

TITLE VI: BUSINESSES, PROFESSIONS, AND TRADES

Chapter

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- 3. CARD ROOMS**

CHAPTER 1: BUSINESS LICENSES

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§ 6-1.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANNUALLY. A twelve month period which begins on July 1 of each year, and ends on June 30 of that same year.

BUSINESS. Professions, trades, occupations, and all and every kind of calling carried on for profit or livelihood.

COLLECTOR. The License Tax Collector of the city or such other officer of the city as may be charged with the collection of the fees and the issuance of the licenses.

ESTABLISHED or FIXED PLACE OF BUSINESS. Permanent stores, offices, or places within the city where business is legally and regularly transacted from month to month in such manner as business of that nature is generally or customarily carried on and conducted and when the circumstances show an intention to become an established, fixed, and continuous part of the regular and legitimate business life of the city. In all other cases such facts must be shown by the exhibition of a bona fide lease or rental agreement to the premises where such business is to be conducted, such lease or rental agreement to be for a minimum period of not less than six months thence next ensuing.

GROSS RECEIPTS. The total amount of the sale price of all sales and the total amount charged or received for the performance of any act, service, or employment of whatever nature it may be for which a charge is made or credit allowed (whether or not such service, act, or employment is done as a part of, or in connection with, the sale of materials, goods, wares, or merchandise for which a charge is made or credit allowed) and shall include all commissions, fees, and trading profits earned, made, or charged as agent, principal, dealer, trader, or counsellor. Excluded from **GROSS RECEIPTS** shall be:

- (1) Cash discounts allowed and taken on sales;

(2) Any tax required by law to be included in, or added to, the purchase price and collected from the consumer or purchaser;

(3) Such part of the sale price of the property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit; and

(4) The value of the property accepted as part of the purchase price and which property will later be sold.

ITINERANT MERCHANT or ***ITINERANT VENDOR***. All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares, merchandise, or any other thing of value, with the intention of conducting such business for a period of less than six months, and who, for the purposes of such business, hires, uses, or occupies any room, doorway, vacant lot, building or other place for the exhibition for sale, or sale, of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than six months, such fact shall be presumptive evidence that the business carried on therein is a transient business, and any person so engaged shall not be relieved from the provisions of this chapter or from payment of the license taxes herein provided for such business by reason of any temporary association with any local dealer, trader, merchant, or auctioneer.

ITINERANT MERCHANT or ***ITINERANT VENDOR*** shall not include commercial travelers or selling agents selling their goods exclusively to merchants, dealers, or traders, whether selling for present or future delivery by sample or otherwise, nor to peddlers, as the same are defined in this chapter, nor to persons selling fruits, vegetables, eggs, butter, or other farm or ranch products of their own farm or dairy, exclusively.

JOBGING BUSINESS. Every business conducted solely for the purpose of selling or offering for sale goods, wares, or merchandise in job lots to wholesale merchants for resale at wholesale to the trade by the wholesale merchants.

MANUFACTURER. Any person engaged in making materials, raw or partly finished, into wares or articles suitable for use.

NEWLY ESTABLISHED BUSINESS. A business in existence and operation for less than three months.

PEDDLER. Any person who goes from house to house, place to place, or in or along the streets within the city selling or offering to sell, barter, or exchange, and making or offering to make immediate delivery of any goods, wares, merchandise, or any thing of value in possession of the peddler (except religious publications, religious newspapers, or other religious periodicals) to persons other than manufacturers, wholesalers, jobbers, or retailers of such commodities; provided that a producer who furnishes directly and delivers any poultry, eggs, butter, fruit, vegetables, or meat being exclusively the produce of his or her own garden, farm, ranch, or dairy to a person in the city shall not be deemed a peddler within the meaning of this chapter.

QUARTER. A period of three calendar months. The quarters referred to in this chapter shall

begin on July 1, October 1, January 1, and April 1 of each year. The quarter shall include fractions thereof.

RETAIL BUSINESS. Every business conducted for the purpose of selling or offering for sale any goods, wares, or merchandise, other than as a part of a **WHOLESALE BUSINESS** or **JOBGING BUSINESS** as defined in this section.

SOLICITOR or CANVASSER. Any person who goes from house to house or from place to place in the city, selling or taking orders for, or offering to sell or take orders for, any goods, wares, merchandise or articles for future delivery, or selling or taking orders for any service to be furnished or performed in the future at any place in the city other than a fixed place of business, or for making, manufacturing, treating, or repairing any article or thing whatsoever for future delivery.

VEHICLE. Every device in, upon, or by which any person or property is, or may be, transported or drawn upon a public street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

WHOLESALE BUSINESS. Every business conducted solely for the purpose of selling or offering for sale goods, wares, or merchandise in wholesale lots to retailers for resale to the trade by the retailers.

('61 Code, § 6-1.01) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.02 PURPOSE OF CHAPTER.

This chapter is enacted to raise revenue for municipal purposes and for the regulation of certain businesses mentioned herein.

('61 Code, § 6-1.02) (Ord. 228 N.S., passed - -)

§ 6-1.03 EFFECT OF CHAPTER WITHOUT ACTIONS AND OBLIGATIONS.

Neither the adoption of this chapter nor its superseding of any portion of any other ordinance of the city shall in any manner be construed to affect the prosecution for violation of any other ordinance committed prior to July 1, 1954, nor be construed as a waiver of any license or any penal provision applicable to any such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed, or deposited. All rights and obligations hereto appertaining shall continue in full force and effect.

('61 Code, § 6-1.03) (Ord. 228 N.S., passed - -)

§ 6-1.04 SUBSTITUTE FOR OTHER REVENUE LAWS.

Any person required to pay a license tax for transacting and carrying on any business under this chapter shall be relieved from the payment of any license tax for the privilege of doing such business which tax has been required under this code or any other laws of the city, but shall remain subject to 1999 S-7 Repl.

the regulatory provisions, if any, of such other laws. The provisions of this section shall not apply to inspection fees, permit fees, or the regulatory license fees provided for in this chapter. The provisions of this section shall not be applicable to any tax levied pursuant to the "Parking and Business Improvement Area Law of 1965" which is imposed by special ordinance of the Council. ('61 Code, § 6-1.04) (Ord. 228 N.S., passed - - ; Am. Ord. 124 C.S., passed 6-26-68)

§ 6-1.05 LICENSE REQUIRED.

Except as otherwise provided in this chapter, license taxes in the amounts prescribed in this chapter are imposed upon all business transacted or carried on in the city. It shall be unlawful for any person to commence, transact, engage in, or carry on any business in the city without first having procured a license from the city so to do, or without complying with any and all applicable regulations of this chapter and other related or relevant laws of the city. Each day any such business is carried on without a license and/or without such compliance shall constitute a separate violation of the provisions of this chapter for each and every day such business is so carried on. Such license, when issued, shall authorize the person obtaining the same to transact the business described therein at the particular locality within the city designated in such license during the term stated therein. ('61 Code, § 6-1.05) (Ord. 228 N.S., passed - -)

§ 6-1.06 APPLICATION.

(A) Every person required to have a license under the provisions of this chapter shall make application for the same to the License Tax Collector. The applicant shall furnish all information required to enable the License Tax Collector to properly classify the business of the applicant and determine the proper license fees to be paid by such applicant. Upon the payment of the prescribed tax, the License Tax Collector shall issue to such person a license which shall state on the face thereof the following:

- (1) The name of the person to whom the license is issued and the date of issue;
- (2) The kind or kinds of business licensed thereby;
- (3) The place where such business is to be transacted and carried on;
- (4) That the license is permanent or, if only temporary or limited, the expiration date thereof;

and

(5) Such other information as the License Tax Collector shall require or as may be necessary for the enforcement of the provisions of this chapter.

(B) A license once issued shall remain valid so long as the required license tax payments are made within the time and manner required by the provisions of this chapter.

('61 Code, § 6-1.06) (Ord. 228 N.S., passed - - ; Am. Ord. 302 N.S., passed - -)

§ 6-1.07 NEW BUSINESSES.

Persons first starting a business shall pay the prescribed tax for such business based on the estimated gross monthly receipts to be calculated upon the whole or partial quarters remaining in the fiscal year in which the application for a business license is made plus such sum as is designated by the City Council for expense of issuance of a license.

('61 Code, § 6-1.07) (Ord. 228 N.S., passed - - ; Am. Ord. 302 N.S., passed - - ; Am. Ord. 94 C.S., passed 7-5-66; Am. Ord. 399 C.S., passed 7-6-82; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.08 STATEMENTS NOT CONCLUSIVE.

No statement shall be conclusive upon the city or upon any officer thereof as to the matters set forth therein, nor shall the claim of the same preclude the city from collecting by appropriate action such sum as is actually due and payable pursuant to this chapter. No such statement shall prejudice the right of the city to fix the amount of the license tax at a higher amount should there be reason to believe that such business should have a higher rating than that shown by such statement, nor to recover any amount that may be ascertained to be due from such person in addition to the amount shown by such statement if it should be found to be incorrect. The License Tax Collector shall, and is authorized to, fix the amount of such license at a higher rate when he or she has reason to believe, or evidence that, such statement is incorrect. Such statement and each of the several items therein contained shall be subject to audit and verification by the License Tax Collector, his or her deputies, or authorized employees of the city who are authorized to examine, audit, and inspect such books and records of any licensee or applicant for a license as may be necessary in their judgment to verify or ascertain the amount of license fee due. All licensees, applicants for licenses, and persons engaged in business in the city are required to permit an examination of such books and records for the purposes aforesaid. The information furnished or secured pursuant to the provisions of this chapter shall be confidential. Any unwarranted disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor, and such officer or employee shall be subject to the penalty provisions of this chapter.

('61 Code, § 6-1.08) (Ord. 228 N.S., passed - -)

§ 6-1.09 FAILURE TO FILE STATEMENT OR CORRECTED STATEMENT.

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the License Tax Collector such person fails to file a corrected statement, the License Tax Collector may determine the amount of license tax due from such person by means of such information as he or she may be able to obtain. In case such a determination is made, the License Tax Collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the US Post Office at the city, postage prepaid, addressed to the person so assessed at his or her last known address. The License Tax Collector must cause the matter to be set for hearing by the Council, and he or she shall give at least ten-day notice to such person of the time and place of hearing in the manner prescribed above for the service of notice of assessment. The Council shall consider all

evidence produced, and written notice of its findings thereon, which findings shall be final, shall be served upon the applicant in the manner prescribed above for service of notice of assessment.

('61 Code, § 6-1.09) (Ord. 228 N.S., passed - -)

§ 6-1.10 JOINT LICENSE.

Whenever any person is engaged in two or more businesses at the same location, such person shall be issued one license which shall specify on its face all such businesses. The license tax to be paid shall be computed as if one business were being conducted at such location, except that businesses listed in this chapter as having a flat fixed rate per quarter shall in every case be regarded as a separate business.

('61 Code, § 6-1.10) (Ord. 228 N.S., passed - -)

§ 6-1.11 DUPLICATE LICENSES.

(A) In the event a business license issued under the provisions of this chapter has been mutilated, destroyed, or lost, the licensee shall immediately apply to the License Tax Collector for a duplicate license and shall pay the fee for reissuing the license as set by resolution of the Council.

(B) Any business license which has been suspended, revoked, or repossessed shall not be reissued until all required license fees, penalties, and interest have been paid, plus the sum of \$1.

('61 Code, § 6-1.11) (Ord. 228 N.S., passed - - ; Am. Ord. 302 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.12 LICENSES TO BE POSTED.

Except as otherwise specifically provided in this chapter, every person receiving a license under the provisions of this chapter and carrying on a business at a fixed place of business shall keep such license posted and exhibited in some conspicuous place in his or her business while such license is in force. All persons having such license and not having a fixed place of business shall carry such license upon his or her person at all times while carrying on the business for which it was granted. Every person having a license under the provisions of this chapter shall produce and exhibit the same whenever requested so to do by the License Tax Collector or any of his or her deputies or assistants. Every person or peddler who shall fail or refuse to post, exhibit on demand, or display, as the case may be, the license required by this chapter shall, in addition to the penalties imposed by this chapter, have his or her license revoked as provided in § 6-1.17 of this chapter.

('61 Code, § 6-1.12) (Ord. 228 N.S., passed - -)

§ 6-1.13 LICENSES NON-TRANSFERABLE.

No license issued pursuant to the provisions of this chapter shall be in any manner assignable or transferable or authorize any person other than therein mentioned or named to transact or carry on such business, or authorize any other business than is therein mentioned or named to be continued or

transacted thereunder, or at any place other than therein mentioned or named; provided, however, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may, upon application therefor and paying a fee as set by resolution of the Council, have the license amended to authorize the transacting and carrying on of such business under the license at some other location to which the business is, or is to be, moved. When a licensee who conducts a business from a fixed place of business in the city makes a bona fide sale of the business, the license is not transferable and shall expire without refund to the licensee. Notwithstanding the fact that the license is nontransferable, the purchaser of the business applying for a new nontransferable, the purchaser of the business applying for a new license shall receive a credit in the prorated amount of business license tax paid by the seller for the unexpired term of the sellers license, which credit shall be applied only to the payment of the new applicants business license tax. The person establishing or taking over the business shall come within the new business provisions as set forth in § 6-1.07 of this chapter.

('61 Code, § 6-1.13) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.14 EXPIRED AND REVOKED LICENSES.

(A) In the event any tax payment due under the provisions of this chapter shall become delinquent, the License Tax Collector is authorized to repossess, upon written demand therefor, the business license for which such tax payment is due. Any business license so repossessed shall not be returned to the licensee until such licensee has fully paid all delinquent business license taxes, plus applicable penalties and interest incurred and accrued by reason of such delinquencies.

(B) In the event a business license is repossessed for delinquent taxes, it shall be unlawful to conduct business within the city without such license.

(C) It shall be unlawful for any person to post or exhibit, or permit to be posted or exhibited, any license which has expired or which may have been revoked, or to post or exhibit any such license during any period that such license is suspended as provided in § 6-1.17 of this chapter.

('61 Code, § 6-1.14) (Ord. 228 N.S., passed - - ; Am. Ord. 302 N.S., passed - -)

§ 6-1.15 EXPIRATION OF LICENSES.

Every license issued shall become null and void at the expiration of the term for which it is issued. ('61 Code, § 6-1.15) (Ord. 228 N.S., passed - -)

§ 6-1.16 APPEALS.

Any person aggrieved or dissatisfied by any decision of an administrative officer with respect to the issuance or refusal to issue such license as required by this chapter may appear before the Council at the next regular meeting thereof with reasons, if any, why the license fee should be in accordance with the statement of the aggrieved person. The finding of the Council thereon shall be conclusive,

and the Council shall direct the License Tax Collector to issue the license in accordance with such finding.

('61 Code, 6-1.16) (Ord. 228 N.S., passed - -)

§ 6-1.17 REVOCATION OF LICENSES.

(A) All licenses granted under the provisions of this chapter are subject to revocation by the City Council at any time for any of the following reasons:

(1) If the conditions of the license or any of the terms of this chapter have been violated;

(2) If the license was obtained by misrepresentation;

(3) If the business for which the license was granted is conducted in such a manner as to be a menace to the safety of the community.

(B) Before revoking any license, the Council may suspend the same, and the privileges granted therein, for one week, or until the next regular meeting of the Council, and notice of a hearing upon such revocation shall be given to the licensee by the License Tax Collector. At the time specified in the notice, the holder of the suspended license may appear before the Council and show cause, if any, why the license should not be revoked. Upon his or her failure to appear, or if after such hearing the Council finds there is good and sufficient cause for revoking the license, the license shall be revoked, and the finding of the Council thereon shall be conclusive. It shall be unlawful for any person to continue in any business for which the license has been issued during such time that the license is suspended or after it has been revoked. On revocation of any license, no part of the license tax shall be returned but shall be forfeited to the city. Nothing in this section shall be deemed to authorize the continuation of any business for which a license tax has not been paid, the terms and provisions of this section relating only to revocation of licenses for cause other than nonpayment of required fees.

('61 Code, § 6-1.17) (Ord. 228 N.S., passed - - ; Am. Ord. 579 C.S., passed 12-18-91)

§ 6-1.17.1 ESTABLISHMENTS DISPENSING ALCOHOLIC BEVERAGES ON THE PREMISES.

Licensees of any establishment who sell or furnish alcoholic beverages for consumption on the premises shall operate the establishment in such a manner as to insure the safety of the customers and employees, and shall be governed by the following:

(A) After three disturbance calls to any one establishment per single business day, the establishment shall close for the remainder of that business day. The third call will be prima facie evidence that the establishment cannot or will not exercise reasonable control to insure the safety to the customers and employees of the establishment.

(B) Failure to report disturbances which result in injury, as defined in Cal. Penal Code § 245, or death to any person will result in a revocation of the establishment's city business license, and a license

may not be re-issued to the licensee for a period of five years.

(C) Failure to report disturbances which result in an injury of any kind to any customer or employee of the establishment will be grounds for suspension of the business license for up to 30 days per incident, in the discretion of the Chief of Police who is authorized to impose such suspension.

