



Community Development Department - Planning Division

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ALCOHOLIC BEVERAGE SALES ORDINANCE (30-51 C.M.C.)

30-51 ALCOHOLIC BEVERAGE SALES ESTABLISHMENT REGULATIONS.

30-51.1 Purpose.

This section shall be known as the City's Alcoholic Beverage Sales Establishment Regulations. This section requires conditional use permits for newly established Alcoholic Beverage Sales Activities, confers Deemed Approved Status for existing Alcoholic Beverage Sales Activities that constitute legal nonconforming uses, and establishes standards and an administrative hearing process to review violations of those standards in order to protect the general health, safety, and welfare of the residents of the City and to prevent nuisance activities where Alcoholic Beverage Sales Activities occur. The City has adopted the regulations described in this section for the following purposes:

- a. To protect residential, commercial, industrial, civic and institutional areas and minimize the adverse impacts of nonconforming and incompatible uses;
- b. To provide mechanisms to address problems often associated with the public consumption of Alcoholic Beverages such as litter, loitering, graffiti, unruly behavior and escalated noise levels;
- c. To provide that Alcoholic Beverage Sales Establishments are not the source of public nuisances in the community;
- d. To provide for properly maintained Alcoholic Beverage Sales Establishments so that the negative impacts generated by these activities are not harmful to the surrounding environment in any way;
- e. To monitor Deemed Approved Alcoholic Beverage Sales Establishments to ensure they do not substantially change in mode or character of operation; and
- f. To provide opportunities for Alcoholic Beverage Sales Establishments to operate in a mutually beneficial relationship to each other and to other surrounding uses.
- g. To encourage the development of small grocery stores selling food products that require Home Preparation.
- h. To promote a healthier lifestyle and healthier food options for the residents of Compton by increasing access to safe, nutritious food to maintain a healthy and active life.

This Section 30-51 alone does not allow or permit Alcoholic Beverage Sales Activities, but only applies to these activities where otherwise allowed or permitted within an applicable zoning district. The provisions of this Ordinance No. 2300 are intended to complement the State of California alcohol-related laws. The City does not intend to replace or usurp any powers vested in the California Department of Alcoholic Beverage Control. (Ord. # 2300 §1)

30-51.2 Definitions.

The meaning and construction of the words and phrases set forth below shall apply throughout this Section 30-51, except where the context clearly indicates a different meaning or construction.

"Alcoholic Beverage" means alcohol, spirits, liquor, wine, beer, and any liquid or solid containing alcohol, spirits, liquor, wine or beer, that contains one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed or combined with other substances, the sale of which requires an ABC license.

"Alcoholic Beverage Sales Activity" means the retail sale of alcoholic beverages for onsite or offsite consumption.

"Alcoholic Beverage Sales Establishment" means an establishment where Alcoholic Beverage Sales Activity occurs. Alcoholic Beverage Sales Establishments include but are not limited to the following recognized types of

establishments: grocery stores/major retailers, liquor stores, beer and wine stores, convenience stores/markets, specialty food markets, retail sales establishments, wine shops, theaters, comedy clubs, bowling alleys, billiard or game parlors, service stations, social halls, taverns, cocktail lounges, dance halls, nightclubs, bars, and alcoholic beverage tasting rooms. This definition excludes fast food establishments, restaurants (serving of Alcoholic Beverages with meals only), manufacturing, wholesale, and temporary events.

“California Department of Alcoholic Beverage Control” or *“ABC”* refers to the department of the State of California empowered to act pursuant to Article 20, section 22, of the California Constitution and authorized to administer the provisions of the Alcoholic Beverage Control Act.

“Conditions of Approval” means all requirements that must be carried out by the owners engaged in the activity of: (A) a new Alcoholic Beverage Sales Activity in connection with a conditional use permit, or (B) by an existing permitted, conditionally permitted, or Legal Nonconforming Alcoholic Beverage Sales Activity to comply with Deemed Approved Performance Standards and to retain its Deemed Approved Status.

“Deemed Approved Activity” means any existing permitted, conditionally permitted, or Legal Nonconforming Alcoholic Beverage Sales Activity. Such activity shall be considered a Deemed Approved Activity as of the effective date of this ordinance enacting this Section (date) as long as it complies with the Deemed Approved Performance Standards set forth in subsection 30-51.6.

“Deemed Approved Alcoholic Beverage Sales Establishments” means any existing establishment engaged in permitted, conditionally permitted, or Legal Nonconforming Alcoholic Beverage Sales Activity and in compliance with the Deemed Approved Performance Standards set forth in subsection 30-51.6.

“Deemed Approved Performance Standards” means those standards set forth in subsection 30-51.6.

“Deemed Approved Alcoholic Beverage Sales Regulations” means the those standards and regulations contained in subsection 30-51.6 applicable to Deemed Approved Alcoholic Beverage Sales Activities for Onsite Alcoholic Beverage Sales or Offsite Alcoholic Beverage Sales that have been legally established and operating, with or without a conditional use permit, within the City as of the effective date of the ordinance establishing this section.

“Deemed Approved Status” means the permitted use of land for a Deemed Approved Activity. Deemed Approved Status replaces legal nonconforming status with respect to an Alcoholic Beverage Sales Activity and remains in effect as long as the activity complies with the Deemed Approved Performance Standards.

