybrid Industrial" uses are permitted under the Warner Center Specific Plan; or

(5) *Los Angeles Sports and Entertainment District Specific Plan Zone*: LASED Los Angeles Sports and Entertainment District Specific Plan Zone under the Los Angeles Sports and Entertainment District Specific Plan; or

(6) *Playa Vista Specific Plan Zone*: M(PV) Industrial Zone and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(7) *Paramount Pictures Specific Plan Zone*: Paramount Pictures Specific Plan Zone within the Lemon Grove Lot (Parcels A and B), South Bronson Lot, Windsor Lot, Camerford Lot, Waring Lot, and Gregory Lot (Parcels A and B) under the Paramount Pictures Specific Plan; or

(8) *USC Specific Plan Zone*: USC Specific Plan Zone within Subarea 3 under the USC Specific Plan; or

(9) *Jordan Downs Urban Village Specific Plan Zone*: CM(UV) Commercial Manufacturing Zone under the Jordan Downs Urban Village Specific Plan; or

(10) *Cornfield-Arroyo Seco Specific Plan Zone*: UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

(B) Outside of a 700-foot radius of a Sensitive Use; and outside of a 700-foot radius of any other Retailer or Microbusiness Commercial Cannabis Activity, having on-site retail sales, which is licensed by the City to engage in the Commercial Cannabis Activity or for which Temporary Approval Application or Business Premises Relocation fees, whichever is applicable, are paid pursuant to Los Angeles Municipal Code Section 104.19. **(Amended by Ord. No. 187,094, Eff. 7/1/21.)**

Exception. Type 9 - Non-Storefront Commercial Cannabis Activity shall not be required to locate outside of a 700-foot radius of a Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, and Permanent Supportive Housing; or outside of a 700-foot radius of any other Retailer or Microbusiness Commercial Cannabis Activity having onsite retail sales, which is licensed by the state of California and licensed by the City to engage in the Commercial Cannabis Activity. Type 9 - Non-Storefront Commercial Cannabis Activity shall be required to locate outside of a 600-foot radius of a School. **(Amended by Ord. No. 187,094, Eff. 7/1/21.)**

2. **Microbusiness Commercial Cannabis Activity.** Commercial Cannabis Activity falling under the category "Type 12 - Microbusiness" in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) *Chapter 1 of the Los Angeles Municipal Code*: M1 Limited Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code. Type 12 - Microbusiness Commercial Cannabis Activity that does not engage in retail activity with on-site sales may further locate in the MR1 Restricted Industrial Zone and MR2 Restricted Light Industrial Zone under Chapter 1 of the Los Angeles Municipal Code; or

(2) *Warner Center Specific Plan Zone*: WC Warner Center Specific Plan Zone where "Hybrid Industrial" uses are permitted under the Warner Center Specific Plan; or

(3) *Playa Vista Specific Plan Zone*: M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(4) *Cornfield-Arroyo Seco Specific Plan Zone*: UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

(B) Outside of a 700-foot radius of a Sensitive Use; and outside of a 700-foot radius of any other Retailer or Microbusiness Commercial Cannabis Activity, having on-site retail sales, which is licensed by the City to engage in the Commercial Cannabis Activity or for which Temporary Approval Application or Business Premises Relocation fees, whichever is applicable, are paid pursuant to Los Angeles Municipal Code Section 104.19. **(Amended by Ord. No. 187,094, Eff. 7/1/21.)**

Exception. Any Microbusiness Commercial Cannabis Activity with sales to the public limited to off-site deliveries and having no on-site sales shall not be required to locate outside of a 700-foot radius of a Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, and Permanent Supportive Housing; or outside of a 700-foot radius of any other Retailer or Microbusiness Commercial Cannabis Activity having on-site retail sales, which is licensed by the state of California and licensed by the City to engage in the Commercial Cannabis Activity. Any Microbusiness Commercial Cannabis Activity with sales to the public

limited to off-site deliveries and having no on-site sales shall be required to locate outside of a 600-foot radius of a School. (Amended by Ord. No. 187,094, Eff. 7/1/21.)

