



**PUBLIC INFORMATION
OFFICE**



FOR IMMEDIATE RELEASE

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[UPDATE, MARCH 12, 2021]

This morning due to Barfly Inc., Tin Horn Flats, continuing to remain open in defiance of the Temporary Restraining Order issued on March 8, 2021, the Los Angeles Superior Court authorized the City of Burbank to disconnect the electricity to Tin Horn Flats' property after giving 24-hours' notice. The court did not provide permission to padlock the doors at this time but continues to reserve such a remedy as a last resort.

[UPDATE, MARCH 8, 2021]

The Court issued a Temporary Restraining Order (TRO) against Barfly Inc., (Tin Horn Flats), that requires the restaurant to close and not open without a County Health Permit and a City Conditional Use Permit. The Court did not grant the City's request to shut off their electricity or lock the doors at this time. The hearing on a preliminary injunction is scheduled for March 26, 2021. At this hearing, the judge could continue the closure order and add further orders during the period while the litigation is pending. If Tin Horn Flats continues to refuse to close, the City will return to court for further orders and enforcement.

[UPDATE, MARCH 2, 2021]

City of Burbank files complaint against Tin Horn Flats for violation of Burbank municipal codes and abatement of public nuisance.

[UPDATE, February 24, 2021]

City Council Issues Ruling in Tin Horn Flats' Hearing

The City of Burbank wishes to make the following statement to update the press release issued below.

On Tuesday, February 23, 2021, the City Council unanimously authorized the initiation of a civil action against Tin Horn Flats to seek closure of the restaurant. The City is acting as expeditiously as possible within the confines of the Court system. More details as to the specifics of the action and the defendants will be released upon inquiry once this action is filed in court.

City Council Issues Ruling in Tin Horn Flats' Hearing

BURBANK, CA (February 23, 2021) – The Burbank City Council has adopted a resolution to revoke the Conditional Use Permit (CUP) for Tin Horn Flats (Barfly, Inc.) located at 2623 West Magnolia Boulevard for violating the CUP's conditions of approval during a hearing held on February 22. The City Council cited Tin Horn Flats' flagrant violation of the Los Angeles County Health Officer Orders in a manner which endangers the public health, safety and welfare, and creates a public nuisance. This ruling means that Tin Horn Flats no longer has a permit to conduct business at this location.

Tin Horn Flats was issued a Notice of Violation on January 8, 2021, which set the hearing date for February 22. They were found to be in violation of two conditions of approval of the CUP.

- Condition of Approval No. 31: "The applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit."
- Condition of Approval No. 32: "Project No. 11-0000126 may be modified or revoked by the City should it be determined that the use or conditions under which they were permitted are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the use is maintained so as to constitute a public nuisance."

Additionally, Tin Horn Flats was cited for not meeting the Burbank Municipal Codes that require a restaurant to hold a valid health permit to operate and for refusing to obey the lawful orders of the director of County Health.

The businesses' Los Angeles County Public Health permit was suspended on December 12, 2020, and revoked on January 27, 2021, based on 28 separate inspections and violations between December 10, 2020, and January 24, 2021. Additionally, on January 12, 2021, County Counsel issued a Cease and Desist Order and on January 27, 2021, the County filed a lawsuit for violating Emergency Health Orders, LA County Codes and acting as a public nuisance.

If the business owner continues to operate the restaurant/drinking establishment after the revocation of the CUP, the City's only remedy is to file a civil action for an order to physically close the restaurant. Tin Horn Flats would no longer be allowed to operate at this location and a restaurant wishing to open at this location will have to apply for a new use permit from the City.

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