

TITLE 4

BUSINESS REGULATIONS AND LICENSING

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CHAPTER 1

GENERAL LICENSING PROVISIONS

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4-1-1: LICENSE REQUIRED GENERALLY; COMPLIANCE WITH CODE:

It is unlawful for any person to commence or conduct in the City, any business specified, named, designated or referred to in this Code without first having procured a license from the City so to do as provided in this Title, or without complying with all of the requirements or provisions of this Title and any other ordinance of the City now existing or which may hereafter be adopted by the City Council, and which refers or relates to such business. The commencing or conducting of any such business without having first procured the license and paid the required license fee or without having complied with any and all such requirements or provisions shall constitute a separate violation for each and every day that the business is so commenced and conducted. (Ord. 1054, 8-16-1983)

4-1-2: ADMINISTRATION:

The City Manager shall have the discretion to designate any City official or employee as the licensing authority under this Title to exercise responsibility for administration of the license and fee requirements set forth herein in this Title. (Ord. 1127, 11-15-1988; amd. 2000 Code)

4-1-3: FEE DEEMED TAX; ESTABLISHED BY RESOLUTION:

The fees provided for in this Title are exclusively a tax imposed for revenue purposes and imposed only with the intent of the City to have each commercial activity, as herein provided, sustain its just share of the burden or expense of local government, and defray the costs of administration of this Title. (Ord. 1252, 4-9-1996)

4-1-4: BUSINESS REGISTRATION FEE:

Any license fee for a license issued pursuant to the terms of this Chapter shall be denominated a business registration fee. In addition to any other legend the licensing authority considers appropriate, the business registration fee document shall carry on its face the following legend:

This business registration fee document does not constitute a permit to engage in any business. In appropriate cases when required by City ordinance a separate permit is issued.

(Ord. 1054, 8-16-1983; amd. Ord. 1127, 11-15-1988)

4-1-5: UNLAWFUL BUSINESSES:

No license shall be issued for any business which is prohibited within the City by this Code or by any ordinance of the City. (Ord. 776, 11-22-1971)

4-1-6: DISABLED VETERANS:

Notwithstanding any other provision of this Title, every soldier, sailor or marine of the United States of America, who has received an honorable discharge or release from active duty under honorable conditions from the service and who is physically unable to obtain a livelihood by manual labor, and who is a voter of this State, shall have the right to peddle and vend any goods, wares or merchandise owned by him, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license fee; and, the licensing authority shall issue to the soldier, sailor or marine without cost a license therefor, upon presentation of proper and sufficient credentials; provided, however, that no such business shall be commenced or continued by the soldier, sailor or marine without first procuring the license herein referred to. (Ord. 776, 11-22-1971; amd. Ord. 1127, 11-15-1988)

4-1-7: CHARITABLE ORGANIZATIONS:

The provisions of this Chapter shall not require the payment of a license fee to conduct any business wholly for the benefit of charitable purposes; a license fee shall not be required for the conduct of an amusement, entertainment, concert or similar

activity if the receipts thereof, immediately are to be appropriated to an established local church, school or other approved agency and used for a religious, charitable or civic purpose within the City; nor shall any license fee be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, State, County or Municipal organization or association, if the receipts of the entertainment, dance, concert, exhibition or lecture immediately are to be appropriated wholly for the proper and lawful purposes and objects of the association; provided, however, that nothing contained in this Section shall be deemed to exempt the institution or organization from complying with any ordinance of the City which requires a permit from the City Council to conduct, manage or carry on the lecture, entertainment, dance, concert, exhibition, show or business. (Ord. 612, 10-28-1963)

4-1-8: CONSTITUTIONAL PROVISIONS:

Nothing contained in this Title with reference to the payment of license fees shall be deemed or construed as applying to any person commencing or conducting any business which is exempt from the payment of license fees or license taxes by municipal corporations under or by virtue of the Constitution or laws of the United States of America. (Ord. 776, 11-22-1971)

4-1-9: VOCATIONAL REHABILITATION APPLICANTS:

Notwithstanding any of the other provisions of this Title, the City Council reserves the right to waive the payment of any license fee required under this Title from any licensee who is recommended in writing to the City Council by the Vocational Rehabilitation Bureau of the State Department of Education, as worthy of consideration, and who, after personal interview of the applicant by the City Council sitting as a committee of the whole, may be extended such a privilege by the City Council. In case the privilege is so extended, the City Council may fix such conditions as to the City Council may seem proper or desirable in connection with the business, occupation or activity to be so licensed and conducted by the applicant. (Ord. 776, 11-22-1971)

4-1-10: MINORS; CONDITIONS:

Upon application therefor, and subject to any administrative requirements the City Manager may prescribe, the licensing authority is authorized to issue a license without payment of any license fee to any person under the age of eighteen (18) years where the following conditions are present:

- A. Minor person conducting business is currently enrolled in school not above high school;
- B. Business activity is conducted only outside of school hours or during school vacation;
- C. Business activity produces not more than one thousand dollars (\$1,000.00) in gross receipts during any calendar year, and any profits therefrom, accrue only to the applicant;
- D. Only the applicant and others under the age of eighteen (18) years shall be employed in the business;
- E. The applicant has filed with the licensing authority the written consent of the parent or legal guardian, to issuance of the license. (Ord. 612, 10-28-1963; amd. Ord. 1127, 11-15-1988)

4-1-11: EXEMPTION STATEMENTS:

A. Interstate Commerce: Each person claiming exemption from payment of any license fee provided for in this Title upon the grounds that the imposition of such fee casts an undue burden upon his right to engage in commerce with foreign nations, or among the several states, or conflicts with the regulation of interstate commerce by the United States of America, shall file a verified statement with the licensing authority of the City, disclosing the interstate or other character of his business entitling him to such exemption. Such statement shall include the name and location of the person for whom the orders are to be solicited or secured, the name of the nearest local or State manager, if any, and his address; the kind of goods, wares, merchandise or services to be delivered or performed; the place from which the same are to be shipped or forwarded or the services performed; the method of solicitation or of taking orders; the location of any warehouse, factory, or plant within the State; the method of delivery; the applicant's residence, or any other facts necessary to establish such claim of exemption. The applicant shall also be required to furnish his fingerprints and thumbprints. A copy of the order blank, contract form or other papers used by such person in taking orders shall be attached to the affidavit. An application for exemption of license fee shall be filed with the licensing authority and the applicant shall pay a fee of ten dollars (\$10.00) for processing the application. If the application is approved by the licensing authority, a certificate of exemption will be issued. The applicant shall not conduct any business prior to the issuance of this certificate of exemption. (Ord. 751, 12-28-1970; amd. Ord. 1127, 11-15-1988)

B. Filing Of Statement: Any person claiming a license exemption shall file a verified statement with the licensing authority upon an application form therefor approved by the licensing authority, stating the facts upon which the exemption is claimed. The licensing authority shall, upon a proper showing contained in the verified statement, issue a license or permit to the person claiming exemption under this Section without payment to the City of the license tax required by this Title. In addition to the above, the applicant shall obtain from the licensing authority an identification card to be carried on his person when conducting the business. (Ord. 776, 11-22-1971; amd. Ord. 1127, 11-15-1988)

4-1-12: BUSINESS LICENSE APPLICATION; BASIS FOR FEES:

A. Basis For Fee: In all cases, the amount of business license fee to be paid under the provision of this Title, by any person, is based upon the number of persons employed, or upon the number of square feet of floor space, or upon square acre of space owned, leased, or rented, or upon the number of vehicles used, or upon the number of machines or other devices used for any business, enterprise, game or activity, or upon the number of rooms or units in any building or structure.

B. Renewal Application: Before any person can obtain a business license renewal, and prior to January 31 of each year, that person must file a business license renewal application signed under penalty of perjury that all information is true, with

the licensing authority for guidance in ascertaining the amount the person is required to pay or deposit, and provide the following information: the number of employees employed by the person, or upon the number of square feet of floor space, or upon square acre of space owned, leased, or rented, or the number of vehicles used, or the number of machines or other devices used for any business, enterprise, game or activity by the person, or the number of rooms or units contained in the building or structure, for the quarters in the calendar year during which the person was, or will actually be, doing business in the City.

C. Initial Application: If a business is seeking its initial El Segundo business license, that business shall, within the first five (5) days of business activity (or upon a timely written request, the licensing authority may grant an extension of time not to exceed 30 calendar days), file a business registration application, signed under penalty of perjury that all information is true, with the licensing authority for guidance in ascertaining the amount the business is required to pay or deposit, showing the number of employees employed by the business, or upon the number of square feet of floor space, or upon square acres of space owned, leased, or rented, or the number of machines or other devices used for any business, enterprise, game or activity by the business, or the number of rooms or units contained in the building or structure, for the quarters in the calendar year during which they will actually be doing business in the City.

D. Maintain Records For Calculating Tax: Each person subject to any tax in this Title shall retain records documenting the information upon which any applicable tax is calculated and which shall support the calculation of tax reflected on that person's return. Unless a subcontractor of a taxpayer has a valid City business license, said records shall include records of the taxpayer's subcontractors and the taxpayer shall be held responsible for the failure of any of its subcontractors to maintain records necessary to calculate any tax under this Title. Said records shall be kept for three (3) years from the date upon which the tax to which the records related is due. Where no records are available or those available are insufficient to calculate the tax due hereunder, the City shall have the authority to determine the tax due. Upon fifteen (15) days' notice (or upon a timely written request, the licensing authority may grant an additional extension of time, not to exceed 15 calendar days), a taxpayer or any business which the City contends should pay tax, must make available to the City, within the City, all records requested by the City relating to said tax.

E. Amount Due Per Statement: No statement shall be conclusive upon the City, or upon any officer thereof, as to the matters therein set forth, or otherwise, and the same shall not prejudice the right of the City to recover any amount that may be ascertained to be due from the person, in addition to the amount shown by the statement to be due, in case the statement should be found to be incorrect.

F. Failure To Provide Information; Penalty: If any person required by this Section to provide information fails to do so, the person shall be required to pay a penalty of fifty dollars (\$50.00) per day if the business employs ten (10) or less employees or one hundred dollars (\$100.00) per day if the business employs more than ten (10) employees until such time as the information required by this Section is properly filed with the licensing authority. That person shall be guilty of a violation of this Chapter which shall be punishable as provided in this Chapter. (Ord. 1127, 11-15-1988; amd. Ord. 1252, 4-9-1996)

4-1-13: RECORD KEEPING AND AUDITS:

Each person subject to any tax in this Title shall retain records documenting the information upon which any applicable tax is calculated and which shall support the calculation of tax reflected on that person's return. Said records shall include records of the taxpayer's subcontractors. The taxpayer shall be held responsible for the failure of any of the subcontractors to maintain records necessary to calculate any tax under this Title. Said records shall be kept for three (3) years from the date upon which the tax to which the records relate is due. Where no records are available or those available are insufficient to calculate the tax due hereunder, the City shall have the authority to determine the tax due. Upon five (5) working days' notice, a taxpayer or any business which the City contends should pay tax, must make available to the City at City Hall in El Segundo all records requested by the City relating to said tax. Failure to do so may result in a fine of two hundred dollars (\$200.00) for every day, beyond the notice period, for which the person fails to comply. (Ord. 1252, 4-9-1996)

4-1-14: FALSE STATEMENTS UNLAWFUL:

It shall be unlawful for any person required to apply for a license and pay a license fee under this Title to make any false statement on said application. (Ord. 1054, 8-16-1983)

4-1-15: APPEAL PROCEDURE; BUSINESS CLASSIFICATION METHOD:

A. Hearing Request Procedure: Any applicant for a business license under this Title, or any licensee hereunder, may appeal the amount of any tax, interest or penalty that has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this Title, in the manner provided herein. Within ten (10) days of the provision of an interpretation of this Title, or of an opinion concerning this Title from a license inspector, auditor, or designated City official, any party affected thereby may pay the tax so assessed under protest and request a hearing before the licensing authority or his/her designee. Said hearing shall be held within thirty (30) days from the date of the first appeal and a final decision shall be rendered at the hearing. Within ten (10) days from the date of the hearing, an appeal of the licensing authority's decision may be filed with the City Council. Within thirty (30) days from the date of the filing of the second appeal, the matter shall be scheduled for hearing with the City Council. However, appeal to the City Council may only be made when the dispute concerns the accuracy of calculation of the amounts due, or the facts upon which a tax assessment is based.

B. Claim To Appeal Final Decision: A claim appealing the final decision of the licensing authority or of the City Council may be filed in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, provided such claim is filed with the licensing authority within one year of the date of payment.

C. Nonpayment; Penalty And Interest Continue: If the full amount of the tax and any penalty and interest due is not paid, there shall be no rights of appeal, and penalty and interest shall continue to run. (Ord. 1127, 11-15-1988; amd. Ord. 1252, 4-9-1996)

D. Loss Of Appeal Rights: Any appeal rights provided for herein are lost if the procedures set forth herein are not fully complied with and if the appeal is not made in writing with the licensing authority within the time specified herein. (Ord. 1127, 11-15-1988; amd. Ord. 1252, 4-9-1996; 2000 Code)

4-1-16: LICENSE PREPARATION:

It shall be the duty of the licensing authority to prepare in duplicate a license under this Title for every person liable to pay a license fee hereunder; provided, that the licensing authority may prepare such additional number of duplicate copies thereof as the business and accounting practices of the City may require. Each license shall show the amount of the fee therefor, the period of time covered thereby, the name of the person to whom issued, the business license, and if a fixed or established place of business, the location or place where the business is to be commenced or conducted. All licenses under this Title shall be signed by the licensing authority or his authorized deputy. (Ord. 1054, 8-16-1983; amd. Ord. 1127, 11-15-1988)

4-1-17: INVESTIGATION, INSPECTION AND FEE:

A. Investigation By City: Notwithstanding any provisions of this Title, when in the discretion of the licensing authority it shall be deemed necessary, an application for a business license or permit, or renewal thereof, shall be forwarded to the appropriate departments of the City, including, but not limited to, City Manager, City Attorney, Police Department, Fire Department, and Community, Economic and Development Services Department for investigation and/or inspection. (Ord. 1252, 4-9-1996; amd. Ord. 1315, 1-18-2000)

B. Time Limit: The appropriate departments shall conduct any investigation and/or inspection to determine whether said license or permit should be issued in accordance with the appropriate provisions of this Code. A period of not less than thirty (30) days shall be allowed for the purpose of conducting said services.

C. Fees: In addition to the applicable licensing and permit fees, all investigation and inspection fees shall be due and payable at the time the application is filed. (Ord. 1252, 4-9-1996)

4-1-18: ISSUANCE OF LICENSE:

When the required license fee has been paid and all other provisions of this Title have been complied with, the licensing authority shall issue the original license provided for in this Title to the licensee named in the license, and shall retain the first duplicate copy of the license on file in his office. Other duplicate copies, if any, shall be filed as the business and accounting practices of the City may from time to time require. (Ord. 776, 11-22-1971; amd. Ord. 1127, 11-15-1988)

4-1-19: FEE PAYMENT:

Annual license fees shall be due and payable in advance on January 1. A license fee for a new business commenced on or after July 1 of any year shall be prorated on a semiannual basis, except that no prorated fee shall be less than twelve dollars (\$12.00). (Ord. 1054, 8-16-1983)

4-1-20: FEE ERROR:

No error or mistake on the part of the licensing authority or otherwise in the determination, statement or collection of the amount of any license fee shall prevent or prejudice the collection by or for the City what shall be actually due from any person commencing or conducting any business subject to a license under this Title. (Ord. 776, 11-22-1971; amd. Ord. 1127, 11-15-1988)

4-1-21: TRANSFERABILITY:

A. Transferability Generally: Licenses are nontransferable; however, an owner of a relocated business may obtain a license for the business at the new location for the unexpired calendar year upon surrendering the license issued for the former place of business and the payment of a six dollar (\$6.00) fee.

B. Acquisition Of Business: Notwithstanding anything in this Code to the contrary, where a business that is properly licensed under this Code is the subject of an acquisition, merger or reorganization and the nature of such business will remain substantially the same as prior to the acquisition, merger or reorganization, the owner or new owner, as the case may be, may obtain a license for the business for the unexpired calendar year upon surrendering the previously issued license and the payment of a six dollar (\$6.00) fee. The owner or new owner, as the case may be, shall provide documentation verifying such acquisition, merger or reorganization to the satisfaction of the Chief Financial Officer. The acquisition, merger or reorganization of an ongoing business that is properly licensed under this Code where the nature of such business will remain substantially the same as prior to the acquisition, merger or reorganization shall not be deemed to be a new business for purposes of Title 4 of this Code. (Ord. 1294, 2-2-1999; amd. Ord. 1620, 11-17-2020)

4-1-22: DUPLICATE LICENSES:

The licensing authority may on receipt of an affidavit filed in the office of the licensing authority by or on behalf of any licensee stating that any license issued under this Title has been lost or destroyed, issue a duplicate of the license to the licensee therein named. A charge of three dollars (\$3.00) shall be made for each such duplicate license issued, which sum shall be paid into the Treasury of the City to the credit of the General Fund. (Ord. 1054, 8-16-1983; amd. Ord. 1127, 11-15-1988)

4-1-23: DISPLAY:

Every person having a license issued under the provisions of this Title and commencing or conducting the business therein mentioned at a fixed place shall keep the license conspicuously posted and exhibited in the place of business while the same is in force. Every person having the license and not having a fixed place of business shall carry or transport the license with him at all times while conducting the business. (Ord. 776, 11-22-1971)

4-1-24: RENEWAL:

Every person having a license issued under the provisions of this Title shall exhibit the same to the licensing authority or his authorized deputy when applying for a renewal thereof, and whenever requested to do so by any police officer of the City or by any inspector or officer thereof authorized to issue or inspect licenses or collect license fees. (Ord. 776, 11-22-1971; amd. Ord. 1127, 11-15-1988)

4-1-25: VEHICLE TAGS:

In all instances in which a license is required under the provisions of this Title and a vehicle is used in conducting the business, the licensee shall request and the licensing authority shall furnish the licensee with a suitable license tag or plate therefor, which tag or plate shall be permanently displayed in a seven inch (7") square in the lower corner of the windshield farthest removed from the driver. The sum of fifty cents (\$0.50) for the tag or plate shall be paid by the licensee. (Ord. 1054, 8-16-1983; amd. Ord. 1127, 11-15-1988)

4-1-26: REVOCATION OF LICENSE:

All licenses issued under this Title are granted and accepted by all parties receiving licenses with the express understanding that the City Council may revoke the same at any time if satisfied that any of the conditions of the license or terms of this Title have been violated, that the license was obtained by fraudulent representation or that the holder of the license is an unfit person to be trusted with the privileges granted by the license; provided, however, that no license shall be revoked without first giving the holder an opportunity to appear before the City Council in his own behalf. On the revocation of the license, no part of the money in the hands of the City shall be returned but the license fee shall be forfeited to the City. When the license of any person is revoked for any cause, no new or other license shall be granted to the same person within six (6) months from the date of the revocation. (Ord. 776, 11-22-1971)

4-1-27: PENALTIES AND INTEREST:

A. Other Than Fixed Place Of Business: A license for a business from other than a fixed place of business within the City is due and payable upon the first day of business activity, and delinquent thereafter.

B. New Business, Fixed Place: A license for a new business with a fixed place of business within the City is due and payable upon the first day of business activity, and delinquent five (5) days thereafter.

C. Previously Licensed Business, Fixed Place: A license for a business previously licensed, or doing business in the City during the prior tax year from a fixed place of business, is due and payable January 1, and delinquent February 1.

D. Interest: Any person who fails to pay any tax required to be paid by this Title shall pay interest at the rate of one percent (1%) per month, or fraction thereof, on the amounts of the tax, exclusive of penalties, from the date on which the tax first became delinquent until paid. Interest shall run during any period of time for which an extension of time has been granted by the City for payment of the tax. Interest required by any of the provisions of this Title shall not be subject to waiver or compromise except as the City Council may direct. Said interest shall not be compounded, but shall be on principal only.

E. Penalties: All taxes imposed by this Title shall be subject to the following penalties.

1. Delinquency: Any person who fails to pay any tax, or any fraction thereof required to be paid by this Title within the time required, shall pay a penalty of twenty percent (20%) per month of the amount of the unpaid tax. Such penalty shall not exceed one hundred percent (100%) of the tax for any calendar year for each year that the tax is unpaid. This penalty shall accrue on the first day of each calendar month for which the tax remains unpaid.

2. Fraud: If the City official administering the tax, after notice to taxpayer and hearing, determines that the nonpayment of any tax due under this Chapter is due to fraud, a penalty of ninety percent (90%) of the amount of the unpaid tax shall be added thereto, in addition to any other penalties set forth in this Section. Where, after notice and hearing to the taxpayer, the City determines that a corporate director, officer, or shareholder is responsible for the fraud resulting in the nonpayment of the tax of a corporation, the City may designate the tax, interest, and penalties unpaid, including the penalty provided for in this subsection due to said fraud as a personal debt of said director, officer, or shareholder.

3. Merger Of Interest And Penalties: Such interest as is accrued, and every penalty imposed under the provisions of this Section, shall become a part of the tax required to be paid under this Title.

4. Penalties On Principle: All penalties imposed hereunder shall be calculated on principle only, and shall not be compounded. (Ord. 1252, 4-9-1996)

4-1-28: CREDIT FOR PENALTIES PAID:

A. Past Penalties Paid: A credit against the business license tax for past penalties paid shall be granted beginning with the tax due in January 1992, to be calculated and administered as follows:

1. For Tax Due January 1, 1992: Any taxpayer who has been assessed and has, by September 10, 1991, paid a penalty for the tax year 1989 and/or 1990 and/or 1991, shall receive a credit in a sum equal to fifty percent (50%) of the penalty paid, to be applied against the business license tax due January 1, 1992 and years thereafter. Said credit shall only be effective if the entire tax (less the credit) is paid before February 1, 1992. As provided for in subsection A3 below, the credit granted hereunder may be carried over from year to year until exhausted.

2. For Subsequent Tax Years: Any taxpayer who has been assessed a penalty and paid that penalty by September 30 in the year prior to the January 1 a tax is due, may claim a credit against that tax in the amount of fifty percent (50%) of said penalty paid if the tax (less the credit) is paid before February 1 of the year in which the tax is due.

3. For All Tax Years: City staff shall calculate the credit granted hereunder and reflect the amount of said credit upon

tax statements mailed to taxpayers.

B. Amount Of Reduction: No tax, to which the credit granted hereunder is applied, shall be reduced by said credit to less than fifty percent (50%) of the amount due before application of the credit, in any tax year. However, where the amount of the credit exceeds fifty percent (50%) of the tax due in any given year, the unused balance of the credit may be carried over to future tax years and applied to the tax then due so long as the full amount of the tax (less the credit) is paid by February 1 of the year in which the tax is due. (Ord. 1252, 4-9-1996)

4-1-29: FEE DEBT TO CITY:

The amount of any license fee imposed by this Title shall be deemed a debt to the City, and any person commencing or conducting any business without having a license under this Title so to do shall be liable to an action by the City in any court of competent jurisdiction for the amount of the license fee imposed by this Title on the business. (Ord. 776, 11-22-1971)

4-1-30: COMPLAINTS AGAINST VIOLATORS:

It is the duty of the Chief of Police to cause a complaint to be made against all persons violating any of the provisions of this Title, and as soon as he has knowledge of the same, to deliver to the licensing authority the names of all persons not paying a license whom he believes should be charged with the payment of a license fee. (Ord. 776, 11-22-1971; amd. Ord. 1127, 11-15-1988)

4-1-31: FAILURE TO PAY FEE:

The conviction and punishment of any person for commencing or conducting any business without a license as required by the provisions of this Title, or without a special permit from the City Council when required, shall not excuse or exempt the person from the payment of any license fee due or unpaid under this Title at the time of the conviction, and nothing contained in this Title shall prevent a criminal prosecution for any violation of any of the provisions of this Title. (Ord. 776, 11-22-1971)

4-1-32: SMALL INCOME BUSINESSES:

Upon the filing of an application for a small income business license and an affidavit stating, among other things, that the volume of contemplated business would be so small that the regular business license fee therefor would impose a hardship of unfair proportions; and upon the City Council's finding and determining that the representations are true and correct, the City Council may order the issuance of a small income business license which shall be for the current fiscal year, and shall be issued upon payment of a ten dollar (\$10.00) license fee. (Ord. 1054, 8-16-1983; amd. Ord. 1252, 4-9-1996)

4-1-33: ENFORCEMENT:

All police officers of the City and all other authorized persons shall have and exercise their power to enter, free of charge, any place of business for which a license is required and provided, and to demand the exhibition of the license for the current term from any person engaged or employed in the transaction of the business, and the person then and there shall exhibit the license. (Ord. 612, 10-28-1963)

4-1-34: CONFIDENTIALITY OF TAX RECORDS:

The City shall retain as confidential all tax statements, returns and receipts submitted or provided under this Title, any records required to be submitted by a taxpayer hereunder and any business data disclosed to the City as a result of any tax audit hereunder. (Ord. 1252, 4-9-1996)

CHAPTER 2

BUSINESS LICENSE FEE SCHEDULE

SECTION:

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4-2-1: FEES PAID TO CITY:

A. The amount of license fee to be paid to the city by persons commencing or conducting any business subject to this chapter are set forth in this chapter.

B. Beginning on January 1, 2011, license fees imposed in this title will be increased annually each January 1 on a percentage basis using the percentage increase in the consumer price index ("CPI") for all urban consumers as calculated by the United States department of labor, bureau of labor statistics, for the Los Angeles-Riverside-Orange County area, all items, calculated as follows:

1. The most recent ten (10) year CPI percentages are added together and then divided by ten (10) to derive an average ten (10) year CPI percentage ("ACPI"); and
2. The ACPI is multiplied by the amount of existing license fees. The sum of that multiplication is added to the amount of the license fees imposed by the city for the previous calendar year.
3. For purposes of this section, a "year CPI percentage" is the percentage change in CPI based upon comparing a twelve (12) month period ending on March 31 with the subsequent twelve (12) month period ending on March 31. For example, and without limitation, on January 1, 2011, the ACPI will be calculated using the ten (10) years of CPI percentages that include the following time periods: March 31, 2000 to March 31, 2001; March 31, 2001 to March 31, 2002; and calculated in the same manner for the subsequent years with the final and tenth year CPI percentage measured from March 31, 2009 to March 31, 2010.

C. Notwithstanding any other provisions of this code, license fees imposed in this chapter will be increased by a minimum of one cent (\$0.01) every two (2) calendar years. (Ord. 1439, 4-13-2010)

4-2-2: BRANCH ESTABLISHMENTS:

Every person owning or operating a business which is subject to the provisions of this chapter shall pay a single license fee for all branch locations or separate places of business within the city. In addition to the single license fee, such persons shall pay an additional nine dollars (\$9.00) per year for each branch location or separate place of business within the city. (Ord. 1054, 8-16-1983; amd. Ord. 1252, 4-9-1996)

4-2-3: TAX REDUCTION; TAX CREDIT:

A. Tax Reduction: Except for section 4-2-4 of this chapter and increases imposed by subsection 4-2-1B of this chapter, the amount of a business license tax imposed on any business by this title shall be reduced by ten percent (10%) and the remainder of such tax shall be reduced by an additional five percent (5%).

B. Tax Credit: A business subject to the tax imposed by this chapter is entitled to a tax credit against the tax imposed by section 4-2-4 of this chapter whenever it generates sales and/or use tax in the year immediately preceding the year in which the tax is due. The credit is applied to the business registration tax due for the following year.

C. Percentage Of Tax: The tax credit referred to in subsection B of this section, will equal up to forty percent (40%) of the sales or use tax generated by the business and received by the city during the twelve (12) month period ending on June 30 preceding the date the tax is due.

D. Amount Of Tax Credit: Under no circumstances can the amount of the tax credit for any year be calculated to be greater than the total amount of tax due for any year under this chapter. (Ord. 1439, 4-13-2010)

4-2-4: BUSINESSES GENERALLY:

A. Unclassified Businesses; Fee Schedule: Every person engaged in a business not specifically mentioned or classified in this chapter shall pay a license fee in accordance with the following schedule:

1. Employees: A basic fee of eighty eight dollars (\$88.00) per year, which shall cover the first ten (10) employees and one hundred nine dollars (\$109.00) per year for each employee in excess of ten (10) employees; and

2. Floor Area: In addition, each such person shall pay a fee of twenty one cents (\$0.21) per square foot of floor area occupied for a business purpose in excess of five thousand (5,000) square feet. A fee of nine cents (\$0.09) per square foot shall be imposed on vacant space available for rent or lease for business purposes, said fee to be payable by the person with the right to possession of the property; and

3. Additional Location: In addition, each such person shall pay nine dollars (\$9.00) per year for each additional business location within the city. (Ord. 1439, 4-13-2010)

4. Tax Credit: Notwithstanding the foregoing, a credit shall be granted against the tax imposed by this section whenever a business subject to the tax imposed by this chapter generates sales and/or use tax in the year immediately preceding the year in which the tax is due. The credit shall be applied to the business registration tax due for the following year. The credit shall be equal to fifty percent (50%) of the portion of the sales and/or use tax generated which was awarded to the city during the twelve (12) month period ending on June 30 preceding the date the tax is due. However, the amount of said credit shall under no circumstances be calculated to be greater than the total amount of tax due.

5. Credit For Sales And Use Tax Revenue: Notwithstanding the foregoing, a business which increases the amount of sales and use tax revenue received by the city from the business or its activities above its "baseline", as defined hereunder, shall receive a credit to the business license tax imposed under this chapter equal to the dollar amount of the increase above the baseline. The amount of business license tax credit shall be determined annually and is subject to approval by the city manager. Said credit shall be applied to the business license tax owed in the next fiscal year only; provided, that, in no event, shall the credit exceed the amount of business license tax owed.

a. Calculation Of Baseline: For the purposes of this subsection, the "baseline" for a business shall be calculated as follows:

(1) For the first fiscal year in which a credit is granted, the "baseline" shall equal the sum of sales and use tax received by the city from the business and its activities and the business license tax imposed by the city in the prior fiscal year.

(2) For each subsequent fiscal year, the baseline amount established under subsection A5a(1) of this section shall be recalculated as follows: the sales and use tax component of the baseline shall be adjusted to reflect any increase from the prior fiscal year in the consumer price index as established in the report of consumer prices for all urban consumers for the Los Angeles-Anaheim-Riverside standard metropolitan statistical area. Said adjustment shall be based on the most recent month for which such price index figure is available on the date the adjustment is calculated. The business license tax component of the baseline shall be recalculated to equal the amount of business license tax imposed on the business under the fee schedule in effect at the time the recalculation is made, including any automatic increase established under this code; provided, that, in no event, shall the amount of business license tax be less than the amount under subsection A5a(1) of this section.

b. Eligibility: A business is not eligible to receive any business license tax credits under this subsection A5 while the business is receiving a business license tax credit under section 3-2-4 of this code.

c. Business Relation Program: The business license tax credit established under this subsection A5 shall be known as the business relation program of the city.

B. Employee Defined: For the purpose of this section, the term "employee" shall mean any person employed by the business and shall include an independent contractor and persons employed by the independent contractor, unless the independent contractor and/or persons employed by the independent contractor has a valid city business license as prescribed in chapter 1 of this title and this chapter.

C. Number Of Employees Determined: The total number of employees for each business for purposes of this section shall be determined by averaging the total number of employees employed by each business during each of the four (4) calendar quarters preceding the date the tax is paid.

D. Floor Area Defined: For the purpose of this section, "floor area" means the total floor space in terms of square footage occupied by an owner, lessee or renter in a building except:

1. Elevator shafts;
2. Stairwells;
3. Courts or atriums, uncovered and open to the sky;
4. Rooms exclusively housing building operating equipment; and
5. Parking areas. (Ord. 1252, 4-9-1996)

4-2-5: NEW BUSINESSES:

A. Initial Tax: Any business not specifically mentioned or classified in this chapter which is locating, or doing business in the city for the first time shall, before receiving a business license from the city, pay the tax imposed by section 4-2-4 of this chapter. The amount of said tax shall be calculated based upon the taxpayer's best estimate of the average quarterly number of employees, square feet, and business locations which the business will have within the city the remainder of that calendar year.

B. Adjustment: Each new business shall, upon renewal of its business license in the first full year following the year it began doing business in the city, be subject to an adjustment. This adjustment shall be based upon the difference between the estimates of employees, and square feet occupied supplied by the business to the city at its initial application, and the actual average quarterly number of employees, and square feet, and business locations which the taxpayer had during its initial year of doing business in the city. The licensing authority shall recalculate this initial tax based upon these actual figures and, if the resulting amount is greater than the actual tax paid by the taxpayer in the preceding year, shall impose a surcharge to be collected at the same time, and in the same way as the renewal tax. If the actual tax is less than the initial tax, the licensing authority shall apply a credit against the renewal tax in the amount of the difference. (Ord. 1252, 4-9-1996; amd. 2000 Code)

4-2-6: REFUND OF TAX ON PROPERTY AVAILABLE FOR RENT OR LEASE:

A. Any taxpayer who has paid the tax for property available for rent or lease imposed by subsection 4-2-4A2 of this chapter, who leases all or any part of the property by June 30 of the year in which the tax was due and paid, and the new occupant has paid a square footage tax for its occupancy, shall be entitled to a refund up to one hundred percent (100%).

B. If all or any part of the property is rented by December 31 of the year in which the tax is paid, and the new occupant has paid a square footage tax for its occupancy, the taxpayer shall receive a refund up to fifty percent (50%).

C. It shall be the responsibility of the taxpayer to apply for the refund authorized herein, and to demonstrate to the satisfaction of the licensing authority that the prerequisites to receipt of the refund have been satisfied. (Ord. 1252, 4-9-1996; amd. 2000 Code)

4-2-7: ADVERTISING:

A. Billboards Or Signboards: Every person engaged in the business of contracting, maintaining, using, or leasing billboards or signboards, or posting, sticking, tacking, or affixing or painting bills or signs, or both upon the same, shall pay a business license tax of fifty dollars (\$50.00) per annum for each such billboard or signboard.

B. Lights: Every person advertising by means of portable searchlights, or arc lights, or light producing apparatus or equipment, shall pay a business license tax of thirty dollars (\$30.00) per quarter. The license shall be subject to compliance with all requirements of the traffic ordinances and regulations of the City.

C. Vehicle Signs: Every person advertising by means of portable signs mounted on vehicles, when not in connection with any business licensed under subsection D of this Section, shall pay a business license tax of one hundred three dollars (\$103.00) per year. The license shall be subject to compliance with all requirements of the traffic ordinances and regulations of the City.

D. Sound Trucks: Every person advertising by means of sound trucks, portable loudspeakers, or sound-producing apparatus or equipment, shall pay a business license tax of one hundred three dollars (\$103.00) per year. The license shall be subject to compliance with all requirements of the traffic ordinances and regulations of the City. (Ord. 1252, 4-9-1996)

4-2-8: AGENTS, SOLICITORS AND SALESMEN:

Agents, solicitors, and salesmen selling or soliciting, or taking orders for the sale or furnishing of any paintings, pictures, portraits, photographs, orders for advertising or for any goods, wares, merchandise, or service at retail not otherwise

provided for herein, when not in connection with any fixed place of business within the City licensed under this Title, shall pay a business license tax of sixty dollars (\$60.00) per day, or two hundred dollars (\$200.00) per year for each agent, salesman, or solicitor. All such sales, solicitations and/or order taking are prohibited between the hours of six o'clock (6:00) P.M. and eight o'clock (8:00) A.M. (Ord. 1252, 4-9-1996)

4-2-9: AMUSEMENTS:

A. Amusement Center ¹ :

1. Definition: An "amusement center" is defined as any place to which the public is admitted or invited, where eight (8) or more coin-operated amusement machines are maintained, operated or available for operation.

2. Tax Amount: Every person operating an amusement center shall pay a business license tax of four hundred dollars (\$400.00) per year.

3. Permit Required: It is unlawful for any person to establish, maintain, conduct, or keep open any "amusement center", as defined in this Section, within the corporate limits of the City without first having obtained a permit, in writing, from the licensing authority. In any application for an amusement center, the licensing authority may require, in addition to other information, that the applicant furnish the information necessary to enable the Chief of Police to make an investigation of any prior criminal activity of the applicant, or any operator of the amusement center.

4. Conditions For Approval: After an investigation by the Chief of Police, the licensing authority shall approve the application for the amusement center permit, or renewal of such permit if he finds:

- a. A completed written application form has therefor been filed; and
- b. The required license fee has therefor been paid to the City Treasurer; and
- c. As a result of his investigation, all applicable provisions of this subsection with regard to such permit application have been met; and
- d. That the operation by the applicant will be carried on in a building, structure, and location which complies with and meets all of the health, zoning, fire, building and safety requirements, and standards of the laws of the State and this Code applicable to such business operation; and
- e. That the applicant, his employee, agent, or any person connected, or associated with applicant as a partner, director, officer, stockholder, associate, or manager, has not been convicted in a court of competent jurisdiction by final judgment of an offense involving the maintenance of a nuisance, in connection with the same or similar business operation; and
- f. That the business is not a public nuisance, or has not been a public nuisance at any time within the last five (5) years; and
- g. That the applicant, his employee, agent, or any person connected, or associated with applicant as partner, director, officer, stockholder, associate, or manager, has not knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a permit, or in any report or record required to be filed with the Chief of Police; and
- h. That the applicant has not had a similar type permit previously revoked for good cause within the past year, unless the applicant has shown a material change in circumstances since the date of revocation.

B. Amusements Generally ² : Every person operating a business where an admission, fare, or fee is charged or made, or a collection or contribution is received (and which are not otherwise provided for in this Chapter) for entrance to amusements, such as exhibitions, shows, games, rides, tent performances, merry-go- rounds, carousels, shoot-the-chutes, shooting galleries, Ferris wheels, pig slides, ball games, dart games, roller coasters, grunt derbies, whip rides, scooter rides, sideshows, illusions and other amusements, or concessions similar in character to those, or any of those hereinabove named, shall pay a business license tax of twenty dollars (\$20.00) per day, or two hundred dollars (\$200.00) per month, and shall obtain a special permit from the City Council to do so prior to engaging in such activities. The City Council may condition such permit in any manner not prohibited by law. (Ord. 1252, 4-9-1996; amd. 2000 Code)

Notes

¹ 1. See also Section 15-2-15 of this Code, video arcades.

² 1. See also Section 15-2-12 of this Code, carnivals.

4-2-10: APARTMENT HOUSES AND APARTMENT HOUSE COMPLEXES:

A. Definition: For the purpose of this Section, an "apartment house complex" is defined as two (2) or more individual buildings containing dwelling units located upon the same property, or on contiguous property under the same ownership.

B. Tax Amount: Every person owning apartment houses, or apartment house complexes, shall pay a business license tax of thirty dollars (\$30.00) per year for up to the first three (3) dwelling units; and ten dollars (\$10.00) per year for each additional dwelling unit; provided, however, that the dwelling units used in computing the obligation to pay the business license tax shall be the dwelling units rented or leased, and the dwelling units held for rent or lease shall not include a

dwelling unit occupied by the owner. (Ord. 1252, 4-9-1996)

4-2-11: AUTOMOBILE AND TRUCK WRECKING OR DISMANTLING:

Every person engaging in the business of automobile, truck wrecking or dismantling, and/or operating an automobile, truck wrecking or dismantling yard, and/or outdoor yard of similar character, shall pay a business license tax of four hundred dollars (\$400.00) per year, and shall obtain a special permit from the City Council to do so prior to engaging in such activities. The City Council may condition such permit in any manner not prohibited by law. (Ord. 1252, 4-9-1996)

4-2-12: BANKRUPT STOCK AND FIRE SALES:

Every person conducting bankrupt stock sales, fire sales, damaged goods sales, and sales of similar character (not at auction), shall pay a business license tax of thirty six dollars (\$36.00) per month, one hundred twenty dollars (\$120.00) per quarter, or four hundred dollars (\$400.00) per year, and shall obtain a special permit from the City Council to do so prior to engaging in such activities. The City Council may condition such permit in any manner not prohibited by law. (Ord. 1252, 4-9-1996)

4-2-13: BARBERSHOPS:

Every person operating a barbershop shall pay a business license tax of one hundred three dollars (\$103.00) per year. (Ord. 1252, 4-9-1996)

4-2-14: BEAUTY PARLORS:

Every person operating a beauty parlor and similar businesses shall pay a business license tax of one hundred three dollars (\$103.00) per year. (Ord. 1252, 4-9-1996)

4-2-15: BILLIARD AND POOLROOMS:

Every person operating a billiard room and/or poolroom shall pay a business license tax of one hundred three dollars (\$103.00) per year, which shall include the right to sell cigars, tobacco, soft drinks, chewing gum, and confections, subject to first obtaining a special permit as provided by Sections 4-7-1 and 4-7-2 of this Title. (Ord. 1252, 4-9-1996)

4-2-16: BOWLING ALLEYS:

Every person operating a bowling academy, bowling alley, bowling center, or similar business shall pay a business license tax of one hundred three dollars (\$103.00) basic, plus four dollars (\$4.00) per lane per year. A license granted under this Section shall include the right to sell bowling equipment, paraphernalia, and bowling apparel, but shall not include the right to conduct a cafe, restaurant, lunch counter, or refreshment, or confectionery stand or concession, or any other type of business, except as specifically authorized above. (Ord. 1252, 4-9-1996)

4-2-17: CHEMICAL, PETROLEUM, CEMENT OR CRYOGENIC PRODUCTS; SMELTERS OR REFINERIES:

Every person owning or operating a business engaged in the processing or manufacturing of chemical, petroleum, cement or cryogenic products; and every person owning or operating a business engaged in smelting or refining shall pay a business license fee in accordance with the following schedule:

- A. A basic fee of one hundred three dollars (\$103.00) per year which shall cover the first ten (10) employees.
- B. One hundred twenty seven dollars (\$127.00) per year for each employee in excess of ten (10) employees.
- C. One thousand five hundred thirty one dollars (\$1,531.00) per year per square acre of space owned, leased or rented for the purpose of producing, manufacturing or processing chemical, petroleum, cement or cryogenic products; or for the purpose of smelting or refining.
- D. Thirty six dollars (\$36.00) per year for each vehicle in excess of six thousand (6,000) pounds (gross vehicle weight) owned or operated in the conduct of the business.
- E. Eleven dollars (\$11.00) per year for each additional business location within the City.
- F. Notwithstanding the foregoing, a credit shall be granted against the tax imposed by this Section whenever a business subject to the tax imposed by this Chapter generates sales and/or use tax in the year immediately preceding the year in which the tax is due. The credit shall be applied to the business registration tax due for the following year. The credit shall be equal to fifty percent (50%) of the portion of the sales and/or use tax generated which was awarded to the City during the twelve (12) month period ending on the June 30 preceding the date the tax is due. However, the amount of said credit shall under no circumstances be calculated to be greater than the total amount of tax due.
- G. Any person subject to this Section paying a delinquent utility user tax or a tax concerning which, in the opinion of the City Manager, a good faith dispute exists may enter into a settlement agreement to be ratified by the City Council which entitles the taxpayer to a credit equal to seventy five percent (75%) of the paid delinquent or disputed utility user tax (excluding penalties and interest). Said credit must be applied for within three (3) tax years from the date of payment. The maximum credit to be applied against the business license tax in any year shall not exceed one-third ($\frac{1}{3}$) of the total credit available hereunder. (Ord. 1252, 4-9-1996)

4-2-18: CHRISTMAS TREE SALES:

Every person engaged in the business of Christmas tree sales shall pay a business license tax of fifty dollars (\$50.00) per year. (Ord. 1252, 4-9-1996)

4-2-19: CIRCUSES, WILD WEST SHOWS OR SIDESHOWS:

Every person operating a circus or wild west show, not including any sideshows, shall pay a business license tax for the first day of two hundred dollars (\$200.00), and one hundred three dollars (\$103.00) per day thereafter. A sideshow shall pay a

business license tax of one hundred three dollars (\$103.00) per sideshow for the first day, and fifty dollars (\$50.00) per sideshow per day for each day thereafter. Every such person shall obtain a special permit from the City Council to operate such circus, wild west show, or sideshow, prior to engaging in such activities. The City Council may condition such permit in any manner not prohibited by law. (Ord. 1252, 4-9-1996)

4-2-20: COIN-OPERATED MACHINES OR DEVICES:

A. Vending Machines (Persons Not Primarily Engaged In Business Of Renting, Leasing Or Operating):

1. Every person not primarily engaged in the business of renting, leasing, or operating coin-operated vending machines for which a license is required by subsection B of this Section, who places, maintains, and operates, or offers for operation, a vending machine or machines, or a vending device or vending devices which vends or delivers merchandise of any character, or provides a service for which the coin or coins are inserted, shall pay a business license tax of fifty dollars (\$50.00) per year per vending machine or vending device.

2. This Section shall not apply to subsections C, D and E of this Section.

B. Coin-Operated Devices (Persons Engaged In Business Of Renting, Leasing Or Operating):

1. Every person engaged in the business of renting, leasing, or operating coin-operated vending machines shall pay a business license tax of one hundred fifty dollars (\$150.00) per year.

2. This Section shall not apply to subsections C, D and E of this Section.

C. Automatic Laundry And Dry Cleaning Establishments: Every person engaged in the laundry and dry cleaning business where coin-operated laundry and dry cleaning machines are used in the operation of the business, and which are not preempted by section 16002.2 of the State Business and Professions Code, shall pay a business license tax of two dollars (\$2.00) per year per machine; provided, however, that the business license tax shall not be less than one hundred three dollars (\$103.00) per year.

D. Automatic Washers And Dryers (Persons Not Primarily Engaged In Renting, Leasing Or Operating): Every person not primarily engaged in the business of renting, leasing, or operating coin-operated automatic washers and dryers who places, maintains, and operates, or offers for operation automatic washers and dryers for which coins are inserted, shall pay a business license tax of two dollars (\$2.00) per year per machine.

E. Automatic Washers And Dryers (Persons Engaged In Business Of Renting, Leasing Or Operating): Every person renting, leasing, or operating coin-operated automatic washers and dryers, whose business is limited exclusively to the renting, leasing, or operating of such machines shall pay a business license tax of one hundred three dollars (\$103.00) per year.

F. Devices With Amusement Features: Every person owning a coin, or token operated machine or device having an amusement or skill feature connected therewith, shall pay a business license tax of one hundred three dollars (\$103.00) per year per machine. Licenses granted under this Section shall be revocable at any time, at the pleasure of the City Council for any reason which the City Council may deem appropriate.

G. Seal Affixed To Devices: Every person owning a machine or device, which is required to pay a business license tax under the provisions of this Title, shall have conspicuously affixed thereto a legible and current official seal or sticker issued by the license collector of the City for such machine or device licensed; the seal shall include the year of issuance, and the number of the license under which it is issued. (Ord. 1252, 4-9-1996)

4-2-21: CONCERT OR OPERA:

Every person operating a concert, opera, entertainment, or other show, exhibition or performance not exceeding two (2) performances during any one calendar month shall pay a business license tax of four dollars (\$4.00) per month, and shall obtain a special permit from the City Council to do so prior to engaging in such activities. The City Council may condition such permit in any manner not prohibited by law. (Ord. 1252, 4-9-1996)

4-2-22: CONTRACTORS:

A. General, Electrical, Plumbing: Every person engaged in the business of contracting, in any of the following trades, shall pay a business license tax of one hundred fifty dollars (\$150.00) per year: general building contractor, general building contractor (speculative), electrical contractor, and plumbing contractor. (Ord. 1252, 4-9-1996)

B. Definitions; Provisions:

1. General Building Contractor Defined: A "general building contractor", as used in this Chapter, is a contractor or person whose principal contracting business is in connection with any structure built, or to be built, for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of two (2) or more unrelated building trades or crafts or to do or to superintend the whole or any part thereof.

2. General Building Contractor (Speculative) Defined: A "general building contractor (speculative)", as used in this Chapter, is a contractor or person who builds or constructs a building or structure on property owned, possessed or controlled by him for the purpose of selling or disposing of the same during, or subsequent to, construction or erection thereof.

3. Additional Fee: Nothing contained within this Chapter shall be construed to permit any general building contractor or any general building contractor (speculative) to operate, in addition to his regular business of general building contracting or general building contracting (speculative) any one specialized building trade business or subcontracting business, for which

a sub or specialty contractor's license is required, without the payment of an additional fee as prescribed for the business by subsection E of this Section.

4. Architect Or Engineer: Provided, further, that any architect or engineer who, in addition to his regular professional duties of designing and superintending the design and erection of any building or structure, also acts in the capacity of a "general building contractor" or "general building contractor (speculative)" as defined in this Section, or who subcontracts or employs labor to perform any or all of the work involved either acting for himself or the owner of the building shall pay the same fee as a general building contractor or a general building contractor (speculative), as the case may be.

5. Exclusion: The provisions of this Section do not include anyone who merely furnishes materials or supplies without fabricating them into or consuming them in the performance of the work of a general building contractor or general building contractor (speculative).

6. Furnish Proof Of Type Of Employment: Every person who represents or claims that the work being done or performed by him is being done or performed by the hour or by the day's work shall furnish to the license collector or his authorized deputy, if asked, an affidavit from his employer or from the owner of the building or structure being erected or constructed stating the nature of the work, the wages, fee or commission being paid and the location of the work. Any person holding a State contractor's license will be considered a contractor if he superintends or contracts for a fee the erection or construction of any building or structure in the City and shall be required to pay the same license fee as a general building contractor. (Ord. 1054, 8-16-1983)

C. Lathing And Plastering: Lathing and plastering contractors shall pay a business license tax of one hundred twenty dollars (\$120.00) per year.

D. Repairs And Alterations:

1. Fee Imposed: Exceptions: Every person engaged in the business of minor construction, alterations, improvements, or repair work, or every person undertaking any project by one or more contracts, the aggregate contract price of which, for labor, materials, and all other items is less than one hundred dollars (\$100.00), shall pay a business license tax of twenty four dollars (\$24.00) per year. This type of license shall not be issued, or apply in any case wherein the work of construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made on contracts of amounts less than five hundred dollars (\$500.00) for the purpose of evading the obtaining of a license, or the payment of a license tax under this Title or any of the provisions thereof.

2. Accidents Or Fire Damage: Wherein repairs to damages resulting from accident or fire do not exceed one thousand dollars (\$1,000.00) total valuation, a general license covering the activities of all trades involved in repair work may be issued to the prime contractor for the one project for a business license tax of forty eight dollars (\$48.00).

E. Subcontractors Or Specialty Contractors:

1. Definition: A "subcontractor" or "specialty contractor", for the purposes of this Title, is defined as a person who performs construction work requiring special skill, and whose principal contracting business involves the use of a specialized building trade or craft, not otherwise provided for herein.

2. Separate License; Fee: Every person commencing, or carrying on the work of a subcontractor, shall secure a separate City license, and shall pay for the same a business license tax of one hundred three dollars (\$103.00) per year. (Ord. 1252, 4-9-1996)

4-2-23: DANCES AND DANCE SCHOOLS:

A. Public Dances: Every person conducting public dances, where an admission fee or per dance fee is charged, shall pay a business license tax of three hundred dollars (\$300.00) per year, and shall obtain a special permit from the City Council to do so prior to engaging in such activities. The City Council may condition such permit in any manner not prohibited by law.

B. Other Dances: Every person engaged in a business where any cafe, restaurant, or any similar establishment affords its patrons the privilege or opportunity to dance, without charge for the dancing, shall pay a business license tax of three hundred dollars (\$300.00) per year, and shall obtain a special permit from the City Council to do so prior to engaging in such activities. The City Council may condition such permit in any manner not prohibited by law.

C. Dancing School Or Academy (Talent School): Every person conducting a dancing school or dancing academy, or talent school or talent academy, shall pay a business license tax of fifty dollars (\$50.00) per year. (Ord. 1252, 4-9-1996)

4-2-24: DELIVERY VEHICLES:

Every person engaged in a business not having a fixed place of business within the City which, in connection with said business, delivers any goods or services within the City shall pay a business license tax of seventy two dollars (\$72.00) per year per vehicle. (Ord. 1252, 4-9-1996)

4-2-25: DRIVE-IN THEATERS:

Every person operating a drive-in theater shall pay a business license tax of three hundred dollars (\$300.00) per year, but the license shall not include the right to conduct a cafe, restaurant, lunch counter, refreshment or confectionery, or like stand or concession, or any other type of business. (Ord. 1252, 4-9-1996)

4-2-26: FOOD CATERERS (VEHICLE):

Every person conducting sales of food from a vehicle shall pay a business license tax of two hundred dollars (\$200.00) per year per vehicle. (Ord. 1252, 4-9-1996)

4-2-27: HOME OCCUPATIONS:

Every person engaged in a "home occupation", as defined by the Zoning Ordinance of the City in Section 15-1-6 of this Code, shall pay a business license tax of twenty four dollars (\$24.00) per year. (Ord. 1252, 4-9-1996)

4-2-28: HOTELS, MOTELS, AUTO COURTS AND LODGING HOUSES:

Every person engaged in the business of operating a hotel, motel, auto court, or lodging house shall pay a business license tax of one hundred three dollars (\$103.00) per year where the same has less than fifteen (15) rooms, two hundred dollars (\$200.00) per year where the same has fifteen (15) or more rooms, but not more than forty nine (49) rooms, and four hundred dollars (\$400.00) per year where the same has fifty (50) rooms or more. (Ord. 1252, 4-9-1996)

4-2-29: JUNK COLLECTORS:

Every person engaged in the business of junk collection shall pay a business license tax of two hundred dollars (\$200.00) per year for each vehicle used. "Person engaged in the business of junk collection" as used herein, means a person engaged in the business of going from house to house, or from place to place, gathering, collecting, buying, selling, or otherwise dealing in old rags, sacks, bottles, cans, paper, or other articles commonly known as "junk"; provided, however, that any person licensed under the provisions of this Section shall not solicit for "free will offerings" of such materials as are above enumerated, or referred to under the guise or representation that the same are being collected by or for any charitable, or other organization entitled to obtain a free permit, as provided for under other provisions of this Title. Provided, however, that the provisions of this Title relating to junk collectors shall not apply to official collectors of the City, or collectors specially authorized by the City Council to make the collections as a public service. (Ord. 1252, 4-9-1996)

4-2-30: LAWN SERVICE AND WINDOW CLEANING:

Every person providing lawn service, gardening service, window cleaning service, and similar services, shall pay a business license tax of fifty dollars (\$50.00) per year. (Ord. 1252, 4-9-1996)

4-2-31: LOANS:

Every person engaged in the business of lending, financing, or money-lending shall pay a business license tax of one hundred three dollars (\$103.00) per year. (Ord. 1252, 4-9-1996)

4-2-32: LUMBER AND BUILDING MATERIAL YARDS, JUNK YARDS AND NURSERIES:

Every person owning or operating a business engaged in the sale of lumber, building material, or operation of a building material wrecking yard, secondhand building material yard, junk yard, or outdoor yard of similar character or wholesale or retail nursery shall pay a business license tax, in accordance with the following schedule:

- A. A basic fee of one hundred three dollars (\$103.00) per year which shall cover the first ten (10) employees;
- B. One hundred twenty seven dollars (\$127.00) per year for each employee in excess of ten (10) employees;
- C. One thousand five hundred thirty one dollars (\$1,531.00) per year per square acre of space owned, leased, or rented for the purposes set forth above;
- D. Thirty six dollars (\$36.00) per year for each vehicle in excess of six thousand (6,000) pounds (gross vehicle weight) owned or operated in the conduct of business;
- E. Eleven dollars (\$11.00) per year for each additional business location within the City;
- F. Notwithstanding the foregoing, a credit shall be granted against the tax imposed by this Section whenever a business subject to the tax imposed by this Chapter generates sales and/or use tax in the year immediately preceding the year in which the tax is due. The credit shall be applied to the business registration tax due for the following year. Credit shall be equal to fifty percent (50%) of the portion of the sales and/or use tax generated which was awarded to the City during the twelve (12) month period ending on June 30 preceding the date the tax is due. However, the amount of said credit shall under no circumstances be calculated to be greater than the total amount of tax due. (Ord. 1252, 4-9-1996)

4-2-33: MOTION PICTURES OR TELEVISION (COMMERCIAL USE):

Every person engaged in the motion picture or television production business not operating from a fixed place of business in the City, using either public or private property, shall pay a business license application fee of three hundred dollars (\$300.00), plus a license fee of one hundred three dollars (\$103.00) per day. Every person subject to this Section shall also obtain a permit pursuant to Chapter 11 of this Title. (Ord. 1252, 4-9-1996)

4-2-34: PARKING LOTS:

Every person engaged in the business of operating a parking lot for vehicles which is open to the public generally and which also provides shuttle service from the parking lot to any other location shall pay a business license tax of ten dollars (\$10.00) per parking stall per year. The business license tax imposed by this Section shall not apply to the number of stalls, if any, occupied on a regular basis by employees of the business or by tenants of the building which is serviced by the parking lot. (Ord. 1252, 4-9-1996)

4-2-35: PEDDLING:

A. Generally: Every person peddling services, not otherwise mentioned in this Chapter, shall pay a business license tax of one hundred three dollars (\$103.00) per year, and shall obtain a special permit from the City to do so prior to engaging in such activities.

B. Food: Every person peddling foods, foodstuffs, and food products, other than from catering food trucks, shall pay a business license tax of fifty dollars (\$50.00) per year where the person is on foot, and one hundred three dollars (\$103.00) per year where the same is sold from a vehicle, and shall obtain a special permit from the City to do so pursuant to Chapter

4-15 of this Code prior to engaging in such activities.

C. Miscellaneous Merchandise: Every person peddling any goods, wares, magazines, or merchandise not otherwise provided for in this Chapter, shall pay a business license tax of ten dollars (\$10.00) per day where such person is on foot, and twenty dollars (\$20.00) per day where the same is sold from a vehicle, and shall obtain a special permit from the City to do so pursuant to Chapter 4-15 of this Code prior to engaging in such activities.

D. Popcorn, Souvenirs: Every person peddling popcorn, peanuts, gum, candy, confections, or toys, such as balloons, flags, pennants, banners, canes, buttons, badges, horns, musical or noise making instruments, serpentines, souvenirs, and similar articles shall pay a license fee of ten dollars (\$10.00) per day where the same is sold from a vehicle, and shall obtain a special permit from the City to do so prior to engaging in such activities.

(Ord. 1252, 4-9-1996; amd. Ord. 1593, 10-15-2019)

4-2-36: REST, CONVALESCENT, GUEST AND FAMILY CARE HOMES; CHILDCARE NURSERIES:

A. Fee Imposed; State And Local Approval: Every person operating rest, convalescent, guest homes, and childcare service shall pay a business license tax of twenty four dollars (\$24.00) per year. Every person operating a family care home shall pay a business license tax of twelve dollars (\$12.00) per year. No such license shall be issued without the written approval of:

1. The State Department of Social Services;
2. The County Health Officer;
3. The Chief of the Fire Department;
4. The Community, Economic and Development Services Director.

B. Inspection: All such establishments shall be subject to inspection by the City at any time. (Ord. 1252, 4-9-1996; amd. Ord. 1315, 1-18-2000; 2000 Code)

4-2-37: RUBBISH OR GARBAGE COLLECTION:

Every person engaged in the operation of rubbish or garbage collection shall pay a business license tax of two hundred dollars (\$200.00) per year for each vehicle used in the City. (Ord. 1252, 4-9-1996)

4-2-38: SCHOOLS (PRIVATE):

Every person operating a private school shall pay a business license tax of twenty four dollars (\$24.00) per year. (Ord. 1252, 4-9-1996)

4-2-39: STREET STANDS:

Every person operating street stands for the selling of any goods, wares, or merchandise on any portion of the public streets within the City shall pay a business license tax of fifty dollars (\$50.00) per month; provided, that no license shall be issued for the stand until a permit has been obtained from the City Council, and that the application for the permit shall be accompanied by the written consent of the owner or occupant of the premises abutting immediately upon that portion of the street which the applicant desires to use; and further provided, that the City Council shall have the right to grant, conditionally grant, or deny the permit under this Section in its discretion. (Ord. 1252, 4-9-1996)

4-2-40: TAXICAB OR AUTOMOBILE FOR HIRE:

Every person engaged in the business of providing taxicabs or automobiles for hire shall obtain a special permit from the City Council prior to engaging in such activities, and the City Council may condition such permit in any manner not prohibited by law. Permittee shall pay an annual business license tax of: a) one hundred three dollars (\$103.00) per year for each vehicle operated within the City limits; or b) a flat business license tax for the entire fleet of taxicabs or automobiles for hire of three hundred dollars (\$300.00) per year; whichever is greater. (Ord. 1252, 4-9-1996)

4-2-41: THEATERS AND SHOWS:

Every person engaged in the business of operating a theater, motion picture show, playhouse, events, and all other shows or exhibitions (except those conducted in the open or under canvas) not otherwise provided for in this Chapter, shall pay a business license tax of one hundred three dollars (\$103.00) per year. Any such license, however, shall not include the right to conduct a cafe, restaurant, or lunch counter. (Ord. 1252, 4-9-1996)

4-2-42: TRANSIENT VENDORS, MERCHANTS:

A. Transient Food Vendors: Every transient food vendor shall pay a business license tax of forty eight dollars (\$48.00) per day, and shall obtain a special permit from the City to do so pursuant to Chapter 4-15 prior to engaging in such activities.

B. Transient Merchants: Every transient merchant, which shall include all such persons doing business at a fixed place of business for a period of less than thirty (30) consecutive days, and who does not deal exclusively in food or foodstuffs for human consumption, shall pay a business license tax of forty dollars (\$40.00) per day.

C. Transient Merchant At Fairs: Notwithstanding subsection B of this Section, every transient merchant, which shall include any person doing business at a fixed place of business for a period of less than thirty (30) consecutive days and who is participating in a charitable or a civic event such as a fair, shall pay a business license tax of ten dollars (\$10.00), which shall cover the period during which the charitable or civic event is open to the public.

(Ord. 1252, 4-9-1996; amd. Ord. 1593, 10-15-2019)

4-2-43: WAREHOUSES:

Every person engaged in the business of operating a warehouse or storage facility shall pay a license fee of one hundred three dollars (\$103.00) per year plus fourteen cents (\$.14) per square foot of space used for such purpose for each business location within the city. (Ord. 1252, 4-9-1996)

4-2-44: TAX REDUCTIONS AND SUSPENSIONS:

The city council may suspend or reduce tax rates imposed by this title by resolution. (Ord. 1439, 4-13-2010)

CHAPTER 3**BURGLARY AND ROBBERY ALARM SYSTEMS**

SECTION:

4-3-1: Definitions**4-3-2: Permits Required****4-3-3: Exemptions And Exclusions****4-3-4: Applications Required; Fee****4-3-5: Investigation****4-3-6: Issuance Of Permits; Notification****4-3-7: Alarm Business Permit; Grounds For Denial****4-3-8: Permit Fees****4-3-9: Police Department Response Service****4-3-10: Notice Of Decision****4-3-11: Appeal Procedure; Filing Fee****4-3-12: Waiver****4-3-13: Public Hearing****4-3-14: Suspension Or Revocation Of Permit****4-3-15: Filing Of Appeal; Council Determination****4-3-16: Reinstatement****4-3-17: Audible Alarm Requirements****4-3-18: False Alarms****4-3-19: Malfunction Repair****4-3-1: DEFINITIONS:**

For the purpose of this Chapter, certain words and phrases shall be construed herein as set forth in this Section, unless it is apparent from the context that a different meaning is intended:

ALARM BUSINESS: The business by an individual, partnership, corporation or other entity of: selling, leasing, maintaining, servicing, repairing, replacing, moving or installing any burglary and robbery alarm system or causing it to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure, or facility; provided, however, that the provisions of this Section do not include the City which may be engaged in the nonprofit installation and maintenance of tactical alarm systems and a firm which maintains an alarm terminal register within the El Segundo Police Department; provided, further, that alarm business shall not include the sale of alarm systems or alarm system components where the seller does not provide any installation or other service off of seller's premises.

AUDIBLE ALARM: A device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is activated.

BURGLARY AND ROBBERY ALARM SYSTEM: Any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure or facility or both, and which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, silent alarms, direct dial telephone devices, audible and proprietor alarms, in guard shacks. Not included in this definition are auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system.

FALSE ALARM: An alarm signal activated through subscriber negligence or for reasons not of an emergency nature or when activated due to malfunction of any segment of the alarm system and which necessitates response by the El Segundo Police Department where an emergency situation does not exist.

PROPRIETOR ALARM: An alarm system which does not request public response when activated or is not reasonably expected to result in some public response.

SILENT ALARM: A device designed for the detection of unauthorized entry on premises which does not generate an audible sound on the premises when it is activated but transmits a signal directly to the Police Department or alarm business. (Ord. 921, 2-15-1977)

4-3-2: PERMITS REQUIRED:

A. Alarm Business: No person shall engage in, conduct or carry on an alarm business without first applying for and receiving an alarm business permit therefor. This permit shall be in addition to all other licenses or permits required by the City. Provided, however, that any person holding a business license on the effective date of this Chapter may continue to operate an alarm business without the permit hereinabove required for the first ninety (90) days following the effective date of this Chapter. (Ord. 927, 4-19-1977; amd. 2000 Code)

B. Alarm System: No person shall have installed on any premises under his control an alarm system without first applying for and receiving an alarm system permit therefor in accordance with the provisions of this Chapter. (Ord. 921, 2-15-1977; amd. 2000 Code)

4-3-3: EXEMPTIONS AND EXCLUSIONS:

The provisions of this Chapter are not applicable to products of combustion detection systems, water flow alarm systems, proprietor alarms, audible alarms affixed to motor vehicles, or to a public telephone utility whose only duty is to furnish telephone service pursuant to tariffs on file with the California Public Utilities Commission. (Ord. 927, 4-19-1977)

4-3-4: APPLICATIONS REQUIRED; FEE:

Applications for all permits required hereunder shall be filed with the licensing authority and shall be accompanied by the requisite fee. The fee is established to cover part of the cost of investigating and processing the applications and permits and is not refundable. (Ord. 921, 2-15-1977; amd. Ord. 1127, 11-15-1988)

4-3-5: INVESTIGATION:

Every application for an alarm business permit shall require the fingerprints of the applicant or, if the applicant is not a natural person, the fingerprints of the agent applying on behalf of the applicant. The licensing authority shall refer each application for a permit or renewal of such permit to the Chief of Police, who upon receipt thereof shall conduct an investigation to determine whether said permit should be issued in accordance with the provisions of this Chapter. The Chief of Police may require additional information of applicants which he deems necessary to conduct the investigation. The Chief of Police may dispense with the investigation upon being furnished an authenticated copy of a current permit issued by another governmental agency located in the County of Los Angeles. (Ord. 921, 2-15-1977; amd. Ord. 1127, 11-15-1988)

4-3-6: ISSUANCE OF PERMITS; NOTIFICATION:

Upon completion of the investigation required by Section 4-3-5 of this Chapter, the Chief of Police shall issue all permits described in this Chapter and shall forward the permit to the licensing authority. The licensing authority shall notify the permittee of the issuance of the permit. (Ord. 921, 2-15-1977; amd. Ord. 1127, 11-15-1988)

4-3-7: ALARM BUSINESS PERMIT; GROUNDS FOR DENIAL:

Any application for any alarm business permit may be denied if:

A. The investigation required in Section 4-3-5 of this Chapter concludes that the character, reputation or moral integrity of the applicant is inimical to the safety or general welfare of the community; or

B. The applicant knowingly made any false, misleading or fraudulent statement of a material fact in an application for a permit or in any report or record required to be filed with the City; or

C. The applicant has been convicted of a felony or any crime involving theft or embezzlement; or

D. The applicant has had a similar type permit previously revoked for good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation. (Ord. 921, 2-15-1977)

4-3-8: PERMIT FEES:

A. Alarm Business: An annual permit fee for an alarm business permit shall be fifteen dollars (\$15.00), and shall be due and payable on the date of application and on the anniversary date of such in each subsequent year for each alarm business. Said permit fee shall not be prorated. (Ord. 921, 2-15-1977)

B. Alarm System: The fee for an alarm system permit shall be a one time fee. (Ord. 1252, 4-9-1996)

4-3-9: POLICE DEPARTMENT RESPONSE SERVICE:

A. Permittee Of Silent Alarms: A service fee shall be paid to the City by each subscriber of an alarm system, or permittee of a silent alarm not exempt, for each response made by the Police Department to the location of a false alarm after the first three (3) responses are made during the same fiscal year.

B. Billing: The licensing authority shall cause to be issued a monthly bill for the unpaid service fees accrued during the billing period and any prior periods. Such bill shall be due and payable within fifteen (15) days after the billing date. (Ord. 1252, 4-9-1996)

4-3-10: NOTICE OF DECISION:

Notice of decision of the Chief of Police with reference to a permit application under this Chapter shall be made to the applicant or to any other person requesting such notice within forty five (45) days after receipt of application for a permit or

renewal of such permit. (Ord. 921, 2-15-1977)

4-3-11: APPEAL PROCEDURE; FILING FEE:

Any person aggrieved by the decision of the Chief of Police with reference to the approval or denial of an application for a permit, or renewal of such permit or suspension of a permit, shall have the right of appeal. An appeal must be perfected within fifteen (15) days after notice of the decision or order of suspension by filing with the City Clerk a letter of appeal briefly stating therein the basis for such appeal, together with a filing and processing fee in the sum of fifty dollars (\$50.00). (Ord. 921, 2-15-1977)

4-3-12: WAIVER:

Failure to file a letter of appeal within said fifteen (15) days shall constitute a waiver of appellant's right to a hearing but the City Council in its discretion may nevertheless grant such a hearing. (Ord. 921, 2-15-1977)

4-3-13: PUBLIC HEARING:

A. Notice Of Hearing: The City Clerk shall fix the time and place of the hearing at a date no more than twenty five (25) days after receipt of the letter of appeal. The City Clerk shall give the appealing party and any other person requesting the same at least five (5) days' notice of the time and place of such hearing. The notice shall be substantially in the following form but may include other information:

You are hereby notified that a hearing will be held at _____, on _____, at the hour of _____, at which time you may show cause why the appeal which you have filed should be sustained.

B. Conduct Of Hearing; Burden Of Proof: At the time and place set for the hearing upon the appeal from the decision of the Chief of Police, the City Council shall give the appealing party, and any other interested party, a reasonable opportunity to be heard, in order to show cause why the determination of the Chief of Police should not be upheld. In all such cases, the burden of proof shall be upon the appellant to show that there was no substantial evidence to support the action taken by the Chief of Police. The determination of the City Council shall be final and conclusive. (Ord. 921, 2-15-1977)

4-3-14: SUSPENSION OR REVOCATION OF PERMIT:

A. Alarm Business: The following shall constitute grounds for suspension or revocation of any alarm business permit:

1. The violation of any of the provisions of this Chapter; or
2. Where an alarm system is knowingly activated by an alarm business permittee, his employee or agent or at the direction of an alarm business permittee, his employee or agent in a situation where no burglary or robbery is actually in progress; or
3. Where the permittee, his employee or agent has knowingly made any false, misleading statement of a material fact in the application for a license or in any report to be filed with the City agency; or
4. Where the permittee has had a similar type permit previously revoked for good cause within the past year, unless the applicant can show a material change in circumstances since the date of revocation; or
5. Where any alarm business permittee is convicted of a felony or any crime involving theft, embezzlement or where the character, reputation or moral integrity of the permit holder or his employee is determined by the Chief of Police to be inimical to public safety or the general welfare of the community.

B. Alarm System: The following shall constitute grounds for suspension or revocation of any alarm system permit:

1. The violation of any of the provisions of this Chapter; or
2. Where an alarm system is knowingly activated by a subscriber, his employee or agent or at the direction of a subscriber, his employee or agent in a situation where no burglary or robbery is actually in progress; or
3. Where the permittee, his employee or agent has knowingly made any false, misleading statement of a material fact in the application for a license or in any report to be filed with the City agency; or
4. Where the permittee has had a similar type permit previously revoked for good cause within the past year, unless the applicant can show a material change in circumstances since the date of revocation; or (Ord. 921, 2-15-1977)
5. Where an alarm system activates more than seven (7) alarms during any fiscal year; provided, however, that a permit shall not be suspended or revoked pursuant to this subsection B5 until after the Chief of Police has given fifteen (15) days' written notice to the permittee of his intention to suspend or revoke the permit. During such fifteen (15) day period the permittee may show cause to the Chief of Police why the permit should not be revoked or suspended; or
6. Where the permittee fails to pay the service charges billed. (Ord. 993, 10-7-1980)

C. Order Of Suspension:

1. Any permit issued hereunder may be suspended by the Chief of Police pursuant to the above grounds. The Chief of Police, in the case of such suspension, shall serve the permittee with a written order of suspension, which shall state the reasons for such suspension. The order shall be effective immediately if personally served, or seventy two (72) hours after the same has been deposited in the course of transmission in said United States Postal Service.
2. Immediately upon such an order becoming effective, the permittee shall cease all operations under such permit, and shall surrender said permit to the Chief of Police. (Ord. 921, 2-15-1977)

4-3-15: FILING OF APPEAL; COUNCIL DETERMINATION:

A. The suspension shall become a revocation fifteen (15) days after the order of suspension becomes effective unless the permittee files an appeal of the order of suspension in the manner set forth in Sections 4-3-11 through 4-3-13 of this Chapter.

B. Where an appeal is filed, the order shall be stayed pending a determination thereon by the City Council which shall act upon the same at a meeting of the City Council fixed by the City Clerk, in the manner set forth in Sections 4-3-11 through 4-3-13 of this Chapter. Such suspension shall become a revocation if the City Council upholds the suspension. The determination of the City Council shall be final and conclusive. (Ord. 921, 2-15-1977)

4-3-16: REINSTATEMENT:

A permit may be considered for reinstatement by the Chief of Police two (2) months after revocation of said permit if the applicant can show a material change in the circumstances resulting in the revocation. (Ord. 921, 2-15-1977)

4-3-17: AUDIBLE ALARM REQUIREMENTS:

A. Provide Names And Phone Numbers: Every person maintaining an audible alarm shall provide the Chief of Police with the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during any hour of the day or night that the alarm system is activated. It is the responsibility of every person maintaining an alarm system to assure that the names and telephone numbers recorded with the Police Department are kept current.

B. Alarm Sounds: No person shall install an audible alarm system which creates a sound similar to that of an emergency vehicle siren or a civil defense warning system.

C. Time Limit On Sound Emission: No person shall install an audible alarm system which does not automatically discontinue emitting an audible sound within one-half ($1/2$) hour after it is activated. (Ord. 921, 2-15-1977)

4-3-18: FALSE ALARMS:

A person shall not knowingly turn in a false alarm. This Section does not prohibit a test of an alarm system as permitted in advance by the Chief of Police. Activation of audible alarm systems for one second or less shall not be considered as a false alarm. (Ord. 921, 2-15-1977)

4-3-19: MALFUNCTION REPAIR:

After any false alarm caused by a malfunction of the alarm system, an alarm system permittee shall cause the alarm system to be repaired so as to eliminate such malfunction before reactivating the alarm. A person shall not reactivate such alarm until such repairs have been made. (Ord. 921, 2-15-1977)

CHAPTER 4

VEHICLES FOR HIRE

SECTION:

4-4-1: Definitions

4-4-2: Public Convenience And Necessity, Determination

4-4-3: Council Authority To Grant Or Deny Permits

4-4-4: Permit And License Regulations

4-4-5: Duration Of Permit

4-4-6: Permit Issuance; Payment Of License Fees

4-4-7: Insurance Requirements

4-4-8: Adoption Of Rules And Regulations

4-4-9: Operation Permit Required; Exception

4-4-10: Driver's Permit

4-4-11: Vehicle Permit

4-4-12: Uniform Color Scheme And Insignia On Vehicle

4-4-13: Taximeters

4-4-14: Payment Of Fares

4-4-15: Classification Transfer

4-4-16: Operation By Owner Or Employee

4-4-17: Street Stand Occupation Permit

4-4-18: Street Stand Use Regulations

4-4-19: Display Of Signs

4-4-20: Route Requirements

4-4-21: Exclusive Occupancy

4-4-22: Misrepresentation Prohibited

4-4-23: Suspension Or Revocation Of Permit

4-4-1: DEFINITIONS:

The following words and phrases when used in this Chapter shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Section:

AUTOMOBILE FOR HIRE OR VEHICLE FOR HIRE: Every automobile or motor propelled vehicle of private appearance, not equipped with a taximeter, used for the transportation of passengers over the public streets of the City and not over a defined route, and irrespective of whether the operations extend beyond the boundary limits of the City, at rates per mile, per trip, per hour, per day, per week or per month, and the vehicle is routed under the direction of the passenger or the person hiring the same.

DRIVER: Includes every person in charge of, driving or operating any passenger carrying or motor propelled vehicle, either as agent, employee or otherwise.

SIGHTSEEING AUTOMOBILE: Every automobile or motor propelled vehicle used for the transportation of passengers over the public streets of the City, and not necessarily over a defined route, irrespective of whether the operations extend beyond the boundary limits of the City, for the purpose of sightseeing or showing points of interest, and charging a fee or compensation therefor.

STREET: Any place commonly used for the purpose of public travel.

STREET STAND: A portion of a street designated by either the City Council or by the traffic authority for the use, while awaiting employment of any passenger carrying or motor propelled vehicle.

TAXICAB: Every automobile or motor propelled vehicle of a distinctive color or where the driver's seat is separated from the passenger's compartment by a glass partition, or of public appearance, such as is in common usage in this country for taxicabs, or equipped with a taximeter, used for the transportation of passengers for hire over the public streets of the City, and not over a defined route, irrespective of whether the operations extend beyond the boundary limits of the City, at rates for distance traveled or for waiting time, or for both, and the vehicle is routed under the direction of the passenger or of the person hiring the same.

TAXIMETER: A mechanical instrument or device by which the charge for hire of a passenger carrying vehicle is mechanically calculated, either for distance traveled or for waiting time, or for both, and upon which the charges shall be indicated by means of figures.

TRAFFIC AUTHORITY: The Chief of Police. (Ord. 283, 8-16-1945)

4-4-2: PUBLIC CONVENIENCE AND NECESSITY, DETERMINATION:

The City Council, in determining whether or not public convenience and necessity exists in the case of any application for the permit required by Section 4-4-9 of this Chapter, may take into consideration any and all facts and conditions which the Council may deem pertinent or proper, including, but not limited to, a consideration of:

- A. The financial responsibility of the applicant;
- B. The effect of the granting of the permit applied for on the businesses and operations of prior permittees, then operating;
- C. Whether or not prior permittees, then operating are: 1) under efficient management earning a fair and reasonable return on their capital devoted to the service; and 2) under normal conditions adequately serving the public;
- D. The applicant complies with the minimum standards as prescribed by the City Council, and other information as the traffic authority may require. (Ord. 826, 12-4-1973)

4-4-3: COUNCIL AUTHORITY TO GRANT OR DENY PERMITS:

The City Council shall have the power to grant or deny any or all the permits required or authorized by this Chapter when, in the exercise of reasonable discretion, it has determined that the applicant has or has not complied with all the provisions of this Chapter relating to the granting of the permits. (Ord. 283, 8-16-1945)

4-4-4: PERMIT AND LICENSE REGULATIONS:

The permit required by Section 4-4-9 of this Chapter shall entitle the holder thereof to obtain a license to engage in the business described in the permit from the City Council upon the payment of the license fee therefor. The licensing authority shall issue to the holder of the permit a license setting forth the kind of transportation for which the license is issued and the year when issued. The permit shall be filed with the City Clerk. (Ord. 826, 12-4-1973; amd. Ord. 1127, 11-15-1988)

4-4-5: DURATION OF PERMIT:

All permits issued under the provisions of this Chapter shall be for a period not to exceed one year. All these permits shall

expire upon December 31 of each year at midnight, with the exception of the operation permit which shall remain in effect until revoked or suspended by the City Council; provided, however, that all permits issued for street stands, except those issued upon the written consent of a person operating a hotel which may be renewed yearly, shall remain in full force and effect until the same shall be cancelled, either by the City Council or traffic authority, or upon the request of the permittee, or the person who has given the written consent to use the stand has notified the City Council that the permission has been withdrawn. (Ord. 826, 12-4-1973)

4-4-6: PERMIT ISSUANCE; PAYMENT OF LICENSE FEES:

At the time of the issuance of any permit under this Chapter to operate within the City any of the vehicles defined in Section 4-4-1 of this Chapter, the permittee shall pay the license fee required by Section 4-2-40 of this Title. (Ord. 283, 8-16-1945; amd. Ord. 1252, 4-9-1996)

4-4-7: INSURANCE REQUIREMENTS:

A. Evidence Of Insurance: Before any permit required by Section 4-4-9 of this Chapter is issued for any vehicle defined in Section 4-4-1 of this Chapter, the owner shall be required to file with the City and thereafter keep in full force and effect evidence of insurance. Evidence of insurance shall consist of one of the following:

1. A policy of insurance or a certificate of insurance in such form as the City Attorney may deem proper, and executed by an insurance company approved by the City Manager, insuring the public against any loss or damage that may result to any person or property from the operation of the vehicles; provided, that the minimum amount of recovery in the policy of insurance specified shall be not less than the following sums:

Personal injury - \$100,000.00 each person and \$300,000.00 each occurrence

Property damage - \$50,000.00 each occurrence

2. File with the City Council a policy of insurance or a certificate of insurance or other document different from the document required in subsection A1 of this Section, but which document the City Council approves as providing adequate protection to the public.

3. A certificate of self-insurance issued by the Department of Motor Vehicles of the State pursuant to section 16053 of the State Vehicle Code together with such financial statements and certificates of insurance that are necessary to establish to the City Council's satisfaction reasonable ability to respond to the minimum recoveries heretofore required for permittee to carry insurance. Such certificates and financial statements when approved by the City Council shall constitute compliance with the requirements of this Section.

4. File with the Police Chief a document or documents which establishes to the satisfaction of the Police Chief that the permittee is licensed in another jurisdiction and that said other jurisdiction's requirements will assure that the permittee is adequately insured.

B. Compliance Required: It is unlawful for any permittee to operate or cause to be operated any vehicle without providing one of the protections required by subsections A1 through A4 of this Section. (Ord. 1043, 1-4-1983)

4-4-8: ADOPTION OF RULES AND REGULATIONS:

The City Council and also the traffic authority shall have the authority to adopt and promulgate such rules and regulations as may be necessary for the service and safety of the operation of the vehicles mentioned in this Chapter. (Ord. 283, 8-16-1945)

4-4-9: OPERATION PERMIT REQUIRED; EXCEPTION:

It is unlawful for any person to operate or cause to be operated any of the vehicles defined in Section 4-4-1 of this Chapter without having first obtained a permit from the City Council in writing so to do as provided in this Chapter; provided, however, that no such permit shall be required for the operation of any vehicle which is being operated in accordance with the terms and conditions of a franchise granted by the City Council to the operator of the vehicle. (Ord. 826, 12-4-1973)

4-4-10: DRIVER'S PERMIT:

A. Required: No person shall drive any of the vehicles defined in Section 4-4-1 of this Chapter and operated from a station within the City without having first obtained a written driver's permit from the traffic authority of the City, and no person shall drive any such vehicle operated from a station outside the City without having in his possession a written driver's permit from the traffic authority of the City from which the vehicle is dispatched. (Ord. 652, 5-16-1966)

B. Application: Applicants for the permit to drive any of the vehicles defined in Section 4-4-1 of this Chapter shall file with the traffic authority an application upon forms furnished by the City containing the information required to meet the minimum standards as prescribed by the City Council, and other information as the traffic authority may require. (Ord. 826, 12-4-1973)

C. Qualifications: A driver's permit shall be issued by the traffic authority only after the applicant has been fingerprinted and investigation has failed to disclose him to be an unfit or improper person to operate an automobile for hire. A permit shall not be issued to any person under the age of twenty one (21) years; nor shall a permit be issued except to a citizen of the United States or to one who has declared his intention to become a citizen. (Ord. 652, 5-16-1966)

D. Issuance: Application for a driver's permit shall be processed upon payment to the City of a processing fee for the first application by any applicant and for each application for renewal. Each successful applicant shall be issued an identification card which he shall have in his immediate possession while in charge of or driving a taxicab. (Ord. 1252, 4-9-1996)

E. Exceptions: Notwithstanding the provisions of subsections A, B and D of this Section, the Chief of Police may waive

the requirements for a driver's permit in the City, provided he finds that the permittee is duly licensed by another city in the County of Los Angeles and that the requirements of such other city are adequate to ensure that no unfit or improper person is licensed to operate an automobile for hire. The Chief of Police may prescribe an annual fee for such waiver which said fee shall be paid to the City. (Ord. 1024, 6-1-1982)

4-4-11: VEHICLE PERMIT:

A. Permit Required: No vehicle, as defined by Section 4-4-1 of this Chapter, shall be operated within the City limits without a vehicle permit. This permit shall be issued annually upon completion of the inspection of the vehicle and shall be nontransferable to any new or replacement vehicle. This permit shall be issued by the traffic authority.

B. Exceptions: Notwithstanding the provisions of subsections A, C and D of this Section, the Chief of Police may waive the requirements for a vehicle permit in the City, provided he finds that the vehicle is duly licensed by another city in the County of Los Angeles and that the inspection procedure of such other city is adequate to ensure the safety of the vehicle being operated in the City. The Chief of Police may prescribe an annual fee for such waiver which said fee shall be paid to the City Treasurer.

C. Application: Applicants for a vehicle permit shall file with the traffic authority an application upon forms furnished by the City, containing the information prescribed by the City Council, and other information as the traffic authority may require. (Ord. 826, 12-4-1973)

D. Issuance: Application for a vehicle permit shall be processed upon payment to the City of an annual inspection fee. Each applicant shall be issued a vehicle permit upon successful completion of an inspection of the vehicle. The permit shall be posted in a conspicuous place on the rear bumper, driver's side of the vehicle. (Ord. 1252, 4-9-1996)

4-4-12: UNIFORM COLOR SCHEME AND INSIGNIA ON VEHICLE:

A. Adoption: No taxicab permit shall be issued to any person until a standard, distinctive and uniform color scheme, name, monogram or insignia has been adopted by the applicant and approved by the City Council or traffic authority, which designates the owner of the vehicle.

B. Conflict Or Imitation: No permit shall be issued to any person whose color scheme, name, monogram or insignia to be used on such cars shall be in conflict with, or imitate any color scheme, monogram, name or insignia used by another concern operating within the City in such a manner as to be misleading or tend to deceive or defraud the public. (Ord. 406, 5-14-1952)

4-4-13: TAXIMETERS:

A. Required; Exception: Unless the owner or operator is permitted in writing by the City Council or traffic authority to post a schedule of fares in lieu of a taximeter, it is unlawful for any owner operating any taxicab or vehicle for hire under the provisions of this Chapter to operate the vehicle, unless it is equipped with a taximeter of such type and design as may be approved by the City Council or traffic authority.

B. Accuracy Requirements: It shall be the duty of every owner using any taximeter to at all times keep the meter accurate. The meter shall be subject to inspection from time to time, and the City Council or any inspector of the traffic authority or peace officer is authorized at his instance, or upon the complaint of any person, to investigate the taximeter, and upon the discovery of an inaccuracy of the taximeter, to remove or cause to be removed any such vehicle equipped with the taximeter from the streets of the City, until the taximeter has been correctly adjusted.

C. Charges: All taxicabs and vehicles required to have taximeters under the provisions of this Chapter must base their charges on taximeters. All taximeters shall be placed so that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in the taxicab.

D. Operation: It is unlawful for any driver of a taxicab or vehicle for hire while carrying passengers to display the flag attached to the taximeter in such a position as to denote that the taxicab or vehicle is not employed, or to throw the flag of the taximeter in a recording position when such cab or vehicle is not actually employed, or to fail to throw the flag of the taximeter in a nonrecording position at the termination of each and every service. (Ord. 283, 8-16-1945)

4-4-14: PAYMENT OF FARES:

A. Issuance Of Receipt Upon Request: It is unlawful for the operator of any taxicab or vehicle for hire upon receiving full payment for a fare as indicated by the taximeter or schedule of fares, when the schedule is permitted in lieu of taximeter, to refuse to give a receipt upon the request of any passenger making the payment.

B. Failure To Pay Fare: It is unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this Chapter after having hired the same. Any person who shall hire the vehicle with the intent to defraud the person from whom it is hired shall be guilty of a misdemeanor. (Ord. 283, 8-16-1945)

4-4-15: CLASSIFICATION TRANSFER:

It is unlawful for the owner, driver or operator of a vehicle operating under one classification as defined in this Chapter to transfer the same to or use the same in another classification, unless and until the public convenience and necessity shall have been established so to do as set forth in this Chapter. (Ord. 283, 8-16-1945)

4-4-16: OPERATION BY OWNER OR EMPLOYEE:

No vehicle as described in Section 4-4-1 of this Chapter for which a permit has been issued shall be operated by anyone but the owner thereof or an employee of the owner. It is unlawful for the owner or any driver of the vehicles to enter into any contract, agreement or understanding between themselves, by the terms of which the driver pays to or for the account of the owner a fixed or determinable sum for the use of the vehicles. (Ord. 283, 8-16-1945)

4-4-17: STREET STAND OCCUPATION PERMIT:

A. Application: The permit authorized by subsection B of this Section shall not be granted except upon the written application of the person desiring a street stand, filed with the traffic authority, to include the minimum standards as prescribed by the City Council, and other information as the traffic authority may require. (Ord. 826, 12-4-1973)

B. Issuance: Permits may be issued as provided in this Section by the City Council or traffic authority to the owners of the vehicles defined in Section 4-4-1 of this Chapter, allowing any such vehicles while awaiting employment to stand at certain designated places upon the streets of the City; provided, however, that nothing contained in this Section shall authorize the establishing of a stand at any place in the City where the standing of vehicles is prohibited by law. (Ord. 283, 8-16-1945)

4-4-18: STREET STAND USE REGULATIONS:

A. Operation From Stand Required: It is unlawful for an automobile for hire, vehicle for hire, sightseeing automobile or a taxicab to be operated from any place except a stand granted by the City Council or traffic authority in accordance with the provisions of this Chapter, or from a private or public garage or parking space on private property.

B. Hotel Stands: In front of any building used for hotel purposes containing more than one hundred (100) guest rooms, stand permits may be issued on the basis of one vehicle for every one hundred (100) guest rooms, or a major fraction thereof; provided, however, that none of such vehicles shall be permitted to stand within a distance of fifteen feet (15') on either side of a line drawn from the center of the entrance of the building and at right angles to the street upon which the entrance is located.

C. Block Stands: Except as otherwise provided in this Section, not more than three (3) vehicles shall be permitted to stand on any one side of a street within the limits of any one block having a frontage of five hundred feet (500') or more, nor shall more than two (2) such vehicles be permitted to stand upon any one side of the street within the block having a frontage of less than five hundred feet (500'); provided, however, that no permit shall be issued for any stand to be located within fifty feet (50') of another such stand on the same side of any street; provided, further, however, that the City Council or traffic authority may, after exercising reasonable discretion, grant from time to time renewals or extensions of permits for stands existing upon the effective date hereof.

D. Stand Near Public Transportation System: In addition to the number of cabs that may be permitted to stand upon the street within the limits of any block as provided in subsection A of this Section, the City Council or traffic authority may grant permission to a cab owner or company who has a stand upon the public street at the station of any steam, interurban or bus transportation system, for additional cabs at the stand located in front of or along the side of the steam, interurban or bus transportation system as may be necessary to meet the needs of the traveling public; provided, however, that the consent of the owner or operator of the steam, interurban or bus transportation system is first obtained by the cab company for the additional cabs.

E. Assigned Stand: It is unlawful for the owner or driver of any of the vehicles defined in Section 4-4-1 of this Chapter to stand or cause or permit the vehicle to stand while awaiting employment at any place other than a stand designated by the City Council or traffic authority and assigned to the owner of the vehicle.

F. Period Of Occupancy: All stands may be occupied for the full period of twenty four (24) hours.

G. Leaving Vehicle Unattended In Stand: It is unlawful for the owner or driver of any of the vehicles defined in Section 4-4-1 of this Chapter to leave the vehicles unattended in a stand for a period of time longer than three (3) minutes. (Ord. 283, 8-16-1945)

4-4-19: DISPLAY OF SIGNS:

A. Sign Display: Every vehicle used for carrying passengers for hire while standing upon any street in the City awaiting employment may display a sign with the words thereon "For Hire". The sign shall be of metal or other material approved by the traffic authority, and of a uniform size of six inches by nine inches (6" x 9"). Every vehicle used for carrying passengers for sightseeing purposes while standing upon any street in the City awaiting employment may display a sign with the words thereon "Sightseeing Bus," giving route, points visited or destination. Every such sign shall be of metal or of other material approved by the traffic authority and of a uniform size of eight inches by twenty four inches (8" x 24"). The outer surface of all signs specified in this Section shall be painted, printed or enameled a dark color and the letters and figures appearing thereon shall be white.

B. Information Card Display: Every taxicab and vehicle for hire used for carrying passengers for hire shall display in the rear of the driver's seat and in the passenger's compartment and in full view of the passengers a card not less than two inches by four inches (2" x 4"), nor more than two and one-half inches by five inches (2¹/₂" x 5"), which shall have printed thereon the owner's name or the corporate or fictitious name under which the owner operates and the business address and telephone number of the owner, together with the rates to be charged for the vehicle.

C. Identification Display: Every taxicab or vehicle for hire shall have conspicuously displayed thereon at one or more locations on the outside thereof the name of the owner or the corporate or fictitious name under which the owner operates, together with the company's telephone number and the cab or vehicle number.

D. Electrically Lighted Vacant Signs: Every taxicab or vehicle for hire may display an electrically lighted vacant sign attached to the top of the cab. Every such sign shall not be more than two and one-half inches high by nine inches (2¹/₂" x 9") in length.

E. Prohibited Sign Display: It is unlawful to display any signs other than those provided in this Chapter on any taxicab, vehicle for hire or a vehicle carrying passengers for sightseeing purposes, without first obtaining the written permission of the City Council or traffic authority. (Ord. 283, 8-16-1945)

4-4-20: ROUTE REQUIREMENTS:

Any driver employed to carry passengers to a definite point shall take the most direct route possible that will carry the passengers safely, lawfully and expeditiously to their destination. (Ord. 283, 8-16-1945)

4-4-21: EXCLUSIVE OCCUPANCY:

When a taxicab or vehicle for hire is engaged, the occupants shall have the exclusive right to the full and free use of the passenger compartment, and it is unlawful for the owner or driver of the taxicab to solicit or carry additional passengers therein. (Ord. 283, 8-16-1945)

4-4-22: MISREPRESENTATION PROHIBITED:

It is unlawful for any owner, driver or agent soliciting patronage for any of the vehicles mentioned in this Chapter to misrepresent by word, sign, hat band, insignia or badge the true identity of the vehicle for which the patronage is sought. (Ord. 283, 8-16-1945)

4-4-23: SUSPENSION OR REVOCATION OF PERMIT:

A. From the time of the revocation or during the suspension of any permit granted under the provisions of this Chapter, it is unlawful for any person whose permit is suspended or revoked to drive, operate or to be in charge of any of the vehicles mentioned in this Chapter, or to cause or to permit the vehicles on which the permit has been suspended or revoked to engage in the several classes of business mentioned in this Chapter, or to allow the vehicle to stand while awaiting employment at a location designated in the suspended or revoked permit or at any other location within the City, until a new permit has been procured or until the period of suspension has expired.

B. Provided, however, that the traffic authority may, and he is hereby authorized to suspend any of the permits mentioned in this Chapter when the permittee has not complied with the provisions of this Chapter, or has been arrested for, or convicted of, the commission of a felony, or has been arrested for, or convicted of, reckless driving, pandering, or use, sale, possession, furnishing information regarding or transportation of narcotics or intoxicating liquors, or for assault or battery, or has charged rates other than those which the permittee has on file with the City Council, or violated any of the rules and regulations of the City Council or traffic authority pertaining to the operation of, and the extent, character and quality of the services of taxicabs, automobiles for hire and sightseeing automobiles. The action of the traffic authority in suspending any of the permits is to be subject to the ratification and approval of the City Council at any of its meetings held subsequent to the action of the traffic authority, but not later than twenty one (21) days thereafter. (Ord. 283, 8-16-1945)

CHAPTER 5

AUCTIONS AND AUCTION HOUSES

SECTION:

4-5-1: License Fee For Auction Houses

4-5-2: Auctioneer's License Fee

4-5-3: Inspection Of Inventory

4-5-1: LICENSE FEE FOR AUCTION HOUSES:

A. Fees Imposed:

1. Auction Houses And Employees: A license fee for an auction house and for each employee thereof, in excess of ten (10) employees, shall be required.

2. Square Feet: In addition, each auction house shall pay a fee per square foot of floor area occupied for the business purpose in excess of five thousand (5,000) square feet.

3. Additional Business Location: In addition, each auction house shall pay a fee for each additional business location within the City.

B. Determination Of Number Of Employees:

1. For the purpose of determining the number of employees of the business subject to this Section, the term "employee" shall mean any person employed by the business; and shall include an independent contractor, and persons employed by the independent contractor, unless the independent contractor and/or persons employed by the independent contractor has a valid City business license as prescribed in Chapters 1 and 2 of this Title.

2. The total number of employees for the business for purposes of this Section shall be determined by averaging the total number of employees employed by the business during each of the four (4) calendar quarters preceding the date the tax is payable.

C. Floor Area Defined: For the purpose of this Section, "floor area" means the total floor space in terms of square footage occupied by an owner, lessee or renter in a building except: 1) elevator shafts; 2) stairwells; 3) courts or atriums uncovered

and open to the sky; 4) rooms exclusively housing building operating equipment; and 5) parking area. (Ord. 1252, 4-9-1996)

4-5-2: AUCTIONEER'S LICENSE FEE:

Any person commencing or conducting the business of an auctioneer, auctioning real estate, goods, wares, merchandise or property or conducting any public auction sale within the City as the auctioneer shall pay a license fee of fifty dollars (\$50.00) per day, or two hundred dollars (\$200.00) per year. (Ord. 1070, 2-19-1985)

4-5-3: INSPECTION OF INVENTORY:

Not later than seventy two (72) hours before conducting any auction sale under any license issued in accordance with the provisions of this Chapter, the licensee must make available for inspection by the Chief of Police, or his authorized representative, the entire inventory of all items of personal property to be offered for sale at the auction sale. (Ord. 1029, 8-17-1982)

CHAPTER 6

SECONDHAND STORES AND JUNK SHOPS

SECTION:

4-6-1: Definitions

4-6-2: License Required; Fee

4-6-3: Buy-Forms

4-6-4: Repairable Machinery Retention

4-6-5: Merchandise Disposal

4-6-6: Hours Of Operation For Auto Wrecking Business

4-6-7: Misdemeanors

4-6-8: Chapter Compliance

4-6-9: Revocation Of License For Violation

4-6-1: DEFINITIONS:

The following words when used in this Chapter shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Section:

AUTO WRECKER: A person who buys or receives any motor vehicle, as the term "motor vehicle" is defined in the California State Vehicle Code, for the purpose of dismantling or disassembling, or who dismantles or disassembles, the motor vehicle for the purpose of reconditioning any other vehicle, or for the purpose of selling or otherwise dealing in the materials or parts of the vehicle or vehicles.

BUY-FORM: The form furnished by the Chief of Police to the licensee for the purpose of the recording and furnishing by the licensee to the Chief of Police of the required information relative to purchases, pledges or consignments.

CHIEF OF POLICE: Means and designates the Chief of Police of the City.

JUNK COLLECTOR: A person not having a fixed place of business in the City who goes from house to house, or from place to place, gathering, collecting, buying, selling, or otherwise dealing in any old rags, sacks, bottles, cans, papers, metal or other articles commonly known as junk.

JUNK DEALER: A person (not an auto wrecker) having a fixed place of business in the City and engaged in conducting, managing or carrying on the business of buying, selling or otherwise dealing in, either at wholesale or retail, any old rags, sacks, bottles, cans, papers, metal or other articles known as junk.

PAWNBROKER: A person engaged in conducting, managing or carrying on the business of pawnbroking; or the business of lending money upon personal property, pawns or pledges; or the business of purchasing articles of personal property and reselling, or agreeing to resell such articles to the vendors or their assignees at prices agreed upon at or before the times of such purchase.

PAWNSHOP: Any room, store, building or other place in which any such business of a pawnbroker is engaged in, carried on or conducted.

SECONDHAND DEALER: A person (other than a used car dealer or a dealer in secondhand books or magazines) engaged in conducting, managing or carrying on a business of buying, selling or otherwise dealing in secondhand goods, wares or merchandise. (Ord. 537, 2-9-1959)

4-6-2: LICENSE REQUIRED; FEE:

Before engaging in any of the businesses hereinabove defined or referred to in Section 4-6-1 of this Chapter, the licensee shall obtain the required business license so to do, and in addition thereto the licensee shall be subject to each and all of the terms, conditions and provisions of this Chapter. A nonrefundable fee shall be established to cover the cost of investigation

and processing and the amount therefor shall be fixed from time to time by City Council resolution. (Ord. 1252, 4-9-1996)

4-6-3: BUY-FORMS:

A. Distribution: The Chief of Police shall cause to be prepared from time to time such numbers of the "buy-form" as may be necessary in order to enable the respective licensees to execute and file the same, and shall furnish the forms free for the purpose of complying with the provisions of this Chapter.

B. Chapter Copy: A copy of this Chapter, together with any amendment or amendments, shall be furnished each new licensee upon the first delivery to the licensee of the buy-form and the licensee shall be furnished with a copy of any subsequent amendment to this Chapter that affects the type of business of the licensee. A reasonable number of additional copies of this Chapter and amendments thereof may be procured from the Chief of Police by any licensee upon request.

C. Procurement: Every licensee shall, and it is hereby made the duty of the licensee to, obtain from the Chief of Police and to fill out and complete in quadruplicate an appropriate buy-form covering each day's transactions except those transactions enumerated in subsection H of this Section. Within three (3) hours after the close of business of any business day, each such licensee shall mail or deliver to the Chief of Police the original buy-form, together with two (2) duplicate copies thereof, covering the business transacted on that day.

D. Information: The buy-forms shall contain a full, true and complete report of all goods, wares and merchandise or things received on deposit, consigned, pledged or purchased during the day covered by such forms, and shall also contain such other information as may be required by the Chief of Police and which, in the opinion of the Chief of Police, considering the type of business of the licensee, may assist in the detection of stolen property. Every licensee shall enter upon the buy-form positive identification furnished by the seller, pledgemaker or consignor, such as driver's license number, work badge number, auto or truck license number and junk collector's business license number in addition to the true name and address of the seller, pledgemaker or consignor. In lieu of the positive identification mentioned above, the licensee shall require the seller, pledgemaker or consignor to furnish a plain impression print of his right index finger upon the face side of the original sheet of the buy-form.

E. Preserve Records:

1. Every licensee shall preserve for a period of at least two (2) years the fourth or quadruplicate copy of the buy-form provided for that purpose, containing a carbon copy record thereon of the original writing made by the licensee. Every such record shall be produced by the licensee for inspection by any peace officer within the two (2) year period, and any property pledged, purchased or received by the licensee which is described in the buy-form shall likewise be produced for inspection by any peace officer upon request, if the request is made within the period during which the licensee is required hereunder to hold the property.

2. The Chief of Police shall also maintain a file consisting of the originals of all buy-forms for a period of at least two (2) years after receipt thereof, and the file shall be open to inspection by any peace officer.

F. Language And Signature:

1. Every such buy-form report or record made by or through the licensee as required by the provisions of this Chapter shall be written or printed entirely in the English language in a clear and legible manner.

2. Every person making out any buy-form report shall sign his true name and give the true name and correct address of the licensee. No person shall write or subscribe the name of any other person as a signature to any buy-form report, as all such buy-forms shall bear as signatures only the true names of the persons so subscribing the same.

G. Identification Information: Every person who sells, pledges, or consigns any property to any licensee in the course of business covered by the license of the licensee shall furnish on the buy-form report true positive identification to the licensee by which the person can be located by the Chief of Police. The person shall also sign his true name and write or print his true address upon the buy-form in the space provided for same at the time the business is transacted.

H. Exceptions To Filing Buy-Forms: The provisions of this Chapter requiring withholding and the making and filing of buy-forms shall not be deemed to apply:

1. Certain Purchases By Junk Dealers Or Collectors: To the purchase or sale by junk dealers or junk collectors of rags, bottles (other than milk or cream bottles), secondhand sacks, barrels, cans, scrap metal, shoes, lamps, stoves or household furniture (with the exception of sewing machines and all musical instruments or any item or items to which the manufacturer thereof has assigned a serial number); or

2. Household Furniture: To the purchase or sale by secondhand dealers of household furniture (with the exception of sewing machines, all musical instruments, typewriters, or any other item or items to which the manufacturer thereof has assigned a serial number); or

3. Secondhand Articles Traded On New Articles: To the receipt or sale of a secondhand article by any person who received the secondhand article as part payment of a new article, if the person is the authorized representative or agent of the manufacturer of the new article sold. (Ord. 537, 2-9-1959)

4-6-4: REPAIRABLE MACHINERY RETENTION:

A foundry or junk dealer shall not melt, destroy, sell or otherwise dispose of any metal purchased or received by the dealer which is, or by economically feasible repair can be made, usable for the purpose for which it was originally designed, except as provided in subsection 4-6-5E of this Chapter until at least twenty one (21) days after making a report to the Chief of

Police that the metal has been received by the foundry or junk dealer. (Ord. 537, 2-9-1959)

4-6-5: MERCHANDISE DISPOSAL:

A. Generally: No person shall melt, destroy, sell or otherwise dispose of any article, goods, wares, merchandise or thing obtained or used in any business subject to the provisions of this Chapter, except those exempt by subsection 4-6-3H of this Chapter until at least fourteen (14) days after making the report to the Chief of Police that the article, goods, wares, merchandise or thing has been purchased or received by the person, except that metal products must be retained at least twenty one (21) days as required by Section 4-6-4 of this Chapter.

B. Hold Order: The Chief of Police may place a hold order upon any property acquired by the licensee in the course of any business subject to the provisions of this Chapter for a period of not to exceed ninety (90) days, and in this case the licensee shall retain the property for the prescribed period and shall not dispose of the same in the meantime unless upon written release of the Chief of Police. The Chief of Police may also require the licensee to keep a true record of property and to ascertain and report therewith the true name and address of the person to whom the property was sold, transferred, or otherwise disposed of.

C. Inspection; Release: The Chief of Police in his discretion may, in writing, release any property covered by this Chapter which he has inspected, either personally or through his authorized officers, if after the inspection he is satisfied that the property is in the lawful possession of the licensee.

D. Licensee Transfer: Goods, wares and merchandise covered by duly executed and filed buy-forms and with respect to which any waiting periods provided for herein are being observed, may be sold or conveyed by the licensee possessing the same to any other licensee in the City engaged in the same or a similar business who is complying with the provisions of this Chapter without the necessity of executing and delivering new buy-forms therefor; provided, however, that both the seller and the buyer in such case shall notify the Chief of Police, in writing, of the transfer at or before the time the same is actually made, and provided that the transferee shall observe all unexpired withholding periods with reference to any such goods, wares or merchandise. This does not apply to purchases made by junk dealers and junk collectors or to transfers of property between such dealers and collectors.

E. Exceptions To Section 4-6-4: The waiting period required by Section 4-6-4 of this Chapter does not apply to property purchased on a bill of sale or invoice from a regularly established place of business. As used in this subsection, an "established place of business" means a place of business within the County of Los Angeles which has been dealing in the type of articles purchased at the same location for not less than two (2) years.

F. Alteration: Until any articles, goods, wares, merchandise or thing pledged or consigned to, or purchased by, any licensee subject to the provisions of this Chapter are held for the time required or released by the Chief of Police, the licensee shall not clean, alter, repair, paint or otherwise change the appearance of the articles, goods, wares, merchandise or things. At all times during business hours the licensee shall expose the same to public view.

G. Inspection: A licensee subject to the provisions of this Chapter shall not export from the City any goods, wares, merchandise, or things pledged or consigned to or received by such licensee in his capacity as the licensee until the Chief of Police has inspected and released the property. (Ord. 537, 2-9-1959)

4-6-6: HOURS OF OPERATION FOR AUTO WRECKING BUSINESS:

No person shall transact the business of an auto wrecker within the City for the purpose of buying or selling wrecked or used automobiles or vehicles or any parts or accessories therefor, between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M. of the following day. (Ord. 537, 2-9-1959; amd. 2000 Code)

4-6-7: MISDEMEANORS:

A. Signing Fictitious Name: Every person required by this Chapter to sign any paper or form who signs a fictitious name or any other than his or her true name and every person who gives any address other than his or her true and correct address is guilty of a misdemeanor.

B. Failure To Submit Buy-Form: Every person is guilty of a misdemeanor who fails, refuses or neglects to submit the buy-forms to the Chief of Police within the time required by, and in full compliance with, the provisions of this Chapter, if the forms have not been so submitted by some other person, and if the person is:

1. A person required by this Chapter to obtain a license; or
2. A person in charge of the business of the person required by this Chapter to obtain a license; or

3. An agent or employee of the person required by this Chapter to obtain a license; and the duties of the agent or employee include the submission of the buy-form. (Ord. 537, 2-9-1959)

4-6-8: CHAPTER COMPLIANCE:

It is unlawful for any person engaged in conducting, managing or carrying on any business affected by, or to which this Chapter relates, to fail, refuse or neglect to make or file any buy-form, statement or report required hereunder, in the form, in the manner, at the time and in all respects as required by and in full conformity with the requirements of this Chapter; or to fail, refuse or neglect to keep the records herein required in the form and in the manner required by this Chapter; or to fail, refuse or neglect to exhibit to the Chief of Police or to any police officer of the City, or other duly authorized person immediately upon demand for the privilege of the inspection, any record or any goods, wares or merchandise in his, its, or their possession, or control. (Ord. 537, 2-9-1959)

4-6-9: REVOCATION OF LICENSE FOR VIOLATION:

Any license issued to carry on any of the businesses defined in Section 4-6-1 of this Chapter may be revoked by the City Council upon evidence satisfactory to the City Council of any fraud, false advertising, unfair business practice, wilful breach of contract, or other misdealing by the licensee in the conduct of the business. (Ord. 537, 2-9-1959)

CHAPTER 7

POOLROOMS AND BILLIARD ROOMS

SECTION:

4-7-1: Definition

4-7-2: Application And Permit; Fees

4-7-3: Posting Of Chapter Copy

4-7-4: Hours Of Operation

4-7-5: Minors

4-7-6: Revocation Of Permit

4-7-1: DEFINITION:

A "poolroom" or "billiard room" is any commercial premises which has available for the use of its patrons three (3) or more pool and/or billiard tables, or which utilizes more than thirty percent (30%) of total floor area for the play of pool or billiards. (Ord. 1223, 6-7-1994)

4-7-2: APPLICATION AND PERMIT; FEES:

It is unlawful for any person to conduct, carry on, operate or maintain in the City, any public poolroom or billiard room without a written application for permit or renewal of such permit therefor granted by the City Council. The permit shall be required in addition to any license required by any ordinance of the City. The permit shall be granted or refused by the City Council, in its discretion, upon formal written application, therefor by the person, and the application shall specify the name of the person applying for the permit and the location of the premises where it is proposed to conduct the poolroom or billiard room, and that the applicant is the only person to be in any manner connected with the management and control of the poolroom or billiard room. The application shall be accompanied by a nonrefundable fee which is established to cover the cost of the investigation and processing of applications. (Ord. 1252, 4-9-1996)

4-7-3: POSTING OF CHAPTER COPY:

A copy of this Chapter furnished by the City Clerk shall be conspicuously posted and at all times kept posted in each room of every pool or billiard establishment in the City by the person conducting the same, and the failure to post and keep posted such copy of this Chapter shall be deemed a violation of this Chapter by the person, and printed copies of this Chapter shall be furnished every person by the City Clerk upon application. (Ord. 8, 2-28-1917)

4-7-4: HOURS OF OPERATION:

No pool or billiard room shall be kept open on any day between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. (Ord. 1223, 6-7-1994)

4-7-5: MINORS:

A. Allowing In Poolroom Prohibited: It is unlawful for any person conducting any public poolroom or billiard room in the City or any servant or employee of the person to permit, suffer or allow any minor under the age of sixteen (16) years unaccompanied by his parent or guardian to enter, visit or remain in any public poolroom or billiard room conducted by or in charge of the person or any servant or employee thereof.

B. Entering Poolroom Prohibited: It is unlawful for any minor under the age of sixteen (16) years unaccompanied by his parent or guardian, to enter or remain in any public poolroom or billiard room in the City.

C. Age Misrepresentation: It is unlawful for any person, for the purpose of gaining entrance to any such public poolroom or billiard room in this City, to misrepresent his age. (Ord. 627, 10-15-1964)

4-7-6: REVOCATION OF PERMIT:

A. Notice Of Violation And Hearing: Any poolroom or billiard room permit issued pursuant to this Chapter may be revoked by the City Council for cause, which would include, but not be limited to, a public nuisance, an action which is intrusive to adjacent residential areas, a violation of any provision of this Chapter, the City Code, or any other law. Revocation proceedings may be initiated by the City by giving the permittee at least five (5) days' prior notice in writing of the grounds for the revocation of his or her permit and the time and place of a hearing before the City Council and shall require him to show cause why his permit shall not be revoked. The service of such grounds and notice of the hearing shall be done by depositing the same in the United States mail, addressed to the applicant at his address given in the application.

B. Defense Presented: At any such hearing the permittee shall be given an opportunity to be heard and defend himself and he may call witnesses on his behalf.

C. Council Decision: After conducting such hearing, the City Council may revoke, suspend or further condition any permit held by such permittee. The City shall notify the permittee thereof in writing within three (3) days after the decision.

D. Continuing Violation; Suspension: If the violation which forms the grounds for the proposed revocation continues after the original notification of such violation to the permittee, the City Manager may suspend the permit until the time of the hearing. Such suspension shall be effective immediately upon giving written notice thereof to the applicant or the person in charge at the poolroom or billiard room. During such suspension, no person shall be allowed to play pool or billiards on the permittee's premises. (Ord. 1223, 6-7-1994)

CHAPTER 8

ENTERTAINMENT REGULATIONS

SECTION:

4-8-1: Purpose

4-8-2: Definitions

4-8-3: Permit Required; Exceptions

4-8-4: Written Applications Required; Fees

4-8-5: Contents Of Application

4-8-6: Notice Of Change

4-8-7: Investigation, Identification And Inspection

4-8-8: Identification Cards; Fee

4-8-9: Inspection

4-8-10: Approval Or Denial Of Permit

4-8-11: Notice Of Decision

4-8-12: Appeal Procedure

4-8-13: Waiver

4-8-14: Public Hearing

4-8-15: Issuance And Limitations Of Permit

4-8-16: Duration Of Permit

4-8-17: Display Of Permit

4-8-18: Assignment Of Permit Prohibited

4-8-19: Rules And Regulations; Posting

4-8-20: Solicitation Of Drinks

4-8-21: Hours Of Entertainment

4-8-22: Conduct Upon Premises

4-8-23: Public Nuisance Abatement

4-8-24: Suspension Of License; Procedure

4-8-25: Revocation Of License; Appeal

4-8-1: PURPOSE:

The purpose of this chapter is to set forth rules and regulations governing entertainment at certain premises within the territorial limits of the city and require a permit therefor. (Ord. 782, 3-13-1972)

4-8-2: DEFINITIONS:

For the purpose of this chapter, certain words and phrases shall be construed herein as set forth in this section, unless it is apparent from the context that a different meaning is intended:

APPELLANT: A person who perfects an appeal pursuant to this chapter.

APPLICANT: A person, firm, or corporation who, or which files an application for a new or renewal permit as provided herein.

DAY: A calendar day.

ENTERTAINMENT:

A. Any act, play, review, pantomime, scene, dance, act, or song and dance act, performed by one or more persons,

whether or not such person or persons are compensated for such performances; or

B. Any form of dancing upon the premises by patrons thereof; or

C. Any fashion or style show, except when the same is conducted by a person as a part of a commercial business which primarily involves the sale or manufacture of clothing or wearing apparel.

NONPROFIT ORGANIZATION: Any religious, governmental or nonprofit association or institution exempt from real property taxation under either article XIII of the constitution or the Revenue And Taxation Code of the state.

NOTICE: Written notice, given by personal service upon the addressee, or, given by United States mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon the completion of personal service, or upon the placing of the same in the custody of United States postal service.

PERFORMER: Any person who performs any entertainment.

PERMITTEE: Any person, firm, or corporation who, or which shall be granted a permit as provided herein, and his or its agents and representatives.

PERSON: Natural person, firm, corporation, or association. (Ord. 782, 3-13-1972)

4-8-3: PERMIT REQUIRED; EXCEPTIONS:

A. Requirement: It shall be unlawful for any person conducting, operating, owning, or in control of any premises open to the public, or private club within the city to allow any entertainment including dancing, upon the premises, or in or upon any adjoining room or premises, unless there has been granted to such person a valid permit therefor, pursuant to the provisions of this chapter.

B. Exemptions:

1. Nonprofit Organizations: An entertainment permit shall not be required of any bona fide nonprofit organization.

2. City Property: An entertainment permit shall not be required of any person in connection with the use of city property, unless such property is leased for a period which exceeds seven (7) consecutive days. (Ord. 782, 3-13-1972)

4-8-4: WRITTEN APPLICATIONS REQUIRED; FEES:

A. Filing Of Application; Payment Of Fee: An application for an entertainment permit or renewal of such permit must be filed in writing, filed with the city, on forms provided by the city and be accompanied by an application fee established by city council resolution.

B. Fee Nonrefundable; Verification Of Application: The application fee required by this section is established to cover part of the cost of the investigation and processing of applications and is not refundable. (Ord. 1475, 1-15-2013)

4-8-5: CONTENTS OF APPLICATION:

Each application shall contain:

A. A complete identification of the applicant.

B. Names, residence and business addresses of any copartners, including limited partners; or, if the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the date and place of incorporation, the names and residence addresses of each of the officers, directors, and each stockholder owning more than ten percent (10%) of the stock of the corporation. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant apply.

C. The names, residences and business addresses of the managers and person to be in charge.

D. The name, residence and business address and written consent of the owner of the premises, who shall indicate his consent by signing the application in the space provided.

E. The address and the particular room or rooms for which the permit is required, the square foot area thereof to be used for dancing or entertainment, and the seating capacity for service of meals.

F. The exact nature of the proposed business for which the permit is requested, and the name under which it is to be operated.

G. Whether or not any person referred to in subsections A, B, C, or D of this Section has had a permit for the same or any similar business suspended or revoked anywhere, and, if so, the circumstances of such suspension or revocation. The suspension or cancellation of a liquor license shall be considered as being included within the purpose of this subsection. (Ord. 782, 3-13-1972)

H. Whether or not any person mentioned in subsections A, B, C, or D of this Section has ever been convicted of a misdemeanor or felony offense; and if so, the details of the conviction, the nature of the charge and its disposition. (Ord. 782, 3-13-1972; amd. 2000 Code)

I. A statement in detail of the kind of entertainment which is to be conducted on the premises.

J. The hours of operation. (Ord. 782, 3-13-1972)

K. Such other related information as the licensing authority may require. (Ord. 782, 3-13-1972; amd. Ord. 1127, 11-15-

1988)

4-8-6: NOTICE OF CHANGE:

Whenever any change occurs relating to the written information required by Section 4-8-5 of this Chapter, the applicant or permittee shall give notification of such change to the licensing authority within twenty (20) days after such change or at any hearing conducted under this Chapter if such hearing is conducted before the above notification has been given. (Ord. 782, 3-13-1972; amd. Ord. 1127, 11-15-1988)

4-8-7: INVESTIGATION, IDENTIFICATION AND INSPECTION:

The licensing authority shall refer each application for a permit or renewal of such permit to the Chief of Police, who upon receipt thereof, shall conduct an appropriate investigation to determine whether said permit should be issued in accordance with the provisions of this Chapter as hereinafter set forth. The Chief of Police may request the assistance of any City department for the purpose of such investigation and he shall consider any relevant factual material relating to such application. The City may cause the fingerprints to be taken of any person referred to in subsections 4-8-5A, B, C, or D of this Chapter. (Ord. 782, 3-13-1972; amd. Ord. 1127, 11-15-1988)

4-8-8: IDENTIFICATION CARDS; FEE:

A. Requirement: The Chief of Police may require permittees, their employees or their performers to carry identification cards issued by the Police Department.

B. Issuance: The Chief of Police may require and issue identification cards to permittees, their employees, or performers in such form as the Police Department deems necessary to identify the permittee, employee or performer.

C. Surrender Of Card: Each permittee shall immediately surrender to the Police Department any identification card issued by the Police Department upon the revocation, suspension or cancellation of his permit. Each permittee shall immediately surrender to the Police Department any identification card issued to an employee or performer of the permittee by the Police Department when any such employee leaves the permittee's employ or when such permittee's permit is revoked, suspended, cancelled or at the expiration of such permit without renewal.

D. Violation: No person shall carry or use any identification card issued to him pursuant to this Section after his permit or his employer's permit has been revoked, suspended, cancelled or expires without renewal. No person shall use the identification card issued to another person.

E. Term Of Validation: The identification card shall be valid for a period of one year, after which time it can be renewed. (Ord. 782, 3-13-1972)

F. Fee: Permittee shall pay a fee for any such identification card required by this Chapter. (Ord. 1252, 4-9-1996)

4-8-9: INSPECTION:

The Police Department, in addition to its other duties, shall inspect any and all establishments licensed pursuant to this Chapter. Police officers and any official inspectors while on official business shall be allowed by every permittee to enter such establishment free of charge for the purpose of inspection. (Ord. 782, 3-13-1972)

4-8-10: APPROVAL OR DENIAL OF PERMIT:

After an investigation, the licensing authority shall approve the application for the entertainment permit or renewal of such permit if he finds:

- A. A completed written application form therefor has been filed.
- B. The required application fee therefor has been paid to the City Treasurer.
- C. As a result of his investigation all applicable provisions of this Chapter, with regard to such permit application, have been, or will be, met.
- D. That the operation by the applicant will be carried on in a building, structure and location which complies with and meets all of the health, zoning, fire, building and safety requirements and standards of the laws of the State and this Code applicable to such business operation.
- E. That the applicant, his employee, agent or any person connected or associated with applicant as partner, director, officer, stockholder, associate or manager:
 1. Has not been convicted in a court of competent jurisdiction by final judgment, of:
 - a. An offense involving the presentation, exhibition, or performance of an obscene production, motion picture or play;
 - or
 - b. An offense involving lewd conduct; or
 - c. An offense involving the use of force and violence upon the person of another; or
 - d. An offense involving misconduct with children; or
 - e. An offense involving the maintenance of a nuisance in connection with the same or similar business operation.
 2. Has not committed within the last five (5) years any offense described in subsections E1a through E1e of this Section.

3. Has not allowed or permitted acts of sexual misconduct to be committed within prior business operations.

F. That the business is not a public nuisance or has not been a public nuisance at any time within the last five (5) years.

G. That the applicant, his employee, agent, or any person connected or associated with applicant as partner, director, officer, stockholder, associate, or manager has not knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit, or in any report or record required to be filed with the licensing authority.

H. That the applicant has not had a similar type permit previously revoked for good cause within the past year unless the applicant has shown a material change in circumstances since the date of revocation. (Ord. 782, 3-13-1972; amd. Ord. 1127, 11-15-1988)

4-8-11: NOTICE OF DECISION:

Notice of decision of the licensing authority with reference to a permit application under this Chapter shall be made to the applicant or to any other person requesting such notice within forty five (45) days after receipt of application for a permit or renewal of such permit. (Ord. 782, 3-13-1972; amd. Ord. 1127, 11-15-1988)

4-8-12: APPEAL PROCEDURE:

A. Right Of Appeal: Any person aggrieved by the decision of the licensing authority with reference to the approval or denial of an application for a permit or renewal of such permit or suspension of a permit, shall have the right of appeal. An appeal must be perfected within fifteen (15) days after notice of the decision or order of suspension by filing with the City Clerk a letter of appeal briefly stating therein the basis for such appeal, together with a filing and processing fee in the sum of fifty dollars (\$50.00). (Ord. 782, 3-13-1972; amd. Ord. 1127, 11-15-1988)

B. Adoption Of Resolution: Procedures for appeals and hearings under this Chapter may be adopted by a resolution of the City Council. (Ord. 782, 3-13-1972)

4-8-13: WAIVER:

Failure to file a letter of appeal within said fifteen (15) days shall constitute a waiver of appellant's right to a hearing but the City Council in its discretion may nevertheless grant such a hearing. (Ord. 782, 3-13-1972)

4-8-14: PUBLIC HEARING:

A. Notice Of Hearing: The City Clerk shall fix the time and place of the hearing at a date no more than twenty five (25) days after receipt of the letter of appeal. The City Clerk shall give the appealing party and any other person requesting the same at least five (5) days' notice of the time and place of such hearing. The notice shall be substantially in the following form, but may include other information:

You are hereby notified that a hearing will be held at _____, on _____, at the hour of _____, at which time you may show cause why the appeal which you have filed should be sustained.

(Ord. 782, 3-13-1972)

B. Hearing Before Council: At the time and place set for the hearing upon the appeal from the decision of the licensing authority, the City Council shall give the appealing party, and any other interested party, a reasonable opportunity to be heard, in order to show cause why the determination of the licensing authority should not be upheld. In all such cases, the burden of proof shall be upon the appellant to show that there was no substantial evidence to support the action taken by the licensing authority. The determination of the City Council shall be final and conclusive. (Ord. 782, 3-13-1972; amd. Ord. 1127, 11-15-1988)

4-8-15: ISSUANCE AND LIMITATIONS OF PERMIT:

If the application for a permit or renewal of such permit is approved, the licensing authority shall issue the permit, and shall strictly limit such permits to the terms of the application. (Ord. 782, 3-3-1972; amd. Ord. 1127, 11-15-1988)

4-8-16: DURATION OF PERMIT:

Any permit issued pursuant to this Chapter shall expire on December 31 of the year of issuance; provided, however, that permits issued after October 31 of any year shall expire on December 31 of the next succeeding year. (Ord. 782, 3-13-1972)

4-8-17: DISPLAY OF PERMIT:

Every person holding a permit issued pursuant to this Chapter shall keep the same posted in a conspicuous place upon the licensed premises in open and clear view. (Ord. 782, 3-13-1972)

4-8-18: ASSIGNMENT OF PERMIT PROHIBITED:

The assignment or attempt to assign any permit issued hereunder is unlawful and any such assignment or attempt to assign a permit shall render the permit null and void. (Ord. 782, 3-13-1972)

4-8-19: RULES AND REGULATIONS; POSTING:

Every person holding a permit issued pursuant to this Chapter shall keep the rules and regulations contained in Sections 4-8-20 through 4-8-22 of this Chapter and such supplemental rules and regulations as may be recommended by the City Manager and adopted by resolution of the City Council, posted immediately adjacent to the permit in a conspicuous place upon the licensed premises in open and clear view of customers. (Ord. 782, 3-13-1972)

4-8-20: SOLICITATION OF DRINKS:

It shall be unlawful for any person employed in any establishment for which a permit is required under this Chapter to solicit or accept drinks of alcoholic beverages from any customer while so employed. (Ord. 782, 3-13-1972)

4-8-21: HOURS OF ENTERTAINMENT:

It shall be unlawful for any person to conduct, show, stage, perform, produce, or permit any entertainment between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. in any establishment for which a permit is required under this Chapter except by specific prior written authorization of the Chief of Police and under the conditions therein set forth. (Ord. 782, 3-13-1972)

4-8-22: CONDUCT UPON PREMISES:

It shall be unlawful for any person to violate any of the following rules and regulations:

A. Dancing:

1. Hours: Dancing is prohibited between two o'clock (2:00) A.M. and six o'clock (6:00) A.M. on any day.
2. Remuneration Prohibited: No person shall pay or receive any fee or remuneration to be a dancing partner with any other person. This provision shall not apply to professional paid entertainers when performing as such.

B. Lighting: The room, hall or other place where dining and dancing are permitted shall be kept well and adequately lighted with uniform intensity at all times and with a minimum light of three (3) foot-candles thirty inches (30") from the floor. (Ord. 782, 3-13-1972)

4-8-23: PUBLIC NUISANCE ABATEMENT:

Any business establishment providing entertainment maintained contrary to the provisions of this Chapter shall be, and the same hereby is declared to be, unlawful, and a public nuisance and the City Attorney may, in addition to or in lieu of any criminal action taken hereunder, commence an action or proceeding for abatement, removal or enjoinder thereof in the manner provided by law and shall apply to such court as may have jurisdiction to grant such relief to abate or remove such establishments and restrain and enjoin any person from operating, conducting or maintaining such an establishment where entertainment is provided contrary to the provisions of this Chapter. (Ord. 782, 3-13-1972)

4-8-24: SUSPENSION OF LICENSE; PROCEDURE:**A. Findings:** The Chief of Police shall suspend any permit issued hereunder, if he finds:

1. That the operation, as conducted by the applicant, does not comply with all the health, zoning, fire, building and safety requirements and standards of the laws of California and this Code applicable to such business operation.
2. That the applicant, his employee, agent or any person connected or associated with applicant as partner, director, officer, stockholder, associate or manager:
 - a. Has been convicted in a court of competent jurisdiction, by final judgment of:
 - (1) An offense involving the presentation, exhibition, or performance of an obscene production, motion picture, or play; or
 - (2) An offense involving lewd conduct; or
 - (3) An offense involving the use of force and violence upon the person of another; or
 - (4) An offense involving misconduct with children; or
 - (5) An offense involving the maintenance of a nuisance in connection with the same or similar business operation.
 - b. Has committed within the last five (5) years any offense described in subsections A2a(1) through A2a(5) of this Section.
 - c. Has allowed or permitted acts of sexual misconduct to be committed within business operations.
3. That the applicant, his employee, agent or any person connected or associated with applicant as partner, director, officer, stockholder, associate, or manager has knowingly made false, misleading or fraudulent statement of a material fact in the application for a permit, or in a report or record required to be filed with any City agency.
4. That the business is a public nuisance or has been a public nuisance at any time within the last five (5) years.
5. That the applicant has had a similar type permit previously revoked for good cause and has not shown a material change in circumstances since the date of revocation.

B. Police Chief Determination Appealable: The determination of the Chief of Police with regard to matters of suspension shall be appealable in the time and manner set forth in Sections 4-8-12 through 4-8-14 of this Chapter.

C. Order Of Suspension:

1. The Chief of Police, in the case of such suspension, shall serve the permittee with a written order of suspension, which shall state the reasons for such suspension. The said order shall be effective immediately if personally served, or forty eight (48) hours after the same has been deposited in the course of transmission in said United States Postal Service.
2. Immediately upon such an order becoming effective, the permittee shall cease all operations under such permit. (Ord. 782, 3-13-1972)

4-8-25: REVOCATION OF LICENSE; APPEAL:

- A. Filing Appeal: The suspension shall become a revocation fifteen (15) days after the order of suspension becomes

effective unless the permittee files an appeal of the order of suspension in the manner set forth in Sections 4-8-12 through 4-8-14 of this Chapter.

B. Order Stayed Pending Determination: Where an appeal is filed, the order shall be stayed pending a determination thereon by the City Council which shall act upon the same at a meeting of the City Council fixed by the City Clerk, in the manner set forth in Sections 4-8-12 through 4-8-14 of this Chapter. Such suspension shall become a revocation if the City Council upholds the suspension. The determination of the City Council shall be final and conclusive. (Ord. 782, 3-13-1972)

CHAPTER 9

FORTUNETELLING

SECTION:

4-9-1: Purpose And Findings

4-9-2: Definitions

4-9-3: Permit Required

4-9-4: Permit Application

4-9-5: Investigation

4-9-6: Hearing And Decision By Licensing Authority

4-9-7: Approval Of Permit

4-9-8: Term Of Permit

4-9-9: Business License Fees

4-9-10: Posting Of Information And Fees

4-9-11: Receipts

4-9-12: Client's Record Of Consultation

4-9-13: Exceptions

4-9-1: PURPOSE AND FINDINGS:

A. The practice of "fortunetelling", as defined in this Chapter, has historically been subject to abuse by certain unscrupulous practitioners using the practice to commit fraud and larceny upon clients.

B. It is the purpose of this Chapter to regulate the practice of fortunetelling in such a manner as to reduce the risk of fraud and larceny to clients while allowing fortunetellers to provide their services to clients with only minimal restrictions.

C. The provisions of this Chapter requiring a permit, posting of fees, providing receipts and allowing client recordation of the consultation, will make it more difficult for an unscrupulous fortuneteller to commit fraud or larceny, and yet, as informational regulations, will not affect the nature of the information conveyed by the fortuneteller nor the manner in which it is conveyed. These regulations require only minimal expense and effort on the part of the fortuneteller and will not, therefore, impose any undue burden on their practices.

D. "Fortunetelling" for entertainment purposes, as defined in this Chapter, does not create the same risk of fraud and larceny by an unscrupulous practitioner as would the practice with an individual client because it is done with a group at a public place for the purpose of entertaining and not to deal with the private concerns of an individual.

E. For these and other reasons, the provisions of this Chapter are necessary to protect the health, safety and welfare of the community. (Ord. 1080, 2-4-1986)

4-9-2: DEFINITIONS:

As used in this Chapter:

FOR PAY: For a fee, reward, donation, loan or receipt of anything of value.

FORTUNETELLING: Means and includes telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force, including, but not limited to, clairvoyance, clairaudience, cartomancy, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind-reading, telepathy, or other craft, art, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, or magic, of any kind or nature. (Ord. 1080, 2-4-1986)

4-9-3: PERMIT REQUIRED:

No person shall conduct, engage in, carry on, participate in, or practice fortunetelling or cause the same to be done for pay without having first obtained a permit therefor. (Ord. 1080, 2-4-1986)

4-9-4: PERMIT APPLICATION:

Every natural person who, for pay, conducts, engages in, carries on, or practices fortunetelling shall file a separate verified application for a permit with the licensing authority. The application shall contain: (Ord. 1080, 2-4-1986; amd. 2000 Code)

- A. The name, home and business address, and home and business telephone number of the applicant;
- B. The record of conviction for violations of the law, excluding minor traffic violations;
- C. The fingerprints of the applicant on a form provided by the Police Department;
- D. The address, City and state, and the approximate dates where and when the applicant practiced a similar business, either alone or in conjunction with others; and
- E. A nonrefundable application fee in an amount set by Council resolution. (Ord. 1080, 2-4-1986)

4-9-5: INVESTIGATION:

Upon the filing of the application, it shall be referred to the Police Department for investigation, report and recommendation. The investigation shall be conducted to verify the facts contained in the application and any supporting data. The investigation shall be completed and a report and recommendation made in writing to the licensing authority within fourteen (14) days after the filing of the application, unless the applicant requests or consents to an extension of the time period. If the report recommends denial of the permit to the applicant, the grounds for the recommended denial shall be set forth therein. (Ord. 1080, 2-4-1986; amd. 2000 Code)

4-9-6: HEARING AND DECISION BY LICENSING AUTHORITY:

The licensing authority shall consider the application and the Police Department report and recommendation at a hearing held not less than seven (7) nor more than fourteen (14) days following receipt of the Police Department report described in Section 4-9-5 of this Chapter. Notice of the time and place of the hearing and a copy of the Police Department report shall be given to the applicant personally or by certified mail by the licensing authority at least five (5) days prior to the hearing. Any interested party shall be heard at the hearing. City shall have the burden of proof to show the permit should be denied. The decision of the licensing authority to approve, deny or conditionally approve the permit shall be in writing, and if adverse to the applicant, shall contain findings of fact and a determination of the issues presented. Unless the applicant agrees in writing to an extension of time, the licensing authority shall make his or her decision approving, denying, or conditionally approving the permit within twenty four (24) hours after completion of the hearing on the application for a permit and shall notify the applicant of his or her action by personal service or certified mail. (Ord. 1080, 2-4-1986; amd. 2000 Code)

4-9-7: APPROVAL OF PERMIT:

The licensing authority shall approve or conditionally approve the permit if he or she makes all the following findings:

- A. All the information contained in the application and supporting data is true;
- B. The applicant has not, within one year from the date of the application, been convicted of any violation of this Chapter or crimes involving prediction of future events by the occult arts, larceny, perjury, bribery, extortion, fraud, or similar crimes involving moral turpitude;
- C. The applicant has paid the required business license fee; and
- D. The applicant agrees to abide by and comply with all conditions of the permit and applicable laws. (Ord. 1080, 2-4-1986; amd. 2000 Code)

4-9-8: TERM OF PERMIT:

The term of the permit shall be for no more than the term of the business license. A renewal application shall be filed no later than thirty (30) days prior to the expiration of the permit and shall be processed in the same manner as a new application. (Ord. 1080, 2-4-1986)

4-9-9: BUSINESS LICENSE FEES:

A. Fees Established: Every person engaged in operating a fortunetelling business "for pay", as defined in Section 4-9-2 of this Chapter, shall pay a license fee in accordance with the following schedule:

1. Basic Fee; Employees: A basic fee of fifty dollars (\$50.00) per year and sixty dollars (\$60.00) per year for each employee.
2. Square Feet: In addition, each such person shall pay a fee of five cents (\$0.05) per square foot of floor area occupied for such business purpose; and
3. Additional Locations: In addition, each such person shall pay ten dollars (\$10.00) per year for each additional business location within the City.

B. Determination Of Number Of Employees:

1. For the purpose of determining the number of employees in any business subject to this Section, the term "employee" shall mean any person employed in a full-time, part-time, or temporary capacity and working in said business for a wage, salary, commission, fee or board and room.

2. The number of employees of the said business, for the purposes of this Section, shall be determined by totaling the number of hours worked by all employees (as defined herein) during the license period, and thereafter dividing that number by forty (40), and the result thereof by fifty two (52), or a number less than fifty two (52) which reflects the number of weeks

the business operated during the license period.

C. Floor Area Defined: For the purpose of this Section, "floor area" means the total floor space in terms of square footage occupied by an owner, lessee or renter in a building except:

1. Elevator shafts;
2. Stairwells;
3. Courts or atriums uncovered and open to the sky;
4. Rooms exclusively housing building operating equipment; and,
5. Parking areas. (Ord. 1080, 2-4-1986)

4-9-10: POSTING OF INFORMATION AND FEES:

A. Requirement; Information: Each person required to obtain a permit pursuant to Section 4-9-3 of this Chapter shall post on his or her business premises a sign containing the following information:

1. The true name of the fortunetelling practitioner;
2. Each service provided by the fortunetelling practitioner;
3. The fees charged for each service provided by the fortunetelling practitioner; and
4. The statement: *By law, this business is prohibited from charging or soliciting any fee, payment or remuneration beyond these established rates.*

B. Visibility Of Sign: The sign required by this Section shall be prominently posted in the interior of the business premises at a point near the entry and shall be conspicuously visible to every person seeking the services of the fortuneteller. The sign lettering shall be of uniform size with each letter at least one-half inch ($\frac{1}{2}$ ") in height.

C. Other Location: If the fortunetelling service is provided at a location other than the fortuneteller's permanent place of business, the fortuneteller shall provide the information required by this Section on eight and one-half inch by eleven inch ($8\frac{1}{2}$ " x 11") paper and legibly printed or typewritten. The paper shall also include the name and permanent address of the person providing the fortunetelling services. A true, correct and complete copy of such paper shall be given to each client prior to providing any fortunetelling services.

D. Fee Charged To Comply With Sign: No person shall charge any fee, payment, remuneration, or item of value for fortunetelling services in excess of the fees set forth on the sign or paper required by this Section. (Ord. 1080, 2-4-1986)

4-9-11: RECEIPTS:

Prior to the acceptance of any money or specific item of value from a client, other than the acceptance of a gratuitous tip given voluntarily by the client, the fortuneteller shall issue a written receipt to the client, clearly showing:

- A. Date;
- B. Name of client;
- C. Amount of money received or specific description of item of value received; and
- D. Purpose for which the money or item of value was received. (Ord. 1080, 2-4-1986)

4-9-12: CLIENT'S RECORD OF CONSULTATION:

No person engaging in fortunetelling services shall prohibit a client from making an audio recording or taking written notes of the information conveyed by the fortuneteller. (Ord. 1080, 2-4-1986)

4-9-13: EXCEPTIONS:

A. Entertainment: The provisions of this Chapter shall not apply to any person engaged solely in the business of entertaining the public by demonstrations of fortunetelling at public places and in the presence of and within the hearing of all other persons in attendance, and at which no questions are answered as part of such entertainment except in a manner to permit all persons present at such public place to hear such answers.

B. Religious Practice: The provisions of this Chapter shall not be applicable to any person conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer, clairvoyant, or similar position (hereinafter collectively referred to as minister) from any bona fide church or religious association having a creed or set of religious principles that is recognized by all churches of like faith which provides for fortunetelling; provided, that:

1. Except as provided in subsection B3 of this Section, the minister's fees, gratuities, emoluments, and profits shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this Section; (Ord. 1080, 2-4-1986)

2. The minister holding a certificate of ordination from such bona fide church or religious association, as defined in this Section, shall file with the licensing authority a certified copy of the minister's certificate of ordination and the minister's name, age, street address, and telephone number in this City where the activity set forth in this Section is to be conducted;

and

3. Such bona fide church or religious association, as defined in this Section, may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church or religious association and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association. (Ord. 1080, 2-4-1986; amd. 2000 Code)

CHAPTER 10

MESSAGE ESTABLISHMENTS

SECTION:

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4-10-14: Public Nuisance Abatement

4-10-15: Revocation

4-10-16: Civil Liability And Penalties

4-10-17: Appeal

4-10-1: PURPOSE:

A. This chapter establishes new permitting standards intended to comply with California law and establish zoning, business licensing, and health and safety guidelines for massage establishments.

B. This chapter is not intended to be exclusive and compliance will not excuse noncompliance with any state or local laws or regulations that are uniformly applied to other professional or personal services businesses including, without limitation, all zoning applications; business license regulations; building, fire, electrical, and plumbing codes; and health and safety code laws and regulations applicable to professional or personal services businesses.

C. This chapter establishes a local regulatory system that allows only state certified massage therapists and massage practitioners to operate within the city. This chapter is also intended to allow the city to exercise broad control over land use in regulating massage establishments and to impose and enforce reasonable and necessary fees and regulations, in keeping with the requirements of existing law, while being mindful of the need to protect legitimate business owners and massage professionals. (Ord. 1504, 2-17-2015)

4-10-2: DEFINITIONS:

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this code, the Business And Professions Code, or Government Code.

CALIFORNIA MASSAGE THERAPY COUNCIL (CAMTC): The California massage therapy council created pursuant to Business And Professions Code section 4600 et seq.

CERTIFIED MESSAGE PRACTITIONER: A person who is currently certified as a massage practitioner by the CAMTC, and who administers massage for compensation.

CERTIFIED MESSAGE THERAPIST: A person who is currently certified as a massage therapist by the CAMTC, and who administers massage for compensation.

CITY: The city of El Segundo.

DIRECTOR: The planning manager or such other person designated by the city manager.

MASSAGE: Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations.

MASSAGE ESTABLISHMENT: Means and includes any massage establishment, parlor, or any room, place or institution where massage is given or administered by a massage technician as the primary service of the business establishment.

MASSAGE TECHNICIAN: Any person, who gives, performs or administers to another person a massage for any form of consideration.

PERSON: Means and includes person(s), firms, corporations, partnerships, associations or other forms of business organization or group.

SPECIFIED ANATOMICAL AREAS: Means and includes any of the following human anatomical areas: genitals, pubic regions, anuses or female breasts below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES: Means and includes all of the following:

- A. Fondling or other erotic touching of specified anatomical areas;
- B. Sex acts including, without limitation, intercourse, oral copulation, or sodomy;
- C. Masturbation; or
- D. Excretory functions as part of or in connection with any specified sexual activity listed in this definition. (Ord. 1504, 2-17-2015)

4-10-3: ADMINISTRATION:

The director is authorized to administer this chapter and to promulgate administrative policies and procedures required to implement the regulations set forth in this chapter. (Ord. 1476, 2-5-2013)

4-10-4: CERTIFICATIONS REQUIRED:

A. **Massage Establishment:** It is unlawful for any person to own, operate or maintain a massage establishment unless all massage technicians employed by the massage establishment hold a current, valid certification from the CAMTC as a massage practitioner or massage therapist.

B. **Massage Technician:** It is unlawful for any person to engage in, or carry on the business or activities of a massage technician without a certification from the CAMTC as a massage practitioner or massage therapist.

