

ORDINANCE NO. 2408

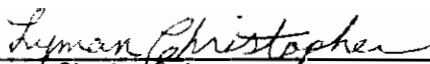
AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 5
AND SECTION 8.20.020 OF THE CHULA VISTA MUNICIPAL CODE
REGARDING BUSINESS LICENSE TAX RATES

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Title 5 and Section 8.20.020 of the Chula Vista Municipal is hereby amended as shown in Exhibit "A".

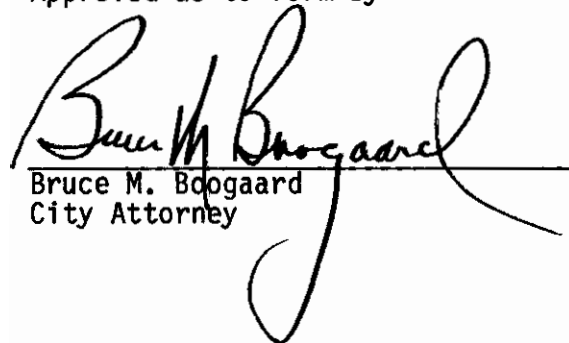
SECTION II: This ordinance shall be effective upon its second reading and adoption.

Presented by



Lyman Christopher
Director of Finance

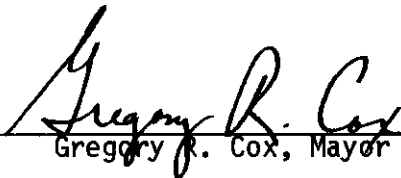
Approved as to form by



Bruce M. Boogaard
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 25th day of October, 1990, by the following vote:

AYES: Councilmembers: McCandliss, Moore, Cox
NOES: Councilmembers: Malcolm, Nader
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None



Gregory R. Cox, Mayor

ATTEST:



Beverly A. Authalet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authalet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2408 had its first reading on October 16, 1990, and its second reading and adoption at a regular meeting of said City Council held on the 25th day of October, 1990.

Executed this 25th day of October, 1990.



Beverly A. Authalet, City Clerk

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.02 Business Licenses Generally.
- 5.04 License Taxes Generally.
- 5.06 Downtown Improvement District Assessment Payments.
- 5.07 Master Tax Service.
- 5.08 Advertising.
- 5.10 Ambulances.
- 5.12 Amusement Arcades.
- 5.13 Rental Businesses.
- 5.14 Art Figure Studios.
- 5.15 Automobiles for Hire.
- 5.18 Billiards and Pool Halls.
- 5.20 Cardrooms.
- 5.22 Circuses, Shows, Concerts, and Special Events.
- 5.24 Merchandise Coupons.
- 5.26 Public Dances.
- 5.28 Firearms Sales.
- 5.30 Franchises.
- 5.32 Garage Sales.
- 5.34 Manufacturers.
- 5.35 Bathhouses.
- 5.36 Massage Parlors.
- 5.37 Narcotic or Drug Paraphernalia Shops.
- 5.38 Pawnbrokers, Secondhand and Junk Store Dealers.
- 5.40 Peddlers.
- 5.42 Professions.
- 5.44 Race Tracks.
- 5.46 Real Estate Salesmen.
- 5.48 Closing-Out Sales.
- 5.50 Trailer Parks.
- 5.52 Pay Television.
- 5.54 Taxicabs.
- 5.56 Tobacco and Weed Sales and Smoking.
- 5.58 Tow Trucks.
- 5.60 Vending, Weighing, Music, Amusement, Video Machines.
- 5.62 Vending Vehicles.
- 5.63 Offsite Multiuser Hazardous Waste Facilities.
- 5.64 Consumer Commodities Price Marking.

NOTE: Footnotes are numbered throughout the text and are located at the end of this title.

- C. State the name of the owner of the business or enterprise;
 - D. Be signed by the applicant;
 - E. Shall contain, when intended as an application for a license as a solicitor, peddler or transient merchant, the following information:
 - 1. Physical description of applicant,
 - 2. Complete permanent home and local address of the applicant,
 - 3. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship,
 - 4. The source of supply of the goods or property or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time such application is filed, and the proposed method of delivery,
 - 5. Two copies of a recent photograph of the applicant, such picture being approximately two inches by two inches and showing the head and shoulders of the applicant in a clear and distinguishing manner,
 - 6. A statement as to whether or not the applicant has ever been convicted of any felony and if so the nature of the offense,
 - 7. The last cities, not to exceed three, where applicant carried on business immediately preceding the date of application and the addresses from which such business was conducted in those cities,
 - 8. At the time of filing the application, an additional fee as presently designated, or as may in the future be amended, in the Master Fee Schedule Section 5.02.040, shall be paid to the director of finance to cover the cost of investigation of the facts stated therein,
 - 9. Where a written order or contract is used, the applicant shall attach to the application one copy of the proposed form of all such orders or contracts to be used or submitted to purchasers or prospective purchasers within the city,
 - 10. At the time such application is filed, the applicant shall furnish his fingerprints to the police department of this city.
- (Ord. 1801 §1 (part), 1978; Ord. 970 §1 (part), 1966; prior code §18.4).

5.02.050 Issuance-Prerequisites and procedure generally.

Upon application therefor as provided in this chapter, it shall be the duty of the finance officer to prepare and issue a license pursuant to this chapter; provided however, that the finance officer shall not issue any such license until it has been noted on the application therefor that the location

5.02.150 Change of location permitted when-Fee.

A change of location shall be allowed to the owner of any license under the provision of this title and Section 8.20.020, upon the payment to the director of finance a fee as presently designated, or as may in the future be amended, in the Master Fee Schedule Section 5.02.150 and upon the approval of the director of planning. (Ord. 1801 §1 (part), 1978; prior code §18.15).

5.02.160 Posting-Required.

All licenses issued under the provisions of this title and Section 8.20.020 shall be posted and kept in a conspicuous place at the place of business of the licensee named therein during the period such licenses are in force and effect, except as in the chapter otherwise specifically provided. (Ord. 1801 §1 (part), 1978; prior code §18.29).

5.02.170 Exhibition on demand by police required.

Every licensee under the provisions of this title and Section 8.20.020 shall produce and exhibit the license issued to such licensee whenever requested to do so by any police officer or firefighter or fire marshal of the city. (Prior code §18.30).

5.02.180 Revocation-Criteria.

Every license issued under and by virtue of the provisions of this title and Section 8.20.020 shall be subject to revocation by the council, and such revocation shall be based upon a failure to comply with any term or terms of this code. Following such revocation, no new license shall be issued for one year from the effective date of revocation. If, subsequent to revocation, the director of finance finds that the basis for the reevocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) have elapsed since the effective date of the revocation. (Ord. 2191 §1 (part), 1987; Ord. 1801 §1 (part), 1978; prior code §18.31).

5.02.190 Interstate commerce identification card required when-Application-Contents-Fee.

None of the license taxes provided for by this title and Section 8.20.020 shall be so applied as to occasion an undue burden upon interstate commerce and no solicitors who are engaged in interstate commerce shall be required to obtain a license as required herein; provided however, that all solicitors as defined in Section 5.02.010 are required to register with the chief of police and to obtain an identification card. Applicants for such police identification cards shall be required to furnish an application containing the following information:

- A. Permanent home address and full local address of the applicant;
- B. A brief description of the nature of the business and goods to be sold;
- C. A photograph of the applicant, taken within sixty days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- D. The fingerprints of the applicant;
- E. A statement as to whether or not the applicant has ever been convicted of any crime or misdemeanor, and if so, the details in general of such convictions, and specifying the particular crimes or misdemeanors involved and the dates and places of such convictions.

A fee as presently designated, or as may in the future be amended, in the master fee schedule Section 5.02.190 shall be charged by the chief of police. The identification card shall be valid for one year and a fee as presently designated, or as may in the future be amended, in the master fee schedule Section 5.02.190 shall be charged for renewal. (Ord. 1961 § 1 (part), 1982; Ord. 1801 §1 (part), 1978; Ord. 970 §1 (part), 1966; Ord. 942 §1 (part), 1965; prior code §18.34).

5.02.200 Unlawful activities not authorized—Licensing prohibited.

This title and Section 8.20.020 shall never be construed or held as licensing or permitting the carrying on of any unlawful trade, calling, occupation, game or amusement, and every such trade, calling, occupation, game or amusement is prohibited, and no license shall be granted or issued therefor. (Ord. 1801 §1 (part), 1978; prior code §18.35).

5.02.210 Certain machines and contrivances—Licensing prohibited.

Nothing in this title and Section 8.20.020 shall permit or authorize the issuance of a license for any machine or contrivance within the city, which is prohibited under the provisions of Title 9 of this code. (Ord. 1801 §1 (part), 1978; prior code §18.36).

5.02.220 Specific provisions of chapter to control.

All specific provisions of this title and Section 8.20.020 shall control over general provisions thereof. (Ord. 1801 § 1 (part), 1978; prior code § 18.37).

