



*City of
Encinitas*

CITY OF ENCINITAS
PLANNING & BUILDING DEPARTMENT
ENTERTAINMENT ESTABLISHMENT PERMIT APPLICATION
NEW

A USE PERMIT MAY BE REQUIRED FOR THIS ACTIVITY AND/OR A USE PERMIT MAY EXIST FOR THIS PROPERTY.
PRIOR TO SUBMITTING YOUR APPLICATION, PLEASE CONTACT THE PLANNING DEPARTMENT AT 760-633-2710.

APPLICATION FEES ARE NON-REFUNDABLE.

- ___ \$261 Fee
- ___ Application for Entertainment Establishment License
- ___ Background Application (one for each owner)
- ___ Manager Registration Application and fee of \$86 for each owner/manager
- ___ Photo Identification for each owner, partner & manager (Driver's License or Passport)
- ___ Authorization to Release Information
- ___ Live Scan completed for each owner, partner & manager and \$49 fee each for background check
- ___ Copy of current Business Registration with Fictitious Name Registration \$36
- ___ Copy of current ABC License with conditions of operation
- ___ Copy of current Department of Health Permit
- ___ Document showing that applicant is the owner of the premises, or agreement in writing signed by the owner permitting such use of the premises
- ___ Site Plan showing location of property with adjacent streets, alleys and location and size of vehicle parking area, zoning status and Assessor's parcel number of property where activity will occur



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CITY OF ENCINITAS
PLANNING & BUILDING DEPARTMENT
ENTERTAINMENT ESTABLISHMENT PERMIT APPLICATION
RENEWAL REQUIREMENTS

- _____ \$261 fee
- _____ Completed Application for Entertainment Establishment License
- _____ Background Application for each Owner, Partner and Officer with photo ID (driver's license or passport) **If adding any of above for 1st time, fee of \$86 for per manager**
- _____ **If Owner, partner or manager have changed**, Live Scan is required in addition to a \$49 fee for background check for each new owner, partner or manager.
- _____ Authorization to Release Information
- _____ Copy of current Business Registration
- _____ Copy of current ABC License with conditions of operation
- _____ Copy of current Department of Health Permit

TYPE OF BUSINESS: (i.e. restaurant, bar, theatre) _____.

Manager's Name(s): (list all managers here and complete attached Manager's registration sheet for each)

NAME: _____ PHONE # _____

NAME: _____ PHONE # _____

List all fictitious names the business will operate or advertise under:

Are you the sole owner of this business? YES NO If No: Partnership _____ Corporation _____ LLC _____

If Corporation, who is the agent for service?: _____

Address _____ Phone # _____

Owner of property: _____; Address: _____

Phone # _____

Type of Entertainment to be conducted: Live Band Mechanical Karaoke Age group of participants _____

Will alcoholic beverages be served? Yes No Will Dance be permitted? Yes No

Days and hours Entertainment will be conducted: M T W Th F Sat Sun

Hours Entertainment will be conducted: From _____ am/pm To _____ am/pm

I hereby certify under penalty of perjury that the statements made in this application are true and correct to the best of my knowledge and belief. I understand that any false statements or information are grounds for denial of this application. I agree to have all the required notices, unless otherwise specified, sent by U.S. Mail to the address given on the application. The right of reasonable inspection shall be a condition for issuance of this license.

Applicant Signature _____

Date _____

APPLICANTS: The right of reasonable inspection shall be a condition for issuance of a Sheriff regulated permit. If a permit is issued, representatives of the Sheriff's Department shall have access to the business premises, during normal business hours, which may include entry into the non-public portion of the business.

I am aware that the application fee is non-refundable. I am aware that I am responsible for being familiar with and complying with the rules and regulations related to the Sheriff Regulated Business or occupation I am applying for. I am aware that the granting of a permit does not relieve me from obtaining other permits or approvals required by the City, State or Federal laws including those related to building, zoning, and fire and other public safety regulations.

I declare under penalty of perjury that the statements made on this application, including accompanying documents, are true, complete and correct to the best of my knowledge and belief. I understand that any false statements are grounds for denial of this application or loss of licensure and that I may be subject to prosecution.

