



**PUBLIC INFORMATION
OFFICE**



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Los Angeles Superior Court Rules to Lock the Doors at Tin Horn Flats

BURBANK, CA (March 17, 2021) – After the continued flagrant disregard of prior Court rulings, a Los Angeles (LA) Superior Court Judge issued another ruling yesterday to authorize the City to lock the doors at Tin Horn Flats (operated by Barfly, Inc.). The City this morning padlocked the doors. This is after the Court issued a Temporary Restraining Order requiring Tin Horn Flats to close, followed by an authorization to disconnect the electricity.

Prior to the Court rulings, the City revoked their Conditional Use Permit. This action eliminated Barfly's authority to maintain a restaurant/bar within Burbank at this location. This followed LA County Department of Public Health's revocation of the restaurant's Public Health Permit.

After the Court ordered Tin Horn Flats to cease operations on Monday, March 8, the restaurant has remained opened. On Friday, March 12, the Court granted the City authority to shut off the restaurant's power since the City owns its own utility. On Saturday, March 13, the City disconnected the power and Tin Horn Flats still refused to cease operations and remained open using a generator.

Not only has Tin Horn Flats refused to obey Safer at Home Orders since December 10, 2020, during the COVID surge in LA County, "they – Tin Horn Flats - have flaunted their refusal to close on social media and in the press," stated Mayor Bob Frutos. "While other Burbank businesses have complied and been a part of our communities' solution, Tin Horn Flats has refused to do their part. The public assumption is that Tin Horn Flats believes they are above the law."

"As a City, the last thing you want to do is shut down a business," said Vice-Mayor Jess Talamantes. "At the same time, Tin Horn Flats has forced our hand and the City Council cannot ignore someone that is egregiously breaking the rules. They continue to be insistently defiant, compelling the City to continue to request assistance from the courts as this is our primary remedy to achieve compliance."

"We asked Tin Horn Flats to work with us and they have refused. We were left with no choice but to move forward, revoking their ability to do business in Burbank. If we did nothing, the perception would be that we condone their activities, and we don't." added Frutos.

“Now Tin Horn Flats is complaining other restaurants can open, even for partial indoor dining, but they are required to close because they do not have a Public Health Permit or Conditional Use Permit. Tin Horn Flats created this situation by remaining open during the peak of the surge, while other restaurants followed State and County Health Orders and closed,” added Talamantes.

On March 26, another hearing is scheduled for a Preliminary Injunction to keep Tin Horn Flats closed until they receive a new County Public Health Permit to operate as a restaurant and a new City Conditional Use Permit to operate as a restaurant/bar. If granted by the Court, the Order, would be in effect until there is a trial or an appellate court overturns the Order.

Timeline

2021

- March 16: LA County Superior Court issues ruling authorizing the City to padlock the doors
- March 12: LA County Superior Court issues ruling authorizing the City to disconnect electricity
- March 8: LA County Superior Court issues a Temporary Restraining Order to cease operations at Tin Horn Flats
- March 1: City files a lawsuit for violating the Burbank Municipal Code and abatement of public nuisance
- February 22: City revokes Conditional Use Permit allowing Tin Horn Flats to operate in the City, citing violation of the Conditional Use Permit and creating a public nuisance
- January 27: LA County Public Health Permit Revoked for refusal to follow LA County Health Orders
- January 27: LA County files a lawsuit for violating Emergency Health Orders, LA County Codes and abatement of public nuisance
- January 12: LA County Counsel issued a Cease and Desist Letter

2020

- December 13, 2020 to February 9, 2021: LA County Department of Health cited Tin Horn Flats 36 separate days for operating on a suspended and/or revoked Public Health Permit (This is a continuous violation because Tin Horn Flats never stopped operating.)
- December 12: LA County Public Health Permit suspended
- December 10, 2020 to January 24, 2021: Tin Horn Flats cited for violations 28 separate times by LA County Department of Public Health
- December 10: Tin Horn Flats declares it will remain open regardless of State and County Health Orders and remains open to this day**
- December 9: LA County issues new Health Order to conform to the State’s order prohibiting indoor and outdoor dining
- December 6 at 11:59 p.m.: New State order prohibiting indoor and outdoor dining due to the raising surge in COVID -19 cases takes effect in Southern California region including LA County.

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