3. **Indoor Commercial Cannabis Cultivation Activity.** Commercial Cannabis Activity falling under the category "Type 1A - Cultivation; Specialty indoor, Small"; "Type 1C - Cultivation, Specialty cottage, Small," limited to indoor cultivation; "Type 2A - Cultivation; Indoor, Small"; "Type 3A - Cultivation; Indoor, Medium"; "Type 4 - Cultivation; Nursery," limited to indoor cultivation; or "Type 5A - Cultivation; Indoor, Large," in Section 26050 of the California Business and Professions Code; or "Processor" cultivation license in California Code of Regulations Title 3 Division 8 Chapter 1 Section 8201(f), limited to indoor processing; only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) *Chapter 1 of the Los Angeles Municipal Code:* MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) *Warner Center Specific Plan Zone:* WC Warner Center Specific Plan Zone where "Hybrid Industrial" uses are permitted under the Warner Center Specific Plan; or

(3) *Playa Vista Specific Plan Zone:* M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(4) *Cornfield-Arroyo Seco Specific Plan Zone:* UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

(B) Outside of a 600-foot radius of a School.

4. **Level 1 Manufacturing Commercial Cannabis Activity.** Commercial Cannabis Activity falling under the category "Type 6 - Manufacturer 1" in Section 26050 of the California Business and Professions Code; or "Type N" or "Type P" in California Code of Regulations, Title 17, Division 1, Chapter 13, Section 40118; only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) *Chapter 1 of the Los Angeles Municipal Code:* MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) *Warner Center Specific Plan Zone:* WC Warner Center Specific Plan Zone where "Hybrid Industrial" uses are permitted under the Warner Center Specific Plan; or

(3) *Playa Vista Specific Plan Zone:* M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(4) *Cornfield-Arroyo Seco Specific Plan Zone:* UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

(B) Outside of a 600-foot radius of a School.

5. **Level 2 Manufacturing Commercial Cannabis Activity.** Commercial Cannabis Activity falling under the category "Type 7 - Manufacturer 2" in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) *Chapter 1 of the Los Angeles Municipal Code:* MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) *Warner Center Specific Plan Zone:* WC Warner Center Specific Plan Zone where "Hybrid Industrial" uses are permitted under the Warner Center Specific Plan; or

(3) *Playa Vista Specific Plan Zone:* M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; and

(B) Outside of a 600-foot radius of a School; and

(C) Outside of a 200-foot radius of any Residentially Zoned Property.

6. **Testing Commercial Cannabis Activity.** Commercial Cannabis Activity falling under the category "Type 8 - Testing" in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) *Chapter 1 of the Los Angeles Municipal Code:* CM Commercial Manufacturing Zone, MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) *Commercial Manufacturing (Glencoe/Maxella) Zone:* CM(GM) Zone under the Glencoe/Maxella Specific Plan; or

(3) *Central City West Specific Plan Zone:* CM(CW) Commercial Manufacturing Category under the Central City West Specific Plan; or

(4) *Warner Center Specific Plan Zone:* WC Warner Center Specific Plan Zone where "Hybrid Industrial" uses are permitted under the Warner Center Specific Plan; or

(5) *Playa Vista Specific Plan Zone:* M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(6) *Jordan Downs Urban Village Specific Plan Zone:* CM(UV) Commercial Manufacturing Zone under the Jordan Downs Urban Village Specific Plan; or

(7) *Cornfield-Arroyo Seco Specific Plan Zone:* UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

(B) Outside of a 600-foot radius of a School.