“Floor Area” means the sum of the gross area of all floors in all buildings on a site, measured from the exterior faces of the exterior walls.

“Illegal Activity” means an activity which has been determined to be in noncompliance with the Deemed Approved Performance Standards. Such an activity shall lose its Deemed Approved Status and shall no longer be considered a Deemed Approved Activity.

“Legal Nonconforming Alcoholic Beverage Sales Activity” or *“Legal Nonconforming Activity”* means an Alcoholic Beverage Sales Activity that was a nonconforming use pursuant to the City’s nonconforming use regulations and for which a valid ABC license had been issued and used in the exercise of the rights and privileges conferred by the license at a time immediately prior to the effective date of the ordinance establishing this section. Such an activity shall be considered a Deemed Approved Activity and shall no longer be considered a Legal Nonconforming Activity.

“Offsite Alcoholic Beverage Sales” means any Alcoholic Beverage Sales Establishment licensed to engage in the retail sale of Alcoholic Beverages for offsite consumption. Offsite alcohol sales shall include:

1. *“Liquor Stores”* which means any licensed retail business containing more than 4,000 square feet authorized by the state and licensed by the City that engages in the sale of packaged alcoholic beverages (distilled spirits, beer, wine or combination thereof). “

2. *“Convenience Stores”* which means a place of business used for the retailing of a general food and drink products not intended for home preparation and consumption with more than half the square footage (50%) of the retail sales floor area dedicated to the sale of such foods and non-alcoholic drinks, tobacco, magazines, toiletries, or any combination thereof. Convenience stores shall only be permitted to sell Beer, and Wine.

3. *“Grocery Store/Major Retailer”* which means any licensed retail grocery/retail business over 10,000 square feet in size, selling a variety of consumer goods and does not fall within the definition of Convenience

Store. For no Conditional Use Permit to be required less than fifteen (15%) percent of the retail floor space can be devoted to display and sales of alcoholic beverages.

4. "Small Grocery Store" means any licensed retail food establishment under 10,000 square feet that has more than fifty (50%) percent of the retail floor area dedicated to food products requiring home preparation (including fruits and vegetables). Small grocery stores shall only be permitted to sell Beer, and Wine with less than ten (10%) percent of the retail floor space devoted to the display and sales of alcoholic beverages, unless they meet the requirements of a Liquor store.

5. "Retail Store" means any licensed retail store under 10,000 square feet, including, but are not limited to boutiques, department stores, outlets and discount stores that offer a wide variety of consumer goods including food and non food items for sale and does not fall within the definition of Convenience or Small Grocery store. All food items sold shall be less than forty (40%) percent of the retail floor space. Retail stores shall only be permitted to sell Beer and Wine with a Conditional Use Permit.

"Onsite Alcoholic Beverage Sales" means any Alcoholic Beverage Sales Establishment licensed to engage in the retail sale of alcoholic beverages for onsite consumption. Onsite alcoholic beverage sales shall include:

1. "Bars" and "lounges" which means any retail business authorized and licensed by the state and the City that engages in the sale of some or all types of alcoholic beverages, including beer, ale wine, distilled spirits, or any combination thereof, for consumption on the premises and in which food is not sold or served to the public as in a bona fide eating place or restaurant, or where the sale and service of food products is incidental to the sale or service of alcoholic beverages.

2. "Entertainment Use" means any entertainment business authorized and licensed by the state and the City such as a theater, discotheque, banquet facility, a comedy club or a jazz club, where the sale of alcoholic beverages is an accessory to the primary purpose of entertainment or recreation. The primary source of revenue must come from a source other than alcoholic beverage sales.

3. "Restaurant" means a bona fide eating place whose predominant function is the service of a full range of food selections in a sit-down setting with table service, and little, if any emphasis on 'take out' food with onsite accessory sales of alcohol. "Restaurant" shall include the incidental serving of alcoholic beverages provided a conditional use permit has been obtained pursuant to the provisions of Section 30-26 of this Chapter.

"Operational Standards" means regulations for the business practice activities and land use for locations with a conditional use permit enumerated by subsection 30-51.11 or those further requirements imposed to achieve these goals. Operational Standards constitute requirements that must be complied with by an establishment in order to maintain its conditional use permit.

"Performance Standards" means regulations for the business practice activities and land use for locations with Deemed Approved Status or those further requirements imposed to achieve these goals. Performance Standards constitute requirements that must be complied with by an establishment in order to retain its Deemed Approved Status.

"Permit" means a conditional use permit issued pursuant to this section.

"Permittee" means the individual or entity that owns an Alcoholic Beverage Sales Establishment and to whom a conditional use permit to operate an Alcoholic Beverage Sales Establishment has been issued by the City.

"Surrogate Sales" means the purchasing of alcohol by an individual on behalf of another individual, typically an adult purchasing alcohol on behalf of or for consumption by a minor.

(Ord. # 2300 §1)

30-51.3 Administrative Hearing Officer.