5.02.230 Enforcement and inspection duty of police officers, firefighters, and fire marshals.

All police officers, firefighters, and fire marshals of the city shall have and exercise the power and duty:

- A. To enter free of charge for inspection of licenses, at any time during regular business hours, any place of business for which a license is required by this chapter, and to demand the exhibition of such license for the current term by any person engaged or employed in the transaction of such business, all in accord with the right-of-entry provisions at Section 1.16.010 of this code and if such person shall then and there fail to exhibit such license, such person shall then be liable to the penalty provided for a violation of this chapter;
- B. To cause complaints to be filed in a court of competent jurisdiction against all persons violating any of the provisions of this chapter. (Prior code § 18.38).

All police officers, of the city shall have and exercise the power and duty to make arrests for violations of this chapter.

5.02.240 Failure to display license or receipt deemed violation.

Failure to display a license or receipt as provided in this title and Section 8.20.020 shall constitute a violation of this chapter. (Ord. 1801 § 1 (part), 1978; prior code § 18.72).

Chapter 5.04

LICENSE FEES GENERALLY

Sections:

- 5.04.010 Payment-Due when-Term-Delinquent when.
- 5.04.020 Payment-Quarterly licenses-Method.
- 5.04.030 Collection of moneys.
- 5.04.040 License tax deemed debt to city-Actions for collection.
- 5.04.050 Assessment error not to prevent collection of tax.
- 5.04.060 Duplicate licenses-Fee.
- 5.04.070 Payment-Waiver authorized when.
- 5.04.075 Promotional events and charitable organizations.
- 5.04.080 Penalties for failure to pay business license tax on or before delinquency date.
- 5.04.090 Amounts and terms to be as provided in chapter-Rebates.
- 5.04.100 Disposition of funds collected.
- 5.04.110 Revocation of license-When.
- 5.04.120 Revocation of license-Notice required-Hearing.
- 5.04.130 Rates-Generally.
- 5.04.140 Rates-For businesses with fixed location in city.
- 5.04.150 Rates-For businesses with no fixed location in city.
- 5.04.160 Renewal procedure-Rates.
- 5.04.170 New businesses-Licensing procedure.
- 5.04.180 Records-Inspection required-Violation-Penalty.

5.04.010 Payment-Due when-Term-Delinquent when.

Except as otherwise provided in this code, all licenses shall be paid in advance in lawful money of the United States, at the office of the director of finance; provided, however, that the licenses required to be paid by the provisions of this code shall be due and payable from and after the first day of January of each year. Such licenses shall be delinquent thirty days after the same are due and payable, except monthly or quarterly licenses which shall be delinquent ten days after the same becomes due and payable. (Ord. 1801 §2 (part), 1978).

5.04.020 Payment-Quarterly licenses-Method.

The quarterly licenses provided in this title and Section 8.20.020 shall be due and payable to the city on the first days of January, April, July and October, in advance, and all such licenses shall expire with the last days of March, June, September and December of each year; provided, however, that any person desiring to do so may pay for and procure all four quarterly licenses at the time the first quarterly license becomes due and payable under the provisions of this code. (Ord. 1801 §2 (part), 1978).

5.04.030 Collection of moneys.

The director of finance shall collect all moneys for such licenses. (Ord. 1801 §2 (part), 1978).

5.04.040 License tax deemed debt to city-Actions for collection.

The amount of any license tax imposed by this title and Section 8.20.020 shall be deemed a debt to the city, and any person, or any person as agent, clerk or employee, either for himself or for any other person transacting, engaging in or carrying on any business, show, exhibition or game hereinafter specified, without having a license from the city to do so, shall be liable to an action in name of the city, in any court of competent jurisdiction, for the amount of the license tax by this title and by the section cited above imposed. Court actions to collect license tax due are not limited to the current year's tax, but may include any license tax that would have normally been due during the preceding three years. (Ord. 1801 §2 (part), 1978).

5.04.050 Assessment error not to prevent collection of tax.

In no event shall any mistake or error made by the director of finance in stating the amount of a license provided in this title and Section 8.20.020 prevent the collection by the city of an amount that shall be actually due from any person transacting or carrying on a business subject to a license under this title and by the section cited above. (Ord. 1801 §2 (part), 1978).

5.04.060 Duplicate licenses-Fee.

The director of finance shall charge a fee as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.04.060 for each duplicate of a license, issued under the provisions of this title and Section 8.20.020 which has been lost or destroyed. (Ord. 1801 §2 (part), 1978).

5.04.070 Payment-Waiver authorized when.

- A. The council may at its option and good cause appearing therefor, waive the payment of any license tax and/or fee imposed by this title for the conducting or staging of any concert, exhibition, lecture or entertainment the nature of which, in view of public morals and well-being, meets with the approval of the chief of police and council, and where the major portion of the net receipts, if any, derived therefrom are to be used solely for charitable or benevolent purposes within the city, and not for the purpose of private gain of any individuals.
- B. The council may at its option and good cause appearing therefor, waive the payment of any license tax and/or fee required by this title to be

paid by any religious, charitable, fraternal, educational, military, state, county or municipal organization for the conducting or staging of any entertainment, dance, concert, exhibition or lecture, the nature of which, in view of public morals and well-being meets with the approval of the chief of police and the council, where the major portion of the net receipts, if any, derived from any of the same are to be used wholly for the benefit of such organization and not for the purpose of private gain of any individual.

- C. In lieu of action by the city council as set forth in sections A and B hereinabove, the city manager is hereby authorized to issue a waiver of the payment of any license tax and/or fee imposed by this title and all activities for which a business license would be required by the city, when he has received evidence or other information which satisfies him that the conditions set forth in sections A and B exist, except that the city manager's approval may be substituted for that of the city council, and when such application has received the written approval of the chief of police.
- D. The applicant shall receive evidence of any such waiver granted under sections A, B or C hereinabove in such form as the city manager may from time to time determine. (Ord. 1801 §2 (part), 1978).

5.04.075 Promotional events and charitable organizations.

- A. Notwithstanding any provision of this chapter to the contrary, the City Council may waive the business license taxes and/or fees for those events of not more than three successive days that help to promote and publicize the City of Chula Vista. In addition, the City Council may waive business license taxes and/or fees for nonprofit or charitable organizations.
- B. For those events that the City Council does not waive business license taxes pursuant to paragraph A above and the event is sponsored by a nonprofit or charitable organization, the City Council may allow that each participant obtain a temporary license for a tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.04.075. Participants will have a choice of paying the event tax or obtaining an annual business license by paying the tax established by Title 5. (Ord. 2113 §1, 1985).

5.04.080 Penalties for failure to pay business license fee on or before delinquency date.

- A. For failure to pay a business license tax on or before the delinquency date, the director of finance shall add a penalty of ten percent and shall add an additional penalty of ten percent on the first day of each

month thereafter; provided, that the amount of such penalty to be added shall in no event exceed sixty percent of the business license tax to which the penalty rates herein provided for have been applied.

- B. The director of finance for good cause may extend for not more than thirty days the time for paying any sums required to be paid hereunder provided a written request therefor is filed with the director of finance prior to the delinquency date. (Ord. 1801 §2 (part), 1978).

5.04.090 Amounts and terms to be as provided in chapter-Rebates.

No greater or lesser amount of money shall be charged or received for any license than is provided in this title and Section 8.20.020, and no license shall be sold or issued for any part of time other than is provided in this title and the section cited above, and there shall be no rebate given for any unused portion of the term except as in this title and the section cited above otherwise specifically provided. (Ord. 1801 §2 (part), 1978).

5.04.100 Disposition of funds collected.

All moneys collected under this title and Section 8.20.020 shall be deposited in the general fund of the city by the director of finance. (Ord. 1801 §2 (part), 1978).

5.04.110 Revocation of license-When.

Any license which is due and payable and has become delinquent shall thereby be revoked without further action. No person shall engage in any business subject to be licensed under this title and Section 8.20.020, after such license has become delinquent.

5.04.120 Revocation of license-Notice required-Hearing.

The director of finance shall deliver a notice in writing either personally or by mail to the person or business holding such license, stating that he is recommending to the council the revocation of his license, and a brief summary of the reasons therefor. Such notice shall contain the date, time and place when each such recommendation shall be made to the council. At such time and place as stated in the notice the licensee may appear and be heard by the council. In the event that the licensee appears and contests the revocation, the council may set a time and place for hearing of such recommendation for such revocation. At such time and place as set by the council, hearing shall be had. The council shall rule upon such revocation and may revoke the same and its decision shall be final. (Ord. 1801 §2 (part), 1978).

5.04.130 Rates-Generally.

The amount or rate of license taxes to be paid the city by any person, for transacting, engaging in, conducting, or carrying on any business, show, exhibition or game as specified in this title and Section 8.20.020, shall be as hereinafter provided in this title and the section cited above. (Ord. 1801 §2 (part), 1978).

5.04.140 Rates-For New businesses with fixed location in city.

- A. For every person transacting, engaging in, conducting or carrying on any business within the city which business has a fixed location in and is upon the tax rolls of the city, such person shall pay a business license tax as follows:
- B. Except as otherwise provided herein and specifically enumerated, the tax shall be an amount as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.04.140.
(Ord. 1801 §2 (part), 1978).

5.04.150 Rates-For businesses with no fixed location in city.

In the event no fixed or established place of business is maintained within the city and except as otherwise provided herein and specifically enumerated, the tax shall be:

- A. For wholesalers, an amount as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.04.150;
- B. For retail route deliveries and retail routemen, an amount as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.04.150;
- C. For all other businesses, including services, except as otherwise provided herein and specifically enumerated, as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.04.150. (Ord. 1801 §2 (part), 1978).