7. **Distributor Commercial Cannabis Activity.** Commercial Cannabis Activity falling under the category "Type 11 - Distributor" in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) *Chapter 1 of the Los Angeles Municipal Code:* MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) *Warner Center Specific Plan Zone:* WC Warner Center Specific Plan Zone where "Hybrid Industrial" are permitted under the Warner Center Specific Plan; or

(3) *Playa Vista Specific Plan Zone:* M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(4) *Cornfield-Arroyo Seco Specific Plan Zone:* UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

(B) Outside of a 600-foot radius of a School.

(b) The distance specified in this section between Commercial Cannabis Activity businesses shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the closest exterior wall of each business. The distance between any Commercial Cannabis Activity business, and any Sensitive Use with exclusive use of the parcel upon which it is located, shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the closest exterior wall of the Commercial Cannabis Activity business to the closest parcel boundary of the Sensitive Use. The distance between any Commercial Cannabis Activity business and any Sensitive Use without exclusive control of the parcel upon which it located, shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the closest exterior wall of the Commercial Cannabis Activity business to the closest exterior wall or fence under the control of the Sensitive Use, excluding parking lots. **(Amended by Ord. No. 187,094, Eff. 7/1/21.)**

(c) An Applicant's proposed Business Premises location shall be deemed compliant with the required distances specified in Section 105.02 from Sensitive Uses if the proposed Business Premises location complies with the required distances from all Sensitive Uses that are Publicly Available to the Department of Cannabis Regulation on the Verification Date. Any Sensitive Use not Publicly Available to the Department of Cannabis Regulation on the Verification Date shall not disqualify an Applicant's proposed Business Premises location. This Subsection 105.02(c) shall apply to pending applications for which Temporary Approval Application Fees have been paid pursuant to Los Angeles Municipal Code Section 104.19, provided that the proposed Business Premises location complies with the required distances from all Sensitive Uses that are Publicly Available to the Department of Cannabis Regulation on the effective date of

this ordinance. (Amended by Ord. No. 187,094, Eff. 7/1/21.)

SEC. 105.03. LIMITED GRANDFATHERING OF EXISTING MEDICAL MARIJUANA DISPENSARIES.
(Added by Ord. No. 185,345, Eff. 12/19/17.)

(a) **Limited Grandfathering of Existing Medical Marijuana Dispensaries Pending Receipt of a Final Response by the City to Application for a License.** An EMMD that is operating in compliance with the limited immunity provisions (Los Angeles Municipal Code Section 45.19.6.3) of Proposition D notwithstanding those restrictions would have been repealed, including the tax provisions (Los Angeles Municipal Code Section 21.50) of Proposition D, may continue to operate within the City at the one location identified in its original or amended business tax registration certificate until such time that the EMMD applies for and receives a final response to its application for a City license for Commercial Cannabis Activity being conducted at that location. To avail itself of the terms of this Section, an EMMD must: (1) apply for a license from the City within sixty calendar days of the first date that license applications are made available by the City; and (2) limit on-site cultivation at the Business Premises to not exceed the size of the EMMD's existing square footage of building space as of March 7, 2017, as documented by dated photographs, building lease entered into on or before March 7, 2017, or comparable evidence.

(b) **Limited Grandfathering if the City Issues a License.** If the City issues the EMMD a City license for Commercial Cannabis Activity, the EMMD shall continue to operate at its location within the City in accordance with the rules and regulations set forth by the City. Such EMMD shall not be subject to the zone, distance and Sensitive Use restrictions stated in Section 105.02 of this article until after December 31, 2025, on the condition that the EMMD operates and continues to operate in compliance with the distance and Sensitive Use restrictions (Los Angeles Municipal Code Section 45.19.6.3 L. and O. of Proposition D), notwithstanding those restrictions would have been repealed, except that the EMMD need not comply with the prohibition on ingress or egress on a side of the premises that abuts, is across a street, alley, or walk from, or shares a common corner with residentially zoned property, so long as the ingress or egress is restricted to employees, vendors and contractors of the EMMD. If the EMMD that is issued a License fails to operate in compliance with these provisions of Proposition D, the EMMD's License shall be subject to revocation. This limited grandfathering shall not create, confer, or convey any vested right or nonconforming right or benefit regarding any activity conducted by the EMMD beyond the term and activities provided by the License. This limited grandfathering shall cease immediately after December 31, 2025. After December 31, 2025, all EMMDs shall comply with (1) the distance and Sensitive Use restrictions of Los Angeles Municipal Code Section 45.19.6.3 L. and O. of Proposition D notwithstanding those restrictions are or would have been repealed; and (2) the zoning requirements of LAMC Section 105.00 et seq. An EMMD shall not be subject to the distance and Sensitive Use requirements set forth in Section 105.02 of this Article 5 Chapter X as long as it remains at the location identified in its Proposition M Priority Processing Application. (Amended by Ord. No. 187,094, Eff. 7/1/21.)