(D) A closure of three times within 30 days will be prima facie evidence that the establishment cannot or will not exercise reasonable control to insure the safety of the customers and employees of the establishment, and a petition will be filed with the Alcoholic Beverage Control to revoke the liquor license of the establishment as a public nuisance.

(E) Failure to close when ordered to do so will result in the immediate revocation of the city business license, and any violation of this chapter shall be punishable by an administrative fine of \$500 per day for each day of operation without the business license.

(F) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment ('61 Code, § 6-1.17.1) (Ord. 381 C.S., passed 9-7-81)

§ 6-1.18 LICENSE DUE DATES.

All license fees due under the provisions of this chapter shall be paid in advance to the city in lawful money of the US at the office of the License Tax Collector. Tax payments shall not be prorated. Due dates shall be as follows:

(A) *Annual tax payments.* Delinquent at 5:00 p.m. on the thirtieth calendar day after the tax is due.

(B) *Daily tax payments.* All daily license fees shall be due payable each day in advance. Daily licenses may be issued at any time for any number of days. (Ord. 228 N.S., passed - - ; Am. Ord. 302 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.19 DELINQUENCIES.

(A) License tax payments shall be delinquent as follows:

(1) *Annual tax payments.* Delinquent at 5:00 pm. on each July 31.

(2) *Semi-annual tax payments.* Delinquent at 5:00 p.m. on the last day of the first month in which the semi-annual license tax is due.

(3) *Quarterly tax payments.* Delinquent at 5:00 p.m. on the last day of the first month in which the quarterly license tax is due.

(4) *Monthly tax payments.* Delinquent at 5:00 p.m. on the tenth day of the month in which the monthly license tax is due.

(B) In the event a license tax payment becomes delinquent, a penalty of 10% of the amount of the tax shall be added thereto. The penalty shall be collected and payment thereof shall be enforced in the same manner as other license taxes are collected and payment thereof is enforced; provided, however, that the word "paid" shall, for the purposes of this section, be held to mean and include actual receipt of payment in the office of the License Tax Collector. Daily license tax payments shall be subject to a 10% penalty if not made prior to the beginning of any act or business activity required to be licensed under the provisions of this chapter. The provisions of this chapter for delinquencies and penalties shall not be construed in any way as affecting the liability of the person in default for prosecution on account of failure to pay his or her license fee as is prescribed.

('61 Code, § 6-1.19) (Ord. 228 N.S., passed - - ; Am. Ord. 233 N.S., passed - - ; Am. Ord. 302 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.20 LICENSE TAX DEBT TO CITY.

The amount of any license tax imposed by the provisions of this chapter, and any and all penalties and interest for the non-payment thereof, shall be deemed a debt due to the city from and against any person doing any business within the city for which a license is required by this chapter. Such persons shall be liable to a civil action in the name of the city as plaintiff in any court of competent jurisdiction for the amount of the license tax imposed by this chapter for such business, together with all penalties then due thereon as in this chapter provided, and for the costs of suit.

('61 Code, § 6-1.20) (Ord. 228 N.S., passed - -)

§ 6-1.21 EXEMPTIONS.

(A) *Constitution or statutes of the country or of the state.* Nothing in this chapter will be deemed or construed to apply to any person transacting or carrying on any business exempt from the payment of municipal corporation taxes by virtue of the Constitution or applicable statutes of the country or of the state.

(B) *Charitable organizations.* The provisions of this chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage, or carry on any business, occupation, or activity from any institution or organization which is conducted, managed, or carried on wholly for the benefit of charitable purposes or from which a profit is not derived, either directly or indirectly, by any person. No license tax shall be required for the conduct of any entertainment, concert, exhibition, or lecture on scientific, historical, literary, religious, or moral subjects within the city

whenever the receipts of any such entertainment, concert, exhibition, or lecture are to be appropriated to any church or school or to any religious or benevolent purpose. No license tax shall be required for the conduct of any entertainment, dance, concert, exhibition, or lecture by any religious, charitable, fraternal, educational, military, state, county, or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition, or lecture are to be appropriated exclusively for the purposes for which such organization or association was formed and from which profit is not derived, either directly or indirectly, by any person. Nothing in this subsection shall be deemed to exempt any such organization or association from complying with the provisions of this code or any law of the city requiring a permit from the Council or any commission or officer of the city to conduct, manage, or carry on any profession, trade, calling, or occupation. No exemption shall be granted under this chapter to any professional circus or carnival.

(C) *Public sales.* The provisions of this chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage, or carry on any public auction for the sale of any goods belonging to the country, the state, or the county or for the sale of property by virtue of any process issued by any court, or for the sale of property by virtue of any deed of trust, or for the bona fide sale of household goods at the domicile of the owner thereof, or for the sale at auction or otherwise of merchandise or salvage from any wreck, fire, or other calamity occurring in the city for the purpose of adjusting the loss sustained by reason of such fire, wreck, or other calamity, or for the sale at auction or otherwise of any stock of goods by any assignee for the benefit of creditors, or receivers in bankruptcy or their assignees for the purpose of liquidating and adjusting the debts and liabilities of any person having a permanent place of business in the city.

(D) *Veterans.* Every honorably discharged veteran who meets the requirements of Cal. Bus & Prof. Code § 16001 shall be permitted to distribute circulars and to vend, hawk, or peddle any goods, wares, merchandise, fruits, or vegetables (not otherwise prohibited by law) in the city without paying a license tax or fee therefor. Such veteran shall present his or her certificate of discharge to the License Tax Collector and show proof of his or her identity as the person named therein and proof of his or her physical disability. The License Tax Collector shall, and he or she is authorized to, issue to the honorably discharged veteran a license, free of charge.

(E) *Blind persons.* Blind persons licensed by the Bureau of Vocational Rehabilitation in the State Department of Education may be permitted to operate vending stands for the sale of newspapers, periodicals, candy, chewing gum, tobacco products, picture postcards, and such other articles as may be approved by the Bureau (and not otherwise prohibited by law) in the city without paying a license fee therefor. As used in this section, the term **BLIND PERSON** means a person having not more than 10% visual acuity in the better eye with correction. Such blindness shall be certified by a licensed physician and surgeon who specializes in diseases of the eye. The License Tax Collector shall issue a permit to such person upon proof of his or her qualifications.

(F) *Interstate commerce.* Every peddler, solicitor, or other person claiming to be entitled to exemption from the payment of any license provided for in this chapter upon the ground that such license casts a burden upon his or her right to engage in commerce with foreign nations or among several states, or conflicts with the regulations of the US Congress respecting interstate commerce, shall file a verified statement with the License Tax Collector disclosing the interstate or other character of his or her business entitled to such exemption. Such statement shall set forth the name and location

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of the company or firm for which the orders are to be solicited or secured, the name of the nearest local or state manager, if any, and his or her address, the kind of goods, wares, or merchandise to be delivered, the place from which the same is to be shipped or forwarded, the method of solicitation or taking orders, the location of any warehouse, factory, or plant within the state, the method of delivering the names and locations of the residences of the applicants. and any other (acts necessary to establish such claim of exemption. A copy of the order blank, contract form, or other papers used by such person in taking orders shall be attached to the affidavit for the information of the License Tax Collector. If it appears that the applicant is entitled to such exemption, the License Tax Collector shall forthwith issue a free license.

(G) *Claims for exemption.* Any person claiming an exemption pursuant to this section shall file a verified statement with the License Tax Collector stating the facts upon which exemption is claimed.

(H) *Licenses.* The License Tax Collector, upon a proper showing contained in the verified statement, shall issue a license to such person claiming an exemption under this section without payment to the city of the license tax required by this chapter.

(I) *Revocation.* The License Tax Collector may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided in this section.

('61 Code, § 6-1.21) (Ord. 228 N.S., passed - -)

§ 6-1.22 GROSS RECEIPTS LICENSE TAX.

(A) *Rate of tax.*

(1) Every person who, at a permanent place of business within the city, sells or offers for sale any goods, wares, or merchandise, except as otherwise provided for in this chapter, either as principal or agent, whether on commission or otherwise, and whether for present or future delivery, or whether such goods, wares, or merchandise is owned by, or consigned to, such person, and every person engaged in any other lawful business not otherwise licensed under this chapter shall pay an annual license tax based upon average monthly gross receipts in accordance with the following schedule in § 6-1.22(A)(3).

(2) Taxes imposed on average monthly gross receipts from \$.01 to \$3,000 apply only to residential rentals as specified in § 6-1.28; all others shall pay the minimum set forth in subsection § 6-1.22(F).

(3) *Average monthly gross receipts schedule.*

<i>Average Monthly Gross Receipts in Preceding Year</i>	<i>License Tax per Year</i>
\$.01 to 500	\$ 20
500.01 to 1,000	28
1,000.01 to 1,500	36
1,500.01 to 2,000	40
2,000.01 to 3,000	48
3,000.01 to 4,000	56
4,000.01 to 5,000	76
5,000.01 to 6,000	92
6,000.01 to 8,000	108
8,000.01 to 10,000	120
10,000.01 to 12,000	136
12,000.01 to 14,000	152
14,000.01 to 16,000	168
16,000.01 to 18,000	180
18,000.01 to 20,000	196
20,000.01 to 25,000	212
25,000.01 to 30,000	224
30,000.01 to 35,000	240
35,000.01 to 40,000	256
40,000.01 to 45,000	268
45,000.01 to 50,000	284
50,000.01 to 55,000	300
55,000.01 to 60,000	316
60,000.01 to 70,000	332
70,000.01 to 80,000	348

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<i>Average Monthly Gross Receipts in Preceding Year</i>	<i>License Tax per Year</i>
80,000.01 to 90,000	360
90,000.01 to 100,000	376
100,000.01 to 110,000	392
110,000.01 to 120,000	456
120,000.01 to 130,000	464
130,000.01 to 140,000	480
140,000.01 to 150,000	496
150,000.01 to 160,000	512
160,000.01 to 170,000	528
170,000.01 to 180,000	560
180,000.01 to 190,000	576
190,000.01 to 200,000	592
200,000.01 to 210,000	608
210,000.01 to 220,000	624
220,000.01 to 230,000	640
230,000.01 to 240,000	656
240,000.01 to 260,000	672
260,000.01 to 270,000	688
270,000.01 to 280,000	704
280,000.01 to 290,000	720
290,000.01 to 300,000	736
300,000.01 to 400,000	896
400,000.01 to 500,000	1056

(B) *Retail*. For every person conducting a business exclusively at retail, the license tax shall be accordance with the rates set forth in subsection § 6-1.22(A)(3) of this section.

(C) *Wholesale and manufacturing.* Every person with a fixed place of business within the city and conducting a business exclusively for wholesale, manufacturing, or food processing, including the production of dairy products, frozen fruits, or vegetables, shall pay an year license tax equal to one-half of the license tax set forth in subsection § 6-1.22(A)(3) of this section.

(D) *Wholesale and retail.* Every person conducting both a wholesale and a retail business from the same premises shall file with the License Tax Collector a segregated statement of his or her sales for the preceding year, segregating the wholesale sales and the retail sales, and the sales or receipts from each such class of business shall be reported separately. The license tax for such combined wholesale and retail sales shall be computed annually as follows: the amount in the preceding year of the average monthly retail gross receipts shall be added to one-half the amount of the average monthly wholesale gross receipts in the preceding year. The amount of the annual license tax due shall then be determined by using the total sum, as so computed, with reference to, and calculated under, the schedule set forth in subsection § 6-1.22(A)(3) of this section.

(E) *Outside firms making wholesale deliveries inside the city.* Every person, other than one having a fixed place of business in the city, engaged in the business of using the public streets of the city for the operation of motor vehicles in wholesale deliveries of cakes, pies, cookies, bakery products, meat products, groceries, grocery products, petroleum products, gasoline, automobile parts, automobile accessories, or other goods or merchandise, and sold by such persons at wholesale, shall pay a license tax of \$annually. Any person so engaged shall not be relieved from the provisions of this section by associating temporarily with any dealer or merchant or by reason of conducting such business in connection with, or in the name of, any local dealer or merchant. The provisions of this section shall have no application to motor vehicle carriers subject to the jurisdiction of the Public Utilities Commission of the state when the sale, delivery, or distribution of merchandise by such motor vehicle carriers within the city is occasional and incidental to business conducted elsewhere.

(F) *Minimum and maximum license tax.* Except for residential rentals, the minimum license tax to be paid by any licensee under this section shall be \$40 per year. The maximum license tax to be paid by any licensee under this section shall be \$1056 per year.

(G) *Employees excluded.* This section shall not be construed as requiring a license from any person engaging in any business solely as an employee of another person, which employer is licensed under this chapter, except as otherwise provided in this chapter.

(H) *Partnerships.* Members of a partnership maintaining one office in the city engaged in any occupation shall pay only one license, except as otherwise provided in this chapter.

(I) *Franchises.* No license tax under this section shall be paid by any person who pays a franchise tax to the city based upon the gross receipts from the sale of gas or electricity, unless such person sells other merchandise within the city. In such case, such person shall pay a gross receipts tax under the provisions of this section, based upon the gross receipts from the sale of such other merchandise. ('61 Code, § 6-1.22) (Ord. 228 N.S., passed - - ; Am. Ord. 81 C.S., passed 8-5-65; Am. Urgency Ord. 302 C.S., passed 6-23-78; Am. Ord, 303 C.S., passed 6-30-78; Am. Ord, 410 C.S., passed 6-20-83; Am. Ord. 597 C.S., passed 5-17-93; Am. Ord. 709 C.S.; passed 9-15-99)

§ 6-1.23 BUSINESSES OTHER THAN RETAILERS OR MANUFACTURERS.

(A) Except as otherwise provided in this chapter, every person engaged in managing, conducting, operating, or practicing any business or profession other than the sales of goods, wares, or merchandise of manufacturing or processing at wholesale shall pay a license tax of \$200 per year, or a annual license tax based upon average monthly gross receipts in accordance with the schedule set forth in subsection § 6-1.22(A)(3) of this chapter.

(B) Nothing in this section shall be construed or deemed to apply to any person engaged in any profession or occupation solely as the employee of any other person conducting, carrying on, or managing such business, occupation, or profession in the city, but if such employee shares in the profits of the business, he or she shall be liable for such tax. A separate tax shall be paid by each member of every firm, association, or partnership. Any person conducting two or more such businesses, occupations, or professions at the same place of business shall be required to take out one license where conducted at the same place of business, but the license shall specify the businesses, occupations, or professions for which the license is issued.

(Ord. 228 N.S., passed - - ; Am. Urgency Ord. 302 C.S., passed 6-23-78; Am. Ord. 303 C.S., passed 6-30-78; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.24 (REPEALED).**§ 6-1.25 (REPEALED).****§ 6-1.26 AMUSEMENT MACHINES.**

Every person exhibiting or charging a compensation for the use of any microscope, telescope, lung or muscle tester, photographic diversion, ball, knife, or ring thrower, galvanic batter, talking machine, projectoscope, or machine of like character shall pay a license tax of \$10 per day for each machine. This section shall not apply to music devices or pinball machines. (See §§ 6-1.62 and 6-1.68 of this chapter, respectively.)

('61 Code, § 6-1.26) (Ord. 228 N.S., passed - -)

§ 6-1.27 ANIMAL SHOWS.

Every person carrying on a show where the exhibition or performance consists wholly of trained animals shall pay a license tax of \$10 for each day.

(Ord. 228 N.S., passed - -)

§ 6-1.28 RENTAL PROPERTIES.

Every person conducting or maintaining real property in the city for rental as a dwelling unit, whether as a single-family, two-family, or multi-family residential unit, except the Housing Authority of the city and owners of motels and hotels, which are taxed pursuant to the provisions of Chapter 3 of Title 8 of this code, shall pay an annual license tax based upon the average monthly gross receipts for such rental units in accordance with the schedule set forth in § 6-1.22 of this chapter. Applications for issuance of a business license for residential income properties shall be submitted to the Director of Finance together with a fee of \$ as set by Council Resolution no later than June 17, 1994 or within one calendar year of commencement of the use of the property as rental income property, either as a new use or as a change of use. This application fee shall not apply to any property for which a business license has been applied for and previously obtained. Any owner who fails to make application for such a license within the time frame specified herein shall be charged a penalty of an additional \$25 for the application fee plus ½ the amount of tax to be imposed for the year. Such penalty may be waived at the discretion of the Director of Community Development or his or her designated representative upon a finding that such applicant did not have notice of such requirement.

('61 Code, § 6-1.28) (Ord. 228 N.S., passed - - ; Am. Urgency Ord. 302 C.S., passed 6-23-78; Am. Ord. 303 C.S., passed 6-30-78; Am. Ord. 597 C.S., passed 5-17-93; Am. Ord. 617 C.S., passed 3-16-94; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.29 (REPEALED).**§ 6-1.30 ARCADES.**

Every person conducting, carrying on, or managing an arcade shall pay a license tax of \$200 per year which shall cover all amusement machines, except pinball machines and music devices which are licensed by §§ 6-1.68 and 6-1.62 of this chapter, respectively. For the purposes of this section, an arcade is defined to be one general enclosure in which is conducted the business of operating or exhibiting amusement machines.