5.04.160 Renewal procedure-Rates.

- A. For every person operating any business classified under Sections 5.04.140 and 5.04.150, who is applying for a renewal of license, such licensee shall when applying pay a license as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.04.160.
- B. The provisions of this section do not apply to licenses due under Chapter 5.40 of this code. (Ord. 1801 §2 (part), 1978).

5.04.170 New businesses-Licensing procedure.

- A. If any person commences a new business during the calendar year his license shall be prorated on a quarterly prorata basis for the balance of such calendar year.
- B. The provisions of this section do not apply to licenses due under Chapter 5.40 of this code.
(Ord. 1801 §2 (part), 1978).

5.04.180 Records-Inspection required-Violation-Penalty.

In each and every instance where the amount of license tax to be paid by any person shall be based upon the number of employees or the amount or number of admissions, the licensee therein named shall on the request of the director of finance then and there submit for inspection to the director of finance any and all books, papers, accounts and records including state and federal income tax returns, social security returns and state sales tax returns pertaining to the business. The license as required in this title and Section 8.20.020, may be based upon the amounts indicated in such books, papers, accounts and records. In the event a licensee fails to comply with the provisions of this section, such licensee shall then be liable to the penal provisions set forth in Section 1.20.010, and shall be liable for and shall pay an additional sum in an amount equal to one hundred percent of the correct license fee, together with the correct amount of such license fee as based upon the actual number of employees for such business during the calendar year for which such license was issued. (Ord. 1802 §2 (part), 1978).

Chapter 5.06

DOWNTOWN IMPROVEMENT DISTRICT
ASSESSMENT PAYMENTS

Sections:

- 5.06.020 Downtown Improvement District Assessment.
- 5.06.030 Collection of additional assessment.
- 5.06.040 Exempt businesses or institutions.
- 5.06.050 Assessment for premises with multiple business licenses.

5.06.020 Downtown Improvement District Assessment.

An additional assessment is imposed upon businesses located within said area. The additional assessment shall be as follows:

- A. Class A. Professions: accountant, anesthesiologist, architect, appraiser, assayer, attorney, auditor, bacteriologist, chemist, chiropodist, chiropractor, consultant, dentist, medical doctor, engineer, electrologist, entomologist, esthetician, geologist, hypnotherapist, oculist, optician, optometrist, osteopath, pharmacist, physical therapist, physician, physiotherapist, psychiatrist, psychologist, psychotherapist, podiatrist, real estate broker, real estate salesman, roentgenologist, social worker, stock and bond broker, surgeon, surveyor, taxidermist and veterinarian. Each professional working as a sole practitioner shall pay as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.06.020.
- B. Class B. All other businesses located within the downtown parking and improvement area, known as the downtown business area, shall pay an amount as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.06.020.

Said additional Downtown Improvement District Assessment shall be collected at the same time with the general business license tax. (Ord. 2030 \$1, 1983; Ord. 1964 \$3, 1982; Ord. 1885 \$3, 1979; Ord. 1715 \$1, 1976; Ord. 1658 \$1, 1975; Ord. 1584 \$1, 1974; Ord. 1372 \$3, 1971).

5.06.030 Collection of additional assessment.

The collection of the Downtown Improvement District Assessment proposed by virtue of this proceeding shall be made at the times set forth in this chapter and/or Chapter 2.22 and in the same manner as the ordinary business license tax of the city under the provisions of the Chula Vista Municipal Code, and such assessment proposed to be imposed under this proceeding shall be computed in the manner provided in the Chula Vista Master Fee Schedule for each business. (Ord. 1964 \$4, 1982; Ord. 1885 \$4, 1979; Ord. 1372 \$4, 1971).

5.06.040 Exempt businesses or institutions.

The area within the district located south of H Street shall be subject to a zero assessment and shall be exempt from any additional assessment. (Ord. 1964 §5, 1982; Ord. 1885 §5, 1979; Ord. 1372 §5, 1971).

5.06.050 Assessment for premises with multiple business licenses.

If more than one business is being conducted at a single address and more than one business license has been issued to the proprietor of a single business premises, the assessment for the downtown improvement district shall be levied set based on the business for which the highest assessment would be paid. (Ord. 1964 §6, 1982; Ord. 1885 §6, 1979; Ord. 1372 §6, 1971).

Chapter 5.07

MASTER TAX SCHEDULE

Sections:

- 5.07.010 New business - Applicable tax rates.
- 5.07.020 Applicable tax rates by year.
- 5.07.025 Maximum annual tax.
- 5.07.030 Master tax schedule.

5.07.010 New businesses - Applicable tax rates.

The applicable tax rate for a new business with 5 or fewer employees is detailed in Section 5.04.140 (for general businesses with fixed locations in the City); Section 5.34.020 (for manufacturers); or Section 5.42.010 (for Professionals), except as otherwise provided for and specifically enumerated in the Master Tax Schedule, Section 5.07.030. Said rate shall only be applied in the first license year of operation or part thereof, provided that if the first license year is less than three months, new business rates shall also be applied in the following license year.

5.07.020 Applicable tax rates - by year.

A. 1991 Calendar year rates.

Effective January 1, 1991, the business license tax rates shall be those rates detailed in the Master Tax Schedule, Section 5.07.030, in the column thereof labeled "Tax Rate: 1/1/91 - 12/31/91".

B. 1992 Calendar year rates.

Effective January 1, 1992, the business license tax rates shall be those rates detailed in the Master Tax Schedule, Section 5.07.030, in the column thereof labeled "Tax Rate: 1/1/92 - 12/31/92".

C. 1993 Calendar year rates.

Effective January 1, 1993, the business license tax rates shall be those rates detailed in the Master Tax Schedule, Section 5.07.030, in the column thereof labeled "Tax Rate: 1/1/93 - 12/31/93".

D. 1994 and Subsequent Calendar Year Rates.

Effective January 1, 1994, and for each calendar year thereafter, all tax rates for the categories of taxpayers detailed in the Master Tax Schedule, including both base tax rates and add-on tax rates (e.g., rates per person, per-machine, etc.) shall be increased by six (6%) percent per year above the tax rates and add-on rates applicable in the preceding year.

E. Power to Abate in 1992 and thereafter to 1991 floor.

Notwithstanding anything else to the contrary in this section contained, commencing for the 1992 calendar year and continuing thereafter, the City Council is hereby authorized for no more than one calendar year, but is not required, to lower the tax imposed by this section but to no less than taxes imposed in the 1991 calendar year.

F. Procedure to Abate.

To lower the tax authorized by this section, the City Council shall conduct a public hearing at which it publicly deliberates on the advisability of doing so, notice which public hearing is published in a newspaper of general circulation at least twice not sooner than 20 days and not later than 5 days prior thereto, of its intent to deliberate upon said matter. Failure to publish notice of the public hearing, as herein required, shall not affect the right of the City Council to conduct the public hearing and to reduce the authorized annual rate of increase as herein imposed.

G. Nothing contained in this section shall affect the effective date of this ordinance.

5.07.025 Maximum Annual Tax.

Effective January 1, 1991, the maximum annual business license tax paid for any single business license shall not exceed \$7,000.

Effective January 1, 1992, the maximum annual business license tax paid for any single business license shall not exceed \$12,000.

Effective January 1, 1993, the maximum annual business license tax paid for any single business license shall not exceed \$16,000.

Effective January 1, 1994, the maximum annual business license tax paid for any single business license shall not exceed \$20,000.

Effective January 1, 1995, and each calendar year thereafter the maximum annual business license tax shall be increased by five percent (5%) per year above the level set in January, 1994.

Sec. 5.07.030 Master Tax Schedule

Section	Description	Tax Rate: 1/1/91 - 12/31/91	Tax Rate: 1/1/92 - 12/31/92	Tax Rate: 1/1/93 - 12/31/93
5.04.075	Promotional event not more than 3 successive days sponsored by non-profit or charitable organization - Temporary 1-event license	\$5 per event	\$5 per event	\$5 per event
5.04.140	New businesses with fixed locations in city, except as otherwise provided herein and specifically enumerated.	If 5 or fewer employees: \$25 flat rate + any other applicable taxes for the first license year of operation or part thereof. If more than 5 employees: Tax rate specified in Sec. 5.04.160.	If 5 or fewer employees: \$35 flat rate + any other applicable taxes for the first license year of operation or part thereof. If more than 5 employees: Tax rate specified in Sec. 5.04.160.	If 5 or fewer employees: \$50 flat rate + any other applicable taxes for the first license year of operation or part thereof.
5.04.150	New businesses with no fixed location in City, includes: wholesalers; retail route deliveries, retail route persons, and all other businesses, including services, except as otherwise provided herein and specifically enumerated.	\$52.50 base rate + \$6.50 each additional person.	\$79.00 base rate + \$9.75 each additional person.	\$105.00 base rate + \$13.00 each additional person.
5.04.160	Renewal rates for businesses with fixed or no-fixed location (5.04.140 & 5.04.150) unless otherwise provided herein and specifically enumerated.	\$52.50 base rate + \$6.50 each additional person + other applicable taxes.	\$79.00 base rate + \$9.75 each additional person + other applicable taxes.	\$105.00 base rate + \$13.00 each additional person + other applicable taxes.
5.08.070	Loudspeaker or other Public Access System	\$10/per day or portion thereof/per vehicle.	\$10/per day or portion thereof/per vehicle.	\$10/per day or portion thereof/per vehicle.
5.08.080	Handbill or Sample Distribution	\$5/per day or \$25/per quarter	\$7/per day or \$35/per quarter	\$10/per day or \$50/per quarter.
5.08.090	Billboards and Bill Posting	\$75/per year/per applicant + \$15/per billboard exceeding 2.	\$75/per year or fraction thereof/per attendant/driver.	\$75/per year/per applicant + \$15/per billboard exceeding 2.
5.10.230	Ambulance Attendant and Drivers	\$5/per year or fraction thereof/per attendant driver.	\$7/per year or fraction thereof/per attendant/driver.	\$10/per year or fraction thereof/per attendant/driver.
5.12.010	Amusement Arcade	\$150/per year/arcade + \$30/per machine, pool table (5.60.010, 5.61.010)	\$175/per year/arcade + \$30/per machine, pool table (5.60.010, 5.61.010)	\$200/per year/arcade + \$30 per machine, pool table (5.60.010, 5.61.010)