There is created an Alcoholic Beverages Sales Establishment Administrative Hearing Officer. The City Manager shall appoint an Alcoholic Beverages Sales Establishment Administrative Hearing Officer and shall conduct public hearings and make recommendations intended to encourage and achieve the compliance of particular sites as appropriate. This section is not intended to restrict the powers and duties otherwise pertaining to other City officers or bodies, in the field of monitoring and ensuring the harmony of Alcoholic Beverages Sales Activities in the

City. These parties shall have the powers and duties assigned to by this Code, by zoning regulations, by other codes and ordinance, by the City Charter, or by valid administrative authority. (Ord. # 2300 §1)

30-51.4 Automatic Deemed Approved Status.

All Alcoholic Beverage Sales Activities that were Legal Nonconforming Activities immediately prior to the effective date of the ordinance establishing this Section 30-51 shall automatically become Deemed Approved Activities as of the effective date of such ordinance and shall no longer be considered Legal Nonconforming Activities. Each Deemed Approved Activity shall retain its Deemed Approved Status as long as it complies with the Performance Standards of this section. (Ord. # 2300 §1)

30-51.5 Applicability of Deemed Approved Alcoholic Beverage Sales Regulations.

The Deemed Approved Alcoholic Beverage Sales Regulations shall apply to all Alcoholic Beverage Sales Activities for Onsite Alcoholic Beverage Sales or Offsite Alcoholic Beverage Sales that have been legally established and operating without a conditional use permit, within the City as of the effective date of the ordinance establishing this section with a current valid business license, and having obtained all applicable building permits. (Ord. # 2300 §1)

30-51.6 Deemed Approved Performance Standards.

The provisions of this section shall be known as the Deemed Approved Performance Standards. The purpose of these standards is to control dangerous or objectionable environmental effects of Alcoholic Beverage Sales Activities. These standards shall apply to all Deemed Approved Alcoholic Beverage Sales Establishments that hold Deemed Approved Status pursuant to this section. An Alcoholic Beverage Sales Establishment shall retain its Deemed Approved Status only if it conforms to all of the following Performance Standards:

- a. That the establishment does not result in adverse effects to the health, welfare, peace or safety of persons visiting, residing, working, or conducting business in the surrounding area.
- b. That the establishment does not jeopardize or endanger the public health or safety of persons visiting, residing, working, or conducting business in the surrounding area.
- c. That the establishment does not result in or cause repeated nuisance activities within its premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
- d. That the establishment complies with all provisions of local, state and/or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code Sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business license fees.
- e. That the establishment's upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- f. That the owners and all employees of the establishment complete an approved course in "Responsible Beverage Sales" (RBS) within sixty (60) days of hire for employees hired after the passage of the ordinance establishing this section, or within six (6) months of the passage of the ordinance establishing this section for existing employees. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body designated by the State of California.
- g. That a copy of these Performance Standards, any applicable ABC or City operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

- h. All window signs excluding emergency signs and hours of operation shall be prohibited.
 - i. That the Alcoholic Beverage Sales Establishment operator shall not maintain interior displays which impair visibility from the exterior of the premises.
 - j. That the Alcoholic Beverage Sales Establishment operator shall provide adequate interior and exterior lighting to make easily discernible the appearance and condition of persons.
 - k. That music and other forms of amplified noise shall not be audible from the exterior of any premises.
 - l. That the Alcoholic Beverage Sales Establishment, if subject to a conditional use permit approved prior to the effective date of the ordinance adding this provision to the code, shall conform to the conditions of approval imposed by the applicable conditional use permit. In the event of a conflict between the conditions of approval and the Performance Standards, the more strict provision shall apply.
 - m. That there shall be no visible advertising of alcohol or signs containing any word or reference to alcohol, liquor, beer or wine from the exterior of the store.
- (Ord. # 2300 §1)

30-51.7 Notification to Owners of Establishments Conducting Deemed Approved Activities.

The City or its Hearing Officer shall notify the owner of each Deemed Approved Activity, and also, if not the same, any property owner at the address shown on the County's property tax assessment records, of the Alcoholic Beverage Sales Establishment's Deemed Approved Status. The notice shall be sent by U.S. first class mail and certified mail return receipt requested and shall include a copy of the Deemed Approved Performance Standards in this section with the requirement that they be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review. This notice shall also provide that the activity is required to comply with all performance standards and that the activity is required to comply with all other aspects of the Deemed Approved regulations. Failure of any person to receive notice given pursuant to this section shall not affect the Deemed Approved Status of the activity. (Ord. # 2300 §1)

30-51.8 Grounds for Deemed Approved Status Suspension, Revocation, or Termination.

An Alcoholic Beverage Sales Establishment's Deemed Approved Status may be modified, suspended for up to one year, or revoked by the Administrative Hearing Officer if, after investigation as provided in subsection 30-51.17, and holding a public hearing, the Administrative Hearing Officer finds and determines that violations of this section have occurred, are occurring, or are likely to occur, for failure to comply with the Performance Standards set forth in subsection 30-51.6. Notice of such hearing by the Administrative Hearing Officer at which it will consider the modification, suspension or revocation of an establishment's Deemed Approved Status shall be in writing and shall state the grounds therefore. Notice shall be mailed by U.S. first-class mail and certified mail return receipt requested at least ten (10) days before the date of the hearing.