('61 Code, § 6-1.30) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.31 AUCTIONEERS.

(A) *Licenses required.* Every person conducting, carrying on, or managing the business of an auctioneer shall pay a license tax of \$40 per year; provided, however, if the person by, or for, whom the auctioneering is done is an itinerant merchant or vendor of goods, wares, or merchandise, the license tax shall be \$50 per day. This section shall not apply to any person selling his or her own goods, wares, or merchandise at his or her permanent place of business in the city when such person, or a bona fide member of such firm or corporation, shall act in the capacity of auctioneer. For the purposes of this section, an itinerant merchant or vendor of goods is defined to be a person, whether as principal or agent, who engages in a temporary or transient business in the city selling goods, wares, and merchandise and who, for such purpose, leases or occupies a room, store, building, structure, or place in the city for the exhibition or sale of such goods, wares, or merchandise. Such

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person shall not escape the payment of the higher license by temporarily associating with any local merchant, dealer, or tradesman or by conducting such temporary or transient business in connection with, or as a part of, or in the name of any local dealer, merchant, or auctioneer.

(B) *Fire, wreck, and bankrupt sales.* For every person conducting, carrying on, or managing a fire sale, wreck sale, or bankrupt sale, the license tax shall be the sum of \$50 per day. For the purposes of this section, a fire sale or wreck sale is defined to be and include the sale of goods, wares, or merchandise salvaged from a fire, wreck, or other calamity. A bankrupt sale is defined to be and include the sale of goods, wares, and merchandise which have been previously purchased from a trustee or receiver in bankruptcy, or a trustee or receiver in insolvency, or trustee for the benefit of creditors. No license shall be required under the provisions of this section for the sale of goods, wares, or merchandise salvaged from any fire, wreck or other calamity in the city, or for any bona fide sale of goods, wares, and/or merchandise in any bankruptcy, receivers', trustees' or assignees' sale within the city.

(C) *Permit application; bond.*

(1) Before an auction sale can be held in the city a permit must be obtained from the License Tax Collector, and a surety bond in the amount of \$1,000 shall be filed with the city guaranteeing proper conduct of the sale. In the event the auctioneer conducting the sale is not a regularly and permanently located and licensed auctioneer in the city, a license in the sum of \$10 per day must also be secured from the city. The person desiring the license must file with the city a sworn statement as follows:

(a) Either that the merchandise to be sold is a part or all of the stock of a merchant who has regularly done business in the city for a period of not less than one year prior to the date of the application for a license, and that no stock has been added in anticipation of such sale within 60 days; or

(b) The source from which the merchandise was produced.

(2) No permit or license shall be issued until the applicant shall file with the city a duplicate itemized inventory of all of the goods to be sold. At all times during the conduct of the sale a city inspector shall be present whose duty it shall be to check all sales against the itemized inventory. No goods shall be sold which are not included in the itemized inventory.

(D) *Permit fee.* The cost of a permit to conduct an auction sale shall be \$5. The permittee shall also pay to the city a daily fee of \$5 to pay for the presence of the City Inspector.

(E) *Sales of jewelry.* In the sale of merchandise classified as jewelry, a tag or label shall be attached to each article giving clearly a true statement of the kind and quality of the metal of which such article is made or plated. The true name, weight, quality, and color of any precious or semi-precious stone must be furnished in writing at the time of the sale to the purchaser of the stone.

(F) *Term of sale.* No auction sale shall continue longer than 30 days within a period of 12 months.

(G) *Cause for permit revocation.* Misrepresentations, substitutions, the use of cappers or puffers, or the sale of goods not listed on the itemized inventory shall be strictly prohibited and shall be sufficient cause for the cancellation of the permit or license to conduct the sale.

(H) *Exemptions.* No permit or license shall be required to conduct an auction sale when such sale is held under the order of any court or judge or under the authority of any mortgage or deed of trust. ('61 Code, § 6-1.31) (Ord. 228 N.S., passed - - ; Am. Ord. 709, passed 9-15-99)

§ 6-1.32 BANKRUPTCY OR FIRE SALES.

Every person who sells any bankruptcy, assigned, or damaged goods, wares, or merchandise shall pay a license tax of \$100 per day. The provisions of this section shall not apply to any stock of goods owned by any person actually conducting a permanent business in the city whose stock has been assigned in bankruptcy.

('61 Code, § 6-1.32) (Ord. 228 N.S., passed - -)

§ 6-1.33 (REPEALED).

§ 6-1.34 (REPEALED).

§ 6-1.35 (REPEALED).

§ 6-1.36 (REPEALED).

§ 6-1.37 BILLIARD AND POOL TABLES.

Every person conducting, managing, or having control or charge of billiard tables or pool tables shall pay a license tax of \$12 per year for each such table.

('61 Code, § 6-1.37) (Ord. 228 N.S., passed - - ; Am. Urgency Ord. 302 C.S., passed 6-23-78; Am. Ord. 303 C.S., passed 6-30-78; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.38 (REPEALED).

§ 6-1.39 BOWLING LANES.

Every person conducting or managing a bowling alley shall pay a license tax of \$10 per year for each bowling lane, whether used or not.

('61 Code, § 6-1.39) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.40 CARD ROOMS.

(A) Every person who maintains a place where card tables are furnished to the public for the playing of cards thereon shall pay a license fee of \$20 per year for each table available for non-gambling games and \$600 per year for each table available for gambling games. It shall be unlawful for any person to conduct, maintain, or have control or charge of any premises where card tables are furnished to the public for playing of card games thereon unless and until the License Tax Collector or his or her authorized agent has permanently affixed to each such table a metal plate indicating the number of the table and whether the table may be used for gambling or non-gambling games of cards. No card table may be permitted within any such premises, whether used or not, unless such table has a metal plate required by the provisions of this section. Tables having a non-gambling plate affixed to them shall not be used at any time for any gambling of cards.

(B) Each application for a license pursuant to the provisions of this section shall be filed on forms and in the manner required by the Director of Finance, setting forth the full name and address of the applicant and all employees, and, if specifically required, the age, physical description, and social security number of the applicant and/or any or all of his or her employees. No license shall be issued until the city has approved the necessary permits and approvals as required by chapter 3 of Title 6 of this code. Applicants for a license and their employees shall provide to the Police Department a copy of the application form which was submitted to the state for approval of a gaming license. An issuance of any license by the city is contingent upon approved registration with the State Department of Justice as required by state law.

(C) From and after January 21, 1996, no license for any new or additional card rooms over and above the number in existence as of January 21, 1996, shall be issued by the Director of Finance nor shall the Police Department issue any permits therefor. It is the intent of this provision of this section to limit the number of card rooms allowed within the city to the number of card rooms in existence as of January 21, 1996; however, nothing in this section shall be construed to preclude the continued operation of existing card rooms, changes in ownership if new owners qualify for licenses and permits under the terms of this section, nor to the transfer of a card room operation to a new and different location if the appropriate use permit and other necessary permits are obtained authorizing the operation of card rooms at the new location.

(D) If any of the card rooms in existence as of January 21, 1996, cease operations and the conduct of business for a period of not less than six consecutive calendar months, the right to conduct any such operation upon the premises where it was located shall thereupon cease and terminate. ('61 Code, § 6-1.40) (Ord. 228, N.S., passed - - ; Am. Ord. 141 C.S., passed 12-3-69; Am. Ord. 457 C.S., passed 7-16-86; Am. Ord. 572 C.S., passed 9-18-91; Am. Ord. 582 C.S., passed 6-3-92; Am. Ord. 587 C.S., passed 10-21-92; Am. Ord. 649 C.S., passed 12-20-95; Am. Ord. 684 C.S., passed 6-3-98; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.41 (REPEALED).**§ 6-1.42 (REPEALED).**

§ 6-1.43 (REPEALED).

§ 6-1.44 (REPEALED).

§ 6-1.45 DANCES.

(A) Every person carrying on a public dance to which the public is admitted, either with or without charge, shall pay a license tax of \$10 per day. For the purposes of this section, a public dance shall mean and include a dance performed by persons for the view and entertainment of an audience and shall also mean and include a dance where the public may participate in the dancing. No public dance shall be conducted or maintained between the hours of 2:00 a.m. and 10:00 a.m.

(B) A license shall be granted without the payment of any tax to any person, sorority, fraternity, society, or group giving, maintaining, or conducting a dance in any fixed place of business or hall where the public generally is not permitted to obtain admission, but where those permitted to gain admission are admitted by invitation, subscription list, or previous arrangement between the parties and contribute to the expense of the dance by the payment of a stated charge or by the division of the expense between the persons admitted.

('61 Code, § 6-1.45) (Ord. 228 N.S., passed - -)

§ 6-1.46 (REPEALED).

§ 6-1.47 DEMONSTRATION PARTIES.

No sale of goods, wares, or merchandise by means of a party demonstration shall be made without a license therefor issued to the person conducting such sale. The license tax for party demonstration sales is fixed at the sum of \$20 per year.

('61 Code, § 6-1.47) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.48 FINANCE COMPANIES.

(A) Every person engaging in the business of loaning money, either for himself or for any other person, upon personal security, evidences of debt, assignments of salary, salary warranties, salary demands, automobiles, or any other personal property, or purchasing for himself or any other person automobile contracts, commercial papers, evidences of debt, assignments of salary, salary warranties, salary demands, time checks, or other evidences of salary due, or to become due, shall pay a license tax as follows:

(1) Those persons licensed or required to be licensed by the state under the provisions of either or both of those certain acts known as the State Small Loan Act or the Personal Property Brokers' Act shall pay a license tax of \$200 per year.

(2) All other persons making personal loans or purchasing commercial papers shall pay a license tax of \$40 per year.

(B) Nothing in this section shall be deemed to apply to any person making real estate loans or to other persons exempt from the payment of a municipal license tax under state or federal laws. ('61 Code, § 6-1.48) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.49 FORTUNE-TELLERS.

(A) Every person who carries on, practices, or professes to practice in the city the business or art of astrology, augury, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, fortune-telling, hypnotism, life reading, magic, medium, necromancy, palmistry, phrenology, prophecy, seer, spiritualistic medium, or other business or art of similar nature or character, and demands or receives a fee for the exercise or exhibition of his or her business or art therein, directly or indirectly, either as a gift, donation, or otherwise, or gives an exhibition thereof at any place where admission is charged, shall pay a license tax based upon average monthly gross receipts in accordance with the schedule set forth in § 6-1.22 of this chapter.

(B) This section shall not apply to a performance or entertainment when given as a part of an established vaudeville show or theater along with other entertainment. No license shall be required for conducting or participating in any religious ceremony or service when a certificate of ordination is held as a medium, healer, or clairvoyant from any bona fide church having branches in other communities which church has a creed that is recognized by all such churches; provided that the fees and profits thereof shall be regularly accounted for and paid solely to, or for the benefit of, such church. ('61 Code, § 6-1.49) (Ord. 228 N.S., passed - - ; Am. Ord. 664 C.S., passed 10-2-96)

§ 6-1.50 (REPEALED).

§ 6-1.51 HOSPITALS.

Every person conducting or managing a hospital, maternity home, sanitarium, rest home, or convalescent home shall pay a license tax of \$4 per year for each bed therein. ('61 Code, § 6-1.51) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.52 HOTELS.

(A) Every person conducting, carrying on, or managing a hotel shall pay an annual license tax as follows:

- (1) Where the hotel consists of from one to 20 rooms, the sum of \$40;

- (2) Where the hotel consists of from 21 to 30 rooms, the sum of \$60;
- (3) Where the hotel consists of from 31 to 60 rooms, the sum of \$80;
- (4) Where the hotel consists of from 61 to 80 rooms, the sum of \$100; and
- (5) Where the hotel consists of from 81 to 90 rooms, the sum of \$120.

(B) For the purposes of this section, the word **ROOM** shall be defined to mean and include a room rented for sleeping purposes and shall not include dining rooms, toilets, bathrooms, halls, lobbies, offices, coat rooms, or balconies.

(C) The tax prescribed by this section shall cover rooms only. An additional license tax shall be paid on gross receipts from dining or lunch rooms, coffee shops, cocktail bars, cigar stands, and all other receipts, as provided in § 6-1.22 of this chapter.

('61 Code, § 6-1.52) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.53 ITINERANT PEDDLERS, SOLICITORS, AND PHOTOGRAPHERS.

(A) *License required.*

(1) Every person without a permanent place of business in the city who engages in the business of hawking, peddling, or vending goods, wares, merchandise, pictures, foodstuffs, services, or advertising from door to door, house to house, or building to building, or from or upon the streets, alleys, parks, or other public places of the city, or from any hotel, motel, rooming house, or trailer house on foot, or from or in any vehicle of any nature whatever, either by sample or by taking or soliciting orders for immediate delivery or for delivery in the future, shall comply with the provisions of this section. Every person without a permanent place of business in the city who engages in the business of photography, portraiture, photochromography, operating a photograph studio, taking pictures or any other branch of the photographic art whatever, whether from door to door, house to house, or building to building, or from or upon the streets, alleys, or other public places of the city, or from any hotel, motel, rooming house, or trailer house on foot, or from or in any type of vehicle whatever, shall comply with the provisions of this section.

(2) Every person without a permanent place of business in the city engages in the business of soliciting orders for photographs, peddling tickets, certificates, or other documents intended to apply in whole or in part as payment for photographs, frames, or other photographic merchandise or other material, or in any other manner whatever engages in the business of, or soliciting orders for, any branch of the photographic art in any respect, including copying, retouching, enlarging, or coloring of photographs or photographic negatives and prints shall comply with the provisions of this section.

(3) No person shall be relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer having a fixed place of business in the city or by conducting a temporary, transient, or itinerant business in connection with, or as a part

of or in the name of, any such local dealer, trader, merchant, or auctioneer having a fixed place of business within the city.

(B) Application.

(1) Every person desiring to conduct, carry on, manage, or engage in any of the businesses set forth in subsection § 6-1.53(A) of this section shall apply for a license for such business to the License Tax Collector of the city upon forms to be provided by the License Tax Collector, which forms shall require the following information from the applicant:

(a) The full name, permanent business address, local business address, and residence address of the applicant if an individual, or its authorized representative if other than an individual; the nature of the applicant, that is, whether individual, partnership, firm, corporation, or otherwise; the full names, ages, addresses, and occupations of each person who shall actually vend, sell, solicit, or otherwise engage in any act whatever within the city herein required to be licensed on behalf of, or for, the applicant, whether as principal, agent, servant, employee, associate, partner, representative, or otherwise; and

(b) A specific description of the article or service proposed to be sold, vended, or performed, whether for immediate or future delivery or performance, and the proposed method of delivery and performance, including information as to whether such sales will be made by quantity, weight, quality, package, or otherwise, and whether delivery or performance will be made personally or by mail, or in what other manner.

(2) In the event any form, contract, order blank, warranty, agreement, or other written or printed document is to be signed by the purchaser or person receiving property or service or is involved in any manner otherwise in the business of the applicant, the application form must be accompanied by a copy of such form, contract, order blank, warranty, agreement, or other written or printed document.

(3) Each application must be accompanied by two prints of a recent photograph of each individual person who will actually engage in vending, selling, soliciting, peddling, or doing any other act required under the provisions of this section to be licensed, whether as principal, agent, servant, employee, associate, partner, representative, or otherwise, which photographs shall not exceed one square-inch in size and shall be full front views of the face and head only of such persons.

(4) In each case where it appears that the applicant will or may demand, accept, or receive payments or deposits of money or property in advance of final delivery or performance of services, the application shall be accompanied by a cash deposit of \$1,000, or by a bond to the city in the penal sum of \$1,000, issued by a surety company authorized to do business within the state. Such bond shall be conditioned for making final delivery of goods, wares, or merchandise ordered or for final performance of services to be performed in accordance with the order, agreement, or contract entered into, and failing therein, the advance payment or deposit on such order shall be refunded or returned. Any person aggrieved by the action of any such applicant shall have a right of action on the deposit

or bond for the recovery of money or damages, or both. The cash deposit or bond, as the case may be, shall remain in full force and effect and be retained by the city for a period of 90 days after the expiration of any such license or the termination of any action upon the bond or deposit, of which the License Tax Collector shall have been notified, unless sooner released by the License Tax Collector.

(5) Each application shall be accompanied by the following license fee unless exemption therefrom is approved by the License Tax Collector in the manner hereinafter provided: the sum of \$600 for payment for the calendar-year , or portion thereof, in advance, unless such applicant desires to obtain a license for less than a calendar-year in which case the minimum charge shall be \$50 for any month period or any portion thereof, payable in advance.

(6) At the time of making such application, each individual person, whether as principal or agent, servant, or employee, who shall actually engage in selling, soliciting, vending, or doing any other act covered under the provisions of this section, shall present himself or herself at the office of the Police Chief for the purpose of being fingerprinted and supplying routine information required on the fingerprint forms provided at no expense by the city, including the physical characteristics of each such person, identifying marks or scars, age, name, address, and signature. Such fingerprint records are to be taken in triplicate, and each such individual is advised that the city reserves the right to retain one of such fingerprint records in its files for permanent safekeeping, and to send one such fingerprint record to the Federal Bureau of Investigation of the Department of Justice, and to the Criminal Investigation Department of the State Department of Justice for the purpose of filing. No fingerprint records will be returned in the event the license applied for is not issued or is subsequently suspended or revoked.