Sec. 5.07.030 Master Tax Schedule (continued)

Section	Description	Tax Rate: 1/1/91 - 12/31/91	Tax Rate: 1/1/92 - 12/31/92	Tax Rate: 1/1/93 - 12/31/93
5.35.105	Bathhouses	\$250/year/bathhouse	\$250/year/bathhouse	\$250/year/bathhouse
5.36.081	Massage Parlor	\$250/studio/location	\$250/studio/location	\$250/studio/location
5.38.010	Pawnbrokers, Junk or Second-Hand Dealers	\$200/year/location	\$200/year/location	\$200/year/location
5.40.010	Peddler-Owning taxable property in City	\$25/year/person	\$25/year/person	\$25/year/person
5.40.020	Peddler-Not owning taxable property in City	\$75/year/person	\$75/year/person	\$75/year/person
5.42.010	Professional (as defined in Sec 5.42.010A): New Business	\$25 flat rate + any other applicable taxes for the first license year of operation or part thereof.	\$35 flat rate + any other applicable taxes for the first license year of operation or part thereof.	\$50 flat rate + any other applicable taxes for the first license year of operation or part thereof.
	Professional (as defined in Sec 5.42.010A): Renewal Rates	\$105/year/professional	\$155/year/professional	\$210/year/professional
5.46.010	Real Estate Salesperson	\$25/year/person	\$35/year/person	\$50/year/person
5.48.060	Closing out sale for jewelry sold at public auction	\$100/sale	\$100/sale	\$100/sale
5.50.020	Trailer Parks	\$1.80 per space - \$60 minimum tax	\$1.80 per space - \$60 minimum tax	\$1.80 per space - \$60 minimum tax
5.54.020	Taxicab Business	\$150 base rate + 25/year/vehicle to be operated in City - prorated to nearest quarter	\$150 base rate + 25/year/vehicle to be operated in City - prorated to nearest quarter	\$150 base rate + 25/year/vehicle to be operated in City - prorated to nearest quarter
5.60.010	Vending, Weighing, Music, Amusement, Video (coin or slug operated) Machine	\$15/year/vending machine \$0 per postage machine \$30/year/per each other machine	\$25/year/vending machine \$0 per postage machine \$30/year/per each other machine	\$30/year/vending machine \$0 per postage machine \$30/year/per each other machine
5.61.010	Pool and Billiard Tables	\$30/year/table	\$30/year/table	\$30/year/table
5.62.010	Vending Vehicles - Non Food Stuff	\$200/year/vehicle	\$200/year/vehicle	\$200/year/vehicle
8.20.020	Vending Vehicles - Food Stuffs (e.g. ice cream)	\$200/year/vehicle	\$200/year/vehicle	\$200/year/vehicle

Chapter 5.08

ADVERTISING²

Sections:

- 5.08.010 Distribution-Unlawful methods designated.
- 5.08.020 Distribution-On residential property-Restrictions-Registration required when.
- 5.08.030 Display-Vehicles with commercial signs prohibited where.
- 5.08.040 Display-Unlawful when.
- 5.08.050 Display-Permitted when.
- 5.08.060 Violation of Sections 5.08.030 through 5.08.050-Penalty.
- 5.08.070 Loudspeaker or other public address system-License required-Tax-Exceptions.
- 5.08.080 Handbill or sample distribution-License tax required.
- 5.08.090 Billboards and bill posting-License fee required-Exemptions.
- 5.08.100 Vehicles primarily used for advertising purpose-Permit required-Restrictions.

5.08.010 Distribution-Unlawful methods designated.

It is unlawful for any person to distribute, scatter or dispose of any handbills or other printed or written advertising matter in the city in the following ways:

- A. By handing any of the same to any person upon any street, alley or public place, unless the person expresses a willingness or desire for the same;
- B. By throwing, depositing, dropping, leaving or posting any of the same upon any street, alley or public place;
- C. By throwing, depositing, leaving or posting any of the same upon any private lawns, driveways, public sidewalks or upon any vacant property, unless at the time there be present a person who expresses a willingness or desire for the same;
- D. By throwing, depositing, dropping, leaving or posting any commercial handbills or advertising matter in or upon any automobile or other vehicle without the consent of the owner or person in charge thereof;
- E. By throwing, dropping, casting or distributing or causing or permitting to be thrown, dropped, cast or distributed any handbill, dodger, poster, circular, notice or other advertising matter from any aircraft while in flight over the city.

(Prior code §3.1).

5.08.020 Distributing-On residential property-Restrictions-Registration required when.

- A. It is unlawful for any person, firm or corporation, or any agent or employee of any person, firm or corporation to throw into, leave upon or

5.08.060 Violation of Sections 5.08.030 through 5.08.050-Penalty.

A violation of any provision or the failure to comply with any of the requirements of Sections 5.08.030 through 5.08.050 constitutes a misdemeanor. Any person convicted of such violation or such failure shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Ord. 921 §1 (part), 1965; prior code §3.3(D)).

5.08.070 Loudspeaker or other public address system-License required-Tax-Exceptions.

For the operation of any vehicle containing amplifiers, phonograph, loudspeaker, microphone, broadcasting, radio, or a device for public address, and which is used for announcing or advertising upon the public streets or public grounds in the city, there shall be paid in advance to the finance officer of the city a license tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.08.070. All religious and charitable organizations shall be exempt from payment of the above license tax and in lieu thereof shall obtain a permit from the chief of police. (Ord. 921 §2 (part), 1965; prior code §3.4).

5.08.080 Handbill or sample distribution-License tax required.

For every person conducting, managing or carrying on the regular business of distributing advertising samples, handbills, dodgers or printed advertisements of any kind or acting as an employee thereof, there shall be paid in advance to the director of finance of the city a license tax presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.08.080. (Ord. 1801 §3, 1978; Ord. 921 §2 (part), 1965; prior code §3.5).

5.08.090 Billboards and bill posting-Licensing tax required-Exemptions.

Every person conducting, carrying on or operating the business of bill posting or sign advertising by means of billboards, or advertising signboards, or advertising by means of posting, hanging or otherwise affixing or displaying bills, signs or other advertisements in the city, shall pay a tax presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.08.090. However, nothing in this section contained shall be deemed or construed to apply to owners of real estate, or other agents in advertising their property for sale or lease by means of billboards, or advertising signboards located upon the property advertised for sale or lease by such billboards or advertising signboards. (Prior code §18.48).

**5.08.100 Vehicles primarily used for advertising purpose-Permit required-
Restrictions.**

It is unlawful for any person to operate or cause or permit to be operated upon or along the streets of the city any vehicle used primarily for advertising purposes unless the operator or owner of such vehicle shall have first obtained a permit from the city engineer and then only on the days and during the hours and along such route as shall have been designated in the permit. The city engineer shall cause a copy of such permit to be filed in the office of the chief of police. Such vehicles shall be prohibited in any residential area subject to the restrictions set forth in Sections 5.08.030 through 5.08.060. (Ord. 973 §1 (part), 1966; prior code §19.16.3).

general partner; and if the applicant be a corporation, the address of the corporation and the residence address of each one of its officers, directors and stockholders;

- C. The number of ambulances actually owned and/or leased, and the number of ambulances actually operated by such applicant on the date of application, if any;
- D. A description of each such ambulance, including the make, model, year of manufacture, and license number by the state of California;
- E. The location or station address of each such ambulance;
- F. A photograph of each such ambulance, the photograph having dimensions of at least eight inches by ten inches and showing a lengthwise view of such ambulance;
- G. A description of the proposed color scheme, insignia, trade style and/or any other distinguishing characteristics of the proposed ambulance design;
- H. Such other information as the council may, in its discretion, require. (Ord. 886 §1 (part), 1964; prior code §31.51.1).

5.10.040 Certificate-Investigation fee required.

Each application for a certificate shall be accompanied by a fee presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.10.040, to defray the cost of an investigation as required herein. The fee is not refundable, whether a certificate is granted or denied. No officer or agent of the city shall be required to commence an investigation as required herein until said fee is paid. (Ord. 886 §1 (part), 1964; prior code §31.51.2).

