

SEC. 10-1.2735(f) – LIMITED ENTERTAINMENT PERMIT REGULATIONS

e. Limited Entertainment Permit Regulations

- (1) Purpose. The purpose of this Division is to establish a permit process and regulations to live entertainment events and activities within the City of Hayward.
- (2) Limited Entertainment Permit Required. Any person providing entertainment, as defined in this article, shall first obtain a Limited Entertainment Permit by filing an application with the Development Services Department. An Entertainment Permit shall be required for an activity that is incidental to the principal use of a site, such as karaoke or similar activities that take place at a restaurant or similar establishment.
  - (a) Application requirements. A Limited Entertainment Permit application shall include the following:
    - (i) The names and addresses of the applicant(s);
    - (ii) The date(s) and time(s) that the proposed entertainment activity will occur;
    - (iii) The name and address of the business, location or venue where the proposed entertainment will occur and a statement of the nature and character of the business where the proposed entertainment will occur;
    - (iv) A description of the entertainment activity, including whether or not sound amplification will be used. If amplification is to be used, the applicant shall provide a description of the nature and type of amplification.
    - (v) A description of the business where the proposed entertainment will occur; and
    - (vi) Any other information associated with the proposed entertainment activity as required by the Development Services Department or other departments responsible for reviewing the Entertainment Permit.
- (3) Limitations on Limited Entertainment Permits.
  - (a) Activities and events that are presented as live entertainment for an audience shall require a Cabaret License instead of a Limited Entertainment Permit, if required pursuant to Section 6-2.10 of the Hayward Municipal Code.
  - (b) Bars, nightclubs, and other similar uses as determined by the Planning Director are prohibited from obtaining a Limited Entertainment Permit and shall require a Cabaret License pursuant to Section 6-2.10
- (4) Entertainment Permit Performance Standards
  - (a) All live entertainment activities must end by 11pm; and
  - (b) Live entertainment activities must be permitted to all ages; and
  - (c) Limited to facilities that accommodate less than 100 patrons
- (a) Non-Transferability of Permit. Each entertainment permit is non-transferable and shall be used only at the specific building or premises for which the entertainment permit was issued.
- (5) The Development Services Department Director may deny or revoke a Limited Entertainment Permit application for any of the following reasons:
  - (a) The applicant provides false information in the application submitted for a Limited Entertainment Permit.
  - (b) The business or premises for which the Limited Entertainment Permit is requested is found to not be in compliance with all applicable City, state and federal laws, ordinances and codes.

(c) The proposed entertainment activity would have an adverse effect on adjacent property or uses in the vicinity of the premises where the entertainment event or activity will be located, including one or more of the following:

- (i) Noise levels that exceed the City's noise regulations (Sec. 4-1.03.1) or which substantially increase the ambient noise levels in the vicinity of the building or premises where the entertainment activity will occur.
- (ii) The site does not have adequate parking and/or results in spillover parking into adjacent commercial or residential areas.
- (iii) The proposed entertainment activity occurs outside of the date(s) and time(s) specified in the approved Limited Entertainment Permit.
- (iv) The proposed activity results in an increase in traffic in adjacent neighborhoods.
- (v) The proposed activity increases criminal activity, including but not limited to, graffiti, illegal drug activity, littering, public intoxication, urination, or violence in the vicinity of the entertainment venue.
- (vi) In the event the Development Services Director denies a Limited Entertainment Permit pursuant to this Division, no other Entertainment Permit shall be issued to the same applicant within a minimum of one year from the date that the denial or revocation is final.

(6) Revocation or Suspension of a Limited Entertainment Permit.

(a) The Development Services Director shall have the authority to revoke or suspend a Limited Entertainment Permit under this Division, pursuant to the procedures of Section 10-1.2845 of Chapter 10 of the Hayward Municipal Code. The suspension or revocation of a Limited Entertainment Permit shall be based on one or more of the following:

- (i) Any of the criteria established for the denial of a Limited Entertainment Permit in Sections (e)(3), above.
- (ii) The entertainment event or activity for which the permit was issued violates one or more of the conditions imposed upon the approved Entertainment Permit or the requirements of this Division.
- (iii) The Limited Entertainment Permit is being used to conduct an event or activity that differs from that which said permit was granted.
- (iv) Guests or patrons of the Entertainment venue create repeated disturbances and disturb the peace either on the premises or near the vicinity of the premises after leaving the venue where the entertainment activity occurred.