C. **Off Premises Massage Service:** It is unlawful for any person to own, operate, or maintain an off premises massage service in the city unless all massage technicians employed by the off premises massage service hold a current, valid certification from the CAMTC as a certified massage practitioner or certified massage therapist. (Ord. 1476, 2-5-2013)

4-10-5: PERMIT REQUIRED:

Every person conducting, managing, operating, owning or in control of a massage establishment or any other place that is open to the public or is a private club, where facial massages, fomentations, massages, electric or magnetic treatments, or alcohol rubs are administered or given, or any public bathing place, which has in connection therewith a steam room, dry or hot room plunge, swimming pool, shower, bath, or sleeping accommodations, must obtain a conditional use permit. A conditional use permit issued pursuant to this section must include, as a condition of approval, a requirement that the permittee notify the city of any change in ownership. (Ord. 1504, 2-17-2015)

4-10-6: BUSINESS LICENSE REQUIRED:

Before operating any massage establishment or becoming engaged in the occupation of a massage practitioner or massage technician, the individual proposing to conduct the business must obtain the required business license to do so and, in addition, unless otherwise specified, is subject to each and all of the terms, conditions and provisions of this chapter. A business license is not transferable. (Ord. 1504, 2-17-2015)

4-10-7: MASSAGE ESTABLISHMENT OWNER BACKGROUND CHECK REQUIRED:

A. Any person, association, partnership, or corporation desiring to operate a massage establishment, that will own five percent (5%) or more of the massage establishment, and that is not a certified massage practitioner or certified massage therapist, must make an application to the director for an investigation of the applicant's background and history. A nonrefundable fee, in an amount set by resolution, must accompany the submission of each application to defray the cost of investigation, inspection and enforcement of this chapter. An annual nonrefundable renewal fee will also be charged to defray associated costs of investigation, inspection and enforcement.

B. Each applicant for a background check must submit the following information:

- 1. The full true name and any other names used by the applicant.
- 2. The present address and telephone number of the applicant.
- 3. Driver's license number and social security number.

4. The proposed address of the massage establishment.
5. Each residence and business address of the applicant for the three (3) years immediately preceding the date of the application, and the inclusive dates for such address.
6. Written proof that the applicant is at least eighteen (18) years of age.
7. Applicant's height, weight, and color of eyes and hair.
8. Two (2) photographs of the applicant at least two inches by two inches (2" x 2") taken within four (4) months preceding the date of the application.
9. Applicant's business, occupation and employment history for the ten (10) years immediately preceding the date of application.
10. The business license or permit history of the applicant, including whether such applicant has ever had any license or permit issued by any agency or board, city, county or state revoked or suspended, or has had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation.
11. All criminal convictions for any of the offenses set forth in this chapter, and a statement of the dates and places of such convictions.
12. If the applicant is a corporation, the name of the corporation must be set forth exactly as shown in the articles of incorporation or charter, together with the state and date of incorporation and names and residence addresses of each of its current officers and directors, and each stockholder holding more than five percent (5%) of the stock of the corporation. If the applicant is a partnership, the application must set forth the names and residence addresses of each of the partners, including the limited partners. If the applicant is a limited partnership, it must furnish a copy of its certificate of limited partnership filed with the county clerk. If one or more partners is a corporation, the provisions of this section pertaining to corporate applicants will apply. The applicant corporation or partnership must designate one of its officers or general partners to act as its responsible managing officer. Such person must complete and sign all application forms required of any individual applicant under this chapter, but only one application fee will be charged.
13. The name and address of the owner and lessor of the real property upon or in which the massage establishment is to be operated, and a copy of the lease or rental agreement. If the applicant is not the legal owner of the property, a notarized acknowledgment from the owner of the property that a massage establishment will be located on his or her property is required for each massage establishment permit location.
14. The full true names and other names used, the present addresses and telephone numbers, driver's license numbers, and social security numbers, and state certificates from the CAMTC or transitional licenses for all massage technicians who will be working as employees or independent contractors at each massage establishment permit location. The applicant must provide the director with any changes in the massage technicians that work at the massage establishment during the permit period within ten (10) working days of each change.
15. The director may require the applicant to furnish fingerprints when needed for the purpose of verifying identification.
16. Such other identification and information as may be required by the director in order to verify the information to be included in the application.

C. The city is allowed a reasonable time, not to exceed sixty (60) days, in which to investigate the information on the application. During the investigation of the background information, a city representative including, without limitation, a member of the police department, fire department, building and safety department, planning department, or any authorized representative thereof, may inspect, with or without notice during regular business hours, the proposed place of business to determine whether it conforms to the requirements of this chapter. Upon completion of the inspection, the city representative must inform the director in writing of the findings of the inspection.

D. Background clearance will be issued, within sixty (60) days of receipt of the application, to any applicant who has furnished all of the information required by this section in the application for such license, provided:

1. The applicant has not made a material false statement in the application and that all massage technicians who will be working as employees or independent contractors at each massage establishment permit location possesses certification from the CAMTC as a massage practitioner or massage therapist;
2. The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders of five percent (5%) or more of the corporation's stock, has not, within five (5) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Penal Code sections 243.4; 261; 266a through 266j; 267; 314 to 316; 318; or 647(a, b, d); any offense requiring registration under Penal Code section 290 or Health And Safety Code section 11590; or any felony offense involving the possession, possession for sale, sale, transportation, furnishing, or giving away of a controlled substance specified in Health And Safety Code sections 11054 to 11058, as amended; or any offense in another state which, if committed in California, would have been punishable as one or more of the heretofore mentioned offenses; or any offense involving the use of force or violence upon the person of another; or any offense involving theft, embezzlement or moral turpitude;
3. The applicant is at least eighteen (18) years of age; and
4. The applicant has not had a massage technician, massage establishment, escort service, nude entertainment, nude

photo studio or similar type of license or permit suspended within one year or revoked within three (3) years immediately preceding the date of the filing of the application, unless the applicant can show a material change in circumstances or that mitigating circumstances exist since the revocation or suspension. (Ord. 1476, 2-5-2013; amd. Ord. 1504, 2-17-2015)

4-10-8: ADDITIONAL REQUIREMENTS:

Before operating a massage establishment in the city, massage establishment owners must comply with all applicable codes adopted by the city, including, without limitation, the building, electrical, and plumbing codes. (Ord. 1476, 2-5-2013; amd. Ord. 1504, 2-17-2015)

4-10-9: DISPLAY OF PERMIT:

Any owner of a massage establishment or off premises massage service must display the CAMTC certificates for all massage technicians prominently in a conspicuous place, capable of being viewed by customers or city representatives, at every location where massage is performed or conducted, and carry photo identification card while on the premises of the massage establishment and/or performing massage services. For off premises massage services, massage workers must also carry a copy of their CAMTC certificate and photo identification card and display it to customers upon request. Any advertising for a massage technician must include the name under which he or she is certified and his or her certificate number. (Ord. 1476, 2-5-2013; amd. Ord. 1504, 2-17-2015)

4-10-10: MASSAGE TECHNICIAN CERTIFICATES REQUIRED:

It is unlawful for owners of massage establishments or off site massage services to allow any person to perform massage that is not a certified massage therapist or certified massage practitioner. (Ord. 1476, 2-5-2013; amd. Ord. 1504, 2-17-2015)

4-10-11: PROHIBITED CONDUCT:

It is unlawful for owners of massage establishments or off premises massage services, or massage technicians, to conduct or allow any of the following activities:

A. It is unlawful for any massage technician or any other employee working in a massage establishment or for an off premises massage service, or customers, patrons, or guests of the establishment or service, to engage in any specified sexual activities upon the premises of the massage establishment or the off premises massage location.

B. It is unlawful for any massage technician or other employee of a massage establishment to expose specified anatomical areas in the presence of any patron, customer, or guest.

C. In the course of administering the massage, it is unlawful for any massage technician or other massage establishment employee to make intentional physical contact with the specified anatomical areas of any customer, patron or guest. (Ord. 1476, 2-5-2013; amd. Ord. 1504, 2-17-2015)

4-10-12: FACILITIES AND OPERATIONS:

It is unlawful for any massage establishment to operate unless the massage establishment premises and operation comply with the following minimum requirements:

A. Signs: A readable sign must be posted at the main entrance identifying the establishment as a massage establishment, provided, however, that all such signs must otherwise comply with the sign requirements of this code.

B. Lighting: Minimum lighting must be provided in accordance with the California building code, as adopted by this code, and, in addition, at least one unobstructed artificial light of not less than nine hundred (900) lumens must be provided in each enclosed room or booth where massage services are being performed on a patron.

C. Ventilation: Minimum ventilation must be provided in accordance with the California building code, as adopted by this code.

D. Disinfection Of Instruments: Instruments used for massage must be disinfected before each use. Where instruments for massage are employed, adequate quantities of supplies for disinfection must be available during all hours of operation.

E. Water: Hot and cold running water must be provided at all times.

F. Linen Storage: Closed cabinets must be utilized for the storage of clean towels and linen. After use, towels and linen must be removed and stored in a separate container until laundered.

G. Sanitary Conditions: All walls, ceilings, floors, steam and vapor rooms, and all other physical facilities for the massage establishment must be kept in good repair and be maintained in a clean and sanitary condition.

H. Clean Linen: Clean and sanitary towels and linens must be provided for patrons receiving massage services. No common use of towels or linens is permitted.

I. Compliance With Laws: The premises to be used must at all times comply with all applicable state and local laws and regulations.

J. Use Of Massage Rooms: Any room in which a massage establishment provides massage services may not be used for residential sleeping purposes.

K. Register Of Technicians; Business License: A register of all individuals employed as massage technicians, and copies of their current CAMTC certifications and the massage establishment owner's business license, must be maintained and available for inspection at all times during regular business hours.

L. Certified Employee Only Areas: Each person present in any area of the massage establishment outside the waiting

area or other areas open to any member of the public must be a certified massage practitioner or certified massage therapist or the massage establishment owner.

M. Display Of Permits And Certifications: The permits and certifications required by this chapter must be displayed in an open and conspicuous public place on the premises. (Ord. 1476, 2-5-2013; amd. Ord. 1504, 2-17-2015)

4-10-13: EXCEPTIONS:

This chapter does not apply to the following classes of individuals, and no CAMTC certification is required of such persons, while engaged in the performance of the duties of their respective professions:

- A. Acupuncturists who are duly certified to practice their profession in the state of California.
- B. Barbers, beauticians, and cosmetologists with respect to scalp, feet, hands, and face massages, who are duly permitted pursuant to Business And Professions Code section 7301 et seq., in accordance with the limitations of their permits.
- C. Nurses who are registered as such under the laws of the state of California.
- D. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly permitted to practice their respective professions in the state of California, or provide professional services in lawful compliance with Corporations Code section 13401(a). (Ord. 1476, 2-5-2013; amd. Ord. 1504, 2-17-2015)

4-10-14: PUBLIC NUISANCE ABATEMENT:

Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and a public nuisance. The city attorney is authorized, in addition to or in lieu of any other legal or criminal proceedings, to commence an action or proceeding for abatement, removal or enjoinder of such massage establishment in the manner provided by law. The city attorney may seek a court order to grant such relief to abate or remove such massage establishments and restrain and enjoin any person from operating, conducting or maintaining such an establishment contrary to the provisions of this chapter. (Ord. 1476, 2-5-2013; amd. Ord. 1504, 2-17-2015)

4-10-15: REVOCATION:

A. Grounds For Revocation: The director or city attorney may revoke approvals issued under this chapter for one or more of the following grounds:

- 1. Fraud Or Deceit: That the applicant practiced fraud or deceit in obtaining an approval under this chapter;
- 2. Violation Of Chapter: That the massage establishment owner, operator, massage technician, or its employee, agent, independent contractor or other representative violated a provision or provisions of this chapter;
- 3. Criminal Conviction: That the massage establishment owner, operator, massage technician, or its employee, agent, independent contractor or other representative has been convicted in a court of competent jurisdiction of any offense described in this chapter;
- 4. Improperly Maintained Facilities: That the facilities and operations of the massage establishment are not kept in compliance with this chapter, and that the owner or operator has failed to promptly remedy any deficiency of which they have been notified. For purposes of this subsection, "notice" means notice given personally or by leaving notice at the massage establishment premises, or by first class mail, postage prepaid, to the address designated by the massage technician or establishment in accordance with this chapter;
- 5. Employment Of Uncertified Technicians: That the massage establishment has employed, allowed or permitted an uncertified person to perform massage in the massage establishment;
- 6. Error: That the approval was issued in error;
- 7. Civil Penalties: Assessment of three (3) or more civil penalties as provided by this chapter during any six (6) month period; or
- 8. Prohibited Conduct: A massage establishment owner, operator, massage technician, or its employee, agent, independent contractor or other representative has been found to have engaged in prohibited conduct in violation of this chapter.

B. Notice Of Revocation: Upon a determination on the grounds to revoke an approval under this chapter, the director or city attorney must cause a notice of revocation to be mailed by first class, postage prepaid mail, to the address designated by the massage technician or establishment pursuant to this chapter.

C. Suspension Or Revocation Of Conditional Use Permit: A conditional use permit issued to a massage establishment may be suspended or revoked pursuant to title 15, chapter 23 of this code. (Ord. 1504, 2-17-2015)

4-10-16: CIVIL LIABILITY AND PENALTIES:

A. Any person violating any provision of this chapter is liable in a civil action brought by the city attorney for an amount up to five hundred dollars (\$500.00) per violation. Such person is also liable for reasonable attorney fees and costs incurred by the city attorney in any civil proceeding filed to enforce this chapter.

B. Enforcing this chapter through civil action may be filed as an alternative to criminal enforcement. Civil enforcement does not require the violation to be knowing or wilful. A civil action cannot be filed if the person is being criminally prosecuted.

C. Each violation of this chapter is a separate offense subject to the civil penalty.

D. The city attorney may settle any civil enforcement before or after the filing of a civil action by imposing a civil penalty in an amount not exceeding the potential civil liability, including attorney fees, set forth in this section. If such civil penalty is paid in full, the city attorney can agree not to file civil or criminal actions or, if action has already been filed, may dismiss such action. Imposition of all civil penalties is public record.

E. All civil fines must be deposited into the general fund. (Ord. 1476, 2-5-2013; amd. Ord. 1504, 2-17-2015)

4-10-17: APPEAL:

Any person denied an approval under this chapter or a massage establishment owner or operator whose approval has been revoked may appeal the denial or revocation in writing pursuant to the appeal procedures provided by section 1-2A-15 et seq., of this code. Such appeal must be in writing and must be filed with the city clerk not more than fifteen (15) days following the director's deposit into the mail of the notice of denial or revocation sent to the applicant or massage establishment owner or operator to the address listed by the applicant or massage establishment owner or operator pursuant to this chapter. Any successful appeal will result in approval or reinstatement of an approval and refund of any fines collected by the city. Notwithstanding the foregoing, any appeal of a suspension or revocation of a conditional use permit issued to a massage establishment must comply with title 15, chapter 23 of this code. (Ord. 1504, 2-17-2015)

CHAPTER 11

MOTION PICTURE, RADIO AND TELEVISION PRODUCTION REGULATIONS

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4-11-1: PURPOSE:

This chapter is adopted pursuant to the city's police powers for the purpose of establishing a permit system to regulate motion picture and television production in the city of El Segundo. Application of this chapter is intended to protect community health, safety, welfare, and property rights by ensuring that motion picture and television production within the city has minimal impact upon businesses and residents. (Ord. 1424, 10-7-2008)

4-11-2: DEFINITIONS:

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of words and phrases used in this chapter:

ADMINISTRATOR: The city manager or designee.

APPLICANT: A person seeking a filming permit pursuant to this chapter.

CURRENT NEWS: Regularly scheduled news programs (excluding documentary programs) and special news programs which are not preplanned and are broadcast within seventy two (72) hours after filming.

FILMING: Includes all activity attendant to staging or shooting commercial motion pictures, video shows, programs, or commercials, and commercially prepared radio broadcasts. Filming also includes any noncommercial filming that obstructs, delays, disrupts, or otherwise interferes with the ordinary use of city streets, parking facilities, sidewalks or other public rights of way, including, without limitation, on street parking and vehicle traffic within neighborhoods.

FILMING SITE: The location designated by a valid permit issued pursuant to this chapter for filming and all ancillary uses including, without limitation, catering, storage, and parking.

LOW IMPACT FILMING: Filming where: a) the filming site involves limited use of the public right of way, is in nonresidential areas, or experiences little or no vehicle traffic; or b) the filming does not include lighting, noise, or special effects.

NEIGHBORS: Persons residing at residential dwelling units, including all residents in multi-tenant buildings, or operating at business addresses within a proximity zone.

NO IMPACT FILMING: Filming that occurs pursuant to the terms of a valid permit that is conducted in a manner where light, sound, smell, or vibrations resulting from the filming, or activities ancillary to filming, is imperceptible from properties other than the property on which the filming is being conducted.

PERMITTEE: Any natural person, entity, or combinations thereof possessing a film permit issued by the city pursuant to this chapter.

PROXIMITY ZONE: The area within a two hundred seventy five foot (275') radius surrounding a filming site which is presumed to be affected by filming and activities ancillary to filming. It is presumed that residential areas beyond the proximity zone are not impacted by filming.

STILL PHOTOGRAPHY: Means and includes all activity attendant to staging or shooting commercial still photographs. Still photography does not require a permit if it involves only hand carried equipment (tripod, interchangeable lenses, flash), and does not involve product or service advertisement, or use of models, props or sets. Normally this type of photography involves less than ten (10) people and is completed in less than four (4) hours. (Ord. 1424, 10-7-2008; amd. Ord. 1436, 12-1-2009)

4-11-3: PERMIT REQUIRED; EXEMPTIONS:

A. Required: Except as otherwise provided, it is unlawful for any person to engage in, conduct, or carry on filming or commercial still photography on any public or private property, facility, or residence without a valid permit issued pursuant to this chapter.

B. Issued: A permit is not deemed issued until the administrator receives the applicant's written acceptance in accordance with this chapter.

C. Exemptions:

1. Current News: This chapter does not apply to or affect reporters, photographers, or cameramen in the employ of a newspaper, news service, radio broadcasting station, or similar entity engaged in broadcasting current news concerning those persons, scenes, or occurrences which are in the news and of general public interest.

2. Studios: This chapter does not apply to or affect a motion picture, television, or radio broadcasting studio operating

within its physical confines at an established or fixed place of business in the city.

3. Charitable Purposes: A permit fee is not required for any permit issued for filming when the administrator determines, based upon reasonable evidence, that filming is conducted or carried on wholly for a charitable or nonprofit purpose either directly or indirectly, by any individual.

4. Educational Purposes: A permit fee is not required for any permit issued for filming when the administrator determines, based upon reasonable evidence, that filming is conducted or carried on wholly for student and class photographs, sports pictures, Independent Student Media film class activities, photography class activities and student cable filming. (Ord. 1424, 10-7-2008)

4-11-4: ADDITIONAL AGREEMENTS:

In addition to, or in lieu of, a permit required by this chapter, use of any public facility within the city may require a rental or use agreement. (Ord. 1424, 10-7-2008)

4-11-5: ADMINISTRATION:

The administrator is authorized to receive applications, issue and revoke permits, and otherwise implement this chapter. (Ord. 1424, 10-7-2008)

4-11-6: APPLICATION FOR PERMIT; CONTENTS:

A. Information Required: The following information must be included in the application:

1. The name, mailing address, and daytime telephone number of the person who will be present during, and responsible for, the filming;
2. The address or place at which the activity is to be conducted;
3. The specific location(s) at such address or place;
4. The inclusive times and dates such activity will transpire;
5. A general statement of the character or nature of the proposed activity;
6. The number of personnel to be involved;
7. Anticipated use of any animals, pyrotechnics, fire, or explosives;
8. The food servicing arrangements;
9. Requests for special assistance at the location, including, without limitation, street closure, traffic control, and emergency services;
10. Whether the activity to be filmed includes vehicle chases or other activities dangerous to the participants or to the public, with a description of the activity to be filmed;
11. The amount and type of equipment to be involved including, without limitation, the number and size of vehicles, location of all vehicles and ancillary equipment, and the name of the person responsible for keeping the filming site clear and clean; (Ord. 1424, 10-7-2008)
12. A declaration regarding notification of residences and businesses within the proximity zone as required by this chapter; and (Ord. 1424, 10-7-2008; amd. Ord. 1436, 12-1-2009)
13. Such other information as the administrator deems appropriate.

B. Compliance With Regulations: In addition to the provisions of this chapter, any applicant engaging in activity that requires compliance with federal, state, or local regulations, including additional licenses or permits, must present evidence of satisfactory compliance with those requirements. (Ord. 1424, 10-7-2008)

4-11-7: APPLICATION AND PERMIT FEES:

A. Motion Picture, Radio, Or Television Productions:

1. A nonrefundable application fee for motion picture, radio or television productions as set by resolution of the city council must be paid.
2. A permit fee set by city council resolution must be paid whenever the permittee uses any portion of any public street, road, right of way or building, other than a building located in a public park, owned or controlled by the city.
3. The use of public parks and buildings located in public parks to the exclusion of the general public is discouraged; however, when such permit is granted, the permit fee will be fixed by city council resolution.

B. Still Photography:

1. A nonrefundable application fee for still photography commercial advertising as set by resolution of the city council must be paid.
2. A permit fee set by city council resolution must be paid whenever the permittee uses any portion of any public street, road, right of way or building, other than a building located in a public park, owned or controlled by the city.

3. The use of public parks and buildings located in public parks to the exclusion of the general public is discouraged; however, when such permit is granted, the permit fee will be fixed by city council resolution. (Ord. 1424, 10-7-2008)

4-11-8: DIRECT OVERHEAD EXPENSES:

In addition to the fees and charges established, the permittee must pay all costs and direct overhead of the city for supervising, controlling, and managing permittee's operation. This includes, without limitation, all personnel costs, all material and supply costs, and all other direct costs and expenses of the city. These costs and expenses will be computed at the conclusion of the project and be deducted from the deposit required. (Ord. 1424, 10-7-2008)

4-11-9: CASH DEPOSIT FOR FEES AND SECURITY DEPOSIT REQUIRED:

A. Cash Deposit: After the application fee is paid and the application approved and before any permit is issued, permittee must deposit with the city a cash deposit computed as follows: Twice the amount determined by the city to be the total cost to the city plus a sum equal to all permit and license fees.

B. Conditions For Refund Of Security Deposit: At the conclusion of the project, the total of the deposit will be applied to the city's permit and license fees and to the city's costs and direct overhead of administering and supervising the permit; and the balance, if any, will be deemed a security deposit. The security deposit must be refunded by the city to the permittee if the permittee has fully complied with all of the conditions of the permit and all requirements of law. If the permittee has not complied with all conditions of the permit and all requirements of law, the security deposit will be retained by the city. (Ord. 1424, 10-7-2008)

4-11-10: SECURITY DEPOSIT RETENTION; APPEAL:

Any person aggrieved by the administrator's determination concerning the amount of the deposit or the amount of any refund may file a written appeal as provided by this chapter. (Ord. 1424, 10-7-2008)

4-11-11: REVIEW BY CITY OFFICERS:

A. After a film permit application is filed, the administrator must forward the application to directors, or designees (collectively "reviewing officers"), whose departments are affected by the proposed event for their recommendations. The reviewing officers may include, without limitation:

1. The fire chief;
2. The police chief;
3. The director of community services; and/or
4. The public works director;
5. The El Segundo Unified School District superintendent when filming will occur along a route or at a location adjacent to a school or classroom.

B. Upon receiving an application, the reviewing officers must consider the application, conduct any necessary investigation, and provide the administrator with written recommendations regarding:

1. Any special conditions for a permit;
2. Whether, based on the scope of the proposed filming, a prefilming operational meeting is required. Should such a meeting be necessary, the administrator will notify the applicant of the time and place of the meeting within a reasonable time before filming; and
3. Any additional recommendations.

C. The reviewing officers must complete their review before the administrator can make a decision on the application. (Ord. 1424, 10-7-2008; amd. Ord. 1620, 11-17-2020)

4-11-12: TIME REQUIREMENTS:

A. Except as otherwise provided in this chapter, completed applications for a film permit must be filed in the administrator's office at least:

1. Three (3) business days before the filming date for a permit that does not require city services and is low impact filming; or
2. Five (5) business days before the filming date for filming involving stunts or traffic control; or
3. Ten (10) business days before the filming date for filming involving closure of public streets or rights of way, or use of pyrotechnics, fire, or explosives for special effects, except that an application may be filed pursuant to subsection A1 of this section if special effects are limited to the use of "squibs" as defined in title 19, section 980 of the California Code of Regulations, or any successor regulation, and the fire department determined the pyrotechnic operator's license to be in good standing within the previous twelve (12) months.

B. Except as otherwise provided in this chapter, completed applications for a film permit must be denied, approved, or conditionally approved by the administrator within the applicable time periods established by subsections A1 through A3 of this section. Following his/her decision, the administrator will promptly attempt to notify the applicant orally and in writing.

C. Unless otherwise provided, the applicant's acceptance of the approval or conditional approval must be received by the administrator before the filming date. Failure to accept the decision or failure to file a request for appeal constitutes a

withdrawal of the application. (Ord. 1424, 10-7-2008)

4-11-13: ACTION ON PERMIT APPLICATION; PERMIT ISSUANCE:

A. The administrator must issue a permit if:

1. The application was complete in accordance with this chapter;
2. There are no grounds for denying the permit; and
3. Applicant accepts the permit approval or conditional approval in writing.

B. Use of any permit issued pursuant to this chapter must conform to the general permit conditions of this chapter and, if applicable, special permit conditions reasonably deemed necessary by the administrator to protect public safety and/or welfare. Such special conditions may include, without limitation, conditions for controlling pedestrian and/or vehicle traffic, for protecting public and/or private property, and/or for protecting public health and safety. (Ord. 1424, 10-7-2008)

4-11-14: ACTION ON PERMIT APPLICATION; PERMIT DENIAL:

A. A permit may be denied for the following reasons:

1. The application is incomplete;
 2. The applicant failed to provide reasonable supplemental application information requested by the administrator;
 3. Information submitted by the applicant is materially false;
 4. Applicant seeks approval for filming that is so close in time and location to another event scheduled for the same date as to cause unreasonable traffic congestion and/or to overextend public safety and/or emergency services;
 5. Filming time and/or methodology will unreasonably interrupt the safe and orderly movement of traffic contiguous to the filming site;
 6. The concentration of persons, animals, and/or vehicles at the filming prevents public safety and/or emergency services from reaching areas at or contiguous to the event;
 7. The concentration of persons, animals, and/or vehicles at the filming on or adjacent to public institutions or schools prevents normal egress and ingress into the facility;
 8. The size of filming will overextend public safety and/or emergency services to the extent that the safety of filming participants, attendees, and/or the remainder of the city will be seriously jeopardized; provided, however, that nothing authorizes denial of a permit because of the need to protect participants from the conduct of others if reasonable permit conditions can be imposed;
 9. The filming location will substantially interfere with construction or maintenance work previously scheduled to take place on or along the city street, parking facility, sidewalk or other public right of way to be occupied by the event;
 10. The filming will occur along a route or location adjacent to a hospital or extended care facility, and the noise created by the filming would substantially disrupt the operation of the hospital or extended care facility or disturb the patients within;
 11. The filming will occur at a location adjacent to a library and the noise created by the filming will substantially disrupt the library's operation or disturb a library's patrons;
 12. The application is not timely submitted and there is insufficient time to investigate and process the application pursuant to the time lines in this chapter; (Ord. 1424, 10-7-2008)
 13. The application fails to include a declaration regarding notification of residences and businesses within the proximity zone as required by this chapter. (Ord. 1424, 10-7-2008; amd. Ord. 1436, 12-1-2009)
- B. The administrator must consult with the city attorney before denying a filming permit. (Ord. 1424, 10-7-2008)

4-11-15: ALTERNATIVE TIME, PLACE, OR MANNER:

If the administrator denies a film permit that would be acceptable by changing filming time, place, or manner, then the administrator may inform the applicant of such alternatives. Should the applicant accept the alternative time, place, or manner then the administrator will issue a permit in accordance with this chapter. (Ord. 1424, 10-7-2008)

4-11-16: ADMINISTRATIVE POLICIES AND PROCEDURES:

The city manager is authorized and directed to promulgate administrative policies and procedures governing the form, time, and location within the city to implement this chapter. The rules and regulations can be based upon the following criteria:

- A. Traffic congestion at particular locations within the city;
- B. The written consent of all property owners or occupants in possession of property within the proximity zone, as determined by the administrator and in accordance with this chapter;
- C. The safety and convenience of all persons;
- D. The disruption of normal activities of all persons at particular locations within the city;

E. The safety of property within the city;

F. Whether particular types of equipment are required for certain film sites to reduce the impact on neighbors. Such equipment may include, without limitation, tow plant generators; and

G. Whether a film monitor is required to oversee filming at certain filming sites. If a film monitor is required, permittees must also abide with a filming code of conduct identified by the administrator. The cost of a monitor must be borne by permittees. (Ord. 1436, 12-1-2009)

4-11-17: MAXIMUM NUMBER OF FILMING DAYS ALLOWED:

A. Except as otherwise provided, no permit can be issued if it will result in any address being located within a proximity zone for more than twenty five (25) days during a calendar year.

B. For filming proposed east of Sepulveda Boulevard and south of El Segundo Boulevard, no permit can be issued if it will result in any address being located within a proximity zone for more than eighty (80) days during a calendar year.

C. The administrator may increase the twenty five (25) day maximum if there are no neighbor protests from within the proximity zone of the filming site.