(c) The limited grandfathering provided by this Section 105.03 shall not create, confer, or convey any vested right or nonconforming right or other benefit regarding any activity conducted by the EMMD beyond the term and activities provided by the licenses issued by the State and City to such EMMDs.

SEC. 105.04. NO AUTHORITY TO PERMIT USE IN ANY ZONE.
(Added by Ord. No. 185,345, Eff. 12/19/17.)

The use of any building, structure, location, premises or land for any Cannabis related activity is not currently enumerated in the Los Angeles Municipal Code as a permitted use in any zone, nor is the use set forth on the Official Use List of the City as determined and maintained by the Zoning Administrator.

The Commercial Cannabis Activity described in Subsections (a)1. - (a)7. of this article is limited to the term and activities provided by the licenses issued to such Commercial Cannabis Activity by the state of California and the City.

So long as this article remains in effect, the Zoning Administrator shall not have the authority to determine that the use of any building, structure, location, premises or land for any Cannabis related activity may be permitted in any zone; to add any Cannabis activity to the Official Use List of the City; or to grant any land use approval authorizing any Cannabis activity.

Subject to the restrictions of this section, the Zoning Administrator shall have authority to issue interpretations under Section 12.21 A.2. of Chapter 1 of this Code as may be necessary to clarify any provision(s) of this article to remain consistent with any amendments to local or State law.

SEC. 105.05. NO VESTED OR NONCONFORMING RIGHTS.
(Added by Ord. No. 185,345, Eff. 12/19/17.)

Neither this article, nor any other provision of this Code, or action, failure to act, statement, representation, recognition, certificate, approval, permit or license issued by the City, the Department of Cannabis Regulation, the Cannabis Regulation Commission, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any Commercial Cannabis Activity beyond the period of time and range of activities specifically provided by the licenses issued to such activity by the state of California and the City.

This article does not create, confer, or convey any right or benefit regarding any activity beyond the lawfulness of any License issued by the City to engage in Commercial Cannabis Activity or any applicable State of California license for such activity. If any City License or any applicable State license is held unconstitutional, invalid or unenforceable for any reason by any court or tribunal of competent jurisdiction, the Commercial Cannabis Activity subject to such license shall be prohibited in the City of Los Angeles and shall immediately cease all operations in the City. The owner of any City License or any applicable State license assumes all risk associated with the validity of such licenses. The owner of any license found to be unconstitutional, invalid or unenforceable and required thereby to cease Commercial Cannabis Activity, shall not be entitled to any compensation from the City based upon such license; the finding that such license is unconstitutional, invalid or unenforceable; or the requirement that any Commercial Cannabis Activity must thereby immediately cease in the City.

SEC. 105.06. UNLAWFUL CANNABIS ACTIVITY.

(Added by Ord. No. 185,345, Eff. 12/19/17.)