(C) *Exemptions.* The following individual applicants shall be exempted from the payment of the license fees required by this section but must fully comply otherwise with the requirements hereof as to applications, fingerprinting, bonds, and pictures:

(1) Every honorably discharged veteran who meets the requirements of Cal. Bus. & Prof. Code § 16001. Such exemption shall apply only to an individual applicant engaged in peddling, vending, or soliciting for, and by, himself or herself alone, and shall not apply to any individual applicant otherwise entitled to such exemption who employs agents, servants, or employees in such activities, nor to any other type of applicant of which a person otherwise entitled to such an exemption is an officer, member, agent, or employee. All claims for such exemption shall be referred to the County Service Officer for investigation and recommendation.

(2) Every individual person selling and vending farm fruits and vegetables grown and produced by his or her own labor on real property belonging to, or possessed by, the individual. All claims for such exemption shall be referred to the County Agricultural Commissioner for investigation and recommendation.

(3) Every applicant claiming to be entitled to exemption from the payment of any license provided for in this section upon the ground that such license casts a burden upon his or her right to engage in commerce with foreign nations or among the several states, or conflicts with the regulations

of the Congress respecting interstate commerce, shall file a verified statement with the License Tax Collector disclosing the interstate or other character of his or her business entitled to such exemption. Such statement shall state the name and address, the company or firm for which the orders are to be solicited or secured, the name of the nearest local or state manager, if any, and his or her address, the kind of goods, wares, or merchandise to be delivered, the place from which the same is to be shipped or delivered, the method of solicitation or taking orders, the location of any warehouse, factory, or plant in the state, the method of delivery, the name and address of the applicant, and any other facts necessary to establish such claim exemption. All claims for such exemption shall be referred to the City Attorney for investigation and recommendation.

(4) This section shall not apply to persons under the age of 14 years soliciting the sale or subscription of magazines or newspapers; nor shall it apply to peddlers, solicitors, or agents of trade supply houses calling upon specific trades.

(D) *Issuance of license and identification cards.* Upon the receipt of the application accompanied by the required documents and appropriate fees, the License Tax Collector shall issue a business license to the applicant and individual identification cards to all persons who shall actually solicit for, and on behalf of, the applicant, whether as principal or otherwise. Such identification card shall have affixed to it one of the pictures filed by the applicant and shall contain a reference to the issuance of the license, a description of the individual to whom issued, date of expiration, and the signature of the individual to whom issued. In the event the applicant claims an exemption from the payment of license fees under the provisions of subsection § 6-1.53(C) of this section, the License Tax Collector shall issue the license only after he or she has reviewed the report and recommendations of the County Service Officer, the Agricultural Commissioner of the County, or the City Attorney, as the case may be, and is satisfied that the applicant is entitled to such exemption.

(E) *Use of license and identification cards.* Each applicant, or if other than an individual, its representative, must at all times retain in his or her possession the business license issued by the License Tax Collector, and each person issued an identification card pursuant to this section must retain the same in his or her personal possession at all times while engaged in the business so licensed within the city and must produce and show the same upon the demand of any person solicited or of any Police Officer or official of the city. No licensee or person issued an identification card shall alter, remove, or obliterate any entry made upon such license or card or deface such license or card in any way. Each license and card shall be personal and not assignable or transferable, and no license or card may be used by any person other than the licensee or the person for whom issued.

(F) *Conditions and regulations.* The following conditions and regulations shall also apply to the exercise of the privileges granted by licenses issued under the provisions of this chapter in addition to those set forth in other sections of this chapter or by other laws of the city:

(1) Every licensee or holder of an identification card, upon the request of any police officer or other officer of the city, shall sign his or her name for comparison with the signature upon the license or card or the signature upon the license application.

(2) Any person acting under authority of any license issued who solicits orders for future delivery shall write each order at least in duplicate, plainly stating the quantity of each article or

commodity ordered, the price to be paid therefor, the total amount ordered, and the amount to be paid on, or after, delivery. One copy of such order shall be given to the customer.

(G) *Suspension and revocation.* In the event the License Tax Collector has reasonable cause to believe, and does believe, that any licensee or other person employed by, or representing, such licensee is violating any of the provisions of this chapter, or any other law relating to the business of the licensee, the License Tax Collector shall have power to, and shall be authorized to, suspend such license and all identification cards so issued. If no written appeal is filed with the City Clerk protesting such suspension within two days of the date of such suspension, such suspension shall be deemed permanent and all such licenses or identification cards issued thereunder shall be deemed revoked.

(H) *Appeals.* In the event any applicant desires to appeal from any order, denial of exemption, order of suspension, or other ruling made under the provisions of this section, such applicant, or any other person aggrieved thereby, shall file written notice of such appeal with the City Clerk, and such matter shall be heard upon the next regular meeting of the Council, at which time the Council shall hear and receive evidence, written and oral, upon all matters involved. The decision of the Council shall be final upon all parties concerned.

(I) *Denial of access.* It shall be unlawful for any peddler, or person pretending to be a peddler, for the purpose of selling or pretending to sell or peddle any goods, wares, merchandise, or any article, material, or substance, or any solicitor, or any person pretending to be a solicitor, for the purpose of soliciting orders for any goods, wares, or merchandise or any article, material, or substance of whatsoever kind, to ring the bell or knock at the door of any residence or dwelling whereon a sign bearing the words "no peddlers," or words of similar import, is painted or affixed so as to be exposed to public view, or to peddle or pretend to peddle, or to solicit or pretend to solicit, orders for any goods, wares, or merchandise or any article, material, or substance in any building whereon or wherein a sign bearing the words, "no peddlers," or words of similar import, is painted or affixed so as to be exposed to public view.

('61 Code, § 6-1.53) (Ord. 228 N.S., passed - - ; Am. Ord. 423 C.S., passed 4-2-84; Am. Ord. 657 C.S., passed 6-19-96; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.54 JOB PRINTING.

Every person engaged in the business of job printing and located at a permanent place of business within the city shall pay an annual license tax based on gross receipts as set forth in § 6-1.22 of this chapter. Every person located outside the city and soliciting job printing within the city shall pay a license tax of \$40 per year.

('61 Code, § 6-1.54) (Ord. 228 N.S., passed - - ; Am. Ord. 709, passed 9-15-99)

§ 6-1.55 LAUNDRIES.

Every person conducting or carrying on the business of a steam laundry or towel and/or linen supply where the plant for the actual work of laundering is maintained outside the city shall pay a

license tax of \$30 per year. Every person conducting, carrying on, or managing the business of a laundry, help-yourself laundry, or laundromat where the actual place of laundering is located within the city shall pay a license tax based on the gross receipts of such laundry business as set forth in § 6-1.22 of this chapter.

('61 Code, § 6-1.55) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.56 LOCKSMITHS AND SHARPENERS.

Every person engaged only in the business of a locksmith or sharpener shall pay a license tax of \$10 per year; provided, however, such person may elect to include the gross receipts from such business with the gross receipts of such other business as may be licensed under the provisions of § 6-1.22 of this chapter.

('61 Code, § 6-1.56) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.57 MERCHANDISE STAMPS.

Every person engaged in the business or occupation of selling or redeeming stamps, coupons, tickets, cards, or other devices issued to purchasers of goods, wares, or merchandise, which stamps, coupons, tickets, cards, or other devices shall entitle such purchaser receiving the same to procure from the person issuing the same, or any other person, goods, wares, or merchandise free of charge upon the presentation of one or a number of such stamps, coupons, tickets, cards, or other devices shall pay a license tax based upon the gross receipts of such business or occupation as set forth in § 6-1.22 of this chapter.

('61 Code, § 6-1.57) (Ord. 228 N.S., passed - -)

§ 6-1.58 (REPEALED).

§ 6-1.59 (REPEALED).

§ 6-1.60 MOTELS AND AUTO COURTS.

(A) Every person conducting or managing a motel or auto court shall pay an annual license tax as follows:

- (1) Where the motel or auto court contains five to ten units, the sum of \$20;
- (2) Where the motel or auto court contains 11 to 19 units, the sum of \$40; and
- (3) Where the motel or auto court contains 20 units and over, the sum of \$60.

(B) The tax set forth in this section shall cover rooms only. An additional license tax shall be paid on receipts from dining or lunch rooms, coffee shops, cocktail bars, cigar stands, and all other receipts as set forth in § 6-1.22 of this chapter.

('61 Code, § 6-1.60) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.61 MUSEUMS.

Every person conducting, carrying on, or managing a transient museum upon the public streets of the city or elsewhere shall pay a license tax of \$10 per day. For the purposes of this section, *MUSEUM* shall mean and include the showing or display of articles of historical interest or of interest because of age or past usage.

('61 Code, § 6-1.61) (Ord. 228 N.S., passed - -)

§ 6-1.62 MUSIC MACHINES.

Every person maintaining or permitting to be maintained upon in his or her premises, tables, machines, or devices for playing or rendering music upon the deposit of a coin shall pay a license tax of \$10 per year for each such machine or device.

('61 Code, § 6-1.62) (Ord. 228 N.S., passed - -)

§ 6-1.63 NEWSPAPERS.

Every person engaged in the business of publishing newspapers, magazines, or periodicals less often than daily shall pay a license tax of \$120 per year, and, in addition thereto, such person shall pay a license tax for all job printing and the sale of any merchandise other than printed newspapers based upon the gross receipts as set forth in § 6-1.22 of this chapter. Every person engaged in the business of publishing a daily newspaper, magazine, or periodical in the city shall pay a license tax of \$200 per year, and, in addition thereto, such person shall pay a license tax for all job printing and the sale of any merchandise other than newspapers based upon the gross receipts as set forth in § 6-1.22 of this chapter. For the purposes of this section, a newspaper, magazine, or periodical is defined to be such as has a regular paid subscription list (excepting papers printed or issued by schools or colleges), and a daily newspaper is defined to be a paper issued five times or more per week.

('61 Code, § 6-1.63) (Ord. 228 N.S., passed - - ; Am. Urgency Ord. 302 C.S., passed 6-23-78; Am. Ord. 303 C.S., passed 6-30-78; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.64 (REPEALED).

§ 6-1.65 (REPEALED).

§ 6-1.66 PAWNBROKERS.

Every person engaged in the business of a pawnbroker shall pay a license tax of \$200 per year. For the purposes of this section, **PAWNBROKER** shall mean and include every person managing, conducting, or carrying on the business of loaning money, either for himself or for any other person, and receiving goods, wares, or merchandise as a pledge or pawn in security for the payment of such loan, or who purchases articles of personal property and resells, or agrees to resell, such personal property to vendors or their assigns at prices agreed upon at, or before, the time of such purchase; provided, however, this section shall not apply to persons exempt from the payment of municipal license taxes under state or federal laws.

('61 Code, § 6-1.66) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.67 PHYSICAL THERAPY.

(A) Every person who operates any place where physical therapy is practiced, or which is devoted to, or which advertises or offers, any of the services or treatments included in the term **PHYSICAL THERAPY** shall pay a license fee of \$200 per year, or an annual license tax based upon average monthly gross receipts in accordance with the schedule set forth in subsection § 6-1.22(A) of this chapter; every person who engages in rendering for compensation, received or expected, any of the services or treatments included under the terms **PHYSICAL THERAPY** as herein defined, or who is employed to render such services or treatment in any place where **PHYSICAL THERAPY** is practiced or in any place which is devoted to or which advertises or offers any of the services or treatment included in the term **PHYSICAL THERAPY** shall also pay a license fee of \$40 minimum per year. **PHYSICAL THERAPY** for the purposes of this section shall mean the treatment or care of the body and the maintenance of health by physical agents other than drugs, medicine, or surgery; including, but not by way of limitation, fomentations, therapeutic massage, electric or magnetic treatment, steam baths, sun baths, mineral baths, electric tub baths, shower baths, sponge baths, Russian, Swedish, or Turkish baths, salt glows, alcohol rubs, movement, manipulation, corrective exercise, and other related services.

(B) Applications for such license shall be under oath and shall contain the name of the applicant and a statement regarding any and all true and fictitious names used by the applicant within five years prior to the date of filing of the application, the applicant's residence address and telephone number, the applicant's age, date and place of birth, the place or places where applicant will engage in his or her business calling or employment, the nature and place of applicant's business employment within the five years immediately preceding the date of the application, a photograph of the applicant taken within 60 days immediately prior to the date of filing of the application which shall be at least 2 H 2 inches showing the head and shoulders of applicant in a clear and distinguishing manner, the names of at least two reliable property owners of the county who will certify to the applicant's good character or in lieu thereof such other available evidence as will enable an investigator to properly evaluate the applicant's character and/or business responsibility, a statement that the applicant has never been convicted of a crime involving moral turpitude or a felony, or if such crime has been committed a complete statement of the nature of such crime and the place and date of conviction, and two copies of a valid unexpired and unrevoked license issued to the applicant by the Board of Medical Quality

Assurance of the state pursuant to Cal. Bus. & Prof. Code Chapter 5.7, Division 2. Each application for such license shall be accompanied by an application fee as established by Resolution of the City Council.

(C) Every application for a license shall be referred to the Chief of Police for approval, which may after investigation of the application and a proposed business or activity, be granted or refused by the Chief of Police. The permit shall be refused if it shall be determined that the granting of the permit or the conduct or activity will be contrary to the public peace, health, safety, morals, or welfare of the city or its inhabitants. If the permit is granted, the Chief of Police may impose such terms, conditions, and restrictions upon the operation and conduct of such business not in conflict with any paramount law, as may be deemed expedient to protect the public peace, health, safety, and morals, or welfare of the city or its inhabitants.

(D) The provisions of this section shall not apply to any business over which the state has assumed exclusive jurisdiction as a matter of statewide concern and which gives the services or treatments included in the term *PHYSICAL THERAPY* as herein defined as incidence to such business, calling, or profession, nor shall such terms apply to regularly established hospitals, athletic associations, athletic teams, or religious and charitable institutions.

(E) The City Council expressly declares that violation of this section shall be, and is, a misdemeanor punishable as otherwise provided in this code.

('61 Code, § 6-1.67) (Ord. 465 C.S., passed 12-17-86; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.68 PINBALL MACHINES.

(A) *PINBALL MACHINE*. Any device in which marbles, balls, pellets, or other moving objects are propelled, released, or rolled, either by hand or with the aid of a mechanical plunger or other affixed mechanical device, in such a manner as to result in a score, tally, points, or other indication of relative success in the operation and playing of such pinball machine, whether the same is indicated by, or may be computed by, means of numbers, letters, lights, colors, or in any manner whatsoever and where all of such balls count in the total score of such machine. Every person maintaining or operating a pinball machine on premises owned or leased by him shall pay a license tax on each such machine as follows:

(1) For each pinball machine on which the total possible score for any single game cannot be changed during the game, the sum of \$40 per year; and

(2) For each pinball machine on which the total possible score, tally, or points for a single game may be increased by paying into such machine during such game additional coins, the sum of \$80 per year.

(B) No license shall be granted for a pinball machine or game which is unlawful under state or local laws, or for a lawful machine or game which is played in an unlawful manner, or for any pinball

machine in which the element of chance predominates. No license shall be issued for the operation of any machine which automatically discharges or pays, or is capable of discharging or paying, counters, slugs, money, checks, coupons, or tickets, whether in a sealed compartment or not.

(C) It shall be unlawful for any person owning, controlling, or having charge of any pinball machine to cause, permit, or allow such pinball machine to be located, kept, operated, or maintained to be operated within 500 feet of the nearest street entrance to, or exit from, any public playground or public or private school of elementary or high school grades, such 500 feet to be measured from the entrance or exit in the most direct line to the public playground or public or private school of elementary or high school grades.

(D) It shall be unlawful for any person owning, controlling, or having charge of a pinball machine, or any person in charge of the premises where a pinball machine is installed and being operated, to pay off in money or anything of value any winning that may be determined by any score or otherwise by the operation of any such game or device.

('61 Code, § 6-1.68) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.69 PROMOTERS.

Every person who, for any compensation whatsoever, shall carry on, or manage, the business of selling tickets for or promoting any charitable, political, philanthropic, social service, benevolent, patriotic, or purported political or purported philanthropic club, corporation, association, or partnership within the city for which a paid admission is charged or collected shall pay a license tax of \$400 per year.

('61 Code, § 6-1.69) (Ord. 228 N.S., passed - - ; Am. Ord. 709 C.S., passed 9-15-99)

§ 6-1.70 (REPEALED).

§ 6-1.71 (REPEALED).

§ 6-1.72 RIDES.

Every person managing, conducting, or carrying on a ferris wheel, scenic railway, merry-go-round, pony rides, or other riding or amusement devices of a similar character especially designated and operated solely for the amusement of children, and where a charge is collected for carrying any person therein or thereon, shall pay a license tax of \$5 for each such riding or amusement device each day.

('61 Code, § 6-1.72) (Ord. 228 N.S., passed - -)

§ 6-1.73 (REPEALED).

