

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
SECTIONS 6.60.060 AND 6.60.240 OF CHAPTER 6.60 OF
TITLE 6 (BUSINESS LICENSES AND REGULATIONS) OF
THE SAN JOSE MUNICIPAL CODE TO ESTABLISH AN
ALTERNATE SECURITY RATIO AND
OWNERSHIP/MANAGEMENT LICENSE REQUIREMENTS
FOR OUTDOOR PUBLIC ENTERTAINMENT BUSINESSES
THAT MEET SPECIFIED CRITERIA**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 6.60.060 of Chapter 6.60 of Title 6 of the San José Municipal Code is amended to read as follows:

6.60.060 Public Entertainment Ownership/Management License Required

- A. It shall be unlawful for any person to work as a manager or have an ownership interest in a public entertainment business without having first obtained an entertainment license from the chief of police.
- B. It shall be unlawful for a public entertainment business to allow any person to work as a manager or have an ownership interest in the public entertainment business without such person first having obtained an entertainment license from the chief of police.
- C. An entertainment permit issued to a public entertainment business may also serve as the entertainment license for the person who is authorized by the public entertainment business to apply for an entertainment permit on behalf of the public entertainment business, has applied for the entertainment permit on

behalf of the public entertainment business, and is required by this chapter to obtain an entertainment license.

D. Notwithstanding Subsections A and B above, if a Public Entertainment Business meets all the requirements under Section 6.60.240.B, only one owner of the Public Entertainment Business and the person that shall be the lead on-site manager when public entertainment is occurring shall be required to obtain an entertainment license from the chief of police.

SECTION 2. Section 6.60.240 of Chapter 6.60 of Title 6 of the San José Municipal Code is amended to read as follows:

6.60.240 Security

A. The permittee shall comply with, and ensure that the permittee's owners, managers and employees comply with the standards for internal and external security arrangements specified below.

1A. There shall be a minimum of one security personnel on duty for up to and including the first fifty patrons on site. Once the number of patrons exceeds fifty, there shall be an additional one security personnel on duty for up to and including every additional fifty patrons on site. "On site" means and includes all patrons within the premises and waiting in line to enter the premises.

2B. The security personnel required to be on site pursuant to ~~Subsection A this Section~~ shall be on duty when the public entertainment begins or 9:00 p.m., whichever occurs first in time, and shall remain on duty for at least one-half hour after the public entertainment business has closed

or after all patrons have vacated the area immediately surrounding the premises and the adjacent parking lots used by patrons, whichever occurs later in time.

3C. The security personnel shall provide security inside the premises, along the outside perimeter of the premises, and at parking sites immediately adjacent to the premises and used by patrons.

4D. If found, security personnel shall remove any illegal contraband from patrons, report its existence to the San José police department, identify the person in possession of the illegal contraband and immediately turn it over to the proper law enforcement authorities.

5E. All security personnel shall register and maintain valid registration status with the state of California's department of consumer affairs ("~~state~~"). At no time shall any security personnel register ~~with the state~~ at any level that is less than that of a proprietary private security officer. Proof of application and registration for all security personnel shall be maintained by the permittee and shall consist of copies of all relevant documentation including: application forms, receipts for application fees and live scan fees, and actual proof of registration.

6F. At closing time, the security personnel shall be responsible for clearing the permittee's patrons from the sidewalk and street areas in front of the premises and from other areas accessible to persons around the perimeter and within one hundred and fifty feet of the premises.

7G. While on duty, all security personnel shall have a nameplate containing the security personnel's full name and the word "SECURITY" printed in

bold, capital letters. The nameplate shall be exhibited prominently on the clothing, at chest level, and shall be visible and easily read at all times. The nameplate shall be a minimum of two inches high and four inches wide, with the required information printed in capital letters, at least three-fourths inches high and in a contrasting color. As an alternative to a nameplate, the security personnel's name and the word "SECURITY" may be embroidered on the security personnel's outermost garment with the required information meeting the above specifications and located at chest level.

8H. The permittee shall not allow any security personnel to, and no security personnel shall, sit at the bar, consume alcoholic beverages or any controlled substance, be under the influence of alcoholic beverages or any controlled substance, or engage in any other violations of law while on duty.

9I. The permittee shall not allow any security personnel to be, and no security personnel shall be, in possession of any firearm while on the premises without first having obtained a license from the appropriate state or local agency authorizing the security personnel to be in possession of a firearm.

10J. If the permittee employs security personnel that will be in possession of a firearm while on the premises, the security personnel shall, no less than 10 days prior to the date he or she will begin employment with the permittee, provide the chief of police with the following:

- a1. A copy of the license issued to the security personnel by the appropriate state or local agency authorizing him or her to possess such firearm;
- b2. A copy of his or her law enforcement identification (if he or she is employed by a law enforcement agency); and
- c3. A copy of his or her California driver's license or California identification card.

B. Notwithstanding Section 6.60.240.A.1 above, there shall be a minimum of one security personnel on duty for up to and including the first fifty patrons on site; one additional security personnel on duty for up to and including the next fifty patrons on site; and once the number of patrons exceeds one hundred, there shall be one additional security personnel on duty for up to and including every additional one hundred patrons on site, for those permittees that meet all of the following requirements:

1. The Public Entertainment Business operates exclusively outdoors on private property, admits patrons under twenty-one years of age at all times it is operating, makes food available for sale at all times it is operating, and closes by no later than 10:00 p.m.;
2. The only alcohol sold or otherwise made available to patrons by the Public Entertainment Business is beer and/or wine and the Public Entertainment Business does not permit patrons to bring any alcohol on-site;
3. The Permittee has obtained and is in compliance with any applicable permit under Title 20 of this Code; and

4. The Public Entertainment Business does not at any time operate in a way that would make it subject to Section 6.60.240.A.1.

PASSED FOR PUBLICATION of title this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk