Typical Regular Entertainment Conditions (Night Club)

1. The permittee shall have a manager on premises at all times when entertainment is performed and available to be contacted by a City representative. The manager shall be identified in the permit application. The permittee shall provide current contact information for a responsible party who is available to respond at all times (24 hours a day) and address issues with management of the premises.

2. Permit holder must maintain an orderly line of patrons awaiting entry that does not block public access on, or use of, the sidewalk or street.

3. The permittee shall maintain and operate a video recording system that records activity at all entrances and exits during all business hours. The video shall be of a quality suitable for later identification of customers and staff. It will be recorded in a manner that may be retrieved and provided to police immediately upon demand. Video data shall be retained for a minimum of 72 hours.

4. The perimeter, exits and entrances of the premises, and any adjacent walkways shall be equipped and maintained with lighting to illuminate and make easily discernible the appearance and conduct of all persons on or about these areas as determined necessary by the Police Chief. All lighting shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences or create unreasonable light pollution.

5. All indoor areas of the place of entertainment in which patrons are permitted and entertainment is presented, shall be arranged in such a manner that the entire interior portion of the viewing area is open and visible from aisles and public areas of the place of entertainment and shall be open to view by management at all times. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes or any obstructions whatsoever.

6. The permittee shall not be open to customers between the hours of 2 a.m. and 7 a.m.

7. Live music or amplified entertainment must be completed by 11:00 p.m. on Sunday through Thursday.

8. Live music or amplified entertainment must be completed by 12:00 midnight on Fridays and Saturdays from October through April and by 12:30 a.m. on Saturday (for Friday nights) and Sunday (for Saturday nights) from May through September; with the exception of New Years Eve, when live music or amplified entertainment must be completed by 12:30 am.

9. The minimum number of uniformed security guards specified in this section shall be licensed through the State of California Department of Consumer Affairs and shall be on duty outside the premises, patrolling the area immediately adjacent to the entrances to the establishment at all times while entertainment is scheduled. Security guards shall be

charged with preventing violations of law and enforcing compliance with the requirements of this permit. No security guard required pursuant to this condition shall act as a door person, ticket seller, ticket taker, or admittance person while acting as a security guard.

a. One security guard when occupancy is 50 patrons or less
b. Two security guards when occupancy is 50 patrons to 139 patrons
c. Three security guards when occupancy exceeds 140 patrons
    i. Licensee will at all times keep an accurate count of the occupancy of the premises

10. Five or more arrests within any four week period, or 10 or more arrests during the calendar year, where the permittee's location is shown as the place where the arrestee consumed their last alcoholic beverage shall be cause for this permit to be suspended forthwith for a four week period by the Police Chief. Any suspension may be appealed to the City Manager.

11. The permittee is prohibited from playing music in outside eating areas above 60 dB registered at 30 feet from the perimeter of the property or within any other building or other separate unit within the same building. No outdoor music is allowed after 9 pm and before 8 am.

12. The permittee shall have self-closing doors for all exterior doors that shall be in operating condition.

13. All doors and windows shall be closed at all times when entertainment is being performed.

14. The permittee shall provide sufficient sound absorbing insulation so that noise generated inside the premises shall not exceed the following noise standards measured 30 feet from the perimeter of the property or within any other building or other separate unit within the same building. The use of sub-woofer speakers is prohibited on premises.

ALLOWABLE EXTERIOR NOISE LEVEL (Equivalent Noise Level, Leq)	
8:00 a.m. to 10:00 p.m.	10:00 p.m. to 12:30 a.m.
65DBA	60 BA

15. No bullhorns, megaphones or sirens, or similar such devices may be used inside or outside the establishment on behalf of the business.

16. The permittee shall be prohibited from placing ashtrays outside the establishment to hold cigarettes.

17. The permittee is required to discourage smoking inside and outside the establishment in the immediate environment of the establishment by the use of staff or security guards.

18. This permit is strictly limited to allow only the occupant load for the premises as is approved by the Central Fire Protection District. Occupant loads approved by the Central Fire Protection District shall be posted at all times.

19. Business shall be conducted in a manner that will not violate any provisions of the California Alcoholic Beverage Control Act, providing against the sale of alcohol to minors (§25658) maintaining the public health, morals, convenience and safety (§25601); and taking reasonable steps to correct any objectionable conditions on the premises and immediately adjacent to the premises (§24200).

20. Any complaints about noise, litter, traffic problems, disturbances, damage to property, injuries to persons, failure to cooperate with peace officers under circumstances related to the operation of this business, or incidents involving significant physical altercations or threats to public safety, or compliance with any of the conditions set forth in this permit will subject this permit to review, amendment, suspension, or revocation, at the discretion of the City. If the business changes ownership or address, a new permit must be obtained from the City. This permit may not be transferred to any successor interest in the business. Any other change must be reported in writing to the City.

21. This permit is issued under the authority of the Capitola Municipal Code, Chapter 5.24, §5.24.005 through §5.24.090, inclusive, and subject to all other applicable City, County and State laws, ordinances, rules, and regulations.

22. This permit is not transferable. Any changes in the permitted entertainment operation requires the written and detailed description of the proposed changes submitted to the Chief of Police prior to the changes being put into effect and receiving approval. Changes include though not limited to: change in ownership, business owners, type of entertainment, location, alcohol service, and days and hours of operation.