§ 6-1.74 (REPEALED).

§ 6-1.75 (REPEALED).

§ 6-1.76 SHOWS.

(A) Every person engaged in the business of conducting any transient theatrical or vaudeville performance, motion picture show, indoor circus, concert, opera, contest, marathon, stunt, or any other transient attraction or transient entertainment not otherwise provided for in this chapter, either as principal or agent, in the open air, in a tent or clubroom, or elsewhere than in a regularly established and licensed theater, whether or not an admission fee is charged, wherein such attraction or entertainment is conducted or exhibited as an independent business or entertainment and not as a part of any other business, shall pay a license tax of \$50 per day.

(B) Any license required by this section shall be subject to the provisions of § 6-1.21 of this chapter.

('61 Code, § 6-1.76) (Ord. 228 N.S., passed - -)

§ 6-1.77 (REPEALED).

§ 6-1.78 (REPEALED).

§ 6-1.79 (REPEALED).

§ 6-1.80 (REPEALED).

§ 6-1.81 (REPEALED).

§ 6-1.82 (REPEALED).

§ 6-1.83 (REPEALED).

§ 6-1.84 (REPEALED).

§ 6-1.85 (REPEALED).

§ 6-1.86 WALKING SIGNS.

Every person who engages in the business of carrying in his or her hands or on his or her person on the streets, alleys, or public places in the city any banner, placard, or poster advertising or calling attention to any business carried on in the city shall pay a license tax of \$5 per day.

('61 Code, § 6-1.86) (Ord. 228 N.S., passed - -)

§ 6-1.87 (REPEALED).**§ 6-1.88 (REPEALED).****§ 6-1.89 WRESTLING AND BOXING MATCHES.**

Every person conducting, carrying on, or managing a sparring exhibition or wrestling match shall pay a license tax of \$10 for each such match; provided, however, all applications for licenses for such matches shall be referred to the Council. The Council shall have the power to reject or refuse such applications.

('61 Code, § 6-1.89) (Ord. 228 N.S., passed - -)

§ 6-1.90 ENFORCEMENT.

(A) It shall be the duty of the License Tax Collector, and he or she is so appointed and directed, to enforce each and all of the provisions of this chapter, and the Police Chief shall render such assistance in such enforcement as may from time to time be required by the License Tax Collector and the Council.

(B) The Collector, in the exercise of the duties imposed upon him or her by the provisions of this chapter, and acting through his or her deputies or duly authorized assistants, shall examine, or cause to be examined, all places of business and all persons in the city liable to pay a license tax to ascertain whether the provisions of this chapter have been complied with. The License Tax Collector and each and all of his or her assistants and any police officer shall have and exercise the power and authority to enter, free of charge, at any reasonable time, any place of business required by this chapter to be licensed and to demand the exhibition of such license for the current term by any person engaged or employed in the transaction of such business. Any person having such license certificate theretofore issued in his or her possession or under his or her control who wilfully fails to exhibit such license certificate on demand shall be guilty of a misdemeanor. It shall also be the duty of the License Tax Collector to determine any violation of this chapter due to failure to comply with its provisions at all, or due to evasions in full compliance therewith, and to promptly report such violations to the Council.

('61 Code, § 6-1.90) (Ord. 228 N.S., passed - -)

§ 6-1.91 REFUNDS.

(A) The license taxes, penalties, and costs collected and received by the city may be refunded as provided in this section, and not otherwise, if a signed and verified claim therefor is filed with the License Tax Collector within six months after the date of payment. Such refund may be allowed where the amount paid was in excess of the amount required by this chapter, where the amount paid was not required by law, where the applicant for any license or permit has not, at any time after the commencement of the period or term during which the requested license or permit would have been effective, commenced or engaged in the business or occupation or performed any act for which the license or permit was required, or where the money paid was not required by law or erroneously or illegally collected or received by the city through a mistake, inadvertence, or error of fact, and whether paid or charged under cover of any provision of this chapter or otherwise. Upon receiving such signed and verified claim, the License Tax Collector shall notify the Council at its next regular meeting. The Council shall grant its prior approval before any refund may be made. Before any refund may be made, the license or permit shall be returned to the License Tax Collector, if available.

(B) If any section of this chapter is repealed or amended, the Council, at its discretion, may refund a proportionate amount of the license tax paid.
(’61 Code, § 6-1.91) (Ord. 228 N.S., passed - -)

§ 6-1.92 DIVULGING INFORMATION FORBIDDEN.

It shall be unlawful for any officer or employee of the city having an administrative duty under this chapter to make known in any matter whatever the business affairs, operations, or information obtained by an investigation of the records of any person licensed under this chapter, or the amount or source of income, profits, losses, expenditures, or any particulars thereof set forth or disclosed in any statement, or to permit any statement, or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person. The Council, however, by resolution, may authorize the examination of such statements by federal or state officers or employees if a reciprocal arrangement exists. Successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information as to the items included in the amount of any license tax. Any unwarranted disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor, and such officer or employee shall be subject to the penalty provisions of this code.

(’61 Code, § 6-1.92) (Ord. 228 N.S., passed - -)

§ 6-1.93 VIOLATIONS; PENALTIES.

Any person, whether as owner, servant, agent, or employee, violating any provision of this chapter, or wilfully failing or neglecting to comply with any of the terms, requirements, or provisions of this chapter, or directly or indirectly aiding or assisting in the violation of any term, requirement,

or provisions of this chapter, or knowingly or intentionally misrepresenting to any officer or employee of the city any material fact in procuring the license or permit provided for in this chapter shall be deemed guilty of a misdemeanor.

('61 Code, § 6-1.93) (Ord. 228 N.S., passed - -)

§ 6-1.94 CRIMINAL AND CIVIL ACTIONS AUTHORIZED FOR FAILURE TO PAY LICENSE TAX.

The conviction and imprisonment of any person for engaging in any business without first obtaining a license to conduct such business shall not relieve such person from paying the license tax to conduct such business, nor shall the payment of any license tax prevent a criminal prosecution for the violation of any provision of this chapter. No remedy used by the city shall bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

('61 Code, § 6-1.94) (Ord. 228 N.S., passed - -)

CHAPTER 2: FILMING

Section

- 6-2.01 Purpose
- 6-2.02 Definitions
- 6-2.03 Permits required
- 6-2.04 Exemptions
- 6-2.05 Application; fee
- 6-2.06 Application review
- 6-2.07 General requirements and conditions
- 6-2.08 Permit nontransferable

§ 6-2.01 PURPOSE.

The purpose of this chapter is to encourage the motion picture, television, and video advertising industries to conduct their activities in the city by providing a convenient means by which persons within such industries may obtain necessary permits and approvals to conduct their activities, while at the same time providing sufficient regulation to protect the health, safety, and welfare of the residents and visitors of the county.

('61 Code, § 6-2.01) (Ord. 556 C.S., passed 9-19-90)

§ 6-2.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL MOTION PICTURE, TELEVISION, and STILL PHOTOGRAPHY. Any and all activity attendant to the staging or filming of commercial motion pictures, television shows or programs, and commercial advertisements.

CHARITABLE FILMS. Commercial advertisements, motion pictures, television, videotapes, or still photography produced by a non-profit organization which qualifies under § 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes, or photos produced by such an organization.

PERSON. Any natural person or persons, partnership, trust, corporation, association, society, club, or other entity.

('61 Code, § 6-2.02) (Ord. 556 C.S., passed 9-19-90)

§ 6-2.03 PERMITS REQUIRED.

Except as may otherwise be provided in this chapter, no person shall use any public or private property, facility, or residence for the purpose of taking or filming commercial motion pictures, television pictures, commercial advertisements, or commercial still photography without first applying for, and obtaining, a permit pursuant to this chapter. Permits obtained pursuant to this chapter shall be in lieu of any other business license or permit required by this title.

('61 Code, § 6-2.03) (Ord. 556 C.S., passed 9-19-90)

§ 6-2.04 EXEMPTIONS.

The following persons are exempt from the permit requirements of this chapter:

(A) Reporters, photographers, camera persons in the employ of a newspaper, news service, or similar entity, engaged in filming, photographing, or on-the-spot broadcasting of news events concerning those persons, scenes, or occurrences which are in the news and of general public interest.

(B) Persons engaged in the filming or videotaping of motion pictures solely for private family use.

(C) Persons taking or creating charitable films.

('61 Code, § 6-2.04) (Ord. 556 C.S., passed 9-19-90)

§ 6-2.05 APPLICATION; FEE.

(A) To obtain a film permit, written application shall be made with the City Manager on forms provided therefor and accompanied by the appropriate film permit fee. Every application for a film permit shall be verified by oath of the applicant.

(B) The following information shall be included in the application:

(1) The name of the owner and the address and telephone number of the place at which the activity is to be conducted;

(2) The inclusive hours and dates such activity will occur;

(3) A general statement of the character or nature of the proposed filming activity;

(4) The name, address, and telephone number of the person or persons in charge of such filming activity;

- (5) The exact number of personnel to be involved in the activity;
- (6) A statement as to use of any animals or pyrotechnics; and
- (7) The exact amount and type of vehicles or equipment to be involved in the filming.

(C) A filming permit application fee of \$100.
('61 Code, § 6-2.05) (Ord. 556 C.S., passed 9-19-90)

§ 6-2.06 APPLICATION REVIEW.

The City Manager or his or her designee shall approve and issue, with or without conditions, a filming permit upon a satisfactory demonstration by the applicant that traffic, crowd control, and other factors affecting the public health, safety, and general welfare will be adequately mitigated. The City Manager or his or her designee shall consult with the Police, Fire, Engineering, Planning, and other city departments as may be appropriate, regarding special conditions of approval which may be necessary in order to protect the public health, safety, and welfare with respect to the requested permit. Special conditions of approval may be attached to the permit in order to assure the health and safety of all persons, avoidance of undue disruption of all persons within the affected area, the safety of property, and the avoidance of traffic congestion at particular locations.
('61 Code, § 6-2.06) (Ord. 556 C.S., passed 9-19-90)

§ 6-2.07 GENERAL REQUIREMENTS AND CONDITIONS.

(A) Applicants shall submit permit applications at least two working days prior to the dates on which such persons desire to conduct an activity for which a permit is required by this chapter. If it appears that such activity may interfere with traffic or involve potential public safety hazards, the City Manager or his or her designee may require that the permit be submitted at least four working days in advance.

(B) The permittee shall be required to conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris upon completion of filming at the scene and restored to the original condition before the permittee leaves the site.

(C) An applicant must obtain the property owner's permission, consent, and/or lease for use of property not owned or controlled by city prior to the issuance of the filming permit under this chapter. The City Manager or his or her designee shall require proof of such permission prior to the issuance of a permit.

(D) If the applicant must park equipment, trucks, and/or cars in areas where such parking is not safely permitted, then temporary “no parking” signs must be posted by the Department of Public Works. The permittee must consult with the Department of Public Works in advance of the filming date to coordinate the placement of such signs.

(E) For filming that affects traffic flow, the permittee shall use local law enforcement personnel to provide such traffic control and comply with all traffic control requirements deemed necessary by the Police Department.

(F) As a condition of approval of the permit, the permittee shall agree to reimburse the city for the costs of personnel and/or equipment utilized for the purpose of assisting the production. The City Manager, as a condition to the issuance of the permit, shall require a cash deposit for such costs.

(G) Before a permit is issued under this chapter, a certificate of insurance must be on file with the City Manager in an amount not less than \$1,000,000 and naming the city as a co-insured providing protection against claims for personal injuries, wrongful death, and property damage. The certificate or policies of insurance shall provide they are not subject to cancellation or modification until after 30 days prior written notice has been given to the city. A copy of the policy of insurance must remain on file with the city at all times relevant to the permit.

(H) As a condition of the issuance of the permit, the applicant shall execute a hold harmless agreement prior to the issuance of the permit under this chapter.

(I) To insure clean up and restoration of the filming site, the City Manager may require an applicant to post a refundable faithful performance bond or cash deposit, in an amount determined by the City Manager, at the time the permit is issued. Upon completion of filming and inspection of the site by city personnel, the bond or deposit shall be returned to the applicant if the clean up and restoration is complete and satisfactory.

('61 Code, § 6-2.07) (Ord. 556 C.S., passed 9-19-90)

§ 6-2.08 PERMIT NONTRANSFERABLE.

No permit issued pursuant to the provisions of this chapter shall be assignable or transferable nor shall any permit authorize any person other than those named therein to conduct any activities pursuant to the permit.

('61 Code, § 6-2.08) (Ord. 556 C.S., passed 9-19-90)

CHAPTER 3: CARD ROOMS

Section

- 6-3.01 Purpose
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§ 6-3.01 PURPOSE.

The purpose of this chapter is to allow the continued operation of card rooms in the city and to comply with the new provisions of the state gaming laws and regulate card rooms in order to protect the public health, safety and welfare of the patrons of such facilities and the citizens and consumers in the city.

(Ord. 684 C.S., passed 6-3-98)

§ 6-3.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Every person, as defined under this code, filing an application with the city seeking a card room permit or any other permit required under this chapter.

BENEFICIAL INTEREST. Any interest in a card room held by the beneficiaries of a trust which, as part of the corpus thereof, holds a financial interest in such card room.

CARD ROOM. Any building or structure, or portion thereof, for which a card room operating license is obtained and in which legal gambling or gaming is conducted. The term shall include any restaurant, bar, assembly room, meeting room or office which is a part of or appurtenant to the room or rooms in which legal gambling or gaming is conducted. The term shall also include the business of operating the card room and those business enterprises which are a part thereof.

CARD ROOM OPERATIONS LICENSE. A license issued pursuant to this chapter allowing the operation of a card room.

CARD TABLE. Any table or any other surface upon which any game is played.

COMMENCE. To "commence", "initiate", "start", "open" and/or "establish".

CONDUCT. To "conduct", "transact", "maintain", "prosecute", "practice", "manage", "operate", "permit", "allow", "suffer" and/or "carry on".

CONVICTION OR CONVICTED. A plea of guilty, a final verdict of guilty or a conviction following a plea of no lo contendere.

COUNCIL. The Council of the City of Madera.

DAY. "Calendar day" unless otherwise expressly stated.

EMPLOYEE. Every person, who acts either as agent or employee of the permittee or under the direction of the permittee of any card room. A management corporation is an employee for purposes of this chapter.

FILING AND PROCESSING FEES. The imposition, pursuant to this chapter and/or any resolution of the Council, of fees and/or deposits to be used for the purpose of reimbursing the city for its costs of administering the provisions of this chapter.

FINANCIAL INTEREST. Any direct or indirect financial interest in the management, operation, ownership, profits or revenue (gross or net) of a card room. A direct financial interest means a monetary investment in a card room. An indirect financial interest means owning 1% or more of any entity, i.e., any business, corporation, joint venture, partnership or trust that in turn has a direct financial interest in a card room.

GAME. Legal gambling or gaming as defined below.

GROSS REVENUE. Includes seat rental fees, membership fees, table revenues, rental fees and charges, and any and all other gaming revenues derived from activities conducted on or within the card room premises.

INTEREST-HOLDER. Any person having a financial interest or beneficial interest in the licensee as well as all stockholders of any entity having a financial interest or beneficial interest in the licensee.

KEY MANAGEMENT EMPLOYEE. Includes any person, whether or not such person is a named officer director of the licensee, with the power to (i) direct operations and (ii) direct supervisory and several employees of a card room; any person with the actual or apparent authority to direct the counting of revenue generated by the card room, and any person employed or engaged by the licensee to manage the card room.

LEASE. Any formal or informal, written or oral contract or understanding or arrangement whereby any person operating a card room obtains the use or possession of any property, real or personal, to be used, occupied, or possessed in connection with the conduct of games at any card room. The term "lease" includes without limitation, payments to an affiliated person under a real property lease, a personal property lease, an unsecured note, a deed of trust, a mortgage, or trust indenture.

LEGAL GAMBLING OR GAMING. Any card game played for currency, check, or any other thing of value which is not prohibited and made unlawful by Chapter 9 (commencing with Section 319) or Chapter 10 (commencing with Section 330) of title 9 of Part 1 of the Penal Code or by this chapter.

LESSOR. Any person who leases any property, real or personal, to a person operating a card room for use in connection with the conduct of games or related activities.

LICENSEE. The person or entity to whom a card room operations license is issued.

MANAGER. Any agent or employee of a licensee whose duties include but may not be limited to the following: The making or changing of a policy, hiring or firing employees, and/or generally exercising independent judgment in the operation of the card room. A manager need not have a financial interest in the licensee.

PERMIT FEES. All fees levied upon each licensee and permittee pursuant to this chapter.

PLAYING CARDS OR CARD GAMES. The participation in legal gambling or gaming at a card room.

PREMISES. Land together with all buildings, improvements, and personal property located thereon and related to card room use.

SECURITY DEPOSIT. Any security or deposit required by this chapter to ensure the prompt and full payment of any permit fees imposed by the city pursuant to this chapter.

WORK PERMIT. A permit issued pursuant to this chapter authorizing a person to be an employee of a card room.

(Ord. 684 C.S., passed 6-3-98)

§ 6-3.03 CONFORMANCE WITH STATE LAW.

(A) Every card room operated within the city shall be regulated by the city concurrently with the state as permitted in the Gambling Control Act as codified in section 19800 et seq. of the Business and Professions Code effective January 1, 1998 as amended from time to time.

(B) In conformance with state law, the playing of percentage games is not permissible. Any fees paid by patrons of card rooms shall not be tied to the amount of a player's bet, the size of the pot, winnings that may be collected or money that changes hands among players at the table.

(Ord. 684 C.S., passed 6-3-98)

§ 6-3.04 EXISTING CARD ROOM BUSINESS LICENSES CONTINUED.

(A) Each card room business license in effect on January 1, 1998 shall be continued in force provided that the licensee does not become subject to revocation under this chapter or § 6-1.17 and the number of tables, the games played, the location and the licensee, are not amended in any way.

(B) This chapter does not create any vested or other property right of any kind in the licensee, interest-holder, key management employee, or other person. The city reserves the right to, at any time, amend, modify or repeal the provisions of this chapter and to otherwise regulate or prohibit any privileged exercised hereunder. This reservation includes but is not limited to the right of the city to amend, from time to time, a permit or license issued pursuant to the terms of this chapter by resolution of the Council.

(C) Notwithstanding any other provisions of this chapter, should the location of any of the previously approved card rooms listed in § 6-3.10 be acquired through eminent domain, then such card room licensee shall have the right to relocate such card room consistent with the provisions of this chapter. Such relocation shall not allow the expansion of the number of card tables.

(Ord. 684 C.S., passed 6-3-98)

§ 6-3.05 CONFIDENTIAL DISCLOSURE UNLAWFUL.

It shall be unlawful for any individual to disclose to any unauthorized person any data or information required under the provision of this chapter or other laws to be kept and maintained confidential.

(Ord. 684 C.S., passed 6-3-98)

§ 6-3.06 CARD ROOM OPERATIONS LICENSE APPLICATION.

(A) *Other Permits/Licenses Required.* All interest-holders, key management employees, managers and employees shall apply for and be issued permits after an individual personal background investigation prior to operating or working in a card room.

(B) All individuals and entities must first obtain a business license, card room operating license and have a use permit for the address at which they intend to operate a card room prior to commencing operations and card room gaming activities within the city.

(C) Any person desiring or proposing to commence or conduct any business, activity, enterprise or undertaking pertaining to or involving a card room, shall file an application with the Finance Director using such forms as are provided by the city. Each application shall contain and each applicant shall execute a statement as follows. "The undersigned applicant(s) declare under penalty of perjury that the foregoing is true and correct."

(D) The card room operations license, if granted, will be issued only in the name of an individual, a sole proprietorship, a partnership, or a corporation (such entity to be referred to as card room operations license applicant), and, the card room operations license shall require that, concurrent with the granting of the card room operations license, each interest-holder and key management employee of the card room operations license applicant shall make application for permits allowing such individuals or entities to be involved in the activities, profits and direction of the card room operation. Interest-holder permits shall be issued only in the name of an individual. City officials, city employees and relatives of Council Members, Department Directors and Management and Confidential employees shall not be eligible to apply for card room operations licenses, interest-holder permits or any form of employee permit or registration card. For purposes of this section, **RELATIVES** means any person who is related within the third degree to those city officials and employees listed above by blood or marriage, and includes a spouse, child, step-child, parent, grandparent, grandchild, mother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-law and sister-in-law or another individual living in the same household.

(E) In addition to other information as may be required by said application forms for a card room operations license, the applicant shall complete and provide the following information in as great detail as is available or as the Finance Director or his or her designee may require:

- (1) The date of the application;
- (2) The true name of the applicant;
- (3) The status of the applicant as being an individual, a sole proprietorship, a partnership or a corporation;
- (4) If the applicant is an individual, the residence and business address and personal history record of such applicant;

(5) If the applicant is other than an individual, the name, residence and business address of each of the partners, stockholders who qualify as interest-holders and the name, residence and business address of each of the officers and directors of the entity. For purposes of this chapter such officers and directors shall be deemed "Managers" as defined above and shall be subject to all terms and conditions that managers are subject to;

(6) An application for an interest-holder's permit, including a personal history record, for every interest-holder who has, or is proposed to have, a financial interest, direct or remote, in the proposed card room operation;

(7) An application for a business license, including all information requested on said application form and any additional information deemed necessary by the Finance Director or his or her designee;

(8) An application for a key management employee's permit, including a personal history record, for each individual who is or is proposed to be a key manager of the proposed card room operation;

(9) An application for a manager's permit, including a personal history record, for each individual who is or is proposed to be a manager of the proposed card room;

(11) A description of the premises to be used in relation to card room activity including but not limited to card playing area, restaurants and parking;

(12) The number of card tables to be placed, employed or used;

(13) A description of any other business conducted or proposed to be conducted on the premises;

(14) A financial plan and source of funding for the development, including projected development cost;

(15) A statement of the applicant's experience in the operation and management of card rooms and/or other lawful gambling and/or other related activities;

(16) A three-year cash flow projection, which shall be a confidential document and not open to public inspection or disclosure. Said projection shall be prepared in conformity with generally accepted accounting principles;

(17) A statement that such premises will conform to all the laws of the state and the city for occupancies of the nature proposed;

(18) A complete description and layout of all security measures proposed in as great a detail as available, which shall be a confidential document and not open to public inspection or disclosure;

(19) A complete description of the internal accounting controls intended to be implemented at the location for which application is being made. Said description shall identify internal controls designed to verify gross receipts, daily deposits and protect against defalcation by employees, management and interest-holders.

(F) If the Finance Director or his or her designee determines that a landlord whose lease rental payments are based upon a percentage of the revenues or profits of the card room or financier thereof, by reason of the extent of his or her holdings or his or her inherent financial control cannot, in fact, be separated from the card room, and, that as a practical matter a single entity exists regardless of the apparent form of the organization, he or she may require that all such individuals be designated interest-holders and subject to all investigatory, financial and background reporting procedures established by this chapter for card room interest-holders. Any such determination shall not, however, be deemed to make any such lessor an owner or operator of the card room for purposes of this chapter.

(G) Each applicant for a card room operations license, an interest-holder's permit, a manager's permit, or a key management employee's permit shall include the following:

(1) A statement that the applicant understands that the applicant shall be considered only after a full background investigation and report has been made by such members of city staff as are designated by the Finance Director;

(2) A statement that the applicant understands and agrees that any business or activity issued under such application shall be operated in full conformity with all the laws of the state and the laws and regulations of the city applicable thereto, and that any violation of any such laws or regulations in such place of business, or in connection therewith, may render any permit or permit therefor subject to immediate suspension or revocation;

(3) A statement that the applicant has read the provisions of this chapter and particularly the provisions of this section and understands the same and agrees to abide by all rules and regulations contained in this chapter;

(4) *A complete statement of financial position for each applicant.* The financial statements required by this division (G) shall be prepared in conformity with generally accepted accounting principles and shall be confidential documents not open to public inspection. Documents shall be available only to those officials and employees having direct jurisdiction involving the provisions of this chapter and to any court of competent jurisdiction where any matter thereto may be actually pending.

(5) Concurrently with the filing of their applications, the card room operations license applicant along with their interest-holder and key management employee permit applicants shall be fingerprinted by the Madera Police Department. Applicants shall authorize the city to obtain any available criminal offender record information relating to applicant and shall further authorize the updating of that information on an annual basis if a permit is granted. Each applicant shall provide two full-face, 2-inch by 2-inch photographs of the applicant for use in preparing the investigation documents.

(H) *Interest-holder and Key Management Employee Permit Application.* If an applicant for a card room operating license is a publicly-traded corporation, each person having a beneficial interest of at least 5% in the applicant corporation shall be identified and may be required to meet all the requirements for applicants and permittees.

(I) Each license and/or permit applicant shall be responsible for providing complete and accurate information and for signing the permit or license application. However, it shall be the responsibility of the card room business license applicant (or licensee for subsequent applications) to submit the completed applications and pay any additional fees.

(J) The applications for all interest-holders and key management employees shall be submitted as part of the application for the card room operations license. Failure to submit complete applications for each proposed interest-holder and key management employee may be grounds for denial or revocation of a card room operations license.

(K) *Application Fees.* The applicant(s) for a card room operations license shall pay the following fees at the time that the application is made with the Finance Director:

(1) A card room operations license application fee in the amount specified in the Master Fee Schedule as amended from time to time. Said application fee shall be retained by the city for the payment of costs of investigation.

(2) An interest-holders and key management employees permit application fee in the amount specified in the Master Fee Schedule as amended by the Council from time to time. Said application fee shall be retained by the city for the payment of costs of investigation.

(3) An employee work permit application fee in the amount specified in the Master Fee Schedule as amended by the Council from time to time. Said application fee shall be retained by the city for the payment of costs of investigation.

(4) A business license application fee in the amount specified in the Master Fee Schedule as amended from time to time. Said application fee shall be retained by the city for the payment of costs of investigation.

(5) Any use permit as required by Title 10 of this Code.

(L) *Application Review and Approval Procedures.*

(1) Whenever a card room operations license application pursuant to this chapter has been filed, the Police Chief or his or her designee shall cause an investigation to be made covering all matters relevant to the proposed activity of the applicant, individual interest-holders, key management employees and managers. Such matters may include but are not limited to the following:

(a) Identity character and background of the permit applicant, all individual interest-holders, and all key management employees and managers;

(b) Type and degree of security personnel and facilities to be provided;

(c) The financial stability of the interest-holders involved in the application and the financial ability of the applicant to comply with the conditions and requirements of the city and other governmental and legal requirements and conditions in the event the application is approved.

(2) Following the investigation, the completed report of the investigation together with the Police Chief's findings and recommendations shall be forwarded to the Council. The Council shall not consider any application for a card room operations license or individual permit applications related to the card room operation license applied for until the Police Chief's findings and recommendations have been completed and forwarded for review.

(3) At such time as the Police Chief forwards findings and recommendations to Council, the City Clerk shall give at least ten days' written notice of the time and place of the Council's hearing on the card room operations license to the applicant to every person whose name and address appears on the last equalized County Assessment roll as the owner of any property within 1,000 feet of the exterior boundaries of the premises of the proposed card room, and to every person filing with the City Clerk a written request for notice of any hearings relating to proposed card rooms.

(M) *City Council Hearing and Determination.*

(1) Upon the submission by the Police Chief of the report on the investigation and recommendations and findings related thereto, the Council shall have jurisdiction to consider such an application.

(2) During the public hearing on the application for a card room operations license, the Council shall consider the application, the Police Chief's report of findings and recommendations, including any report on the investigation along with written and public testimony. Within a reasonable time after the close of the hearing the Council shall make a determination on the application.

(3) The Council, by resolution, has the authority to either grant, conditionally grant or deny the card room operation license application. If the Council finds that the application shall be denied, the order will be accompanied by written reasons upon which the order is based. All such orders will be made public.

(4) It shall be possible for the Council to approve tentatively the application of a license applicant, but disapprove the application for a permit of one or more of the interest-holders or key management employees or managers. In such cases the Council can grant the license applied for subject to the condition that any interest-holder, key management employee or manager disapproved of, be removed as an individual having an interest or control in the card room. Compliance with the removal requirement shall be monitored, reviewed and approved by the Finance Director and the Police Chief prior to final issuance of the card room operations license.

(N) *Grounds for Denial.* The Council may, in its discretion, deny or condition a license, a license application, a permit or a permit application for any of the following reasons, without being limited thereto, or for any reason consistent with the general policy for this chapter:

- (1) Conviction of any crime punishable as a felony or of any crime of violence, any crime involving fraud, gambling, bookmaking, thievery, bunco, moral turpitude, or any crime involving evasion of taxes, or any other crime of moral turpitude indicating a lack of business integrity or business honesty whether committed in the State of California or elsewhere, whether denominated as a felony or as a misdemeanor and notwithstanding the passage of time since the conviction.
- (2) Failure of the applicant to have a valid registration from the Attorney General of the State of California issued pursuant to the Gaming Control Act.
- (3) Failure of the proposed business or activity to be operated in compliance with federal, state or city laws or regulations.
- (4) Identification by any law enforcement agency legislative body or crime commission as a member of, or an associate of organized criminal elements.
- (5) Knowingly making any false statement in the application, or as to any other information presented as part of the application process.
- (6) Failure to satisfy the Council as to the source of funds to be invested in the proposed card room.
- (7) Prior unsuitable operation as a card or gaming permittee in another jurisdiction without regard to whether disciplinary action was taken at that time or whether the acts were sufficient to justify revocation of a permit.
- (8) Applicant does not have the financial capability or business experience to operate a card room in a manner which would adequately protect the patrons of the card room and the citizens of the City of Madera.
- (9) Applicant is presently under indictment or the subject of a criminal complaint for any of the crimes described in division (N)(1) of this section.
- (10) Making or causing to be made any statement in an application or document provided to the city or orally to a city officer, employee, or agent in connection with an application, which statement was at the time and in light of the circumstances under which it was made, knowingly false or misleading.
- (11) Lack of evidence that there is adequate financing available to pay potential and/or current obligations and, in addition, to provide adequate working capital to finance the opening of the proposed card room.
- (12) Failure of any person named in the application when summoned by the Council to appear and testify before it or its agents at such time and place as it may designate.

(13) Inadequate security measures are identified in the operations license application and/or use permit application.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.07 EMPLOYEE WORK PERMITS.

(A) It shall be unlawful for any licensee to employ any person to work in a card room without such person having been first registered with the Police Chief and issued a permit.

(B) Each card room employee shall present himself or herself at the Police Department during normal business hours, prior to commencement of any such employment, and be permitted. Each employee shall:

- (1) Complete an application;
- (2) Be fingerprinted;
- (3) Present two full-face, 2-inch by 2-inch photographs of the employee;
- (4) Provide any other information that the Police Chief or his designee may require; and
- (5) Certify the contents of the application under penalty of perjury.

(C) The Police Chief is hereby authorized to obtain criminal history information for each employee seeking registration.

(D) A fee set forth in the Master Fee Schedule established by resolution of the Council and as amended from time to time, shall be paid together with the registration or renewal application.

(E) Within 90 days after receipt of the application containing the above information and the required fees, the Police Chief or his or her designee shall mail a written decision to the applicant either granting or denying registration and explaining the reason for denial.

(F) If the background investigation is not completed within the 30 day period, the Police Chief or his or her designee may grant a temporary permit pending a final decision based upon the outcome of the background investigation. The temporary permit shall include issuance of a temporary badge or identification card to the employee that shall be valid for a period not to exceed 60 days.

(G) The Police Chief or his or her designee shall provide each permitted employee with a permanent identification card to be known as a "Work Permit" which shall be displayed in accordance with the requirements of this chapter.

(H) Each permitted employee shall renew his or her permit with the Police Chief at least 90 days prior to the anniversary date of his or her initial registration and every anniversary thereafter. New identification cards will be issued as the city deems appropriate.

(I) The card room licensee shall inform the Police Chief of any change in employment status of a permitted employee within 24 hours of the effective date of the change in employment. A change in employment shall include termination of employment, leave of absence in excess of 60 days or any promotion or other change in positions job title or duties.

(J) *Grounds for Denial, Revocation or Suspension of Work Permit.* The Police Chief may revoke or suspend the registration of or deny registration to a card room employee or potential employee on any of the following grounds:

(1) The employee has been convicted of a crime involving lotteries, gambling, bookmaking, larceny, perjury, bribery, extortion, frauds theft, or embezzlement, or a crime involving moral turpitude, or has been convicted of being under the influence of, possession of, the sale or possession for sale of a controlled substance, prostitution, pimping, or pandering, or has been convicted of any crime substantially related to a service or entertainment business;

(2) The employee has committed any act involving dishonesty, fraud or deceit with the intent to substantially benefit the employee or benefit another, or substantially injure another;

(3) The employee has been refused, or has had revoked, any gambling, gaming or entertainment permit or permit by an agency or government within five years of the date of the registration application;

(4) The employee has violated any provisions of this chapter;

(5) The employee has violated any law or ordinance relating to the operation of a card room.

(6) The State Department of Gaming Control has entered an objection to the issuance of the work permit.

(K) *Denial, Suspension and Revocation of Work Permit.* If it appears at any time that good cause may exist for the Police Chief to deny registration of an employee, or to suspend or revoke an existing registration, the Police Chief shall provide the employee and the permittee with the opportunity for a hearing before the Police Chief to show cause why registration should not be denied, suspended or revoked.

(1) In the case of denial, suspension or revocation, the employee shall be given ten days from the date of mailing of the notice of denial, suspension or revocation to request a show cause hearing before the Police Chief. The employee shall be deemed to have waived the right to a show cause hearing if the Police Chief does not receive the employee's written request for a hearing within ten days of the date of mailing of the notice.

(2) The Police Chief shall schedule the hearing within 15 days after receipt of the request for a show cause hearing. The Police Chief shall mail notice of the time, place and date of the hearing to the applicant or employee and the employer within five days after receipt of the request for hearing.

(3) Technical rules of evidence shall not apply to the show cause hearing.

(4) If the Police Chief, on the basis of substantial evidence presented at the show cause hearing, finds good cause therefor, the Police Chief may deny registration to the employee or suspend or revoke the registration.

(5) In those extraordinary circumstances, wherein the Police Chief determines that immediate suspension or revocation is necessary as a result of accusations involving conduct resulting in great or irreparable harm or injury to the patrons thereof and/or the city or accusations involving conduct in need of immediate restraint to prevent great or irreparable harm or injury to the city, the Police Chief may issue a Notice of Revocation or a Notice of Suspension which shall be deemed effective immediately upon issuance.

(6) The employee shall have ten days from the date of such issuance of a Notice of Revocation or Notice of Suspension to request a hearing. The Police Chief shall schedule such a hearing within five days after receipt of the request for hearing under this division (K)(6). Technical rules of evidence shall not apply for such hearing. If the Police Chief, on the basis of substantial evidence presented at such hearing, finds good cause therefor, the Police Chief may uphold the Order of Suspension or the Order of Termination.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.08 HOURS OF OPERATION.

Card rooms shall be allowed to operate 24 hours per day seven days per week. Signs shall be conspicuously posted indicating the hours of operation in each premises.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.09 CARD ROOM LOCATIONS.

Card rooms licensed under this chapter shall be allowed to operate only at locations that have been previously approved and a use permit issued therefore in accordance with Section 10-3.405 (J) of the Municipal Code.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.10 AUTHORIZED NUMBER OF CARD TABLES.

The number of card tables authorized to be operated within the city shall be equal to:

(A) Twenty four, which consists of the number of card tables either in operation or which had been approved for operation by the city. Two of the card tables are authorized at the establishment currently known as La Primavera and 22 of the card tables are authorized at the Club 99 Casino, both in the City of Madera.
(Ord. 684 C.S., passed 6-3-98)

**§ 6-3.11 TRANSFER OF INTEREST OF INTEREST-HOLDER IN CARD ROOM—
PERMISSION REQUIRED.**

(A) It shall be unlawful for any interest-holder, having any interest whatever, or at all, in the ownership of a card room, whether legal or equitable, or as trustor or trustee, or of whatever kind or character, to transfer or sell any interests in a card room to any person who is or by reason of such transaction would become an interest-holder, without the prior consent and permission of the Council.

(B) No licensee or interest-holder shall knowingly permit any individual, partnerships or other entity to make any investment whatever in, or in any manner whatever, participate in the profits of any licensed card room or any portion thereof, except in accordance with these requirements; provided, however, that the purchase or other acquisition of stock in a publicly-traded corporation shall not be deemed to be such an investment or participation unless by an interest-holder. Except as otherwise provided in division (D) of this section, a permittee which is a publicly-traded corporation shall not have responsibility with respect to any transfers, sales or assignments of shares of its common stock or other securities.

(C) No licensee or interest-holder shall knowingly permit any investment in any licensed card room operation or any portion thereof nor participation in the profits thereof by any person acting as agent, trustee, or in any other representative capacity whatsoever for or on behalf of another person without first having fully disclosed all facts pertaining to such representation to the Council. Except as otherwise provided in division (D) of this section, a licensee which is a publicly-traded corporation shall not have responsibility with respect to any transfers, sales or assignments of shares of its common stock or other securities. No person acting in any such representative capacity shall hold or acquire any such interest or participate without first having fully disclosed all facts pertaining to such representation to the Council and obtained written permission of the Council to so act.

(D) No transfer, sale or hypothecation of an interest, or new investment in an existing licensed card room shall be permitted until the Council has received, reviewed, and approved an application for transfer of an interest, and until each new interest-holder has been granted an interest-holder's permit authorizing the holding of such interest; provided, however, that no such approval shall be required for sales of stock of a publicly-traded corporation other than to an interest-holder. No money or other thing of value constituting any part of the consideration for the transfer or acquisition of any interest in a licensed card room operation shall be paid over, received or used prior to complete compliance with all prerequisites set forth in state law and this chapter; notwithstanding the foregoing, such funds may be placed in escrow pending completion of the transaction. Any loan, pledge or other transaction in an attempt to evade the requirements of this regulation may be deemed a violation and, as such, would constitute grounds for disapproval of the interest transfer.

(E) Any party desiring to buy, sell, accept, transfer, assign or otherwise hypothecate any interest of an interest-holder (other than stock of a publicly-traded corporation to a person other than interest-holder) in a licensed card room shall file with the Finance Director, on forms approved by the City Attorney, and furnished by the Finance Director, a written application for permission to allow transfer of such interest. Each such application shall contain and clearly and truthfully set forth, under oath and/or affirmation, in addition to such other information as the Finance Director may require, the following:

- (1) The date of the application;
 - (2) The true name of the applicant and personal history;
 - (3) The status of the applicant as being an individual, partnership, corporation or other entity;
 - (4) The residence and business address of the applicant;
 - (5) If the applicant is other than an individual, the name, residence and business address of each co-partner, co-partnership, shareholder or other interest-holders;
 - (6) The name of the licensed card room and the names of the existing interest-holders from which a transfer of interest is sought;
 - (7) The number of interests and/or nature of interest sought to be sold, transferred, assigned or otherwise hypothecated;
 - (8) The source of funds to be used by the applicant in acquiring such interest;
 - (9) A statement that the applicant(s) understands that the application will be considered by the Council only after a full investigation and report have been made and the report of investigation forwarded to the Council;
 - (10) A balance sheet and income statement representing the financial condition of the applicant prepared in accordance with generally accepted accounting principles and submitted under penalty of perjury (but which need not be audited but must be dated no later than the end of the most recent fiscal year of applicant);
 - (11) The statements required by this division (E) shall be confidential, and the documents containing such information shall be deemed to be confidential documents, and shall not be open to public inspection, but shall be available only to those city officials having direct jurisdiction where any matter relating thereto may be actually pending, except that the names and cities and states of residence and business of such interest-holders shall be open to public inspection.
- (F) Whenever an application pursuant to the provisions of this section has been filed with the Finance Director, the Finance Director shall immediately refer such application, or a true copy thereof, to the Police Chief, who shall promptly and diligently cause an investigation to be made as follows:
- (1) A full and complete investigation of the applicant and each interest-holder whose names and addresses are shown upon the application;
 - (2) Concurrently with the filing of an application, each applicant shall be fingerprinted by the Madera Police Department and shall authorize the city to obtain any available criminal offender record information relating to applicant and shall further authorize the updating of that information at any time reasonably necessary, if the application is approved.

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(3) It shall be the responsibility and duty of the City Administrator to supervise and direct the Police Chief to establish the necessary procedures to administer the provisions of this division (F); and

(4) The information received by the Police Chief pursuant to the provisions herein shall be treated as confidential.

(G) For the purposes of clarification, the application and assignment fees set forth in this section are for regulation, revenue purposes and reimbursement to the city for the costs of investigating and processing the applications, as provided for in this chapter, pursuant to the authority set forth in Article XI Section 5 of the Constitution of the State. Each such application for transfer of interest of an interest-holder to an applicant permittee shall be accompanied by a fee, payable to the city as follows:

(1) An application fee in the amount specified in the Master Fee Schedule designated in the Master Fee Resolution as amended by the Council from time to time, for each interest-holder permit applicant, which fee shall be retained by the city for the payment of the costs of the investigation of the applicant. This fee shall be the property of, and be retained by, the city, whether the permit and permission to transfer interest in the permit is granted or denied.

(2) An assignment fee in the amount of 5% of the gross sales price of the interest assigned, sold or transferred. In the event that multiple interests are assigned, sold or transferred, the allocation of the gross sales price for the purposes of this section, shall be agreed upon by the city and the permittee prior to completion of the transaction. A statement of gross income from the assignments sale, or transfer shall be audited by a Certified Public Accountant, and presented to the city along with the assignment fee.

(H) *Granting or Denial of Applications.* Whenever an application for a permit as required under the provisions of this section is presented to the Council and provided that the fees required by this section in connection therewith have been paid to the city the Council may consider such application on the basis of the following without being limited thereto:

- (1) The financial stability of the applicant;
- (2) Conviction of criminal offenses as denoted in § 6-3.06(N)(1);
- (3) Investigational report by Chief of Police; and
- (4) Any other information deemed by the Council to be matters of necessary inquiry.

(I) The Council may in its discretion, either grant conditionally grant or deny the interest-holders permit applied for under this § 6-3.11.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.12 BACKGROUND UPDATES ANNUALLY.

All interest-holders, key management employees, and employees of card rooms shall have their background and criminal history investigations updated annually or as the city may require upon showing of reasonable justification.

(Ord. 684 C.S., passed 6-3-98)

§ 6-3.13 REVOCATION, SUSPENSION AND OTHER PENALTIES.

All licenses and permits issued under the provisions of this chapter shall be subject to revocation, suspension, or other appropriate penalties upon the occurrence of any of the following conditions:

(A) The licensee or permittee has violated any provision of this chapter or failed to pay timely any fees due under this chapter; or

(B) The licensee or permittee has violated any term or condition upon which such permit was issued; or

(C) The licensee, permittee, interest-holder, key management employee, or an employee has violated any statute or ordinance which violation relates to the establishment, maintenance or operation of the card room authorized by such permit; or

(D) The licensee or permittee has transferred any stock without approval of the city; or

(E) A licensee or permittee fails to make and file any statements as required by this chapter or the permit within the time required, or pay timely any sums due under the provisions of this chapter, or refuses to do either or both upon reasonable request; or

(F) The licensee or permittee has knowingly made false statements on any filing, registration or statement required under this chapter; or

(G) The operation of the card room violates the city's zoning, fire, building or other ordinances or regulations, or other applicable local, state, or federal laws or regulations; or
The operation of the card room substantially aggravates the crime problems in the area, makes law enforcement unduly difficult, or is otherwise detrimental to crime prevention or to the public peace, health or safety in the area.

(H) In making the determination of whether to revoke or suspend a license or to apply other appropriate penalties, the city may consider, but is not limited to the following factors:

(1) Any criminal convictions of the licensee, interest-holders, key management employees, or employees, involving lotteries, gambling, bookmaking, larceny, perjury, bribery, extortion, fraud, theft, embezzlement, or crimes involving moral turpitude, or convictions of the sale, possession for sale, or possession of a controlled substance, prostitution, pimping, or pandering, or convictions of any crime substantially related to a service or entertainment business;

(2) The commission of any act by the card room licensee, interest-holders, key management employees, managers or employees involving dishonesty, fraud or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another;

(3) Whether the card room licensee, interest-holders, managers, key management employees, or employees have previously operated in this or another state under a gambling, gaming or similar license or permit that has been revoked or suspended, the reasons therefor, and the actions of such person thereafter;

(4) Whether the card room licensee, interest-holders, managers, key management employees, or employees in this or another state has been denied a gambling, gaming or similar permit or permit the reasons therefor, and the actions of the persons and owners thereafter;

(5) The business and credit history of the card room licensee and owners;

(6) The nature of the conduct involved in the violations upheld;

(7) The duration of the conduct giving rise to the violations;

(8) The number of instances of violations involved. and whether or not the violations are part of a pattern of violations;

(9) Whether the violations were deliberate or inadvertent;

(10) The degree, financial or physical, of injury to any victim, or which was proximately caused by the violation;

(11) The motivation of the person(s) who committed the violations;

(12) Restitution provided to any victim; and

(13) Restitution provided to the city for the costs of enforcement or prosecution of any violations or injuries.

(I) Where appropriate, in addition to or in lieu of a suspension or revocation penalty, the city may impose other appropriate penalties, including but not limited to monetary penalties, restitution to victims, including the city, and modifications and limitations on the terms and conditions of the permit or license.

(Ord. 684 C.S., passed 6-3-98)

§ 6-3.14 NOTICE OF DECISION TO REVOKE OR SUSPEND.

(A) Upon determination of the existence of any of the conditions stated in §§ 6-3.13 et seq. or which warrant action, the Police Chief shall issue a "Notice of Decision to Revoke or Suspend Card Room Operations License to the Licensee."

(B) The Notice of Decision to Revoke or Suspend shall state all grounds and reasons upon which the suspension or revocation, is based.

(C) The Notice of Decision shall be mailed to the licensee at the address stated on the permit.

(D) The Decision shall be effective 15 calendar days after mailing of the Notice of Decision unless the licensee files a written Notice of Appeal with the Police Chief before the close of business on the fourteenth day.

(E) In those extraordinary circumstances, wherein the Police Chief determines immediate suspension or revocation is necessary as a result of accusations involving conduct resulting in great or irreparable harm or injury to the city or accusations involving conduct in need of immediate restraint to prevent great or irreparable harm or injury to the patrons thereof and/or the city, the Police Chief may proceed to issue a Notice of Revocation or a Notice of Suspension in accordance with this section and without compliance with the procedures set forth in division (D) of this section. A notice issued under this division (E) shall be deemed effective immediately upon issuance.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.15 APPEAL OF NOTICE OF DECISION.

(A) The licensee may appeal the decision to revoke or suspend by filing a written Notice of Appeal with the City Administrator not later than 14 calendar days after service of the Notice of Decision to Revoke or Suspend Card Room Permit.

(B) The Notice of Appeal shall set forth all of the specific grounds of appeal and shall admit or deny each determination in the Notice of Decision.

(C) If the permittee fails to file a Notice of Appeal to the City Administrator within 14 calendar days or withdraws said Notice subsequent to filing it, the suspension or revocation shall become final and take effect immediately.

(D) Any allegation in the Notice of Decision which is not specifically denied in the permittee's Notice of Appeal shall be deemed admitted.

(E) For purposes of this section, the Notice of Appeal is considered filed upon receipt by the City Administrator.

(F) *Appointment Of Administrative Hearing Officer.* Hearings to appeal a Notice of Decision shall be conducted by an Administrative Hearing Officer selected by the City Administrator.

(1) The Administrative Hearing Officer shall be:

(a) A State of California administrative law judge;

- (b) A retired judge of the state of California; or
- (c) A hearing officer employed as such by the city.

(G) *Time Of Appeal Hearing.* Where a Notice of Appeal has been filed, an Appeal Hearing shall be conducted as soon as reasonably possible.

(H) *Notice Of Appeal Hearing.* The City Administrator shall provide the permittee with written notice of the time, date and place of the Appeal Hearing and the name of the Administrative Hearing Officer not less than ten working days prior to the date of the hearing.

(I) *Conduct Of The Hearing.* The Appeal Hearing shall be conducted by an Administrative Hearing Officer appointed pursuant to division (F) of this section. The Appeal Hearing shall be conducted in accordance with the following procedure:

- (1) Oral evidence shall be taken only on oath or affirmation.
- (2) Both the city and the licensee shall have the right to call and examine witnesses; to introduce exhibits; and to rebut the evidence against any witness.
- (3) Technical rules relating to evidence and witnesses shall not apply. Reliable hearsay evidence and any and all other evidence which the Administrative Hearing Officer deems relevant and not unduly repetitious may be admitted and considered.
- (4) The Appeal Hearing shall be de novo. The Hearing Officer shall base his or her decision on the factors set forth in § 6-3.13.
- (5) In cases where the decision of the Police Chief to revoke or suspend is based upon a criminal conviction, the fact of whether or not there was a conviction shall not be an issue for decision by the Administrative Hearing Officer. The facts underlying a criminal conviction shall be deemed to have been proven and shall not be subject to dispute at the Appeal Hearing.

(J) *Subpoena Authority.* The Administrative Hearing Officer shall have the power to issue subpoenas and require the attendance of witnesses, and the production of books, papers, and any other evidence relevant to the Appeal Hearing.

(K) *Record Of Administrative Hearing.* A record of the Appeal Hearing consisting of a tape recording of all oral evidence, arguments and rulings, along with all exhibits offered and/or admitted into evidence and the written decision of the Administrative Hearing officer shall be made by the Administrative Hearing officer and shall be maintained by him or her until all administrative and judicial appeals on a Notice of Decision have been concluded.

(L) *Representation For Licensee And City.* The licensee is entitled to be represented at the Appeal Hearing by legal counsel or by any other person of the licensee's choosing. The city is entitled to be represented at the Appeal Hearing by the City Attorney or other legal counsel.

(M) *Failure To Appear.* Failure of the licensee or the licensee's representative to appear at the Appeal Hearing shall be deemed a withdrawal of the licensee's Notice of Appeal and the Decision of the Police Chief shall become final and take effect immediately. Within ten calendar days after the effective date of such Decision, such licensee may file with the Administrative Hearing Officer a written request for relief from its failure to appear. After review of such request and of any rebuttal offered by city, the Administrative Hearing Officer may reinstate the appeal and set a new date for the Appeal Hearing on finding there is good cause for the failure to appear.

(N) *Appeal Hearing Determination.* The Administrative Hearing Officer shall within 30 working days of the close of the hearing, submit to the City Administrators the City Attorney and the licensee a written statement of decision, together with written findings of fact upon which such decision is based.

(O) *Decision Final.* The decision of the Administrative Hearing Officer shall be final.