APPLICANT SIGNATURE: _____

Date application received: _____ Application Accepted By _____



CITY OF ENCINITAS
505 SOUTH VULCAN AVENUE, ENCINITAS, CA 92024
760/633-2708

AUTHORIZATION TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

Subject Name: _____

Date of Birth: _____ SSN: _____

As an applicant for a business permit/license from the San Diego Sheriff's Department, I am required to furnish information for use in determining my qualifications. In this connection, I authorize the disclosure and release of any and all truthful information that you may have concerning me, including, but not limited to, employment records, personnel files, background investigation files, disciplinary records, complaints or grievances filed by or against me, training files, arrest, criminal, probation and driving records, military, academic or other records.

I direct you to release this information upon request of the bearer. This release is executed with full knowledge and understanding that the information is for the official use of the San Diego County Sheriff's Department.

I understand I will not receive and am not entitled to know the contents of confidential reports received and I further understand that these reports are privileged.

I hereby release you, your organization, their agents and representatives, and any person furnishing information, from any and all liability and/or damage that may result from furnishing the above information. A photocopy of this release is to be considered as valid as an original. This release will expire one (1) year after the date signed.

Signature: _____ Date: _____

Full Name (Printed): _____



CITY OF ENCINITAS

City Clerk's Department

505 S. Vulcan Ave, Encinitas, CA 92024

Contact: 760-633-2606 or clerkstaff@encinitasca.gov

Instructions & Information: www.encinitasca.gov/clerk

BUSINESS REGISTRATION APPLICATION

\$36 Processing Fee (\$35 Business Registration Fee + \$1 SB1186 State Mandated Fee)

The City of Encinitas does not have a business "license" program. The Business Registration is used in lieu of a licensing program.

Annual renewals are \$21 (\$20 business registration fee + \$1 SB1186 State Mandated Fee)

***If using a DBA, a Fictitious Name Statement must be filed with the County Clerk, PRIOR to applying for a Business Registration.**

Company Name:			
Company Type (choose one):	Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Trust <input type="checkbox"/>		
Street Address:			
City:			
State:		County (if outside San Diego):	
Zip Code:			
Business Email Address:			
Business Phone:			
Business Description:			
Contact Preference (choose one):	Email <input type="checkbox"/> Mail <input type="checkbox"/>		
*DBA (Fictitious Name):			
Is this a Home Based Business?	Y / N		
Is this Business a Rental Booth?	Y / N		
EIN # (If Applicable):	_____ - _____		
Date Business Opened (Mo/Yr):			
Web Page Address:			
Is Business a Non-Profit 501(c)(3)?	Y / N	# of Employees working in Encinitas:	
Mailing address, if different from business location:			
Street Address:			
City:			
State:		County (if outside San Diego):	
Zip Code:			
Business Owner Contact Info			
First Name:			
Middle Name:			
Last Name:			
Title:			
Email Address:			
Business Phone:			
Home Phone:			
Mobile Phone:			
Contact Preference (choose one):	Email <input type="checkbox"/> Mail <input type="checkbox"/>		
Street Address:			
City:			
State:		County (if outside San Diego):	
Zip Code:			
Additional Owner/Agent Contact Info			
First Name:			
Middle Name:			
Last Name:			
Title:			
Email Address:			
Mobile Phone:			
Business Phone:			
Home Phone:			

Contact Preference (choose one):	Email <input type="checkbox"/> Mail <input type="checkbox"/>
Street Address:	
City:	
State:	County (if outside San Diego):
Zip Code:	
Choose one:	Business Owner <input type="checkbox"/> Authorized Agent <input type="checkbox"/>
24 Hour Emergency Contact Info (for businesses located in Encinitas)	
Same as Business Owner <input type="checkbox"/> Same as Additional Owner/Agent <input type="checkbox"/>	
First Name:	
Middle Name:	
Last Name:	
Title:	
Email Address:	
Business Phone:	
Home Phone:	
Mobile Phone:	
Contact Preference (choose one):	Email <input type="checkbox"/> Mail <input type="checkbox"/>
Street Address:	
City:	
State:	County (if outside San Diego):
Zip Code:	