The occurrence of any one of the following shall immediately terminate the Deemed Approved Status of an Alcoholic Beverage Sales Establishment, requiring the immediate termination of all Alcoholic Beverages Sales Activity, and require the application of a conditional use permit in order to reestablish the Alcoholic Beverage Sales Activity:

- a. An existing Alcoholic Beverage Sales Establishment changes its activity so that ABC requires a different type of license.
- b. The Alcoholic Beverages Sales Establishment with unabated violations of the Deemed Approved Performance Standards lasting more than 12 consecutive months or more than 3 violations of the Deemed Approved Performance Standards in a 12 month period commencing upon the issuance of the first violation.
- c. There is a substantial modification to the mode or character of operation.
- d. As used herein, the phrase "substantial modification to the mode or character of operation" includes but is not be limited to the following:
 - 1. The Offsite or Onsite Alcoholic Beverage Sales Establishment increases the floor area or shelf space devoted to the display or sales of any Alcoholic Beverage.

2. The Offsite or Onsite Alcoholic Beverage Sales Establishment increases the number of customer seats primarily devoted to the sale or service of any Alcoholic Beverages.
3. The Offsite or Onsite Alcoholic Beverage Sales Establishment extends its normal hours of operation.
4. The Alcoholic Beverage Sales Establishment proposes to reinstate Alcoholic Beverage Sales Activity after the ABC license has been either revoked or suspended for a period greater than 14 days by ABC.
5. The Alcoholic Beverage Sales Establishment discontinues active operation for more than 90 consecutive days or ceases to be licensed by the ABC.
 - e. A substantial modification in the mode of character or operation shall not include:
 1. Re-establishment, restoration or repair of an existing Alcoholic Beverage Sales Establishment on the same premises after the premises have been rendered totally or partially inaccessible by a riot, insurrection, toxic accident, or act of God, provided that the re-establishment, restoration or repair does not extend the normal hours of operation of any establishment or add to the capacity, floor area, or shelf space devoted to Alcoholic Beverages of any establishment that engages in any Alcoholic Beverage Sales Activity.
 - f. If it is determined by the City that there has been a discontinuance of active operation for more than 90 consecutive days or a cessation or lapse of ABC licensing, an Alcoholic Beverage Sales Establishment may resume Alcoholic Beverage Sales Activity only upon the granting of a conditional use permit as provided in this section. In the event that any active operation is discontinued on a property for a period of 90 consecutive days or more, such discontinuance shall be presumed to be abandonment of the use by the property owner. At any time after any active operation is discontinued for a period of 90 consecutive days or more, the City Manager's designee shall notify the property owner in writing of the determination of presumed abandonment of the active operation. Pursuant to Section 30-26 of this chapter, the property owner may appeal the determination to the Planning Commission, which may overturn the determination only upon making a finding that the evidence supports the property owner's position that the Deemed Approved Activity was not discontinued for a period of 90 consecutive days or more. The property owner shall be notified by the city of the termination of the Deemed Approved Status and shall be informed of the property owner's right to appeal the City's decision to the Planning Commission.
(Ord. # 2300 §1)

30-51.9 Conditional Use Permits for New Alcoholic Beverage Sales Activities.

The general purposes of these regulations are to protect and promote the public health, safety, comfort, convenience, prosperity and general welfare by requiring consideration and approval of a land use permit before a new Alcoholic Beverage Sales Activity will be permitted. This section alone does not allow or permit Alcoholic Beverage Sales Activities, but only applies to these activities where otherwise allowed or permitted within an applicable land use or zoning district. All new Alcoholic Beverage Sales Establishments are required to comply with the Operational Standards and objectives set forth in this Section. Notwithstanding any other provision of this Code, no new Alcoholic Beverage Sales Establishment, with the exception of Grocery Stores and Major Retailers as defined in this Section, may be established unless a conditional use permit is first obtained in accordance with the requirements of this section. (Ord. # 2300 §1)

30-51.10 Distance and Minimum Size Requirements Applicable to New Offsite Alcoholic Beverage Sales Activities.

- a. All new Offsite Alcoholic Beverage Sales Establishments shall comply with the following distance requirements:
 1. All Alcoholic Beverage Sales Establishments, with the exception of Restaurants, shall only be located on Major Highways, Secondary Highways, and Collector (Industrial) Streets, as defined in the General Plan. Access to the Alcoholic Beverage Sales Establishments shall not create any traffic disruptions, delays, or safety issues for vehicular, bicycle, or pedestrian traffic.
 2. Liquor Stores, Bars, lounge and Convenience Stores shall be separated by a minimum distance of at least 1,000 feet from any other Liquor Store, Bar, lounge or Convenience Store, inside or outside the City.

3. Bars, Lounge, Liquor, and Convenience Stores shall be located at least 1,000 feet from City Hall, public parks, schools, day care facilities, medical clinics and churches

4. Each Alcoholic Beverage Sales Establishment shall meet the minimum Code standards for parking, landscaping, access and signage.

5. All new Liquor and Convenience Stores shall maintain a minimum of at least 4,000 square feet of retail floor area and shall be limited to locations within commercial centers with at least 25,000 square feet of retail, restaurant, or entertainment floor area or if located at a standalone building with a minimum of 10,000 square feet of floor area with approval of a CUP. Convenience stores in gas stations shall be 2,500 square feet. Gas station convenience stores that do not have an approved conditional use permit when this ordinance take effect shall be prohibited from selling alcoholic beverages of any type.

6. Existing liquor and convenience stores that have an approved conditional use Permit when these regulations become effective and subsequently desire to expand or modify their operations, are subject to these regulations except subsections 30-51.10 a.5. and a.7.

7. Small grocery stores and retail stores that do not fall under the definition of convenience or liquor stores may be permitted to sell Beer and Wine only if less than 10% of the retail floor space is devoted to the display and sales of alcoholic beverages.

8. Large retailers of 10,000 square feet or greater that sell alcohol do not require a CUP provided they limit the alcohol sales and display area to no more than 15% of the gross floor area.

9. A fraternal organization or veterans club may be exempted from the size and location restrictions, subject to evaluation of site-specific conditions through the Conditional Use Permit review process and considering recommendations from the Sheriff's Department.

10. Temporary uses issued a Temporary License by the California Department of Alcoholic Beverage Control and established in compliance with all City laws and regulations are exempt from the size and location restrictions and do not require a CUP. Temporary uses are special events/uses lasting less than 48 hours and receive a Special Event Permit.

11. Notwithstanding any other provisions of this Code, no new on-site or off-site alcoholic beverage sales activity may be established without full compliance with this ordinance except Conditional Use Permit applications that have been filed prior to the effective date of this Ordinance. Convenience stores that have been issued building permits and are under construction prior to the adoption of this ordinance are not subject to the minimum size or location requirements.

(Ord. # 2300 §1)

30-51.11 Operational Standards.

All new Offsite Alcoholic Beverage Sales Establishments shall be designed, constructed, and operated to conform to all of the following Operational Standards:

a. That the establishment does not result in adverse effects to the health, welfare, peace or safety of persons visiting, residing, working, or conducting business in the surrounding area.

b. That the establishment does not jeopardize or endanger the public health or safety of persons visiting, residing, working, or conducting business in the surrounding area.

c. That the establishment does not result in or cause repeated nuisance activities within its premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

d. That the establishment complies with all provisions of local, state and/or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code Sections 24200, 24200.6,

and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business license fees.

e. That the establishment's upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

f. That the establishment complies with the following alcohol sale limitations in order to discourage nuisance activities:

1. No wine shall be displayed, sold or given away in containers less than 750 milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six percent alcohol by volume.

2. No malt beverage products shall be displayed, sold or given away with alcohol content greater than five and one-half percent by volume.

3. No wine shall be displayed, sold or given away with an alcohol content greater than 15 percent by volume unless aged at least two years.

4. No distilled spirits shall be displayed, sold or given away in containers of less than 375 milliliters, including but not limited to, airline bottles, except pre-mixed cocktails.

5. Notwithstanding subsection (4) above, no distilled spirits shall be displayed, sold or distributed in 375 milliliters hip flask containers.

6. No beer, ale, or malt liquor shall be offered for sale in single containers or in containers of beer, ale, or malt liquor not in their original factory packages of six-packs or greater.

7. No beer, ale or malt liquor shall be offered for sale in a container with a volume greater than 24 ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two or more gallons, which are clearly designed to dispense multiple servings.

8. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel, or similar container.

g. That the owners and all employees of the establishment complete an approved course in "Responsible Beverage Sales" (RBS) within sixty (60) days of hire for employees hired after the passage of the ordinance establishing this section, or within 6 months of the passage of the ordinance establishing this section for existing employees. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body designated by the State of California.

h. A copy of these operational standards, any applicable ABC or City operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

i. That the Alcoholic Beverage Sales Establishment operator shall not maintain interior displays which impair visibility from the exterior of the premises. Signs both inside and outside buildings shall be limited to the provisions of the City of Compton Zoning Code Chapter XXX. No exterior sign shall incorporate any words, logos, symbols, or graphics denoting the sale of alcohol. Any sign having the words liquor, beer, wine, or spirits is prohibited. All window signs excluding emergency signs and hours of operation shall be prohibited. No alcohol related signs located inside the alcohol-related sales business building shall be visible from the outside of the building.

j. That the Alcoholic Beverage Sales Establishment operator shall provide adequate interior and exterior lighting to make easily discernible the appearance and condition of persons.

k. That music and other forms of amplified noise shall not be audible from the exterior of any premises.

l. Convenience Store and Small Grocery Store Alcoholic Beverage Sales Activity shall be limited to beer, ale, and wine.

(Ord. # 2300 §1)

30-51.12 Conditional Use Permit Applications.

a. Any person, association, partnership, corporation or other entity desiring to obtain an Alcoholic Beverage Sales Activity conditional use permit shall file an application with the City's Planning and Economic Development

Department on a form provided by the City. The application shall be accompanied by a nonrefundable application processing fee in an amount established by resolution of the City Council. The application for a conditional use permit shall contain the following information:

1. The name, address and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its articles of incorporation. An applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible management officer.

2. The name, address, and telephone number of the person who shall manage and operate the establishment.

3. The name, address, and telephone number of a person authorized to accept service of legal notices.

4. The proposed business name of the Alcoholic Beverage Sales Establishment and description of all operating aspects of the proposed business.

5. The type of ABC license the applicant is seeking for the Alcoholic Beverage Sales Establishment.

6. The street address of the proposed establishment and the assessor parcel number for the property.

7. A site plan for the property depicting the location of the building housing the Alcoholic Beverage Sales Activity on the property, and all existing and proposed parking, exterior lighting, signage, and landscaping, trash enclosures, waiting or queuing areas.

8. A plan for community outreach and community engagement meetings to take place prior to any Planning Commission public hearing related to the approval or processing of the application.

9. A map of all other Alcoholic Beverage Sales Establishments both onsite and offsite within a 1,000 foot radius of the proposed location.

- b. The application shall be forwarded to the Community Development Department which may refer the application to other City departments to determine whether the premises where the Alcoholic Beverage Sales Establishment will be located, complies with the City's building, health, zoning and fire ordinances or other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and other laws they administer. City departments may prepare reports summarizing their inspections and recommending whether to approve or deny the application based on their inspections.

(Ord. # 2300 §1)

30-51.13 Action on Permit Application.

The Planning Commission may approve issuance of the conditional use permit to allow a new Alcoholic Beverage Sales Establishment upon making the following findings:

- a. The establishment is located in a zoning district in which the establishment is a conditionally permitted use.

- b. That the operations of the establishment do not cause or result in adverse effects to the health, welfare, peace or safety of persons visiting, residing, working, or conducting business in the surrounding area.

- c. That the establishment does not jeopardize or endanger the public health or safety of persons visiting, residing, working or conducting business in the surrounding area.

- d. A finding of "public convenience and necessity" (Business and Professions Code Section 23958.4(b)(2)), if the activity will be located in an area that has been determined by the ABC to have an undue concentration of licenses as defined in Business and Professions Code Section 23958.4(a).

- e. That the operations of the establishment will not aggravate existing problems in the neighborhood created by the sale of alcohol such as disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

- f. The establishment will not detrimentally affect nearby neighborhoods considering the distance of the alcohol establishment to residential buildings, schools, parks, playgrounds or recreational areas, nonprofit youth facilities,

places of worship, hospitals, alcohol or other drug abuse recovery or treatment facilities, social service offices, or other Alcoholic Beverages Sales Activity Establishments.

g. The establishment will otherwise be compatible with existing and potential uses within the surrounding area.

(Ord. # 2300 §1)

30-51.14 Conditions of Approval.

The Planning Commission may impose reasonable Conditions of Approval as necessary to make the required findings including, but not limited to, the following:

a. Soundwalls: If the proposed Alcoholic Beverage Sales Establishment abuts residential areas, a soundwall may be required between the establishment conducting the Alcoholic Beverage Sales Activity and the abutting residential areas. The soundwall must comply with all state and local requirements for construction and location and must not obstruct the view of the building and parking areas from the street. Landscaping may be required to be planted along the soundwall to improve the appearance of the soundwall. Exterior landscaping must be planted and maintained in a manner that minimizes its use as a hiding place.

b. Trash Receptacles: Permanent, non-flammable trash receptacles may be required to be located at convenient locations appropriately screened from view outside the establishment and in any establishment parking area. The operators of the establishment may be required to remove on a daily basis, or more frequently if needed to maintain a litter free environment, all trash from these receptacles and from the sidewalk adjacent to the establishment. The operators of the establishment also may be required to remove at least three times per week all trash originating from its establishment deposited on public property within 250 feet of any boundary of its premises.

c. Pay Telephones: Pay telephones on the site of the establishment may either be (i) prohibited; or (ii) required to be of the type that only allow outgoing calls and be located in a visible and well-lighted location.

d. Lighting: Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment patrons while not spilling onto surrounding residential and commercial properties. A photometric study may be required to determine compliance.

e. Program: A "complaint response community relations" program established and maintained by the establishment may be required. The program may include the following:

1. Posting at the entry of the establishment a sign providing the telephone number for the area commander of the Los Angeles County Sheriff's Department substation.

2. Coordinating efforts with the Los Angeles County Sheriff's Department to monitor community complaints about the establishment activities.

3. Having a representative of the establishment meet with neighbors or any applicable neighborhood associations on a regular basis and at their request attempt to resolve any neighborhood complaints regarding the establishment.

f. Activities: If appropriate, the following activities may be prohibited on the premises: pool or billiard tables, football or pinball games, arcade style video and electronic games, and amusement devices.

g. Chilled Alcoholic Beverages: An Alcoholic Beverage Sales Establishment engaged in Offsite Alcoholic Beverage Sales may be prohibited from maintaining refrigerated or otherwise chilled Alcoholic Beverages on the premises or displaying, selling, or distributing beer, wine, malt, wine coolers, or similar alcoholic beverages from an ice tube, barrel or similar container.

h. Hours of Operation: The sale of Alcoholic Beverages may be restricted to certain hours of each day of the week at Offsite Alcoholic Beverage Sales Establishments, unless limited further by the ABC.

i. Cups: The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited at Offsite Alcoholic Beverage Sales Establishments.

j. Signs: The following signs may be required to be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:

1. "California State Law prohibits the sale of Alcoholic Beverages to persons under 21 years of age."
2. "No Loitering or Public Drinking."
3. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."

k. Presentation of Documents: A copy of the Conditions of Approval and the ABC license may be required to be kept on the premises of the establishment and presented to any law enforcement officer or authorized state or city official upon request.