(a) It is unlawful to conduct any Commercial Cannabis Activity in the City without a license issued by the state of California and by the City. It is unlawful to conduct any Commercial Cannabis Activity in the City falling under Type 1 (Cultivation, Specialty outdoor, Small); Type 1B (Cultivation; Specialty mixed-light, Small); Type 1C (Cultivation, Specialty cottage, Small) (outdoor and mixed-light cultivation); Type 2 (Cultivation, Outdoor, Small); Type 2B (Cultivation; Mixed-light, Small); Type 3 (Cultivation, Outdoor, Medium); Type 3B (Cultivation; Mixed-light, Medium); Type 4 (Cultivation; Nursery) (mixed light cultivation); Type 5 (Cultivation; Outdoor; Large); or Type 5B (Cultivation, Mixed-light, Large), in Section 26050 of the California Business and Professions Code.

(b) It is unlawful to conduct any Commercial Cannabis Activity on any lot located within the Alameda District Specific Plan Zone, Los Angeles International Airport Specific Plan Zone, Port Master Plan of the Port of Los Angeles, or any zone or other area not identified in Section 105.02(a) of this article.

(c) It is unlawful to plant, cultivate, harvest, dry, process, manufacture or store any living marijuana plants allowed by State law, if such action or conduct occurs outdoors at any location in the City. This prohibition shall not apply to the limited conduct allowed under Health and Safety Code Section 11362.1(a)(3).

(d) It is unlawful to possess, plant, cultivate, harvest, dry, process, manufacture, distribute, store, test, package, label, transport, deliver, sell, purchase, obtain or give away any Cannabis or Cannabis product allowed by State law, if such action or conduct occurs in any structure where any Cannabis or Cannabis derived product is visible from the exterior of the structure. This prohibition shall not apply to the limited conduct allowed under Health and Safety Code Section 11362.1(a)(3).

(e) It is unlawful to transport or deliver by vehicle any Cannabis or Cannabis derived product allowed by State law, where any Cannabis or Cannabis derived product is visible from the exterior of the vehicle.

(f) It is unlawful to establish, operate or participate in a medical marijuana collective or cooperative unless in a dwelling unit which has no more than three qualified patients, persons with identification cards or primary caregivers or a combination of these amounting to three.

(g) It is unlawful to operate, use, or permit the operation or use of any land, structure, or vehicle in the City for any of the stated prohibited actions or conduct. It is unlawful to own, establish, or permit the establishment of any land, structure or vehicle in the City for any of the stated prohibited actions or conduct. It is unlawful to rent, lease or otherwise permit any of the prohibited actions or conduct at any location, structure or vehicle in the City.

SEC. 105.07. NO CONFLICT WITH STATE LAW.

(Added by Ord. No. 185,345, Eff. 12/19/17.)

This article is not intended to conflict with State law. This article shall be interpreted to be compatible with State enactments and in furtherance of the public purposes that those enactments encompass.

SEC. 105.08. NO CONFLICT WITH FEDERAL LAW.

(Added by Ord. No. 185,345, Eff. 12/19/17.)

This article is not intended to conflict with Federal law or stand as an obstacle or conflict with any efforts by the Federal government to enforce Federal laws related to Cannabis related activities.

ARTICLE 6

ADVERTISING OF CANNABIS AND CANNABIS PRODUCTS

Section

106.00 Purpose.

106.01 Relationship to Other Sign Regulations.

106.02 Substitution Clause.

106.03 Definitions.

106.04 Prohibition of Cannabis Advertising on Off-site Signs.

106.05 Exceptions to Prohibition of Cannabis Advertising on Off-site Signs.

106.06 Restrictions on Advertising Cannabis and Cannabis Products on On-site Signs.

SEC. 106.00. PURPOSE.

(Added by Ord. No. 185,607, Eff. 7/23/18.)

Regulating advertising of Cannabis, Cannabis Products, Cannabis Activity, or businesses engaged in any Cannabis Activity is a reasonable and necessary means to protect and promote the general welfare of the children and minors of the City of Los Angeles exposed to various media advertising Cannabis or Cannabis Products.

Judicial precedent has repeatedly recognized that children and minors deserve special concern because they lack the ability to assess and fully analyze the information presented through advertising.