5.10.050 Certificate-Granting by city council when-Public hearing.

No certificate shall be granted until the city council shall declare by resolution that the public convenience and necessity require the proposed ambulance service.

In determining whether the public convenience and necessity require the operation of an ambulance or ambulances for which an application is made, the council shall hold such public hearings as may be necessary to determine that fact. (Ord. 886 §1 (part), 1964; prior code §31.51.3).

5.10.060 Investigation-Criteria-Report required.

Before any application is acted upon, the chief administrative officer shall cause an investigation to be made and shall report his findings in writing to the council on the following:

5.10.190 Ambulance-Sale or transfer-Issuance of new certificate when.

Whenever an owner sells or transfers title to, or assigns the lease of or subleases an ambulance or ambulances, and within thirty days after such sale, transfer, assignment or sublease, purchases or leases another ambulance or a like number of other ambulances, then said owner shall, as a matter of right, upon written application to the chief administrative officer within thirty days of such purchase or lease, be issued a new certificate for the operation

of no greater number of ambulances than those operated prior to the sale, transfer, assignment or sublease, and provided said owner has complied with all the provisions of this chapter relating to ambulances. (Ord. 886 §1 (part), 1964; prior code §31.54.1).

5.10.200 Ambulance-Destruction-Issuance of new certificate when.

Any owner whose ambulance or ambulances have been destroyed voluntarily or otherwise, shall as a matter of right, upon written application to the chief administrative officer within thirty days after such destruction, and upon satisfactory evidence presented therewith of such destruction, be issued a new certificate for the operation of no greater number of ambulances than those operated prior to the destruction of any ambulance or ambulances, provided said owner has complied with all the provisions of this chapter relating to ambulances. (Ord. 886 §1 (part), 1964; prior code §31.54.2).

5.10.210 Report of changes affecting certification required when.

Every owner shall report any change in the information required by Sections 5.10.020 through 5.10.070 hereof, to the City Manager within five days after the change has occurred. (Ord. 886 §1 (part), 1964; prior code §31.54.3).

5.10.220 Certificate-Surrender following suspension or revocation.

Whenever a certificate has been suspended or revoked by the city council, the owner of the ambulance or ambulances for which such certificate was issued shall forthwith surrender such certificate to the City Manager, and the operation of such ambulance or ambulances shall cease. (Ord. 886 §1 (part), 1964; prior code §31.54.4).

5.10.230 License tax.

Every person engaged in the occupation of driving or serving as attendant of any ambulance shall pay a license tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.10.230. (Ord. 886 §1 (part), 1964; prior code §31.55).

Chapter 5.12
AMUSEMENT ARCADES⁴

Sections:

5.12.010 Amusement arcades-License tax-Amusement arcade defined.

5.12.010 Amusement arcades-License tax-Amusement arcade defined.

- A. Every person conducting, managing or carrying on the business of an amusement arcade shall pay a tax as presently designated, or as may be in the future amended, in the Master Tax Schedule, Section 5.12.010. Coin-operated machines available for use in such business establishment shall be licensed in accordance with Sections 5.60.010 and 5.61.010.
- B. For the purpose of this chapter, the term "amusement arcade" is defined to be one general enclosure in which is conducted the business of operating video machines, amusement machines, music machines, vending machines and pinball machines for a money consideration.
(Ord. 1801 §4, 1978; prior code §18.67).

Chapter 5.13

RENTAL BUSINESSES

Sections:

5.13.010 Rental businesses-License tax.

5.13.010 Rental businesses-License tax.

Every person conducting, managing or carrying on a rental business in which residential units located on one parcel or on contiguous parcels of land are offered for rent or lease shall pay a tax presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.13.010. (Ord. 1801 §5, 1978).

or a gratuity, for the right or opportunity so to depict the model, or for admission to, or for permission to remain upon, or as a condition of remaining upon the premises;

2. Any premises where there is conducted the business of furnishing or providing or procuring for a fee or other consideration or compensation or gratuity, models to be photographed in the nude.
(Ord. 1402 §1 (part), 1972; prior code §5.602).

5.14.030 Permit-Required for operation-Fees-Renewal.

- A. Each application for operating a studio shall be accompanied by a fee as presently designated or as may in the future be amended in the Master Fee Schedule, Section 5.14.030, to defray the cost of an investigation. The fee is not refundable whether a permit is granted or denied. No person shall operate a studio without first paying a business license tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.14.030.
- B. No person shall operate a studio without paying a renewal permit tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.14.030.
(Ord. 1402 §1 (part), 1972; prior code §5.603).

5.14.040 Permit-Issuance prerequisites.

- A. No studio permit shall be issued except upon a finding by the chief of police that the studio is proposed to be operated for the purpose of providing facilities for use by persons pursuing a course of study, including the artistic photographic portrayal of the nude human form, and by persons who engage in artistic photographic portrayal as a means of livelihood.
- B. No studio permit shall be issued to any person under eighteen years of age, nor to a corporation, any of whose officers are under eighteen years of age.
- C. No studio permit shall be issued upon a finding that the applicant is not of good moral character. Anyone convicted of a morals offense shall be deemed not to be of good moral character for the purposes of this section.
(Ord. 1402 §1 (part), 1972; prior code §5.604).

5.14.050 Permit-Not required when.

No permit shall be required for any studio which is operated by the University of California, or any state college or public junior college, or where the chief of police is furnished satisfactory evidence that the person, firm, association, partnership or corporation operating it has met the

requirements established in Division 21 of the Education Code for the issuance or conferring of, and is in fact authorized thereunder to issue and confer a diploma or honorary diploma. (Ord. 1402 §2 (part), 1972; prior code §5.605).

5.14.060 Models-Permit required-Fee.

No person shall be employed as a model of a studio, required to be licensed pursuant to this chapter, without first obtaining a permit from the chief of police. Each application for a permit shall be accompanied by a nonrefundable fee as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.14.060, to defray the cost of investigation. A permit to act as a model in an art figure studio does not authorize the operation of such a studio. (Ord. 1402 §1 (part), 1972; prior code §5.606).

5.14.070 Permit-Application required-Contents.

Any applicant for a license or permit under this chapter shall submit the following information:

- A. The full name and present address of applicant;
- B. The previous addresses of applicant, if any, for a period of five years immediately prior to the date of the application and the dates of residence at each;
- C. Written statements of at least five bona fide adult persons who may be easily and conveniently contacted, that the applicant is of good moral character;
- D. Written proof that the applicant is over the age of eighteen years;
- E. Applicant's height, weight, color of eyes and hair;
- F. Two recent portrait photographs at least two inches by two inches taken within the last six months;
- G. Business, occupation or employment history of the applicant for the five years immediately preceding the date of the application;
- H. The business license or permit history of the applicant; whether such person, in previously operating in this or another city or state under license or permit, has had such license or permit suspended or revoked, the reason therefor, and the business activity or occupation subsequent to such suspension or revocation;
- I. All arrests and/or convictions except minor traffic offenses with a full explanation of the circumstances therefor;
- J. Applicant shall be required to furnish his fingerprints;

Chapter 5.15
AUTOMOBILES FOR HIRE

Sections:

- 5.15.010 License-Tax required.
- 5.15.020 Definitions.
- 5.15.030 Insurance required.
- 5.15.040 Application for license.
- 5.15.050 Rates of fare.
- 5.15.060 Information cards-Display required-Where.
- 5.15.070 Maintenance.
- 5.15.080 Operating regulations.
- 5.15.090 Drivers-Licenses.
- 5.15.100 Exceptions to provisions.

5.15.010 License-Tax required.

Every person conducting, managing, or operating a business in which an automobile for hire is used shall pay a license tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.15.010 for each such automobile for hire. (Ord. 2003 §1 (part), 1982; Ord. 1741 §1 (part), 1977).

5.15.020 Definitions.

For the purposes of this chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Automobile for hire" means every automobile or motor-propelled vehicle used for the transportation of those sick, invalid or handicapped persons who do not require emergency care or special life-supporting equipment over the public streets of the city, and not over a defined route, and irrespective of whether the operations extend beyond the boundary lines of the city, and such vehicle is routed under the direction of such passenger or passengers, or of such persons hiring the same.
- B. "Driver" means every person in charge of or operating any passenger-carrying, or motor-propelled vehicle, either as agent, employee, or otherwise, of the owner, as owner, or under the direction of the owner.
- C. "Owner" means every person, firm or corporation having use or control of any passenger-carrying automobile or motor-propelled vehicle, whether as owner, lessee or otherwise.
- D. "Person" means any individual, partnership, association, corporation or other organization owning, operating or proposing to operate any automobile for hire within the city.

of public safety of the city a true and correct statement of the rates to be charged for the transportation of passengers in any and all automobiles for hire operated by the owner.

- B. Identification Cards. There shall be displayed in the passenger compartment of each automobile for hire in full view of the passengers a card not less than four inches by six inches in size, which shall have plainly printed thereon the name of the owner, or the fictitious name under which the owner operates, the business address and telephone number of the owner, and a correct schedule of the rates to be charged for conveyance in the vehicle.
(Ord. 2003 §1 (part), 1982; Ord. 1741 §1 (part), 1977).