l. Mitigating Alcohol Related Nuisances: The establishment may be required to operate such that it does not result in nuisance activities within the premises or in close proximity to the premises, including but not limited to sales to minors, surrogate sales, solicitation, , disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

m. Drug Paraphernalia: the establishment may be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code Sections 11014.5 and 11364.5. "Drug Paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with Health and Safety Code Section 11000.

n. Loitering: The establishment's operators or employees may be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so. The establishment's operators or employees may be required to ensure that no fixtures or furnishing that encourage loitering and nuisance behavior are permitted on the premises. This includes, but is not limited to chairs, seats, stools, benches, tables, crates, etc.

o. Security Cameras: The establishment may be required to implement a video camera safety plan that may include:

1. Digital video camera system capable of color recording that continuously records activity of patrons and employees at service counters, entrances and exits, and primary parking areas.

2. Requirement to store video recordings and make them retrievable for a minimum period of thirty (30) days from the time of recording.

3. Video clarity must be such that a person's facial features can be identified from the video.

4. The video system must be engaged, and recording at all times and the system must be maintained in working order at all times.

5. The video system must be approved by the Los Angeles County Sheriff's Department before it is installed to ensure compliance with City requirements, and approved again after the system is operational.

6. All criminal and suspicious activities recorded on the video system must be reported to local law enforcement. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the police department.

p. Security Guards: An establishment may be required to retain a specified number of security guards. The number of security guards and the time periods for which the guards must be present shall vary based upon the specific facts and circumstances of each establishment site and operation. All security guards shall have all required state and City permits and licenses. All Liquor Stores, Convenience Stores, and Bars shall employ a licensed security guard during hours of operation after nightfall.

q. Landscaping: Any required exterior vegetation shall be planted in accordance with this Code, and shall be maintained in a manner that minimizes its use as a hiding place.

r. That there shall be no visible advertising of alcohol or signs containing any word or reference to alcohol, liquor, beer or wine from the exterior of the store.

(Ord. # 2300 §1)

30-51.15 Appeals from a Determination on an Application for Permit.

Pursuant to subsections 30-51.13 and 30-51.14, any applicant or other person aggrieved by a decision of the Administrative Hearing Officer may appeal that decision to the Planning Commission. A decision of the Planning Commission may be appealed on an application for a permit required by this section to the City Council in accordance with Section 30-26. (Ord. # 2300 §1)

30-51.16 Grounds for Conditional Use Permit Suspension or Revocation.

An Alcoholic Beverage Sales Establishment conditional use permit may be suspended by the Planning Commission and/or the City Council for up to one year, or revoked upon the recommendation of the Administrative Hearing Officer, for failure to comply with Operational Standards, training requirements, or conditions imposed through the conditional use permit in accordance with subsection 30-51.14 of this Code. Notice of intention to suspend or revoke shall be in writing and shall state the grounds therefore pursuant to subsection 30-51.17. Notice shall be mailed by U.S. first-class mail and certified mail return receipt requested. The Administrative Hearing Officer shall hold a public hearing on the revocation or suspension of the conditional use permit and shall provide notice in accordance with subsection 30-51.17. (Ord. # 2300 §1)

30-51.17 Investigative Procedures for Potential Violation of Conditions of Approval, Operational Standards, or Performance Standards.

The City Manager shall appoint an Alcoholic Beverages Sales Establishment Administrative Hearing Officer to determine whether violations of this section, including the Operational Standards, Conditions of Approval, Performance Standards, where applicable, as well as whether undue negative impacts or public nuisance activities have occurred, are occurring, or are likely to occur in the future. The Hearing Officer shall exercise all powers relating to the conduct of the administrative hearing as set forth in subsection 1-7.10 of this Code.

Upon the City's receipt of a complaint from the public, City official, or any other interested person, that a conditional use permit activity or Deemed Approved Activity is in violation of the Operational Standards, Performance Standards, and/or Conditions of Approval where applicable, the following procedure shall be followed:

a. The City code enforcement officer (or other designated City representative) shall assess the nature of the complaint and its validity by conducting an on-site observation and inspection of the premises to assess the activity's compliance with Operational Standards, Performance Standards and/or Conditions of Approval, where applicable. The enforcement officer shall provide the business owner and any manager on the premises during the on-site inspection with a copy of any complaint made in writing or with information about the details of any oral complaint.

b. If violations are observed during the observation and inspection, the enforcement officer shall record the violations and send via both U.S. first class mail and certified mail return receipt requested a "Notice to Abate" to the owner of the activity and the property owner, if not the same person or entity. Such "Notice to Abate" shall notify the owner and property owner of the violations recorded by the officer and that continued non-compliance may result in the penalties and shall set forth a reasonable period of not less than ten (10) calendar days within which to abate any violations. The enforcement officer may extend the ten (10) calendar day period where required if abatement requires the installation or construction of improvements or changes to the establishment.

c. At the end of the abatement period prescribed in the "Notice to Abate," the code enforcement officer shall conduct a re-inspection visit. If the violations have not been abated within the prescribed abatement period and

the officer determines that it is unlikely that further efforts to compel compliance by the owner with the Operational Standards, Performance Standards and/or Conditions of Approval, where applicable, the officer shall determine that the activity is in persistent violation of the Operational Standards, Performance Standards and/or Conditions of Approval, where applicable, and shall refer the matter and all material evidence to the Administrative Hearing Officer for adjudication. A copy of the officer's determination of continued non-compliance shall be sent via both U.S. first class mail and certified mail return receipt requested to the owner of the Alcoholic Beverage Sales Establishment and the property owner, if not the same person or entity.

