

RESOLUTION NO. 9266

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOLSOM
CREATING THE SUTTER STREET ENTERTAINMENT DISTRICT**

WHEREAS, Ordinance No. 1184, an Ordinance of the City of Folsom Adding Chapter 5.90 to the Folsom Municipal Code pertaining to Entertainment Permit, was adopted by the City Council at its regular meeting on October 8, 2013; and

WHEREAS, Ordinance No. 1184 became effective on November 7, 2013; and

WHEREAS, Ordinance No. 1184, as provided in Section 5.90.030 of the Folsom Municipal Code, authorizes the City Council to establish one or more Entertainment Districts in the City by Resolution; and

WHEREAS, cities have the power under Article XI, Section 7 of the California Constitution to make and enforce within its jurisdictional boundaries all local, police, sanitary and other ordinances not in conflict with general laws; and

WHEREAS, the police power is the right to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, the public morals, or the public safety (*Chicago, B. & Q. Railway Co. v. Illinois*, 200 U.S. 561, 592 (1906)); and

WHEREAS, in the exercise of its police power, a city has broad discretion in determining what is reasonable in endeavoring to protect the public health, safety, morals and general welfare of the community (*Carlin v. City of Palm Springs*, 14 Cal.App.3d 706, 711 (1971)); and

WHEREAS, due to numerous service responses by the Folsom Police Department and complaints and concerns raised by businesses and residents associated with entertainment activities in the City's Historic District, the City Council finds it reasonable and necessary to exercise its police power to establish an Entertainment District encompassing certain areas of the City's Historic District, pursuant to Section 5.90.030 of the Folsom Municipal Code, in order to protect and promote the public health, safety and welfare of the businesses, residents, patrons and others present in or near the proposed Entertainment District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that the Sutter Street Entertainment District is hereby established, with its geographic boundaries depicted in a map attached hereto and incorporated herein as Exhibit A.

BE IT FURTHER RESOLVED that the conditions applicable to all Entertainment activities in the Sutter Street Entertainment District, attached hereto and incorporated herein as Exhibit B, are hereby imposed on all Entertainment activities in the Sutter Street Entertainment District unless exempt under Section 5.90.060 of the Folsom Municipal Code.

BE IT FURTHER RESOLVED that, pursuant to Section 5.90.040 of the Folsom Municipal Code, in the event of a conflict between the conditions established by this Resolution and one or more conditions in a use permit existing on a property owner's premises, the property owner may continue with Entertainment under the use permit as non-conforming use for a period not to exceed six (6) months from the date of adoption of this Resolution, and shall thereafter comply with all conditions established by this Resolution.

PASSED AND ADOPTED on this 28th day of January 2014, by the following roll-call vote:

AYES: Council Member(s): Morin, Sheldon, Starsky, Miklos, Howell

NOES: Council Member(s): None

ABSENT: Council Member(s): None

ABSTAIN: Council Member(s): None


Kerri M. Howell, MAYOR

ATTEST:


Christa Saunders, CITY CLERK

Exhibit A
Sutter Street Entertainment District



SUTTER STREET ENTERTAINMENT DISTRICT
PERMIT CONDITIONS

1. Entertainment may be offered pursuant to an Entertainment Permit issued under Chapter 5.90 of the Folsom Municipal Code within the following time frames:

- Sunday through Tuesday – 8:00 am to 11:00 pm
- Wednesday – 8:00 am to 12:00 am
- Thursday through Saturday – 8:00 am to 2:00 am the following day
- National and State Holidays – 8:00 am to 11:00 pm unless the following day is a Friday or Saturday, in which case Entertainment may be offered from 8:00 am to 2:00 am the following day
- Days Specified Below – 8:00 am to 2:00 am the following days :
New Year's Eve, New Year's Day, St. Patrick's Day, Cinco de Mayo,
Memorial Day Eve, July 3rd, July 4th, Labor Day Eve, Columbus Day Eve,
Halloween Night, Veteran's Day Eve, the day before Thanksgiving, and Christmas
Eve

2. Permittee may request special hours for Entertainment provided at an "Occasional Event" defined as follows: An event where Entertainment will only be offered for a limited time, not to exceed five days in a calendar year, which does not otherwise require a Special Event Permit from the City. Such request shall be submitted at least 14 calendar days in advance of the proposed event to the Community Development Department for review and consideration. The City reserves the right to grant, grant with conditions, or deny the request.

3. Permittee shall comply with all Federal, State, and local laws, rules, policies, ordinances and regulations, including but not limited to Chapters 5.90 (Entertainment Permit) and 8.42 (Noise Control) of the Folsom Municipal Code, as well as Penal Code Section 415 (disturbing the peace). Permittee shall conduct all aspects of Entertainment in consideration of nearby residences. Noise emanating from the Permittee's premises shall not be audible 50 feet beyond the property line of the premises.

4. Permittee shall be responsible for all Entertainment activities at Permittee's premises, including those conducted by Permittee's employees, agents and promoters. Each Permittee and promoter conducting business within the City of Folsom must have or obtain a City of

Folsom business license prior to conducting Entertainment activities. The Permittee shall provide all promoters and agents hired to conduct Entertainment activities with a copy of the approved Permit with the conditions set forth herein.

5. A. Permittee shall be responsible for maintaining licensed, uniformed security guard(s) to supervise patrons and those waiting to enter Permittee's Entertainment venue when the venue is operated as follows:

1. Permittee is operating the premises as a bar or nightclub in which admittance is limited or restricted to patrons 21 years of age and older; and

2. When there are 50 or more people inside (or in a defined queue waiting to enter) an establishment; and

3. Entertainment is provided between the hours of 11:30 p.m. and 2:00 a.m.

B. When security guards are required, the attire of each security guard shall clearly indicate the security guard's affiliation with the Entertainment establishment by means of an identification tag, shirt, or other clearly-visible form of identification. **Security guards shall not bear or carry a firearm.** When the premises has 50 or more people inside (or in a defined queue waiting to enter) an establishment, the Permittee shall provide a minimum of one security guard for the duration of the Entertainment. There shall be one additional security guard for each subsequent increment or each partial increment of 50 people.

C. At the Permittee's written request, the City Manager or designee may waive or adjust the security staffing levels if a different level of security staffing is consistent with the protection of public health and safety of patrons and surrounding businesses and residents.

6. Permittee shall prevent littering and loitering outside any of the entrance/exit doors or within fifty (50) feet of the property lines of the business at all times the Entertainment establishment is open for business. The Permittee shall ensure security guards and signs are visible near exits to inform patrons of available free parking at public parking lots and in the City's Parking Garage, and provide adequate trash receptacles in and around the Entertainment establishment.