Signs which can be seen from the outdoors are a unique and distinguishable medium of advertising which subject the general public to involuntary and unavoidable forms of solicitation.

These regulations promote the general welfare and temperance of children and minors and are intended to help reduce the illegal consumption and purchase of Cannabis and Cannabis Products by children and minors by limiting their exposure to the advertising of Cannabis and Cannabis Products on certain on-site and off-site signs.

SEC. 106.01. RELATIONSHIP TO OTHER SIGN REGULATIONS.

(Added by Ord. No. 185,607, Eff. 7/23/18.)

The provisions in this Article 6 shall supersede any conflicting provisions of this Code, including, but not limited to, the Citywide sign regulations set forth in Article 4.4 of Chapter I (Zoning Code). All other regulations in this Code not in conflict with this Article 6 shall continue to apply to signs subject to this Article 6. The provisions in this Article 6 are not intended to conflict with, supersede, or limit state law.

SEC. 106.02. SUBSTITUTION CLAUSE.

(Added by Ord. No. 185,607, Eff. 7/23/18.)

Any ideological, political or other noncommercial message may be placed on any sign permitted by this Article 6.

SEC. 106.03. DEFINITIONS.

(Added by Ord. No. 185,607, Eff. 7/23/18.)

The following words and phrases, whenever used in this article, shall be construed as defined in this section. Words and phrases not defined herein shall be construed as defined in Sections 11.01, 12.03 and 14.4 of this Code:

"**Alcoholism or Drug Abuse Recovery or Treatment Facility**" shall be construed as defined in Section 11834.02 of the California Health and Safety Code.

"**Cannabis**" means Cannabis as defined in Section 26001 of the California Business and Professions Code, included in the Medicinal and Adult Use Cannabis Regulation and Safety Act.

"**Cannabis Products**" means Cannabis Products as defined in Section 26001 of the California Business and Professions Code, included in the Medicinal and Adult Use Cannabis Regulation and Safety Act, and includes without limitation any substance or transportation device containing Cannabis, including, but not limited to, cigarettes, pipes, edible products; or any other instrument or paraphernalia that is designed for the smoking or ingestion of Cannabis.

"**Cannabis Activity**" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation device, delivery or sale of Cannabis and Cannabis Products as provided for in Division 10 of the California Business and Professions Code.

"**Day Care Center**" means any child day care facility other than a family day care home, and includes infant centers,

preschools, extended day care facilities, and school age child care centers included in Section 1596.76 of the Health and Safety Code, which are licensed by the State of California.

"Permanent Supportive Housing" means Supportive Housing as defined in Section 12.03 of the Los Angeles Municipal Code, to include housing with no limit on length of stay that is occupied by persons with low incomes who have one or more disabilities that include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals existing from institutional settings, veterans, and homeless people, but only to the extent such Permanent Supportive Housing provides on-site Supportive Services. As may hereafter be adopted or amended, Supportive Services means services that are provided on a voluntary basis to residents of Supportive Housing, including, but not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

"Public Library" means a place in which literary, musical, artistic, or reference materials, such as books, manuscripts, newspapers, recordings, or films, are kept for use but not for sale, which is under the control, operation or management of the City Board of Library Commissioners.

"Public Park" means an open space, park, playground, swimming pool, beach, pier, reservoir, golf course, or similar athletic field within the City of Los Angeles, which is under the control, operation or management of the City Board of Recreation and Park Commissioners, the Santa Monica Mountains Conservancy, the Mountains Recreation and Conservation Authority, the County of Los Angeles Department of Beaches and Harbors, or the California Department of Parks and Recreation, and shall further include any property in the City of Los Angeles zoned Open Space ("OS") as defined under Section 12.04.05 of the Los Angeles Municipal Code.

"Publicly Visible Location" means any outdoor location visible to the general public. The term "publicly visible location" shall not include any location that is visible only by those inside the building wherein the sign is attached.