D. There are no maximum filming days for no impact filming. (Ord. 1436, 12-1-2009)

4-11-18: INDEMNIFICATION AGREEMENT:

Permittees must enter into a hold harmless agreement with the city which, in part, indemnifies the city, its officers, employees, and agents, from any liability arising from permittees' filming in a form approved by the city attorney. (Ord. 1424, 10-7-2008)

4-11-19: GENERAL PERMIT CONDITIONS; LIABILITY INSURANCE:

A. Insurance Requirements: Permittee must obtain public liability insurance from an insurance company licensed to do business in the state of California and having a financial rating in "Best's Insurance Guide" of not less than "A VII". Such insurance must provide "occurrence" coverage against liabilities for death, personal injury, or property damage arising out of or in any way connected with filming. Such insurance shall be based upon the size and nature of filming, the risks foreseeably involved, and must be in the amount of at least one million dollars (\$1,000,000.00), combined single limit, and name the city and the city's officers, employees, agents, and volunteers as additional insureds under the coverage afforded. The city's risk manager may increase this minimum limit depending on the risk involved with the proposed filming. In addition, such insurance must be primary and noncontributing with respect to any other insurance available to the city and include a severability of interest (cross liability) clause. If alcoholic beverages are sold or served during filming, the policy must also include an endorsement for liquor liability in an amount not less than one million dollars (\$1,000,000.00).

B. Certificates Of Insurance: A copy of the policy or a certificate of insurance along with all necessary endorsements, in a form approved by the city's risk manager, must be filed with the administrator not less than five (5) business days, except as otherwise provided in this chapter, before filming unless the administrator for good cause waives the filing deadline.

C. Bonds: A bond/cash deposit may be required for purposes of repairing any damage and restoring city facilities to original condition. The amount will be determined by the administrator. In the event of such damage, city will provide written notice to the permittee specifying the damage to be repaired and/or city facilities to be restored. If, after providing permittee with such written notice, the requested repairs and/or restoration of city facilities have not been commenced and/or completed within seven (7) days, city may draw upon the bond/cash deposit to effect said repairs and/or restoration of city facilities. In the event of damage requiring emergency repairs and/or restoration of city facilities by the city, the permittee is required to reimburse the city in full for all costs incurred within thirty (30) days of receipt of invoice from city. (Ord. 1424, 10-7-2008)

4-11-20: NOTICE TO RESIDENCES AND BUSINESSES; GENERALLY:

Before the administrator issues a filming permit, an applicant must notify neighbors within a proximity zone as follows:

A. The applicant must make every reasonable effort to notify neighbors within the proximity zones, by any reasonable means specified by the administrator, regarding the filming's nature, date, and time. (Ord. 1424, 10-7-2008; amd. Ord. 1436, 12-1-2009)

B. Notifications must include applicant's name, address, telephone number, date(s), and time(s) of filming. (Ord. 1424, 10-7-2008)

C. The applicant must submit a declaration, signed under penalty of perjury, with a permit application stating that reasonable notice was provided to every neighbor within the proximity zone.

D. The administrator may, at the applicant's cost, prepare documentation showing the neighbors within a proximity zone. (Ord. 1424, 10-7-2008; amd. Ord. 1436, 12-1-2009)

4-11-21: PROXIMITY ZONE PROTESTS:

A. The neighbors within the proximity zone are entitled to one protest per address. All protests must be received by the administrator at least two (2) business days before the filming date. (Ord. 1424, 10-7-2008; amd. Ord. 1436, 12-1-2009)

B. The administrator cannot issue a filming permit if: (Ord. 1424, 10-7-2008)

1. More than fifty percent (50%) of neighbors within the proximity zone submit protests against low impact filming. The administrator may, but is not required to, require a lower percentage of protests based upon the time, place, or manner of

the proposed filming and its consequent impact on surrounding businesses or residences;

2. If the administrator receives at least one protest from a neighbor within the proximity zone for filming that requires street closures; or

3. More than ten percent (10%) of neighbors within the proximity zone for all other filming sites submit protests.

C. A rebuttable presumption of one hundred percent (100%) approval from neighbors within a proximity zone is established if the administrator does not receive any protests from within a proximity zone. (Ord. 1424, 10-7-2008; amd. Ord. 1436, 12-1-2009)

D. Neighbors may submit protests for all filming located within three hundred feet (300') of their property with the administrator. The administrator will keep a record of such protests until the end of each calendar year and apply such protests when determining the protest percentages established by this section. Protests must be resubmitted at the beginning of each calendar year to be effective. (Ord. 1424, 10-7-2008)

4-11-22: GENERAL PERMIT CONDITIONS; SPECIAL EFFECTS; FIRE PERMIT:

An applicant must obtain a permit from the city fire department for filming that includes pyrotechnics, fires, or explosives. During filming the permittee must, at its own expense, use city fire personnel deemed necessary by the city fire department. All city fire permits must be obtained at least seventy two (72) hours before filming. (Ord. 1424, 10-7-2008)

4-11-23: GENERAL PERMIT CONDITIONS; ADDITIONAL REQUIREMENTS:

A. The permit, in its entirety, must be in the possession of the permittee at all times while filming.

B. A permittee must conduct operations in an orderly fashion. The area used must be cleaned of trash and debris upon completion and before leaving the filming site(s). A deposit to assure that a permittee removes all trash and debris from the filming site(s) may be required. This requirement and the amount may be determined by the administrator.

C. Vehicle parking for all filming related activities must be in accordance with the administrator's directions.

D. All camera cars must have a police escort. The administrator may determine how many police officers will be required to escort camera cars.

E. All filming and ancillary activities must commence not earlier than seven o'clock (7:00) A.M. and cease not later than ten o'clock (10:00) P.M. Filming and ancillary activities east of Sepulveda Boulevard and south of El Segundo Boulevard must commence and cease at the times indicated by a valid permit, except for filming and ancillary activities occurring within two hundred seventy five feet (275') of hotels which must commence not earlier than seven o'clock (7:00) A.M. and cease at ten o'clock (10:00) P.M.

F. Permittees must protect any neighbors within a proximity zone from glare caused by lighting used for filming after sunset.

G. Production companies cannot place equipment or vehicles on private property without the private property resident's written consent. (Ord. 1436, 12-1-2009)

4-11-24: SUBSEQUENT CONDITIONS:

A. Grounds For Subsequent Conditions: The administrator may condition previously issued permits upon learning or discovering facts not previously disclosed or reasonably discoverable.

B. Notice Of Subsequent Conditions: Should subsequent conditions be required, the administrator will serve written notice on the permittee of this decision. When acting upon information obtained twenty four (24) hours before filming, the administrator may orally inform the permittee, and city personnel overseeing filming, of the new conditions. (Ord. 1424, 10-7-2008)

4-11-25: EMERGENCY SUSPENSION OF FILMING:

The city manager, administrator, and/or any sworn public safety officer may temporarily suspend filming whenever there is an emergency that requires such action to protect public safety. Should this occur, the permittee and filming participants must immediately comply with the suspending officer's instructions. The administrator will immediately attempt to notify the applicant orally and notify the applicant in writing, within twenty four (24) hours after the suspension, citing with particularity the facts and the reasons for the suspension. (Ord. 1424, 10-7-2008)

4-11-26: LAND USE AND PARKING REGULATIONS INAPPLICABLE:

Except as otherwise provided by this chapter or the terms and conditions of a permit issued under this chapter, those provisions of this code regulating land use and parking do not apply to a permittee. All other provisions of this code are applicable to the permittee's conduct except as specifically provided in the permit. (Ord. 1424, 10-7-2008)

4-11-27: CORDONING OFF THE ROUTE OR FILMING SITE:

The administrator, or designee, is authorized and directed to establish traffic and/or crowd control devices on or within the city's streets, parking facilities, sidewalks, or other public rights of way, and to undertake other actions necessary to cordon off the filming site. In addition, the administrator, can, when appropriate, cause the filming site to be posted as a no parking zone for the duration of filming and sufficiently in advance thereof as may be necessary to prevent vehicles from parking along the route or at the filming location. (Ord. 1424, 10-7-2008)

4-11-28: PUBLIC CONDUCT DURING FILMING:

A. Interference With Filming: It is unlawful for any person to physically obstruct, impede, hamper or otherwise interfere

with any filming authorized by a permit or with any person, animal or vehicle participating or used in filming.

B. Driving Through The Filming Site: It is unlawful for any person to drive a vehicle between vehicles or persons authorized by a film permit when such vehicles or persons are in motion.

C. Prohibited Parking: It is unlawful for any person to park along or within any portion of the route or filming site, when the filming site is designated as a no parking zone by the administrator in the manner authorized by this chapter. (Ord. 1424, 10-7-2008)

4-11-29: PROHIBITIONS:

It is unlawful for any person to engage in filming that would constitute a hazard to public safety or interfere with or endanger the public peace or rights of residents and other occupants of property to the quiet, peaceful, unmolested enjoyment of their property. (Ord. 1424, 10-7-2008)

4-11-30: MISREPRESENTATION:

It is unlawful for any person to knowingly or intentionally misrepresent to any officer or employee of the city any material fact in procuring the permit provided for in this chapter. (Ord. 1424, 10-7-2008)

4-11-31: PERMIT MODIFICATION:

A. If, due to inclement weather or other, similar, unforeseen circumstances, it is necessary to change the filming date and/or time, the administrator may, upon permittee's request, issue a film permit addendum authorizing filming at the same location for new times and dates. Permittee must comply with all applicable provisions of this chapter, including notification, and pay any reasonable administrative fee that permit reissuance may cost.

B. If there is any substantial change in the filming from that described in the permit application, an applicant must pay the permit application fee and obtain an amended permit before the filming date. (Ord. 1424, 10-7-2008)

4-11-32: PROCEDURE FOR REVOCATION OR SUSPENSION OF PERMIT:

A. Facts Not Previously Disclosed: The administrator can revoke a film permit upon learning or discovering facts requiring permit denial not previously disclosed or reasonably discoverable.

B. Violation Of Permit Terms: The administrator may revoke a film permit when the permittee and/or filming violates the permit's terms and conditions, or when filming participants violate applicable laws or regulations; provided, however, that this subsection does not authorize revoking a permit because of the need to protect participants from the conduct of others; and, provided further, that the administrator cannot revoke a permit without warning the permittee and allowing him/her to correct the violation(s) within a reasonable time.

C. Notice Of Revocation: If the administrator revokes a permit before the filming date, the administrator must immediately serve written notice of revocation on the permittee and provide copies of the notice to all city personnel charged with carrying out any responsibility under this chapter. If the administrator revokes a permit on the day of filming after learning of facts justifying revocation less than twenty four (24) hours before the filming commenced, the administrator must announce such action to the filming participants, city officers and employees monitoring or controlling traffic during the filming, and the person in charge of the filming, if such person can be located at the filming location. Written notice must be delivered after such action to the permittee.

D. Hearing: An applicant is entitled to an administrative hearing before a hearing officer designated by the city manager provided:

1. The applicant appeals the administrator's decision within twenty four (24) hours of receiving notice of such conditions;

2. Filming is scheduled at least forty eight (48) hours after the hearing time;

3. The hearing will be at the administrator's office at four o'clock (4:00) P.M. the day after the hearing is requested, unless otherwise agreed upon. The hearing officer will issue a decision orally at the conclusion of the hearing and also notify the applicant and the administrator in writing of the hearing officer's decision;

4. Any notification of action, whether oral or written, must describe with particularity the facts and the reasons for the decision.

E. Consultation With City Attorney: The administrator must consult with the city attorney before revoking a filming permit.

F. Appeals To Council: Any person aggrieved by the decision of the administrator may appeal to the council in the manner provided by this chapter.

G. Failure To Appeal: In the event no appeal is taken by the permittee, the decision of the administrator revoking or suspending such permit becomes final and conclusive on the expiration of the time fixed for the appeal as set forth in this chapter. (Ord. 1424, 10-7-2008)

4-11-33: APPEALS TO CITY COUNCIL:

A. Procedures: Any person aggrieved by any decision of the administrator or of any other officer of the city made pursuant to the provisions of this chapter may appeal to the council within fifteen (15) days after notice thereof by filing with the city clerk a written notice of appeal, briefly stating in such notice the grounds relied upon for appeal. If such appeal is made within the time prescribed, the city clerk will schedule a hearing before the council within thirty (30) days after the date of the receipt of such notice of appeal, giving the appellant not less than ten (10) days' notice in writing of the time and place

of the hearing. The findings and determinations of the council at such hearing are final and conclusive and within three (3) days after such findings and determinations are made, the city clerk will give notice thereof to the appellant.

B. Council Determination: For appeals relating to the suspension or revocation of permits issued pursuant to this chapter, the council's determination becomes effective on the second day after the city clerk gives notice thereof to the appellant, unless otherwise provided by the council. (Ord. 1424, 10-7-2008)

4-11-34: EXPEDITED REVIEW:

Pursuant to California Code of Civil Procedure section 1094.8(c), and any successor statute or regulation, the permits under this chapter are designated for expedited judicial review pursuant to the procedure set forth in California Code of Civil Procedure section 1094.8, or any successor statute or regulation. (Ord. 1424, 10-7-2008)

CHAPTER 12

FIREARMS SALES, LICENSING AUTHORITY

SECTION:

4-12-1: Licensing Authority

4-12-2: Application

4-12-3: Investigation

4-12-4: Permit Issuance Or Renewal

4-12-1: LICENSING AUTHORITY:

A. Designation: The licensing authority is designated the duly authorized licensing authority of the City for the sale of pistols, revolvers and other firearms capable of being concealed upon the person.

B. Compliance With State Law: The licensing authority is directed to comply with the provisions of section 12071 of the State Penal Code. (Ord. 876, 7-15-1975; amd. Ord. 1127, 11-15-1988)

4-12-2: APPLICATION:

An application shall be filed in writing with the licensing authority on forms provided by the City. (Ord. 876, 7-15-1975; amd. Ord. 1127, 11-15-1988)

4-12-3: INVESTIGATION:

A. Conduct Of Investigation; Factors: The licensing authority shall refer each application for a permit, or renewal of such permit, to the Chief of Police, who, upon receipt thereof, shall conduct an appropriate investigation. Such investigation shall include, at a minimum, the following factors:

1. The security of the premises on which the business is conducted;
2. The criminal record or lack thereof of the applicant;
3. Compliance with all applicable sections of United States and California law governing the sale of firearms.

B. Fingerprinting Required: The Chief of Police may cause the fingerprints to be taken of any person who files an application pursuant to this Chapter. (Ord. 876, 7-15-1975; amd. Ord. 1127, 11-15-1988)

4-12-4: PERMIT ISSUANCE OR RENEWAL:

After investigation, the licensing authority may issue or renew the permit if he finds:

A. The applicant, his employee, agent or any person associated with the applicant as partner, director, officer, stockholder, associate or manager has not been convicted of a felony;

B. The premises in which the business will be carried on provides secure protection against theft, loss or misplacement of concealable firearms, and complies with and meets all health, zoning, fire, building and safety requirements;

C. That the applicant will comply with all applicable provisions of law concerning the sale of firearms. (Ord. 876, 7-15-1975; amd. Ord. 1127, 11-15-1988)

CHAPTER 13

BINGO GAMES FOR CHARITABLE PURPOSES

SECTION:

4-13-1: Definition

4-13-2: Organizations Eligible For City License

4-13-3: Application For License

4-13-4: Qualifications Of Applicant

4-13-5: Contents Of Application; Fee

4-13-6: Investigation Of Applicant

4-13-7: Contents Of License; Posting

4-13-8: Summary Suspension Of License; Hearing

4-13-9: Revocation Of License; Alternative Procedure

4-13-10: Appeal Of Revocation To City Council

4-13-11: Maximum Amount Of Prize

4-13-12: Proceeds Kept In Separate Fund Or Account

4-13-13: Financial Interest In Licensee Only

4-13-14: Exclusive Operation By Licensee

4-13-15: Bingo Games Open To Public

4-13-16: Attendance Limited To Occupancy Capacity

4-13-17: Bingo Games Conducted Only On Licensee's Property

4-13-18: Prohibited Acts

4-13-1: DEFINITION:

As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. (Ord. 929, 4-19-1977)

4-13-2: ORGANIZATIONS ELIGIBLE FOR CITY LICENSE:

Organizations exempted from the payment of the bank and corporations tax by section 23701 et seq., of the state Revenue and Taxation Code, mobile home park associations and senior citizens' organizations, are eligible to apply to the city for a license to conduct bingo games in the city under the provisions of section 326.5 of the state Penal Code and the provisions of this chapter; provided, however, that the receipts of such games are used only for charitable purposes. (Ord. 1069, 2-19-1984; amd. 2000 Code)

4-13-3: APPLICATION FOR LICENSE:

Eligible organizations desiring to obtain such license to conduct bingo games in the city shall file an application in writing therefor with the licensing authority on a form to be provided by the city. The issuing authority shall be the licensing authority upon authorization of the city council. The license issued shall be for a term of one year from the date of issuance, subject to a renewal and an annual fee of fifty dollars (\$50.00), plus an additional fee of one percent (1%) of the monthly gross receipts collected in excess of five thousand dollars (\$5,000.00). If an application for a license is denied, one-half ($\frac{1}{2}$) of any license fee paid shall be refunded to the organization. (Ord. 1069, 2-19-1984; amd. Ord. 1127, 11-15-1988)

4-13-4: QUALIFICATIONS OF APPLICANT:

No license shall be issued to any organization unless such applicant is an eligible organization under section 4-13-2 of this chapter and its application conforms to the requirements, terms and conditions of this chapter. (Ord. 929, 4-19-1977)

4-13-5: CONTENTS OF APPLICATION; FEE:

A. Contents: Said application for a license shall contain the following:

1. The name of the applicant's organization and a statement that applicant is an eligible organization under section 4-13-2 of this chapter.
2. The name and signature of at least two (2) officers of the applicant organization.
3. The particular property within the city, including the street number, owned or leased by the applicant, used by such applicant for an office or for performance of the purposes for which the applicant is organized, together with the occupancy capacity of such place. Nothing in this subsection shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.
4. Proposed days of week and hours of day for conduct of bingo games.
5. That the applicant agrees to conduct bingo games in strict accordance with the provisions of section 326.5 of the Penal Code and this chapter as they may be amended from time to time, and agrees that the license to conduct bingo games may be revoked by the city manager upon violation of any of such provisions.

B. Signature Required: The applicant under penalty of perjury shall sign said application.

C. Annual Fee: The annual license or renewal fee shall be set by a resolution of the city council and shall accompany the application.

D. Certificate Of Exemption: Where applicant shall also submit, with its application, a certificate or determination of exemption under section 23701 et seq., of the Revenue and Taxation Code, or a letter of good standing from the exemption division of the franchise tax board in Sacramento showing exemption under one of the eligible Revenue and Taxation Code sections. (Ord. 1334, 4-17-2001)

4-13-6: INVESTIGATION OF APPLICANT:

Upon receipt of the completed application and the fee, the licensing authority shall refer the same to interested departments of the city including, but not limited to, the city manager, city attorney, police department, fire department, community, economic and development services department for investigation as to whether or not all the statements in the application are true and whether or not the property of the applicant qualifies and the extent to which it qualifies, as property on which bingo games may lawfully be conducted as to fire, occupancy and other applicable restrictions. A period of not less than thirty (30) days shall be allowed for the purpose of conducting said investigation. (Ord. 929, 4-19-1977; amd. Ord. 1127, 11-15-1988; Ord. 1315, 1-18-2000)

4-13-7: CONTENTS OF LICENSE; POSTING:

A. Contents: Upon being satisfied that the applicant is fully qualified under law to conduct bingo games in the City, upon authorization by the City Council the licensing authority shall issue a license to said applicant, which shall contain the following information:

1. The name and nature of the organization to whom the license is issued.
2. The address where bingo games are authorized to be conducted. (Ord. 943, 11-1-1977; amd. Ord. 1127, 11-15-1988)
3. The occupancy capacity of the room in which bingo games are to be conducted as set forth on the certificate of occupancy and/or posting or room capacity as specified in the Uniform Building Code, as adopted by the City. A description of where the room is located at the address, room site, number of exits, type of seating that will be provided participants and other pertinent information shall be listed.
4. The date of the expiration of such license.
5. Such other information as may be necessary or desirable for the enforcement of the provisions of this Chapter.

B. Posting: The licensee shall cause the license to be visibly posted in a conspicuous place upon the premises where bingo games are authorized to be conducted, and shall immediately produce such license for inspection upon demand of any police officer. (Ord. 1069, 2-19-1984)

4-13-8: SUMMARY SUSPENSION OF LICENSE; HEARING:

A. Authority Of Police Chief: Whenever it appears to the Chief of Police that the licensee is conducting a bingo game in violation of any of the provisions of this Chapter, the Chief of Police shall have the authority to summarily suspend the license and operation of any bingo game.

B. Continuing To Conduct Bingo After Suspension: Any person who continues to conduct a bingo game after any summary suspension thereof shall be deemed guilty of a misdemeanor and, upon conviction thereof, subject to penalty as provided in Section 1-2-1 of this Code.

C. Hearing Request: The summary suspension shall include the notification of the licensee that it shall have ten (10) days from the date of such suspension to request a hearing to determine whether such license shall be revoked. Failure to request, in writing, such hearing before the City Council within said ten (10) day period, shall result in a revocation of the license. (Ord. 929, 4-19-1977; amd. 2000 Code)

D. Notice Of Hearing: Upon such request by the licensee, whose license has been summarily suspended, for a hearing to determine whether such license shall be revoked, the City Council shall provide such hearing within thirty (30) days after receipt of such request by the City, or at a time thereafter agreed upon, at which hearing the suspended licensee may appear before the City Council for the purpose of presenting evidence why the license should not be revoked. No license shall be revoked under this Section unless notice of the time and place of such hearing shall have first been given at least five (5) days before the hearing thereof by depositing in the United States mail a notice directed to said suspended licensee at the address given in the application. The notice shall set forth a summary of the ground advanced as the basis of the suspension and revocation.

E. Council Action: Any organization whose license is revoked under this Section shall not conduct any bingo game in the City until such time as the City Council makes a determination as to whether the license shall be reinstated. The determination of the City Council on the appeal shall be final. (Ord. 929, 4-19-1977)

4-13-9: REVOCATION OF LICENSE; ALTERNATIVE PROCEDURE:

A. Revocation; Hearing: Whenever it appears to the City Manager that the licensee is conducting bingo games in violation of any of the provisions of this Chapter, or that the license was obtained by fraudulent representation and no summary suspension is ordered, under Section 4-13-8 of this Chapter, the license may be revoked; provided, however, the licensee may appear before the City Council at the time fixed by the City Manager, for the purpose of presenting evidence why the license should not be revoked. No license shall be revoked under this Section unless written notice shall have first been given at least five (5) days before the hearing thereof by depositing in the United States mail a notice directed to said licensee at the address given in the application. The notice shall set forth a summary of the ground advanced as the basis of the revocation.

B. Reinstatement: Any organization whose license is revoked under this Section shall not conduct any bingo game in the City until such time as the City Council, on an appeal, makes a determination as to whether the license shall be reinstated. The determination of the City Council on the appeal shall be final. (Ord. 929, 4-19-1977)

4-13-10: APPEAL OF REVOCATION TO CITY COUNCIL:

Any holder of a license whose license is revoked under this Chapter shall have the right, within ten (10) days after receiving notice in writing of the revocation, to file a written appeal to the City Council. Such appeal shall set forth the specific ground or grounds on which it is based. The City Council shall hold a hearing on the appeal within thirty (30) days after its receipt by the City, or at a time thereafter agreed upon and shall cause the appellant to be given at least ten (10) days' written notice of such hearing. At the hearing, the appellant or its authorized representative shall have the right to present evidence and a written or oral argument, or both, in support of its appeal. The determination of the City Council on the appeal shall be final. (Ord. 929, 4-19-1977)

4-13-11: MAXIMUM AMOUNT OF PRIZE:

The total value of prizes awarded during the conduct of any bingo game shall not exceed two hundred fifty dollars (\$250.00) in cash or kind, or both, for each separate game which is held. (Ord. 943, 11-1-1977)

4-13-12: PROCEEDS KEPT IN SEPARATE FUND OR ACCOUNT:

A. Disposition Of Proceeds: All proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes. (Ord. 943, 11-1-1977)

2. A portion of such proceeds, not to exceed twenty percent (20%) of the proceeds before the deduction for prizes, or one thousand dollars (\$1,000.00) per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel. (Ord. 1069, 2-19-1984)

B. Records Of Income And Expenses: The licensee shall keep by separate books full and accurate records of the income and expenses received and described in connection with its operation, conduct, promotion, supervision or any other phase of bingo games authorized by this Chapter. The City, by and through its authorized officers, shall have the right to examine and audit such records at any reasonable time and licensee shall fully cooperate with the City by making such records available. (Ord. 943, 11-1-1977)

4-13-13: FINANCIAL INTEREST IN LICENSEE ONLY:

No individual, corporation, partnership, or other legal entity except the licensee shall hold a financial interest in the conduct of such bingo game. (Ord. 929, 4-19-1977)

4-13-14: EXCLUSIVE OPERATION BY LICENSEE:

A bingo game shall be operated and staffed only by members of the licensee organization. Such members shall not receive a profit, wage, or salary from any bingo game. Only the licensee shall operate such game, or participate in the promotion, supervision, or any other phase of such game. Security personnel may be paid from proceeds of a bingo game if not members of the licensee organization. (Ord. 929, 4-19-1977; amd. Ord. 1069, 2-19-1984)

4-13-15: BINGO GAMES OPEN TO PUBLIC:

All bingo games shall be open to the public, not just to the members of the licensee organization. (Ord. 929, 4-19-1977)

4-13-16: ATTENDANCE LIMITED TO OCCUPANCY CAPACITY:

Bingo games shall be conducted only within structures approved for public assembly as such is defined in the Uniform Building Code as adopted by the City and as evidenced by a valid certificate of occupancy as set forth in the Uniform Building Code as adopted by the City. Bingo games shall be permitted only in the interior of such structures and licensee shall not reserve seats or space for any person. (Ord. 1069, 2-19-1984)

4-13-17: BINGO GAMES CONDUCTED ONLY ON LICENSEE'S PROPERTY:

A licensee shall conduct a bingo game only on property owned or leased by it, or property whose use is donated to the organization, for ninety (90) or more days prior to date of application and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. The license issued under this Chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceases to be used as an office and as a place for performance of the purposes for which the licensee is organized, the license shall have no further force or effect. A new license may be obtained by an eligible organization, upon application under this Chapter, when it again owns or leases property used by it for an office or for performance of the purposes for which the organization is organized. (Ord. 943, 11-1-1977; amd. Ord. 1069, 2-19-1984)

4-13-18: PROHIBITED ACTS:

A. Consumption Of Alcoholic Beverages: The serving and consumption of alcoholic beverages is prohibited in the room where bingo games are being conducted.

B. Minors: No persons under the age of eighteen (18) years shall be allowed to participate in any bingo game.

C. Intoxicated Persons: No person who is obviously intoxicated shall be allowed to participate in a bingo game. (Ord. 929, 4-19-1977)

D. Participant Must Be Present: No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

E. Interference With Inspection: No person shall interfere with, prevent, or refuse to permit a police officer to make an inspection or examination of any premises where bingo games are authorized to be conducted, for the purpose of determining whether the licensee is complying with the provisions of section 326.5 of the State Penal Code and the provisions of this Chapter.

F. Receipt Of Profit: It is a misdemeanor under section 326.5(b) of the State Penal Code for any person to receive or pay a profit, wage, or salary from any bingo game authorized under this Chapter, a violation of which is punishable by a fine not to exceed ten thousand dollars (\$10,000.00), which fine shall be deposited in the General Fund of the City. (Ord. 943, 11-1-1977)

CHAPTER 14

MARIJUANA

SECTION:

4-14-1: Definitions

4-14-2: Commercial Marijuana Activity Prohibited

4-14-3: Cultivation Of Marijuana For Personal Use

4-14-4: Severability

4-14-5: Interpretation

4-14-1: DEFINITIONS:

COMMERCIAL MARIJUANA ACTIVITY: The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery, or sale of marijuana and marijuana products.

CULTIVATION: Any activity involving the planting, growing, cultivating, harvesting, drying, curing, grading, trimming or processing of marijuana.

DELIVERY: The commercial transfer of marijuana or marijuana products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer or independently licensed under this title that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

MARIJUANA: All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

A. Industrial hemp, as defined in Health And Safety Code section 11018.5; or

B. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

MARIJUANA ACCESSORIES: Any equipment, products or materials of any kind which 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, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

MARIJUANA CULTIVATION FACILITY: An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

MARIJUANA ESTABLISHMENT: A marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

MARIJUANA PRODUCT MANUFACTURING FACILITY: An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

MARIJUANA PRODUCTS: Marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

MARIJUANA STORAGE FACILITY: Any entity or premises used for the storage of marijuana, marijuana products or marijuana accessories.

MARIJUANA TESTING FACILITY: An entity licensed to analyze and certify the safety and potency of marijuana.

PRIVATE RESIDENCE: A house, an apartment unit, a mobile home, or other similar habitable dwelling.

