



City Council Agenda Item

City Council Meeting Date: February 15, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Jeff Malawy, City Attorney
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SUBJECT: Introduction of Ordinance No. 1689(22) Repealing Chapters 5.20, 5.24, and 5.28 of the Lompoc Municipal Code Which Currently Require a Police Dept. Permit to Operate Any Dance Hall, Dance Academy, or Skating Rink

Recommendation:

Staff recommends the City Council consider whether to introduce, for first reading by title only with further reading being waived, Ordinance No. 1689(22) Repealing Chapters 5.20, 5.24, and 5.28 of the Lompoc Municipal Code (Attachment 1).

Background:

The City Council made a request, initiated by Councilmember Cordova, for future agenda items to revise or delete sections of the Lompoc Municipal Code (LMC) that are outdated, never enforced, unnecessary, or inconsistent with state or federal law. Over the past year, staff has brought to the City Council ordinances to clean-up and revise the City's Subdivision Code (Title 16 of the LMC) in November 2021 and further clean-ups to the Zoning Code (Title 17) in February 2021 after the comprehensive Zoning Code Update.

The City Attorney's Office has coordinated with City Departments to further review the LMC. In conjunction with the City Clerk's Office and the Police Department, LMC Chapters 5.20, 5.24, and 5.28 (see Attachment 2) have been identified as outdated, unnecessary, and unenforced, and therefore candidates for the City Council to consider deleting. We will continue to review the LMC for additional revisions and deletions to bring to the City Council in the future.

Discussion:

LMC Chapter 5.20 requires anyone who desires to operate a public dance, dancehall, or cabaret, as defined in Section 5.20.010, to first obtain a permit from the Lompoc Police Department.

LMC Chapter 5.24 requires anyone who desires to operate a "dancing academy, studio or other place where dancing lessons are offered to the public" to first obtain a permit from the Lompoc Police Department.

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LMC Chapter 5.28 requires anyone who desires to operate a skating rink to first obtain a permit from the Lompoc Police Department.

LMC Chapters 5.20, 5.24, and 5.28 were all adopted more than 50 years ago. City staff currently does not enforce those provisions and the Police Department has confirmed those chapters are no longer necessary.

The only concern voiced by City staff was whether restrictions on cabarets under Chapter 5.20 should be repealed, given that some may be adult-oriented cabarets. However, the LMC contains a separate chapter, Chapter 5.40, which regulates adult cabarets and other adult-oriented businesses. Staff does not recommend deletion of Chapter 5.40 at this time.

Fiscal Impact:

None.

Conclusion:

Chapters 5.20, 5.24, and 5.28 can be repealed, if the City Council wishes, without impacting current City operations.

Respectfully submitted,



Jeff Malawy, City Attorney

Attachments: 1) Ordinance No. 1689(22)
2) Current LMC Chapters 5.20, 5.24, and 5.28