"School" means an institution of learning for minors, whether public or private, which offers instruction in any grades K through 12 in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes kindergarten, elementary, junior high, senior high or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

SEC. 106.04. PROHIBITION OF CANNABIS ADVERTISING ON OFF-SITE SIGNS.

(Added by Ord. No. 185,607, Eff. 7/23/18.)

(a) No person shall place, permit, or maintain on any off-site sign, a poster, placard, device, graphic display, or any other form of advertising for Cannabis, Cannabis Products, Cannabis Activity, or business engaged in any Cannabis Activity, in any Publicly Visible Location within 700 feet of any School, Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, and Permanent Supportive Housing, except as permitted under Section 106.05.

(b) The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of a School, Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, and Permanent Supportive Housing to the closest visible edge of the advertising sign face of the off-site sign without regard to intervening structures.

SEC. 106.05. EXCEPTIONS TO PROHIBITION OF CANNABIS ADVERTISING ON OFF-SITE SIGNS.

(Added by Ord. No. 185,607, Eff. 7/23/18.)

The prohibitions set forth in Section 106.04, above, shall not apply to the following signs advertising Cannabis, Cannabis Products, Cannabis Activity, or businesses engaged in any Cannabis Activity. This Section 106.05 shall not be construed to permit any sign that is otherwise restricted or prohibited by law.

(a) Any sign advertising Cannabis or Cannabis Products placed:

(1) Inside the premises of a building where the occupying business is licensed by the City and the State to sell Cannabis or Cannabis Products, unless such sign is a window sign in compliance with Section 14.4.14 of Article 4.4 of Chapter I of this Code; or

(2) On commercial vehicles used exclusively for transporting or delivering Cannabis or Cannabis Products and which are operated by persons licensed by the City and State to transport Cannabis or Cannabis Products.

(b) The display of public service messages or similar announcements cautioning against the use of Cannabis or Cannabis Products or that are designed to encourage minors to refrain from using or purchasing Cannabis or Cannabis Products. However, this subsection shall not be construed to permit an advertisement which purports to caution against the use of Cannabis or Cannabis Products when that message is conveyed in conjunction with the display of a logo, trademark or name used by any person or entity engaged in any Cannabis Activity for marketing or promotion of Cannabis or Cannabis Products.

SEC. 106.06. RESTRICTIONS ON ADVERTISING CANNABIS AND CANNABIS PRODUCTS ON ON-SITE SIGNS.
(Added by Ord. No. 185,607, Eff. 7/23/18.)

(a) The following regulations shall apply to on-site signs for a business engaged in Cannabis Activity:

(1) Only one on-site sign per street frontage is allowed. Any such sign shall be included in the maximum sign area allowed for the property.

(2) Any sign required by law, or required or recommended by a government agency or utility company, is allowed in addition to signs authorized by Subdivision (1) of this Subsection (a).

(3) Any sign or signs identifying that the premises are protected by a security company is allowed in addition to signs authorized by Subdivision (1) of this Subsection (a), and the aggregate area of such signs is limited to 30 square inches.

(4) Other than signs described in Subdivisions (2) and (3), above, any sign authorized by Subdivision (1) of this Subsection (a) is limited to displaying the following information: name of business; logogram of business; and business' address, hours of operation and contact information. Other than the foregoing information, no advertising for Cannabis or Cannabis Products shall be displayed on any sign in a Publicly Visible Location.

(5) Portable signs or sandwich signs located in the public right-of-way are prohibited.

(6) Digital signs are prohibited.

(7) Spinner signs are prohibited.

(8) Monument signs are prohibited.

(9) Illuminated architectural canopy signs are prohibited.

(10) Pole signs are prohibited.

(11) Marquee signs are prohibited.

(12) Roof signs are prohibited.

(13) Temporary signs are prohibited.

(14) Moving signs and signs with moving parts are prohibited.

(15) Supergraphic signs are prohibited.