d. Upon referral from the code enforcement officer that an activity is in persistent violation of the Operational Standards, Performance Standards and/or Conditions of Approval, where applicable, the operating status of the activity in question shall be reviewed by the Administrative Hearing Officer at a public hearing. The purpose of the administrative hearing is to receive information as to whether the activity is in compliance with the Operational Standards, Performance Standards and/or Conditions of Approval, where applicable.

e. The Administrative Hearing Officer shall determine whether the activity is in compliance with the Operational Standards, Performance Standards and/or Conditions of Approval, where applicable. For Deemed Approved Activities, the Administrative Hearing Officer may suspend, revoke, or terminate an Alcoholic Beverage Sales Establishment's Deemed Approved Status, pursuant to subsection 30-51.8, based on the determination of the Administrative Hearing Officer. For Conditionally Permitted Uses, the Administrative Hearing Officer may continue the Conditional Use status for the use in question, and may make a recommendation to the Planning Commission to impose administrative penalties for violations of the Operational Standards and/or Conditions of Approval or to revoke the activity's Conditional Use Permit, based on the determination of the Administrative Hearing Officer. Upon a recommendation of the Hearing Officer, the Planning Commission may impose further, new conditions on the activity; such conditions shall be based upon the information then before the Planning Commission. In reaching a determination as to whether a use has violated the operational standards, or as to the appropriateness of imposing conditions on a use, assessing administrative penalties, or the amount of administrative penalties to assess, the Planning Commission may consider:

1. The length of time the activity has been out of compliance with the performance standards.
2. The impact of the violation of the operational standards and/or Conditions of Approval on the community.
3. Any information regarding the owner of the activity's efforts to remedy the violation of the operational standards and/or Conditions of Approval. "Efforts to Remedy" shall include, but are not limited to:

(a) Timely calls to the Los Angeles County Sheriff's Department that are placed by the owner of the Deemed Approved activity, his or her employees, or agents.

(b) Requesting that those persons engaging in activities causing violations of the Operational Standards and or Conditions of Approval cease those activities, unless the owner of the activity, or his or her employees or agents feels that their personal safety would be threatened in making that request.

(c) Making improvements to the establishment's property or operations, including but not limited to the installation of lighting sufficient to illuminate the area within the use's property line, the installation of security cameras, clear unobstructed windows, clean sidewalks and graffiti abated within three (3) days.

f. The decision of the Hearing Officer shall be final unless appealed to the Planning Commission, by written form approved by the City and payment of the applicable hearing fee, within ten (10) calendar days after the date of the decision.

g. The decision of the Planning Commission shall be final unless appealed to the City Council in accordance with Section 30-26, by written form approved by the City, within fifteen calendar (15) days after the date of the decision.

(Ord. # 2300 §1)

30-51.18 Inspection and Right of Entry.

The sale of Alcoholic Beverages is a closely regulated industry. The officials responsible for enforcement of this Code, and their duly authorized representatives, may enter on any site or into any structure open to the public for

the purpose of investigation provided they do so in a reasonable manner whenever they have cause to suspect a violation of any provision of this section or whenever necessary for the investigation of violations of the Conditions of Approval or Deemed Approved Performance Standards prescribed in this section. If an owner, occupant or agent refuses permission to enter, inspect or investigate, the officials or their representatives may seek an inspection warrant under the provisions of Code of Civil Procedure Section 1822.50 et seq. All such inspections shall be conducted in compliance with the Fourth Amendment to the United States Constitution. (Ord. # 2300 §1)

30-51.19 Penalties.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one thousand (\$1,000.00) dollars, or by imprisonment in the County Jail for a period of not more than one (1) year, or by both such fine and imprisonment. Any use, occupation, building, or structure maintained contrary to the provisions of this section shall constitute a public nuisance. (Ord. # 2300 §1)

30-51.20 Separate Offenses for Each Day.

Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this section is committed, continued, permitted, or caused by such violator and shall be punishable accordingly. (Ord. # 2300 §1)

30-51.21 Injunction as Additional Remedy.

Any violation of any provision of this section shall be and is declared to be contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief. (Ord. # 2300 §1)

30-51.22 Administrative Penalties.

In addition to any other penalties provided in this section, the administrative penalties set forth in Section 1-7 of this Code shall apply for any violation of this section. (Ord. # 2300 §1)

30-51.23 Liability for Expenses.

In addition to the punishment provided by law, a violator is liable for such costs expenses and disbursements paid or incurred by the City or any of its contractors in correction, abatement and prosecution of the violation. Both the owner of the Alcoholic Beverage Sales Establishment and owner of the property where the establishment is located shall be jointly and severally liable for any re-inspection fees to ascertain compliance with previously noticed or cited violations. The inspection official shall give the owner and other responsible party of such affected premises a written notice showing the itemized cost of such chargeable service and requesting payment thereof. Should the bill not be paid in the required time the charges may be placed as a lien against the property. (Ord. # 2300 §1)