5.15.060 Information cards-Display required-Where.

Each automobile for hire licensed to operate in this city shall have located in a convenient place in the driver's compartment and in view of the passenger therein two containers of type and design approved by the director of public safety. Such containers shall contain cards provided by the director of public safety bearing the following information:

- A. One such container shall have a card therein bearing:
1. The permit number issued for each individual automobile for hire licensed to operate in the city;
 2. The name of the company to whom it is issued;
 3. The date of issuance;
 4. The state license plate number and engine number of the automobile for hire displaying same.
- B. One such container shall have a card therein bearing:
1. The name and residence address of such driver;
 2. The name of the company employing such driver;
 3. A small photograph of such driver.
- (Ord. 2003 §1 (part), 1982; Ord. 1741 §1 (part), 1977).

5.15.070 Maintenance.

The Police Chief of the city shall have the right, at any time after displaying proper identification, to enter into or upon any certificated automobile for hire for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated. Any automobile for hire which is found, after such inspection, to be unsafe or in any way unsuitable for automobile-for-hire service may be immediately ordered out of service, and before again being placed in service shall be placed in safe condition. For

the purposes of this section, no automobile shall be considered safe, adequate or mechanically sound which is older than ten years, counting the year of chassis manufacture as the first year. (Ord. 2003 §1 (part), 1982; Ord. 1741 §1 (part), 1977).

5.15.080 Operating regulations.

- A. Every driver shall upon demand give a correct receipt upon payment of the correct fare.
- B. It is unlawful for any person to refuse to pay the lawful fare of any automobile for hire after employing or hiring the same, and any person who hires such vehicle with intent to defraud the person from whom it is hired is guilty of a misdemeanor.
- C. The driver of any automobile for hire shall promptly obey all lawful orders or instructions of any police officer or fireman.
- D. It is unlawful for any automobile for hire to remain standing on any public street in the city, except when enabling passengers to load or unload.
- E. It is unlawful for any person, either as owner, driver or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall or hotel.
(Ord. 1741 §1 (part), 1977).

5.15.090 Drivers-Licenses.

- A. It is unlawful for any person to drive or operate any automobile for hire without such person first obtaining a permit in writing to do so from the Police Chief.
- B. It is unlawful for any person to employ as a driver or operator of any automobile for hire without such person first obtaining a permit in writing to do so from the Police Chief.
- C. The application for a permit shall be accompanied by a fee as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.15.090.
- D. No permit shall be issued to any of the following persons:
 - 1. Any person under the age of eighteen years;
 - 2. Any person who has been convicted of either driving a vehicle upon the highway while under the influence of an intoxicating liquor or under the influence of narcotics, or reckless driving, unless two years have elapsed since his discharge from a penal institution or after having been placed upon probation during which period of time his record is good.

- E. The Police Chief may revoke or refuse to renew an operator's license if the driver or applicant has, since the granting of his permit:
1. Been convicted of a felony;
 2. Had his state driver's license revoked or suspended;
 3. Been convicted of driving while under the influence of intoxicating liquors;
 4. Been convicted of driving while under the influence of narcotics;
 5. During any continuous six-month period had three or more convictions of any of the offenses set forth in Sections 23152, 23103, 23104, 22350, 22351 and/or 22352 of the Vehicle Code of the state, and amendments thereto, or any combination of either or any of said offenses;
 6. When for any reason, including, or other than, those set forth in this section, in the opinion of the director of public safety, the applicant is unfit to drive an automobile for hire.
- F. Any person whose operator's permit has been denied, revoked, or renewal refused by the director of public safety may within ten days after receipt of notice thereof appeal to the council for a hearing thereon, which hearing shall be granted. The decision of the council in this regard shall be final. If no appeal is taken within ten days, the action of the director of public safety shall be final.
(Ord. 2003 §1 (part), 1982; Ord. 1741 §1 (part), 1977).

5.15.100 Exceptions to provisions.

The provisions of this chapter shall not apply to any vehicle operated by any person or transportation company under the jurisdiction of the public utilities commission of the state. (Ord. 1741 §1 (part), 1977).

Chapter 5.18

BILLIARDS, BOWLING AND POOL HALLS⁷

Sections:

- 5.18.020 Pool and billiard halls-License required-Tax.
- 5.18.030 License receipt to be attached to all licensed equipment.
- 5.18.040 Pool and billiard halls-Partitions of rooms prohibited.
- 5.18.050 Pool and billiard halls-Gambling prohibited.
- 5.18.060 Pool and billiard halls-Players may decide payment of game fee.
- 5.18.070 Pool and billiard halls-Hours premises to be closed.
- 5.18.080 Pool and billiard halls-Boisterous language and intoxicated persons prohibited.
- 5.18.090 Pool and billiard halls-License required.
- 5.18.100 Pool and billiard halls-Petition for license required-Contents.

5.18.020 Pool and billiard halls-License required-Fees.

Every person conducting, managing, or carrying on the business of a pool hall or billiard hall, or maintaining any premises wherein pool or billiard tables or pinball machines are maintained for the amusement of the public, shall pay a license tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.18.020. Coin operated machines available for use in such business establishment shall be licensed in accordance with Sections 5.60.010 and 5.61.010. (Ord. 1433 §1, 1972; prior code §18.66).

5.18.030 License receipt to be attached to all licensed equipment.

The director of finance shall issue a receipt for each separate pool table, billiard table, card table license or pinball machine as in this chapter required, and such receipt shall be attached to such pool table, billiard table, card table or pinball machine, and preserved thereon during the full term for which such receipt was issued. (Ord. 1801 §6, 1978; Ord. 1433 §2, 1972; prior code §18.71).

5.18.040 Pool and billiard halls-Partitions of rooms prohibited.

No room used as a licensed poolroom or billiard room shall have any door or opening into any other room, and no partition of any kind or description shall be placed, kept or maintained in such poolroom or billiard room. (Prior code §24.1).

5.18.050 Pool and billiard halls-Gambling prohibited.

It is unlawful for the proprietor, manager or agent of such proprietor to permit any gambling of any kind or character to be carried on in such poolroom

Chapter 5.20

CARDROOMS⁸

Sections:

- 5.20.010 Cardroom-Defined
- 5.20.020 License-Required-Issurance to person under certain age prohibited.
- 5.20.030 License-Number permitted and transferability.
- 5.20.035 License-Limitations on interest.
- 5.20.040 License-Initial issuance procedure.
- 5.20.050 License Tax and attaching of receipts.
- 5.20.060 License-Applications required-Contents-Issuance prerequisites.
- 5.20.070 Work permits required-Application contents-Investigation fee issuance-Period of validity.
- 5.20.080 Identification badges to be worn.
- 5.20.090 License-Grounds for revocation.
- 5.20.100 Rules and Regualtions generally.
- 5.20.120 Hours and days of operation.
- 5.20.130 Drinking of intoxicating beverages prohibited.
- 5.20.140 Minors prohibited from patronage or employment.
- 5.20.150 Maximum number of players per table.
- 5.20.160 Maximum number of tables on premises-Arrangement.
- 5.20.170 Supervision of game playing.
- 5.20.180 Bets and wagers permitted when.
- 5.20.190 Charges for game playing-Maximum designated.
- 5.20.200 Signs to be posted in cardroom-Contents
- 5.20.210 License-Revocation criteria.
- 5.20.220 License-Additional grounds for revocation.

5.20.010 Cardroom-Defined.

For the purpose of this chapter, a "cardroom" is defined to be any space, room or enclosure furnished or equipped with a table used or intended to be used as a card table for the playing of cards and similar games, and the use of which is available to the public. (Ord. 2112 §1, 1985; Ord. 1305 §2 (part), 1970; prior code §9.101).

5.20.020 License-Required-Issuance to person under certain age prohibited.

It is unlawful for any person, for himself or for any other person, firm or corporation, to engage in or carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any cardroom in the city without first having secured a license from said city so to do, according to each and every requirement of this chapter or without complying with each and every regulation pertaining to such cardroom. It is unlawful for any person to maintain or operate any card table in connection with any cigar store, pool or billiard hall or any other business, or a room in which card tables are maintained in the city without such person first having obtained

from the council a license authorizing such person to maintain and operate such card table or tables or card table business. No license shall be issued to any person under the age of twenty-one years. (Ord. 1305 §2 (part), 1970; prior code §9.102(1)).

5.20.030 License-Number permitted and transferability.

The number of licenses authorized for issuance under the provisions of this chapter shall be limited, based upon the population of the city as shown upon the population certified by the state Department of Finance. The number so authorized shall be one per forty thousand residents or any fraction thereof. All such licenses shall be issued in accordance with the provisions of this chapter; provided, however, those persons holding a license to conduct cardroom operation upon the effective date of this section may continue to hold such licenses subject to the revocation provisions set forth in this chapter. Any license issued pursuant to this chapter may be transferred upon the approval of the chief of police to a person meeting all of the requirements for the initial issuance of such a cardroom license, subject to the ratification of the city council; provided, however, that with the exception of those licenses which have been issued prior to the effective date of the ordinance set forth in this section and Section 5.20.040, no license may be so transferred unless the holder thereof has been operating a cardroom for three years at a fixed location in the city. (Ord. 2347 §1, 1990; Ord. 2150 §1 (part), 1986; Ord. 1738 §1 (part), 1977; Ord. 1305 §2 (part), 1970; prior code §9.102(2)).