HOME OCCUPATIONS

If your business is located in a residential area in the City of Encinitas, it is considered to be a Home Based Business and shall be permitted in compliance with the following conditions:

1. There shall be no exterior evidence of the conduct of a home occupation out of character with the normally appropriate appearance of the dwelling.
2. A home occupation shall be conducted entirely within a dwelling or a garage.
3. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling shall be prohibited.
4. Only the residents of the dwelling unit may be engaged in the home occupation except by temporary minor use permits.
5. There shall be no on-premise sale of goods not produced on the premises.
6. The establishment and conduct of the home occupation shall not change the principal character or use of the dwelling unit involved.
7. There shall be no signs other than those permitted by the sign ordinance (Municipal Code 30.60).
8. The required residential off street parking shall be maintained.
9. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.

SB1186 Mandated Fee: On September 19, 2012 Governor Brown signed into law SB-1186 which adds a state fee of \$1 on any applicant for a local business license or similar instrument or permit, or renewal thereof. The purpose is to increase disability access and compliance with construction-related accessibility requirements and to develop educational resources for businesses in order to facilitate compliance with federal and state disability laws, as specified.

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

- The Division of the State Architect at www.dgs.ca.gov/dsa/Home.aspx
- The California Department of Rehabilitation at www.rehab.cahwnet.gov
- The California Commission on Disability Access at www.cdda.ca.gov

I DECLARE, UNDER PENALTY OF PERJURY, THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT, AND THAT ALL REQUIRED LICENSES ARE IN FULL FORCE AND EFFECT.

The issuance of a certificate does not serve as verification that all regulatory provisions of the City of Encinitas have been met, nor does it allow the right to operate a business which is not in conformance with the regulatory provisions of the City, County, State or other applicable agency.

Signature of Owner or Agent: _____

Date: _____

CHAPTER 21. ENTERTAINMENT ESTABLISHMENTS

THE CITY OF ENCINITAS HAS ADOPTED THIS SAN DIEGO COUNTY CODE BY REFERENCE

SEC. 21.2101. PURPOSE.

The purpose of this chapter is to regulate entertainment establishments other than "adult entertainment establishments" regulated in sections 21.1801 et seq.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.2102. DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply:

(a) "Entertainment" means either or both "informal entertainment" or "professional entertainment" as defined below.

(b) "Entertainment establishment" means any place, including an outdoor location, that provides members of the public with "entertainment" as defined in this chapter.

(c) "Informal entertainment" means any performance of the type listed in the definition of "professional entertainment" below, to which the public is admitted, but without a professional entertainer participating, directing or conducting another person's participation.

(d) "Mechanical music" means music produced only by a jukebox, radio, stereo system, hi-fi system, CD player, tape player or other similar device, not accompanied by a disc jockey or other announcer.

(e) "Professional entertainer" means a person who derives his livelihood by performing, directing or conducting entertainment in exchange for remuneration of any kind.

(f) "Professional entertainment" means any act, play, review, pantomime, scene, song, show, concert, dance act, song and dance act, disc jockey show or other announcer accompanying pre-recorded music, poetry recitation, fashion show, style show, exhibition or any other performance of any kind in which a professional entertainer participates, directs or conducts another who participates and to which the public is admitted.

(Amended by Ord. No. 7603 (N.S.), effective 4-13-89; amended by Ord. No. 7666 (N.S.), effective 9-19-89; Ord. No. 7670 (N.S.), adopted 9-26-89, effective 10-26-89, supersedes Ord. No. 7666; amended by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.2103. ENTERTAINMENT ESTABLISHMENT LICENSE REQUIRED.

(a) It shall be unlawful for any person who owns, operates or manages an entertainment establishment to allow entertainment without an entertainment establishment license from

the Issuing Officer, unless the entertainment is exempt from the license requirement. The Sheriff shall be the Issuing Officer for license issued under this chapter. The fees for entertainment establishment licenses are set forth in section 21.1901.

(b) A Class I Entertainment Establishment License is required for an establishment that provides professional entertainment.

(c) A Class II Entertainment Establishment License is required for an establishment that provides informal entertainment.