(P) The decision of the Administrative Hearing Officer shall be deemed an adjudicatory decision and the provisions of Section 1094.6 of the California Code of Civil Procedure shall be applicable.

(Q) A challenge to an Administrative Hearing Officer's decision may be sought by either the city or the licensee pursuant to California Code of Civil Procedure Section 1094.6.

(R) *Cost Of Appeal Hearing.* The cost of the Appeal Hearing, including but not limited to the charge for the cost of the services of an Administrative Hearing Officer, the cost of creating the record of the Appeal Hearing, and the cost of subpoena service on all witnesses called by the licensee, shall be borne by the licensee.

(1) A deposit of estimated costs, as determined by the City Administrator, shall be required from the licensee prior to the Appeal Hearing. Failure to provide the deposit shall be deemed a waiver of the appeal.

(2) The licensee shall be presented with a bill itemizing the costs to be paid after the Administrative Hearing Officer issues his or her decision. Any part of the deposit not expended shall be returned to the licensee within 30 days of the decision. Any amounts due in excess of the amount deposited shall be paid by the licensee within 30 days. The fee for the Appeal Hearing shall be considered to be a civil debt of the licensee which is due and payable at the time of presentation of the bill to the licensee after the hearing.

(S) *New Application Upon Revocation.* In the event of revocation, such licensee shall not be entitled to apply for a new permit.

(Ord. 684 C.S., passed 6-3-98)

§ 6-3.16 ANNUAL LICENSE/PERMIT FEES.

The Council hereby determines that an annual fee is payable with respect to all licenses and permits issued pursuant to the provisions of this chapter, which fee shall be payable annually on the anniversary date of the card room operations license. Annual license and permit fees in the amounts specified in the Master Fee Schedule designated in the Master Fee Resolution, as amended by the Council from time to time, shall be payable in advance of the beginning of each fiscal operating year of the card room in which card room operations are to be conducted. All annual license and permit fees shall become the absolute property of the city and shall not be refunded due to the cessation of, or failure to begin such businesses, whether voluntary or involuntary.

(Ord. 684 C.S., passed 6-3-98)

§ 6-3.17 GROSS REVENUE LICENSE FEES.

(A) In addition to the license/permit fees previously prescribed each licensee licensed pursuant to the provisions of this chapter shall pay to the city a monthly fee equal to a percentage of the gross revenue of the permittee received from the card room operation. The percentage shall be established by resolution of the City Council. Such payment shall be made to the city not later than 15 days after the end of each month during which such gross revenues on which it was computed were received by the licensee.

(B) Each licensee shall file with the Finance Director before the 15th day following the end of each month a statement, under oath, showing the true and correct amount of gross revenue derived from the card game business licensed by the license issued to or held by such permittee for the preceding month. Such statement shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by the payment of the correct amount of license fees due and owing in accordance with the provisions of division (A) of this section, and such sums correctly reflecting the monthly fees payable for the preceding month shall be accepted by the city, subject, however to the right of the city to audit the matters reported in the statement to determine the accuracy of the figures contained therein and whether or not the correct amount payable to the city has been paid.

(C) In addition, a signed declaration certification shall be attached to the statement, or included therein which declaration shall be substantially in the following form:

(1) "I hereby declare under penalty of perjury that the foregoing is true and correct."

Licensee, managing partner, or owners,
(Strike out the titles which are not applicable.)

(D) On or before October 31 of each year the licensee shall provide the city with a balance sheet and a statement of revenue for the period from July 1 of the previous year through June 30 of the then current year. This statement shall be audited by a Certified Public Accountant who will provide an opinion as to the accuracy and correctness of the statements provided.

(1) In the event that the amount of gross revenue reported in the licensee's annual statement is more than the total gross revenue reported in the monthly statements previously received by the city the gross revenue fee shall be applied to the difference and shall accompany the annual statement. In addition to the gross revenue permit fee, if the difference exceeds 1% of the annual gross revenues, a penalty of 25% of the additional fee due shall also be due and payable upon submission of the annual statement of gross revenues.

(2) The books, records, and accounts of any card room may be audited by the city. Such an audit shall be performed by a person designated by the Finance Director. Any information obtained pursuant to the provisions of this section or any statement filed by the licensee shall be deemed confidential and shall not be subject to public inspection. Such shall be available only to those city officials having jurisdiction over the provisions of this chapter and to any court of competent jurisdiction where any matter relating thereto may be actively pending.

(3) Any failure or refusal by any such licensee or permittee to make and file any statement as required within the time required, or to pay such sums by way of application fees, license or permit fees when the fees are due and payable in accordance with the provisions of this chapter, or to permit an inspection of such books, records, and accounts of licensee shall be and constitute full and sufficient grounds for the suspension and revocation of the permit or license of any such licensee. (Ord. 684 C.S., passed 6-3-98)

§ 6-3.18 RECORDS, REPORTS AND SUPPLEMENTAL INFORMATION.

(A) Each licensee shall make and maintain complete, accurate and legible records of all transactions pertaining to revenue. Such records shall include but not be limited to a general ledger maintained in accordance with generally accepted accounting principles, together with appropriate supporting records such as cash receipts and disbursement logs and journals, payroll journals, canceled checks, and original paid invoices. General ledgers and all other records shall be maintained in a fashion suitable for producing financial statements in accordance with generally accepted accounting principles. These ledgers and records shall be maintained for at least five years after the end of the card room's fiscal operating year to which they apply and shall be made available for examination and copying by the city or its designee upon request.

(B) In the event information requested of a licensee can be furnished only by someone other than the licensee (such as a landlord, supplier or an accountant), the licensee shall make every bona fide effort to obtain such information as requested and furnish the same or have it furnished directly by the person who has made the information available.

(C) In addition to such other information and data required by this chapter, each licensee shall maintain the following if a partnership or corporation:

(1) A schedule showing the dates of capital contributions, loans or advances, the names and addresses of the contributors and percentage of ownership interest held of record by each.

- (2) A record of the withdrawals or distributions of funds or assets, to partners or stockholders.
 - (3) A record of salaries paid to each partner, stockholder and key management employees.
 - (4) A copy of the partnership or corporate agreement, certificate of limited partnership and accurate corporate stock transfer book, if applicable.
 - (5) Copies of any and all public filings required by the Securities Exchange Commission.
 - (6) In addition to such other information and data required by this chapter, each card room licensee shall maintain the following if a sole proprietorship:
 - (a) A schedule showing the name and address of the proprietor and the amount and date of his or her original investment.
 - (b) A record of subsequent additions thereto and withdrawals therefrom.
- (D) The records required to be kept by this chapter shall be in ink or other permanent form of recordation.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.19 ACCESS TO RECORDS AND FACILITIES.

(A) Notwithstanding the audit requirements specified in this chapter, the licensee shall allow the City Administrator or his designee unrestricted access to all books, records, and facilities pertaining to the card room, including but not limited to cash counting rooms. Any information obtained pursuant to this section or any statement filed by the card room licensee or other permittees shall be deemed confidential and shall not be subject to public inspection except in connection with the enforcement of the provisions of this chapter. It shall be the duty of the City Administrator to preserve and keep such statements so that the contents thereof shall not become known except to the persons charged by law with the administration of the provisions of this chapter or pursuant to the order of any court of competent jurisdiction.

(B) Any failure or refusal of any licensee or permittee to make and file any statement as required within the time required, or to permit inspection of such books, records, accounts and reports, of such licensee or permittee in accordance with the provisions of this chapter shall be and constitute full and sufficient grounds for the revocation or suspension of the license or permit of any such licensee or permittee.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.20 RULES AND REGULATIONS.

(A) Each and all of the games conducted or operated in the city pursuant to the provisions of this chapter shall be conducted and operated in full conformity with, and subject to, all the provisions of federal, state and local laws.

(B) Fees may only be collected for the playing of permissible games either through a time rental fee for occupancy at a card table or a predetermined fixed fee assessed of all players at a card table and collected prior to the playing of a hand.

(C) No card room licensee, owner or employee shall knowingly permit or allow any person under the age of 21 years of age at any time to be in or upon the card room premises; except that a person under the age of 21 years of age, when accompanied by his/her parent or legal guardian who is 21 years of age or older, may be permitted to be in the restaurant area of the card room premises only when there for purposes of eating. In order for persons under the age of twenty-one years of age to be allowed to be present in the restaurant area of the card room the restaurant must be in a room or area separated from the gaming area of the card room premises. Under no circumstances is a person under the age of 21 years of age allowed to be in any other area of the card room except as necessary to travel directly to and from the restaurant when accompanied by a person who is 21 years of age or older.

(D) For purposes of this section a "room or area separated from the gaming area of the card room premises" means a room or area completely separated from the gaming area by walls which are at least five feet in height. The room or area shall contain no card tables. There shall be no more than one doorway of no more than seven feet in width for entry from or exit to the gaming area.

(E) No card room licensee, owner or employee shall permit the farming out, assigning, leasing, renting, or subletting of any games or card tables on premises lawfully licensed pursuant to the provisions of this chapter.

(F) This section shall not preclude any profit sharing with employees or preclude use of a management company.

(G) The playing of all games permitted under this chapter shall be confined to the approved card playing area of each licensed card room as set forth in the license and no playing of any games shall be permitted in any other area or location.

(H) *Permissible Games.* A list of "permissible games" including any specific rules thereto shall be adopted by Resolution of the Council.

(1) No game shall be played at any card room unless it is listed as a permissible game.

(2) All permissible games shall be played in strict conformity to California Penal Code Section 330, and all other state gaming laws.

(3) The licensee shall file with the Police Chief for the Police Chief's approvals the rules on how each game and variation thereof is to be played. The licensee shall allow the playing of permissible games only in strict conformity with the rules approved by the Police Chief.

(4) All other games of chance are hereby prohibited.

(I) *Game Rules.* The rules describing how each game conducted on the premises is to be played shall be posted on the premises of the card room in a conspicuous place. Printed copies of the rules shall also be easily available to the public.

(1) The rules which are posted and made available to the public shall be identical to the rules provided to the Police Chief pursuant to the requirements of this chapter.

(2) The rules shall be made available in English, Spanish, Vietnamese, Hmong, Lao, Cambodian, and any other language as requested by a patron.

(3) No card room licensee, owner or employee shall permit any person to play in any game at any time while such person is obviously under the influence of intoxicating beverage, narcotic or drug.

(J) *Exclusion of Persons from Card Rooms.*

(1) A card room licensee shall not allow entry and shall exclude or eject from the premises any person who has been engaged in or been convicted of bookmaking, loan sharking, the sale of controlled substances, illegal gambling activities, prostitution, pimping, pandering or whose presence in or about such card room would be inimical to the interests of legitimate gaming.

(2) No card room licensee, owner or employee shall permit any person to enter a card room while such person appears to be obviously under the influence of any intoxicating beverage, narcotic or drug.

(3) Any person refused entry, excluded, or ejected by a card room may appeal to the City Administrator as to whether the conditions for exclusion or ejection as set forth in division (J) of this section are applicable. The City Administrator shall appoint a hearing officer who shall conduct a hearing at which time both the person excluded and the licensee may present evidence. The decision of the hearing officer shall be final. The card room licensee and appellant shall reimburse the city for the cost of holding such hearing.

(K) Complimentary or reduced priced alcoholic drinks shall be prohibited in the card room premises.

(L) A notice setting forth the procedure for making and/or filing complaints by patrons of the card room shall be prominently posted on the premises. Such complaint procedure shall at a minimum include provisions for logging in the verbal and written complaints, the name, address, and telephone number of complainant, and a mechanism for transmitting such log to the Police Department on a daily basis.

(M) *Limits on Bets and Wagers.* No card room licensee, owner or employee shall allow any persons playing in any game to make any single bet or wager in excess of \$2,000 or at any time during any game to permit an ante in excess of \$200 total sum anted by players participating in the game. Notwithstanding this provision, the Council may, by resolution, set a lower wager limit than the maximum listed herein on a game by game basis.

(N) *Identification Card Display.* It shall be unlawful for any card room owner or employee to be physically present at any time upon said premises without having prominently displayed his or her own personal identification card issued by the Police Chief pursuant to this chapter identifying such person with the card room.

(1) The identification card shall be prominently displayed on the outermost garment at approximately chest height. Such identification card shall at all times be in good and readable condition.

(O) *Employment of Persons To Stimulate Play Prohibited.* It shall be unlawful for any card room licensee, owners interest-holder, manager, key management employee, or employee to engage in or persuade any person to play cards for the purpose of stimulating play where such person is to receive any compensation or reward, whether financial or otherwise, present or promised; or where such reward or revenue is to be diverted to the card room licensee or owner except as allowed under division (O)(1) of this section.

(1) The licensee may utilize proposition players. A proposition player must wear a badge at all times identifying the player as an employee of the licensee. Other than compensation for the time spent in acting in such activities as an employee of the licensee, no gifts, rewards or any other thing of value shall be given to the proposition player by the card room licensee, owner, interest-holder, manager, key management employee or employee.

(P) It is unlawful for any card room licensee, owner or employee to engage in the lending of money, chips, tokens or anything of value, either real or promised, to any person for the purpose of allowing that person to eat, drink or engage in any game or gambling on the premises.

(Q) It is unlawful for the card room licensee, owner or employee to cash any personal check which does not state the amount on the face of the check.

(R) *Operation of House Deposit or Credit System Prohibited.* It shall be unlawful for any card room licensee, owner or employee to operate, maintain or purport to maintain any house, player or employee deposit or credit system or any system similar thereto, whereby a person may deposit, draw or maintain any account or credit of money, checks or any other item or representation of value, except as expressly authorized pursuant to divisions (R)(1) and (2) of this section.

(1) The licensee shall be allowed to provide chips or other representations of value paid for in advance by the patron in cash or by personal check.

(2) The licensee shall be allowed to accept a patron's chips or other winnings and provide the patron with a check drawn on the licensee's account for the amount of the patron's chips or other winnings.

(3) The dollar equivalent of any such chips or other representations shall be posted in the same manner as the game rules pursuant to this chapter. In the alternative the dollar equivalent may be placed prominently upon the face of each chip or other representation of value.

(S) All card room licensees shall make literature published by Gamblers Anonymous easily available in a visible location in the card room. If literature published by Gamblers Anonymous is available in English, Spanish, Vietnamese, Hmong, Lao, Cambodian, and any other language requested by a patron, the card room permittee shall be required to make such literature easily available.

(T) *Inspection of Premises.* All card rooms shall be open for inspection during normal business hours to the Police Chief, the Finance Director, the city auditor or their duly authorized representatives, without a search warrant.

(1) All card room records, including but not limited to papers, books of account, ledgers, audits, reports, personnel records, information stored in computers and on computer tape or disks, video tape, microfilm or microfiche, shall be available for inspection and copying during normal business hours to the Police Chief, the Finance Director or their duly authorized representatives without search warrant.

(U) It shall be unlawful for any individual player or other unauthorized person to enter any secure areas within the premises or for any operator, agent or employee of any duly permitted card room to permit any player or unauthorized person to enter any secure areas within the card room premises.

(V) It shall be unlawful for any patron or any other person not a permittee to bring cards into a card room. It shall be unlawful for any person other than a licensee, authorized employee or a patron then playing cards to have playing cards in his or her possession while in a card room. It shall be unlawful for any person in a card room other than on-duty employees with valid registration cards to have playing cards in his or her possession outside of a designated card playing area.

(W) It shall be the responsibility of the licensee, management and their employees to fully cooperate with card game surveillance and protection personnel in the detection, apprehension and identification of those individuals involved in cheating, fraudulent practices, or other unlawful practices. Management shall retain and deliver to the Police Department as evidence in arrests or detention, all playing cards and implements suspected of involvement in cheating. Management shall cooperate with card room surveillance personnel whether provided by a governmental policing agency, a city-contracted service, city-administered or licensee-assigned.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.21 NATURE OF FEES AND CHARGES.

For the purposes of clarification, the fees set forth in this chapter are for regulation, revenue purposes and reimbursement to the city for the costs of investigating, regulating and processing the applications, as provided for in this chapter, pursuant to the authority set forth in Article XI Section 5 of the Constitution of the State.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.22 AMENDMENTS.

(A) The Council reserves the right to add to, amend or repeal any of the rules and regulations set forth in this chapter, and to adopt additional rules and regulations.

(B) The Council further reserves the right to adopt by resolution additional emergency rules and regulations which shall become effective immediately upon adoption. Violation of any such emergency rules and regulations may constitute grounds for the suspension and revocation of the permits and permits issued pursuant to the provisions of this chapter.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.23 LIABILITY FOR CARDROOM SAFETY.

It is the intent of the City Council that the licensee and interest-holders in the licensed card room shall be liable for the security and safety of the patrons of the licensed card room operation. To the extent that California law permits recourse against the owner of an establishment for physical harm incurred by an individual while on or about the premises, the licensee and interest-holders shall be liable for said recourse.
(Ord. 684 C.S., passed 6-3-98)

§ 6-3.24 VIOLATION A MISDEMEANOR.

Any individual violating any of the provisions of this chapter or any of the rules and regulations set forth, established or promulgated in this chapter should be guilty of a misdemeanor.
(Ord. 684 C.S., passed 6-3-98)