5.20.035 Consolidation - Permitted.

Notwithstanding the provisions of Section 5.20.160 regarding the maximum number of tables on premises, a person having an interest or holding a license to any cardroom in the city may apply for an additional available license in accordance with the procedures set forth in this chapter. If such application is granted, the maximum number of tables permitted in the consolidation of three cardrooms is sixteen, (16). The maximum number of tables permitted in the consolidation of four cardrooms is twenty (20).

Consolidation occurs whenever a cardroom licensee or a person having a financial interest in a cardroom obtains a license to operate an additional cardroom. (Ord. 2364 §1, 1990; Ord. 2347 §1, 1990; Ord. 2015 §1 (part), 1982).

5.20.040 License-Initial issuance procedure.

Except for existing licensees as set forth in Section 5.20.030, all applicants for available licenses shall comply with the provisions of this chapter. Any applicants requesting a license as permitted in Section 5.20.030 shall pay a nonrefundable fee as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.20.040, to cover the cost of investigation. No applicant requesting a license pursuant to this section may have any financial or other interest as set forth in Section 5.20.035 in

any other application being submitted to obtain a cardroom license. Each application shall be totally independent and unassociated with any other application being submitted for the purpose of obtaining such a license. The initial period for issuance of new cardroom licenses shall be the month of May, 1977, and in the month of May in subsequent years should there be additional licenses available. After the termination of the open period in May, no further licenses shall be issued until the succeeding open period. In the event that there are applications in excess of the number of licenses available in accordance with the limitations set forth in Section 5.20.030, based upon population, the director of public safety shall conduct a public lottery to select those applicants who shall be investigated to determine if they are qualified to be issued any available cardroom licenses as approved by the director of public safety, subject to ratification of the city council. Upon the issuance of available cardroom licenses, the director of public safety shall authorize the refund of any application fee to any persons who were not subject to investigations. (Ord. 2015 §1 (part), 1982; Ord. 1961 §1 (part), 1982; Ord. 1738 §1 (part), 1977; Ord. 1305 §2 (part), 1970; prior code §9.102(3)).

5.20.050 License-Tax-Issuance and attaching of receipts.

The license tax for maintaining or operating any card table or card table business in the city is payable quarterly in advance and fixed at a sum as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.20.050. The city finance officer shall issue a receipt for each separate card table license as in this section required, and such receipt shall be attached to such card table and preserved thereon during the full term for which such receipt was issued. (Ord. 1305 §2 (part), 1970; prior code §9.102(4)).

5.20.060 License-Application required-Contents-Issuance prerequisites.

An applicant for a cardroom license shall submit his application to the chief of police, which application shall be under oath, and shall include, among other things, the true names and addresses of all persons financially interested in the business. The past criminal record, if any, of all persons financially or otherwise interested in the business shall be shown on such application. The term "persons financially interested" shall include all persons who share in the profits of the business, on the basis of gross or net revenue, including landlords, lessors, lessees, the owner or owners of the building, fixtures or equipment. The application shall also be accompanied by fingerprints of persons financially interested. The chief of police may deny any applicant for a cardroom license a license to operate such cardroom when, in the opinion of the chief of police, there appears to be good cause why such person should not operate a cardroom. (Ord. 1969 §1 (part), 1982; Ord. 1305 §2 (part), 1970; prior code §9.102(5)).

5.20.070 Work permits required-Application contents-Investigation fee-Issuance-Period of validity.

- A. The manager of a cardroom, if he is other than the person or persons whose names appear on the application for the cardroom license, must obtain a work permit from the chief of police. He shall submit his application for such work permit to the chief of police, which application shall be under oath and shall include, among other things, the past criminal record, if any, of the applicant and shall be accompanied by the fingerprints of the applicant. An application for a manager work permit shall be accompanied by a fee or a renewal fee as presently designated, or as may in the future be amended in the Master Fee Schedule, Section 5.20.070. The work permit, when issued, shall be valid for one year. The chief of police may deny such work permit, if, in his opinion, the applicant therefor should not be permitted to act as manager in lieu of management by the licensee of the cardroom.
- B. Employees in cardrooms must obtain a work permit from the chief of police. Applications for such work permits shall be submitted under oath and contain such information as may be deemed by the chief of police to be necessary to determine whether the applicant is a proper person to be employed in a cardroom. The chief of police may deny such work permit if, in his opinion, the applicant therefor should not be permitted to be employed in a cardroom. Each application for a work permit shall be accompanied by a fee, or renewal fee, as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.20.070. Such permits shall be valid for one year.

(Ord. 1969 §1 (part), 1982; Ord. 1961 §1 (part), 1982; Ord 1680 §1 (part), 1976; Ord. 1305 §2 (part), 1970; prior code §9.102(6)).

5.20.080 Identification badges to be worn.

Every manager and employee of a cardroom licensed according to the provisions of this chapter shall, at all times when present in such cardrooms, wear an identification badge containing his photograph, age, address and description of such individual. (Ord. 2005 §1, 1982; Ord. 1305 §2 (part), 1970; prior code §9.102(7)).

5.20.090 License-Grounds for revocation.

Licenses for cardrooms may be revoked in the manner and for the reasons set forth in Section 5.02.180 et seq. of this code and for the further reason consisting of a violation of any of the provisions of this chapter, or for allowing persons other than those named in the application on file with the city council to own an interest in or have direct management of such cardroom; provided however, that direct management of such cardroom may be accomplished by the employment of a manager pursuant to the provisions of Section 5.20.070; for maintaining a greater number of tables than the number set forth in the

Chapter 5.22

CIRCUSES, SHOWS, CONCERTS,
AND SPECIAL EVENTS⁹

Sections:

- 5.22.010 License tax required.
- 5.22.020 Bond required.

5.22.010 License tax required.

- A. Every person conducting, managing, carrying on or operating a circus, concert, carnival, or other similar exhibition, or special event, shall pay a license tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.22.010. The license tax in this section provided shall be in addition to all other fees due and payable to the city as presently designated, or as may in the future be amended, in the Master Fee Schedule. (Prior code §18.51).
- B. Notwithstanding any provision of this chapter to the contrary, the City Council may waive the business license taxes and/or fees for those events of not more than three successive days that help to promote and publicize the City of Chula Vista. In addition, the City Council may waive business license taxes and/or for nonprofit or charitable organizations.
- C. For those events that the City Council does not waive business license taxes pursuant to paragraph A above and the event is sponsored by a nonprofit or charitable organization, the City Council may allow that each participant obtain a temporary license for a tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.04.075. Participants will have a choice of paying the event tax or obtaining an annual business license at the tax established by Title 5. (Ord. 2113 §1, 1985).

5.22.020 Bond required.

Every person conducting, managing or carrying on any theater, show, exhibition, circus, carnival, wrestling match, boxing match, dancing or other amusement for which an admission fee is charged, collected or received, in any tent or temporary place of business, shall deposit with the finance officer a cash bond in the amount of two thousand dollars or a bond in a like amount issued by a surety company authorized by laws of the state to issue such bond, for the faithful performance of the provisions of this chapter, and all other provisions of other ordinances in force and effect in the city. The aforesaid bond will only be required to be posted by the aforesaid businesses when such business is to be conducted for a period less than thirty days. (Prior code §18.70).

Chapter 5.26

PUBLIC DANCES¹¹

Sections:

- 5.26.010 Definitions.
- 5.26.020 License-Required.
- 5.26.030 License-Application and investigation fee required.
- 5.26.040 License-Investigation requirements generally.
- 5.26.050 License-Report of investigation and recommendations.
- 5.26.060 License-Fire hazard investigation required.
- 5.26.070 License-Issuance-Appeal and public hearing of disallowed license.
- 5.26.080 License-Tax.
- 5.26.090 License-Compliance with code required for granting.
- 5.26.110 License-Scope-Nontransferable and not assignable.
- 5.26.120 License-Suspension or revocation authorized when-Procedure.
- 5.26.130 License or permit-Grounds for forfeiture-Effect.
- 5.26.140 Attendance prohibited to certain persons.
- 5.26.150 Owner or manager-Responsibility for proper control.
- 5.26.160 Certain conduct prohibited.
- 5.26.170 Owner or manager-Duty to maintain good condition of premises.
- 5.26.180 Employment of dance partners prohibited.
- 5.26.190 Age misrepresentation of patrons prohibited when.
- 5.26.200 Smoking while dancing prohibited.
- 5.26.210 Closing hours and hours of operation.
- 5.26.220 Female employees-Certain activities prohibited.
- 5.26.230 Density requirement of premises location.
- 5.26.240 Youth dances-Purpose and intent of provisions-Definitions.
- 5.26.250 Youth dances-Applicability of provisions-Exceptions.
- 5.26.260 Youth dances-Permit and approval required.
- 5.26.270 Youth dances-Permit classifications.
- 5.26.280 Youth dances-Application for permit-Contents.
- 5.26.290 Youth dances-Taxes for permits-Refunds.
- 5.26.300 Youth dances-Grounds for suspension or revocation of permit.
- 5.26.310 Youth dances-Use of alcoholic beverages or narcotics prohibited.
- 5.26.320 Youth dances-Police and supervisory personnel to be present when.
- 5.26.330 Youth dances-Conduct and dress to be within certain standards.
- 5.26.340 Youth dances-Off-street parking and parking supervision required.
- 5.26.350 Youth dances-Closing hours and hours of operation.
- 5.26.360 Youth dances-Reentering not permitted.
- 5.26.370 Youth dances-Loitering about premises deemed misdemeanor.
- 5.26.380 Youth dances-Adequate lighting designated.
- 5.26.390 Youth dances-Rule and regulation adoption authority.
- 5.26.400 Youth dances-Access for enforcement personnel authorized.
- 5.26.410 Youth dances-Financial report required.
- 5.26.420 Youth dances-Posting of provisions and permit required.
- 5.26.430 Violation-Penalty.