(Added by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 7603 (N.S.), effective 4-13-89; amended by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.2104. ADDITIONAL GROUNDS FOR ISSUING OR DENYING A LICENSE.

In addition to the grounds for issuing a new license or renewal license under sections 21.108(a) and 21.109(a), respectively, the Issuing Officer may also deny a new license or renewal license if within the last 5 years the applicant was convicted of any felony involving prostitution, pandering, gambling or the sale of firearms.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.2105. NOTICE OF INCOMPLETE APPLICATION.

An application for an Entertainment License shall be deemed complete after it is submitted to the Issuing Officer unless the Issuing Officer notifies the applicant in writing within 10 days that the application is incomplete. The notice shall state what the applicant must do to rectify the deficient application.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.2106. OPERATING RULES.

(a) It shall be unlawful for any entertainment establishment licensed pursuant to this chapter:

(1) To have any entertainment between the hours of 2:00 a.m. and 6:30 a.m. Mechanical music is, however, allowed during those hours.

(2) To allow the establishment to be used as a private club between the hours of 2:00 a.m. and 6:30 a.m.

(3) To allow any person to enter or remain in any establishment while under the influence of an alcoholic beverage or any drug.

(b) It shall also be unlawful for any person who is intoxicated or under the influence of any drug to enter any establishment licensed pursuant to this chapter or remain in the establishment after being told to leave.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.2107. FACILITY REQUIREMENTS.

An establishment licensed under this chapter shall comply with all applicable Fire Code and Building Code regulations for occupancy, places of assembly and interior, exterior and parking lot lighting. The establishment shall retain on file for inspection by any compliance officer an operations plan signed by the manager that provides the following:

- (a) The maximum occupancy of the establishment,
- (b) The configuration of tables, chairs, benches, stools and other furniture, when the establishment is occupied,
- (c) An acknowledgment that all exit doors will remain unlocked from the inside while the establishment is occupied, and
- (d) The name of each employee and the date the employee received training concerning the operations plan.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.2108. NUMBER OF EMPLOYEES.

Every establishment licensed pursuant to this chapter having a capacity 200 persons or less shall have at least one employee constantly on duty when any member of the public is present before, during or after an entertainment performance and shall have one additional employee for each additional 100 persons of capacity, without regard to the number of persons in attendance. The employees shall be responsible to insure that the establishment is complying with this chapter and the terms of the license and that all patrons are complying with this chapter. The Issuing Officer may require additional employees or security personnel on a case by case basis as the Issuing Officer deems in the public interest.

(Amended by Ord. No. 7603 (N.S.), effective 4-13-89; amended by Ord. No. 7666 (N.S.), effective 9-19-89; Ord. No. 7670 (N.S.), adopted 9-26-89, effective 10-26-89, supersedes Ord. No. 7666; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.2109. MANAGER REGISTERED WITH ISSUING OFFICER.

No establishment licensed under this chapter shall allow entertainment to be performed unless an adult manager is present who has previously registered with and been approved by the Issuing Officer.

(Amended by Ord. No. 4542 (N.S.), effective 8-14-75; amended by Ord. No. 6879 (N.S.), effective 1-17-85; amended by Ord. No. 7603 (N.S.), effective 4-13-89; amended by Ord. No. 7666 (N.S.), effective 9-19-89; Ord. No. 7670 (N.S.), adopted 9-26-89, effective 10-26-89, supersedes Ord. No. 7666; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.2110. REGISTRATION FEE.

The annual registration for an entertainment manager shall be accompanied by the fee set forth in the San Diego County Sheriff's Licensing Fee Ordinance.

(Added by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 8049 (N.S.), effective 5-7-92; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

Cross reference(s)--Sheriff's regulatory fees, § 21.1901.

SEC. 21.2111. EXEMPTIONS.

(a) A nonprofit organization presenting entertainment at an event solely for the purpose of raising money for charity, at a location that is not licensed pursuant to this chapter, shall obtain the appropriate license required under section 21.2103, but is exempt from paying the license fee.

(b) An organization that participates in a nonprofit community event licensed under sections 21.201 et seq. is exempt from the requirement to obtain a license under this chapter.

(Added by Ord. No. 7688 (N.S.), effective 12-21-89; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)