RETAIL MARIJUANA STORE: Any entity licensed to purchase marijuana from marijuana cultivation facilities and

marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers; or any premises, whether licensed or unlicensed, where marijuana, marijuana products, or devices for the use of marijuana or marijuana products are offered, either individually or in any combination, for retail sale, including an establishment that delivers marijuana and marijuana products as part of a retail sale. (Ord. 1544, 12-6-2016)

4-14-2: COMMERCIAL MARIJUANA ACTIVITY PROHIBITED:

No license can be issued for, nor shall any person operate, a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, marijuana delivery business, marijuana storage facility, retail marijuana store, marijuana establishment, or any commercial marijuana activity in the city of El Segundo. (Ord. 1544, 12-6-2016)

4-14-3: CULTIVATION OF MARIJUANA FOR PERSONAL USE:

A. Outdoor Cultivation: Cultivation of marijuana outdoors is prohibited, except for the personal cultivation of marijuana conducted in accordance with Health And Safety Code section 11362.2, subd. (a).

B. Indoor Cultivation: Cultivation of marijuana indoors is prohibited, except for the personal cultivation of not more than six (6) plants at one time within a single private residence pursuant to Health And Safety Code section 11362.2, subd. (a). (Ord. 1544, 12-6-2016)

4-14-4: SEVERABILITY:

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances. (Ord. 1544, 12-6-2016)

4-14-5: INTERPRETATION:

The intent of this chapter is to prohibit commercial marijuana activities and the personal cultivation of marijuana, whether medical or recreational in nature, to the maximum extent allowed under state law. Nothing in this chapter shall be interpreted as allowing behavior otherwise prohibited by state law and nothing in this chapter shall be interpreted as prohibiting conduct that the city is expressly preempted from prohibiting under state law. (Ord. 1544, 12-6-2016)

CHAPTER 15

SIDEWALK VENDOR PROGRAM

SECTION:

4-15-1: Purpose

4-15-2: Definitions

4-15-3: Sidewalk Vendor Permit Required; Exemption

4-15-4: Application

4-15-5: Location Requirements

4-15-6: Operating Requirements

4-15-7: Revocation Or Suspension Of Permit

4-15-8: Violations And Penalties

4-15-1: PURPOSE:

This Chapter is adopted pursuant to the City's police powers and Government Code sections 51036 et seq., including any successor statutes, for the purpose of regulating the sale of food and merchandise on the City's sidewalks and pedestrian paths.

(Ord. 1593, 10-15-2019)

4-15-2: DEFINITIONS:

For the purposes of this chapter, the following definitions apply. Words and phrases undefined in this Code have the same meaning as such words and phrases in title 8 of the Public Health Code of Los Angeles County:

CERTIFIED FARMER'S MARKET: A California agricultural product point-of-sale location that is registered under, and operated in accordance with Food and Agriculture Code sections 47000, et seq.

JUNK FOOD: Any food or beverage that is low in essential nutrients, protein, vitamins or minerals and high in calories, sodium, sugar and fat. "Junk Foods" include, without limitation, soda, candy, chips, ice cream, hot dogs or processed meat and chocolates.

PEDESTRIAN PATH: A footpath, not adjacent to a road, which is intended for use only by pedestrians, tricycles, strollers or baby carriages.

ROAMING SIDEWALK VENDOR: A sidewalk vendor who sells food or merchandise while continuously moving from place

to place and who only stops temporarily to complete a transaction.

SIDEWALK VENDOR: A vendor who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or pedestrian path.

SPECIAL EVENT: Includes an event that requires a City-issued permit for the temporary use of, or encroachment on, the sidewalk or other public area, including, without limitation, an encroachment permit, special event permit, or temporary event permit. For purposes of this chapter, "Special Event" also includes organized youth sports league events and games and City-sponsored events.

STATIONARY SIDEWALK VENDOR: A sidewalk vendor who sells food or merchandise from a fixed location.

SWAP MEET: As defined in Business and Professions Code section 21661, as may be amended.

VENDOR: A person, individual, firm, co-partnership, joint venture, association, corporation, or any other group or combination acting as an entity, that sells, offers for sale, solicits for purchase, or exposes or displays for sale, any food, beverage or merchandise, or to require someone to negotiate or establish to pay a fee before providing food, beverages or merchandise, even if characterized as a donation.

(Ord. 1593, 10-15-2019)

4-15-3: SIDEWALK VENDOR PERMIT REQUIRED; EXEMPTION:

A. No person or vendor may operate as a sidewalk vendor on a public sidewalk, park, parkway, median, land, property, pedestrian path or any other land or property under the City's control, unless the City has issued such person a sidewalk vending permit and city business license.

B. No pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other non-motorized conveyance may be used for the sale of food or merchandise from the public sidewalk, park, parkway, median, land, property, pedestrian path or any other land or property under the City's control, anywhere in the City without first obtaining a sidewalk vending permit for such activity.

C. The sidewalk vending permit is valid for twelve (12) months after being issued, unless revoked or suspended, and may be renewed at any time before expiration. A maximum of one (1) sidewalk vending permit may be issued to a vendor. A sidewalk vending permit may not be issued to pushcarts, wagons, or other non-motorized conveyances. Sidewalk vending permits are non-transferable.

D. A bona fide charity is exempt from the permit requirements of this Chapter and is otherwise regulated pursuant to Business and Professions Code sections 17510 et seq.

E. City-permitted filming and special event permits shall have priority over sidewalk vending permits.

(Ord. 1593, 10-15-2019)

4-15-4: APPLICATION:

A. To apply for a sidewalk vending permit, the applicant must provide to the City all of the following information under penalty of perjury:

1. The applicant's full name and a social security number or California driver's license, California identification card number, or individual taxpayer identification number;

2. Proof of a valid California Department of Tax and Fee Administration seller's permit;

3. The name, telephone number and current mailing address of the sidewalk vendor;

4. The name and business address of the principal if the sidewalk vendor is an agent of an individual, company, partnership or corporation;

5. A complete description of the food or merchandise offered for sale or exchange. Any applicant who intends to sell food must also provide proof of either a food handler card or certified food protection manager certificate, if applicable, pursuant to Health and Safety Code sections 113700 through 114437, and certify that the pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other non-motorized conveyance used has been approved by the County Health Department for that particular type of food;

6. Proof of liability insurance and signed indemnification in favor of the City, in an amount not less than five hundred thousand dollars (\$500,000) for property damage, including injury resulting in death, caused by the operation of the vending business; and

7. A complete description of any ancillary items that the applicant intends to use in conjunction with sales including, without limitation, small tables, trash receptacles, chairs, umbrellas and umbrella stands, or other similar items.

B. Applicants must agree in writing to abide by the location and operational requirements stated in this Chapter.

C. Each application must be in writing on forms approved by the City, and the application must be accompanied by the non-refundable fee established by City Council resolution.

D. Sidewalk vendors may not be permitted as a permanent or proprietary location in any property within the City.

E. The Finance Director or designee is responsible for issuing sidewalk vending permits and may promulgate any additional requirements for the issuance of such permits, provided such requirements comply with this chapter, this Code and state law. The Director's decision with respect to a sidewalk vendor permit application may be appealed to the City Manager. The City Manager's decision is the City's final decision.

(Ord. 1593, 10-15-2019)

4-15-5: LOCATION REQUIREMENTS:

A. Sidewalk vendors must maintain a clearance of no less than four feet (4') (forty eight inches (48")) upon every sidewalk or pedestrian path in order to comply with the Americans with Disabilities Act of 1990 (Public Law 101-336).

B. Stationary sidewalk vendors may not operate in any of the City's residential zones; roaming sidewalk vendors may sell food or merchandise within residential zones, provided the vendor moves continuously and only stops temporarily to complete a transaction.

C. Sidewalk vendors may not offer junk food within three hundred feet (300') of any kindergarten, elementary school, junior high school or senior high school, between the hours of six o'clock (6:00) A.M. and six o'clock (6:00) P.M., when such school is in session.

D. Sidewalk vendors may not operate within three hundred feet (300') of a certified farmer's market, swap meet, or area designated for a special event, during the event's limited duration. City-permitted filming and special event permits shall have priority over sidewalk vending permits.

E. Stationary sidewalk vendors may not operate within any City-owned park with an operative agreement between the City and a concessionaire for the exclusive sale of food or merchandise by the concessionaire.

F. Sidewalk vendors may not operate:

1. Where placement impedes the flow of pedestrian traffic by reducing the clear space to less than six feet (6'), or impedes egress from, access to or the use of abutting property; or

2. In any location where vending operations endangers the safety of persons or property including, but not limited to, three feet (3') from any parking lot or driveway apron, or as determined on a site-specific basis by the City Engineer or Police Department.

G. No vendor may use the median strip of a divided roadway.

(Ord. 1593, 10-15-2019)

4-15-6: OPERATING REQUIREMENTS:

A. A cart approved by the Health Department to vend one particular type of food may not be used to vend a different type of food.

B. A cart used for sidewalk vending must not exceed a length of seventy two inches (72") (six feet (6')), a width of fifty four inches (54" (four and one half feet (4.5')), or a height, including a roof or awning, of seventy eight inches (78") (six and one half feet (6.5')). An applicant may request, and the City may approve, a table for condiments to be used in conjunction with a cart selling food. Such table must not exceed a length of forty eight inches (48") (four feet (4')) and a width of twenty four inches (24") (two feet (2')). A vendor may only set up and use furniture as expressly approved by the City.

C. All sidewalk vendors must allow a police officer, firefighter, code enforcement officer, health inspector or other government official charged with enforcing laws relating to street vendor activities, at any time, to inspect the vendor's cart for compliance with the requirements of this Chapter and to ensure the safe operation of any heating elements used to prepare food.

D. A vendor must operate according to its approved hours of operation. The Finance Director may impose reasonable hours of operation for sidewalk vendors, provided that for sidewalk vending in non-residential areas, the Director may limit the hours of operation in a manner consistent with other businesses or uses on the same street(s) in such areas. Vending in City parks is only permitted during park operating hours.

E. Stationary sidewalk vendors must provide a trash receptacle and recycling container for customers and ensure proper disposal of customer trash, when necessary, during all hours of operation. The trash receptacle and recycling container must be large enough to accommodate customer trash without resorting to existing trash receptacles and recycling containers provided by the City for use by the general public. A sidewalk vendor may not dispose of customer trash in existing receptacles provided by the City. Sidewalk vendors must prevent the accumulation of solid waste in quantities that are unreasonable or detrimental to the public health or safety.

F. Sidewalk vendors must keep the immediate area around them clean and free of trash or liquids during hours of operation. Vendors must pick up and properly discard any trash associated with the vendor's activities, and clean up any spilled or leaked liquids on the sidewalk or pedestrian path before leaving the area.

G. All applicable permits, including the City-issued sidewalk vending permit, must be displayed in plain view at all times.

H. A pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other non-motorized conveyance, or ancillary vending items or equipment must not be left unattended or chained or fastened to any pole, sign, tree or other object in the public right-of-way, or be left unattended and intruding in the public right-of-way. Any pushcart, stand, display, pedal-driven

cart, wagon, showcase, rack or other non-motorized conveyance in violation of this subsection may be confiscated.

I. A sidewalk vendor must provide their own, independent source of electricity and other utilities for the cart's operation. A sidewalk vendor may not connect a cart to an external source of electricity, water or any other utilities while located on public property.

J. A sidewalk vendor may not burn wood or barbeque briquettes.

K. Merchandise may not be placed directly onto the public right-of-way without the City's express approval.

L. Sidewalk vendors may not offer services or any illegal or counterfeit merchandise. No sidewalk vendor may sell any alcohol-related beverage, tobacco or electronic vaping products; cannabis products; weapons, including knives, guns or explosive devices; pharmaceuticals; or other similar products.

M. All signs associated with a sidewalk vendor must be affixed to the cart or conveyance. A sidewalk vendor must not display any signage that is potentially distracting to motorists, including but not limited to, flashing signs, LED lights or lasers.

N. Vendors must comply with the noise requirements outlined in Chapter 7-2 of this Code, particularly with regard to the amplification of voices, music or sound.

O. Sidewalk vendors may not operate vending tricycles, icicle trikes, bicycle vending carts or the like, in any City park.

(Ord. 1593, 10-15-2019)

4-15-7: REVOCATION OR SUSPENSION OF PERMIT:

A. Whenever any person fails to comply with any provision of this Chapter, or any rule or regulation adopted pursuant hereto, or with any other provision or requirement of law, including, but not limited to, this Code or any grounds that would warrant the denial of initial issuance of a permit hereunder, the City Manager, after giving such person ten (10) days' notice in writing to the address stated on the application and specifying the time and place of hearing and requiring him/her to show cause why his/her permit should not be revoked, will conduct a hearing. If permit violations are shown by substantial evidence, the City Manager may revoke or suspend any permit. The City will not issue a new permit after the revocation of a permit unless it is satisfied that the applicant will thereafter comply with all provisions of this Chapter and the rules and regulations adopted thereunder and all other applicable provisions of law, and until the City Manager collects a fee in an amount sufficient to recover the actual costs of processing the re-application.

B. The City Manager will provide the permittee with written notice of the revocation by certified mail addressed to the permittee's address.

C. Any person who vends, peddles or sells any goods or merchandise after such person's permit has been suspended or revoked, and before such suspended or revoked permit has been reinstated or a new permit issued, is subject to administrative penalties pursuant to section 4-15-8.

(Ord. 1593, 10-15-2019)

4-15-8: VIOLATIONS AND PENALTIES:

A. Any violation of this Chapter is deemed to be a public nuisance and each day such condition continues will be regarded as a new and separate offense. Violations of this Chapter will be subject to administrative penalties, enumerated in subsections C and D below and administered pursuant to Chapter 1-2A of this Code. Any administrative fines issued pursuant to this Chapter may be appealed pursuant to Chapter 1-2A of this Code.

B. It is unlawful for any person engaged in sidewalk vending, solicitation or peddling as described herein to fail or refuse to display or show the identification card upon demand for the display thereof by an officer of the City, or by any person being solicited by the solicitor.

C. Any vendor who operates without a duly-issued sidewalk vending permit will be subject to the following fines:

1. An administrative fine of two hundred fifty dollars (\$250.00) for a first violation;
2. An administrative fine of five hundred dollars (\$500.00) for a second violation within one (1) year of the first violation;
3. An administrative fine of one thousand dollars (\$1,000.00) for a third or subsequent violation within one (1) year of the first violation.

The city may reduce these fines for any vendor who subsequently obtains a valid permit.

D. A person who violates any provision of this Chapter other than vending without a duly-issued sidewalk vending permit is subject to the following fines:

1. An administrative fine of one hundred dollars (\$100.00) for a first violation;
2. An administrative fine of two hundred dollars (\$200.00) for a second violation within one (1) year of the first violation; and
3. An administrative fine of five hundred dollars (\$500.00) for a third or subsequent violation within one (1) year of the first violation. Alternatively, the City may revoke the permit issued upon a fourth or subsequent violation.

E. When assessing an administrative fine, the City must take into consideration the violator's ability to pay the fine. If either of the following are true, the violator may remit to the City twenty percent (20%) of the administrative fine imposed:

1. The violator is receiving public benefits under one (1) or more of the following programs: (i) Supplemental Security Income (SSI) and State Supplementary Payment (SSP); (ii) California Work Opportunity and Responsibility to Kids Act (CalWORKs) or a federal Tribal Temporary Assistance for Needy Families (Tribal TANF) grant program; (iii) Supplemental Nutrition Assistance Program or the California Food Assistance Program; (iv) County Relief, General Relief (GR), or General Assistance (GA); (v) Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants; (vi) In-Home Supportive Services (IHSS); or (vii) Medi-Cal; or

2. The violator's monthly income is one hundred twenty five percent (125%) or less of the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of paragraph (2) of section 9902 of title 42 of the United States Code.

F. Any fine required to be paid under the provisions of this Chapter shall be deemed a debt owed by the person to the City. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount.

(Ord. 1593, 10-15-2019)

CHAPTER 16

HOME SHARING PERMIT PILOT PROGRAM

SECTION:

4-16-1: Purpose

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4-16-3: Permit Required

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4-16-10: Prohibitions

4-16-11: Enforcement; Penalties

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4-16-1: PURPOSE:

The purpose of this Chapter is to require the owner of a residential dwelling unit that is used for home sharing to apply for and secure a permit authorizing such use in the manner provided for in this Chapter. (Ord. 1614, 7-21-2020)

4-16-2: DEFINITIONS:

For the purpose of this Chapter, the following definitions apply:

ADMINISTRATIVE GUIDELINES: Regulations promulgated by the Director and approved by the City Council that may include, but are not limited to, application requirements, interpretations, conditions, reporting requirements, hosting platform safe harbor

requirements, enforcement procedures, and disclosure requirements to implement the provisions of this Chapter.

BOOKING: A reservation for home sharing.

BOOKING TRANSACTION: Any reservation or payment service provided by a person who facilitates a transaction for home sharing, between a prospective transient user and a host.

CHILD or CHILDREN: A person or persons under the age of 13.

DWELLING UNIT: Any building or portion thereof that is used as a complete, independent living facility for one or more persons containing permanent provisions for living, sleeping, eating, cooking, and sanitation, as required by the California Building Code.

HOME SHARING: Renting, for a period of 30 consecutive days or less, of one or more bedrooms in a dwelling unit that is

the primary residence of the host, while the host lives on site, in the dwelling unit, throughout the transient user's stay. Home sharing is also considered to be a short-term rental.

HOME SHARING UNIT: A dwelling unit that is made available for home sharing. A home sharing unit has historically been, and continues to be, included in the definition of "hotel" for purposes of Title 3, Chapter 4 of this Code.

HOST: Any person who is an owner of a residential dwelling unit offered for use as home sharing.

HOSTING PLATFORM: A person or entity that participates in the short-term rental business by providing booking services through which an operator may offer a short-term rental unit. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows an operator to advertise the short-term rental unit through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential renters arrange use and payment, whether the renter pays rent directly to the operator or to the hosting platform.

LIVES ON-SITE: Maintains a physical presence in the dwelling unit including, without limitation, all of the following: the storing of one's clothes and other personal effects, sleeping overnight, preparing and eating meals, and engaging in other activities of the type typically engaged in by a person residing in a dwelling unit.

OWNER: The person, persons, or a trustee of a family trust, which holds legal or equitable title to a property used for home sharing.

PERSON: A natural person.

PRIMARY RESIDENCE: The residential unit where an owner resides for at least 183 nights per year. A host can only have one primary residence.

SHORT-TERM RENTAL: The rental of any portion of any structure for occupancy, dwelling, lodging or sleeping purposes for a period of 30 consecutive calendar days or less. (Ord. 1614, 7-21-2020)

4-16-3: PERMIT REQUIRED:

A. No person may rent, offer to rent, or advertise short-term home sharing rental of a dwelling unit to another person without a valid Short-term Home Sharing Rental Permit approved and issued in the manner provided for in this Chapter.

B. Any type of short-term rental within the city that does not constitute home sharing as defined by Section 4-16-2 is not eligible for a permit under this program. (Ord. 1614, 7-21-2020)

4-16-4: APPLICATION FOR PERMIT; FEE:

An application for a Short-term Home Sharing Rental Permit must be made on a form approved by the Director and must contain the following information:

- A. The name, address and telephone number of the owner of the unit for which the permit is to be issued.
- B. Evidence that a City business license has been applied for or obtained for operating a short-term home sharing business.
- C. Evidence that a valid Transient Occupancy Registration Certificate has been issued by the City for the home sharing unit.
- D. Proof of general liability insurance in the amount of \$1,000,000 combined single limit and an executed agreement to indemnify, defend, and hold the City harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the short-term home sharing rental activity.
- E. An acknowledgment that the use of the property for home sharing is subject to a sunset provision, and that the owner will acquire no vested right to the continued use of any portion of the dwelling unit for short-term home sharing rental after the sunset period expires.
- F. An affidavit signed by the property owner attesting that the property to be used for short-term home sharing rental is the owner's primary residence as defined in Section 4-16-2.
- G. Such other information as required by the Administrative Guidelines or as the Director deems reasonably necessary to administer this Chapter.
- H. The Short-term Home Sharing Permit Application must be signed by the property owner and notarized.
- I. An application for a Short-term Home Sharing Rental Permit must be accompanied by a fee established by resolution of the City Council. (Ord. 1614, 7-21-2020)

4-16-5: PERMIT EXPIRATION:

A. Applications for Short-term Home Sharing Rental Permits will be accepted for a pilot period commencing within 30 to 60 days after the Los Angeles County Health Officer's order of June 12, 2020, or any subsequent order, which prohibits short-term rentals in occupied units, is rescinded or amended to once again permit short-term rentals in occupied units, and ending 15 months after the program begins.

B. Upon a change of property ownership, the Short-term Home Sharing Rental Permit will automatically expire. For purposes of this Chapter, a change of ownership has the definition set forth in Revenue and Taxation Code section 60 et seq. (Ord. 1614, 7-21-2020)

4-16-6: REVIEW OF PERMIT APPLICATION:

An application for a Short-term Home Sharing Rental Permit that meets the conditions of permit issuance described in Section 4-16-7 must be approved. An application for a Short-term Home Sharing Rental Permit must be denied if any information submitted by the applicant in connection with the application is materially false. Further, a permit may not be issued for any dwelling that is delinquent in the payment for its associated water service. (Ord. 1614, 7-21-2020)

4-16-7: CONDITIONS OF PERMIT ISSUANCE AND OPERATIONAL CONDITIONS:

A. All Short-term Home Sharing Rental Permits are subject to the following standard conditions:

1. No Short-term Home Sharing Rental Permit may be issued for a dwelling unit that does not serve as the property owner's primary residence. A host can only have one primary residence.
2. Parking must be provided on-site at a ratio of not less than one parking space per bedroom in the main residence/unit on the parcel and must be available for use by the short term rental guest(s). Parking spaces may include garage or driveway spaces. Tandem parking spaces are acceptable provided each tandem space measures at least 9 feet by 20 feet and does not extend into any sidewalk or other public right-of-way. If any of the required parking is provided in a garage, each garage space must be kept clear of debris and able to accommodate a vehicle at all times.
3. The home sharing unit must at all times provide operable basic health and safety features, including fire extinguishers, smoke detectors, and carbon monoxide detectors.
4. The property of the home sharing unit shall be maintained in a clean and sanitary condition. Trash and refuse shall not be left outdoors and shall not be left stored within public view, except in proper containers for the purpose of collection by the trash collectors.
5. No signs or displays advertising a home sharing unit are allowed on the subject property.
6. The owner must maintain a transient occupancy registration certificate and must ensure the timely remittance of all transient occupancy taxes due in accordance with Title 3, Chapter 4 of this Code.
7. A home sharing unit is for overnight lodging accommodations only and may not be used for, or advertised for use for weddings, parties, bachelor or bachelorette parties, conferences, or similar events. The owner is responsible for the content of all advertising with respect to the home sharing unit. At no time during a home sharing stay may the total number of rental guests and invitees of such guests on the subject parcel exceed 6, excluding children.
8. The total occupancy of each home sharing unit may not exceed two adult guests for each bedroom available for home sharing. The applicable maximum occupancy must be included in every advertisement, posting, and listing for a home sharing unit.
9. The Short-term Home Sharing Rental Permit number must be included in every advertisement, posting, and listing for a home sharing unit.
10. An accessory dwelling unit may not be used for short-term rental.
11. The short-term rental of space within any dwelling unit or garage for the purpose of storing personal property for compensation is prohibited in all residential zones.

B. Home sharing in the R-2 Zone: Home sharing is permitted in the residential unit that is the primary residence of the property owner.

C. Home sharing in the R-3 Zone: Home sharing is permitted in the residential unit that is the primary residence of the property owner.

D. A Short-term Home Sharing Rental Permit may not be issued if a Short-term Home Sharing Rental Permit for the unit was previously revoked pursuant to section 4-16-11(C) or (D) within the previous 12 months.

E. The City Manager and the Director have the authority to impose additional standard conditions, applicable to all home sharing units, as necessary to achieve the objectives of this Chapter.

F. The City Manager and the Director have the authority to impose additional conditions on any permit in the event of any violation of the conditions of the permit or the provisions of this Chapter.

G. The Director may direct a hosting platform to remove a listing for any unpermitted home sharing or short-term rental unit or for any home share unit that had its permit revoked or suspended pursuant to this chapter. (Ord. 1614, 7-21-2020)

4-16-8: REGISTRY:

All owners and their respective property permitted for home sharing pursuant to this Chapter will be listed on a registry created by the City and updated periodically. The City shall make a copy of the registry available electronically to any person upon request. (Ord. 1614, 7-21-2020)

4-16-9: HOSTING PLATFORM RESPONSIBILITIES:

A. Unless an alternative arrangement is authorized by the Administrative Guidelines, a hosting platform shall be responsible for collecting all transient occupancy taxes applicable to bookings completed through the hosting platform and for remitting the same to the City. The hosting platform shall be considered an agent of the owner for purposes of such transient occupancy tax collections and remittance responsibilities as set forth in Title 3, Chapter 4 of this Code.

B. The hosting platform shall require the host to input the home share unit's corresponding Short-term Home Sharing Rental Permit number, consistent with the City's alphanumeric format, before the listing can be displayed. Any short-term rental unit listing that predates this ordinance and that does not have a corresponding Short-term Home Sharing Rental Permit number shall be removed by the hosting platform consistent with this Section.

C. A hosting platform shall not complete any booking transaction for any residential property or unit unless it is listed on the City's registry created under Section 4-16-8 at the time the hosting platform receives a fee for booking the transaction. Upon request from the Director made in a manner specified in the Administrative Guidelines, the hosting platform must remove a home share or short-term rental listing or take other action consistent with the Administrative Guidelines.

D. On a quarterly basis, the hosting platform shall provide the City with a report detailing the total number of nights all home sharing units were rented through the platform during the applicable reporting period.

E. A hosting platform shall not collect or receive a fee or other financial benefit, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to an unregistered home sharing unit, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.

F. Safe Harbor. A hosting platform shall be presumed to be in compliance with this Chapter if it does either of the following:

1. Operates in compliance with subsections (A), (B), (C), (D), and (E) above, or

2. Complies with the Administrative Guidelines issued by the Director and approved by the City Council that describe how the hosting platform must satisfy the hosting platform responsibilities in this Chapter.

G. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal laws and will not apply if determined by the City to be in violation of, or preempted by, any such laws. (Ord. 1614, 7-21-2020)

4-16-10: PROHIBITIONS:

A. It is unlawful to offer, operate, maintain, authorize, aid, facilitate or advertise the home sharing of any portion of any residential dwelling unit in the city without a valid Short-term Home Sharing Rental Permit.

B. It is unlawful to offer, operate, maintain, authorize, aid, facilitate or advertise the short-term rental of any portion of any residential dwelling unit in the city, other than for home sharing.

C. It is unlawful to operate or maintain a home sharing unit in violation of Section 4-16-7.

D. Only a qualifying residential dwelling unit or portion thereof may be made available for home sharing subject to this Chapter and Title 15.

E. It is unlawful to offer, operate, maintain, authorize, aid, facilitate or advertise the short-term rental of any place or vehicle, other than a permitted home sharing unit, for purposes of overnight lodging (for example, a tree house, recreational vehicle, tent, etc.) (Ord. 1614, 7-21-2020)

4-16-11: ENFORCEMENT; PENALTIES:

A. Any person who violates any provision of this Chapter, or any hosting platform that fails to meet its obligations under Section 4-16-9, is guilty of either (i) an infraction which shall be punishable by a fine not exceeding \$2,500 for the first violation and \$5,000 for each additional violation within a twelve-month period, or (ii) a misdemeanor which shall be punishable by a fine not exceeding \$1,000 or by imprisonment in the county jail for not more than six months, or by both.

B. Any person who violates any provision of this Chapter, or hosting platform that violates its obligations under Section 4-16-9, shall be subject to administrative citations and penalties pursuant to Title 1, Chapter 2A of this Code.

C. If the property upon which a short-term home sharing rental unit is located is the subject or the site of two violations of any of the provisions of this Chapter, or of Chapters 1, 2, or 13 of Title 7, or any combination thereof, the Short-term Home Sharing Rental Permit for the unit shall be automatically revoked. In such a case, no new Short-term Home Sharing Rental Permit may be issued for the subject dwelling unit for the remaining period of the pilot program. For purposes of this section, the automatic revocation shall become effective as of the date the second citation becomes final (i.e., the time for administrative and/or judicial review has passed or final judgment of a court has been entered upholding the citation).

D. In addition to the penalties set forth herein, if the short-term home sharing rental property is the site of a loud or unruly gathering in violation of Section 7-12-3 that results in the issuance of an administrative citation or criminal charge, the Short-term Home Sharing Rental Permit shall be automatically revoked if and when the administrative citation becomes final (i.e., the time for administrative or judicial review has passed or final judgment of a court has been entered upholding the citation) or a criminal conviction is obtained.

E. The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the City's use or application of any other remedies, penalties or procedures established by law. (Ord. 1614, 7-21-2020)

4-16-12: REMEDIES NOT EXCLUSIVE:

The remedies listed in this Chapter are not exclusive of any other remedies available to the City under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. (Ord. 1614, 7-21-2020)

4-16-13: SUNSET PROVISION:

This Chapter shall remain in effect until the earlier of this ordinance being rescinded, or 15 months after it starts. The sunset or repeal of any provision of this Chapter does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before effective date of the sunset or repeal of the Chapter. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of the repeal. (Ord. 1614, 7-21-2020)