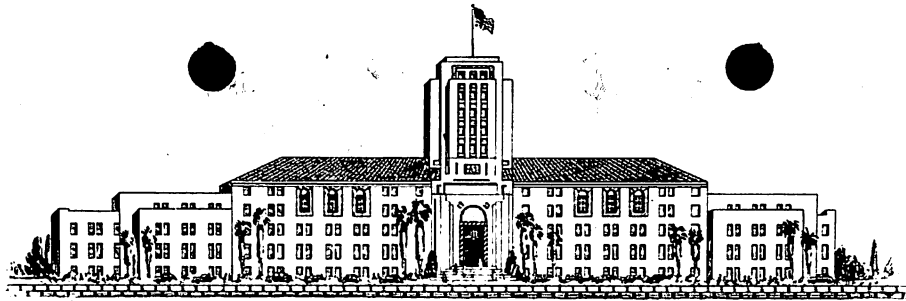




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THE CITY OF SAN DIEGO

SAN DIEGO 1, CALIFORNIA

March 31, 1945.

To the Honorable, The Mayor and Council
of The City of San Diego, California.

Gentlemen:

Herewith is submitted an opinion relative to your request regarding the power of the City Council to grant or deny license for a night club or dance hall.

This type of business is controlled and regulated by Ordinance No. 581, New Series, as amended. Section 8 of this ordinance provides that the Chief of Police and the Director of the Department of Social Welfare shall investigate matters relative to an application for such a license, among which is regarding the propriety of the use of such premises for the conduct of the business proposed to be licensed and the general sentiment regarding conduct of such business of the private residents in the immediate vicinity of the premises proposed to be licensed.

Section 9 requires that the Chief of Police and the Director of Social Welfare shall report to the City Manager within ten days and that thereafter, within five days, the City Manager shall report to the City Council specifically recommending either the allowance or disallowance of the license applied for.

Section 10 reads as follows:

"The Council shall, after receipt of the recommendation of the City Manager, by resolution, allow or disallow the license applied for.

"The Council shall have the power to deny any application if it shall determine that the applicant or the person to have the direct management of the premises, is not a suitable or proper person to

carry on the business for which a license is sought, or if the premises proposed to be used in the conduct of the business to be licensed shall be deemed not to be a suitable or proper place therefor, or if the protests and objections of private residents in the immediate vicinity of the premises proposed to be licensed, or if the health, welfare or public morals of the community warrants such denial."

From the above it appears that the City Council, in the exercise of its discretion after having taken into consideration the reports and recommendations of the various city officials involved, may deny or grant the application for such a license.

Respectfully submitted,

Harry S. Clark
Harry S. Clark,
Deputy City Attorney.

APPROVED:

J. F. DuPaul

J. F. DuPaul, City Attorney.

HSC/c

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