5.26.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Intoxicating liquor" means and is defined as any liquid containing more than one-half of one percent of alcohol by volume and which is fit or suitable for beverage purposes;
- B. "Public dance" means any dance conducted in any place in connection with a business for profit.
(Prior code §11.1).

5.26.020 License-Required.

It is unlawful for any person to operate a public dance, as defined by Section 5.26.010, without obtaining a license as required by this chapter.
(Prior code §11.2).

5.26.030 License-Application and investigation fee required.

- A. All applications for licenses to be issued pursuant to this chapter shall be filed with the clerk of the city and shall be accompanied by an investigation fee as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.26.030.
- B. Applications for licenses under this chapter shall be on such forms as shall be prescribed by the city clerk and shall be in duplicate, and shall set forth in addition to other things the name of the person to have direct management of the premises, the post office address of the applicant and the name of the real person in interest, and the name of the owner of the premises upon which the business licensed is to be carried on.
- C. All applications for licenses shall be sworn to by the applicant.
(Prior code §11.3).

5.26.040 License-Investigation requirements generally.

Immediately upon receipt of any application for license under this chapter, one copy of the application shall be immediately referred to the chief of police, who shall proceed to investigate the character of the applicant, of the person who is to have direct management of the premises, and of the person or persons who have any interest in such business; he shall also investigate the character of the premises proposed to be licensed, and the propriety of the use of such premises for the conduct of the business proposed to be licensed. (Prior code §11.4).

5.26.050 License-Report of investigation and recommendations.

Within thirty days after receipt of any such application, the chief of police shall file with the city clerk a report in writing concerning the result of his investigation, together with his recommendation as to the allowance or disallowance of the license applied for. (Prior code §11.5).

5.26.060 License-Fire hazard investigation required.

The fire chief shall conduct or cause to be conducted an investigation of the premises identified in the application for any fire hazards which might arise if such application is granted. The fire chief shall submit his report as to whether such premises can safely be used without any hazard arising because of fire to the chief of police. In the event that the fire chief's report indicates that the premises may not safely be used for dancing because of the fire hazard, no further action shall be taken until the conditions creating the hazard have been corrected. (Ord. 1170 §1 (part), 1969; prior code §11.6).

5.26.070 License-Issuance-Appeal and public hearing of disallowed license.

The finance officer shall, after receipt of the recommendation of the chief of police, allow or disallow the license applied for, and if said recommendation is favorable, the finance officer shall forthwith issue the license upon the payment of the license fee hereinafter provided. In the event that the chief of police shall present an adverse recommendation for consideration by the finance officer, and said license shall be disallowed, the applicant may appeal said recommendation to the city council within ten days of receipt of written notice by the finance officer that the application for said license has been disallowed. Upon receipt of said appeal, the city clerk shall set the appeal for public hearing in accordance with Section 6060 et seq. of the Government Code of the state of California. (Ord. 1170 §1 (part), 1969; prior code §11.7).

5.26.080 License-Tax.

The tax for licenses issued pursuant to the terms of this chapter shall be a sum as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.26.080. (Prior code §11.8).

5.26.090 License-Compliance with code required for granting.

No license shall be granted under the provisions of this chapter unless the place in which such public dance shall be held shall conform to and comply with the provisions of this code and other regulations of the city. (Prior code §11.9).

5.26.260 Youth dances-Permit and approval required.

- A. In addition to any other permit or license required by law or this code, it is unlawful for any person to conduct or sponsor any youth dance in the city except in accordance with the terms of this chapter and after obtaining a permit therefor as provided in this chapter.
- B. It is unlawful for any adult sponsoring group to conduct a youth dance unless such adult sponsoring group has been approved by the chief of police and has assumed full and complete responsibility for the event, its direction and fees and taxes.
(Ord. 1672 §2 (part), 1976).

5.26.270 Youth dances-Permit classifications.

The following classes of youth dance permits may be issued by the police department:

- A. Adult sponsoring group permits include:
 - 1. A Class A permit which is issued by the chief of police for a period of one calendar year. This permit may be issued only to those adult sponsoring groups which present evidence of an intention to actively carry out the objectives of their organization on a permanent or long-range basis.
 - 2. A Class B permit which is issued for one day or one night only. The permit may be issued by the chief of police to sponsoring groups which have been organized for a limited objective and a short period of time.
(Ord. 1672 §2 (part), 1976).

5.26.280 Youth dances-Application for permit-Contents.

An application for permit shall be made to the chief of police upon a form prescribed by the police department. The application shall be filed not less than fifteen days prior to the scheduled date of the youth dance. The application shall contain the following:

- A. The names and addresses of the applicant or applicants;
- B. The date upon which the dance is to be held or, in the case of a Class A permit, the approximate number of dances held and the dates thereof;
- C. The approximate attendance expected at these dances;
- D. The names, addresses and telephone numbers of all chaperones or supervisors as may be required by this chapter. In the event the permit is to be issued for more than one dance, the applicant shall provide at

least five days prior to the dance such names, addresses and telephone numbers of chaperones or supervisors who will be in attendance at the dances if any changes occur from those chaperones or supervisors originally submitted;

- E. Class of permit and facts upon which applicant bases his request for the class of permit applied for;
- F. A statement of disbursement of proceeds or profits indicating percentage to be given to youth activities;
- G. A statement regarding the place or premises where the youth dance is to be held and containing the following information:
 - 1. That the premises are reasonably adequate to hold the dance and comply with the provisions of this chapter,
 - 2. That the premises do not violate any ordinance of the city or law of the state relating to health, safety and fire,
 - 3. The maximum number of persons that can be safely accommodated on the premises,
 - 4. That the premises are designed in such a manner and supervision will be provided so as to comply with all requirements of this chapter.

The application shall be signed under penalty of perjury and be accompanied by the applicable fee. The application may be signed by any member of the adult sponsoring group. (Ord. 1672 §2 (part), 1976).

5.26.290 Youth dances-Taxes for permits-Refunds.

The taxes for permits issued under this chapter shall be payable to the police department in advance, and for the several classes of permits provided in this chapter, the taxes shall be as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.26.290.

In the event that the application is denied or the permit is revoked, no part of the applicable fee shall be refunded. (Ord. 1672 §2 (part), 1976).

5.26.300 Youth dances-Grounds for suspension or revocation of permit.

Any permit may be revoked or suspended by the chief of police upon any of the following grounds:

- A. The misrepresentation of a material fact in the application for a permit by an applicant or by the holder of a permit;
- B. The violation of any provision of this chapter by the holder of a permit;

Chapter 5.32
GARAGE SALES¹⁴

Sections:

- 5.32.010 Intent and purpose of provisions.
- 5.32.020 Definitions.
- 5.32.030 Regulations generally-License required-Application contents-Fee.
- 5.32.040 Prohibited items.
- 5.32.050 Advertising signs permitted when.

5.32.010 Intent and purpose of provisions.

It is the intent and purpose of the city council, in adopting this chapter, to regulate those activities which, in the most technical sense have business or commercial characteristics but which, because of the manner in which they are conducted or the purposes for which they are being operated, are truly noncommercial in nature. Said regulations are intended to prevent the expansion of such noncommercial operations into truly commercial operations and to regulate the method of conducting the activity so that it will be confined to a noncommercial type of operation. It is the purpose of this chapter to prevent such activities from unfairly competing with licensed revenue-producing commercial and business enterprises; to prevent the conduct of commercial enterprises upon other than commercially zoned property; and to curb the evasion of business license taxes. (Ord. 1218 §1 (part), 1969; prior code §18.301).

5.32.020 Definitions.

- A. "Garage sale," for the purposes of this section, means a sale conducted by an individual homeowner, apartment dweller or occupant of a dwelling unit, for the purpose of disposing of unwanted or surplus household furnishings or other personalty, usually conducted in a garage in a residential zone and for which no inventory is kept and no sales tax is paid on the transactions thus carried out. It may, at times, be conducted by a combination of residential dwellers at a single location, and may take on the nature and character of a rummage sale or fund-raising event for civic or charitable purposes. Said garage sales shall not extend beyond a period of ten calendar days for any one sale. The term "garage sale" is not limited to sales conducted in the garage, but encompasses household sales conducted on any portion of the premises. (Ord. 2049 §1, 1983; Ord. 1559 §1 (part), 1974; Ord. 1404 §1 (part), 1972; Ord. 1218 §1 (part), 1969; prior code §18.302).

5.32.030 Regulations generally-License required-Application contents.

Any resident or group of residents, organization or club of the city may conduct a garage sale, as defined herein; provided, however, that a license

shall first have been obtained from the city. There shall be no tax for a garage sale license obtained prior to the sale. If the license is not obtained prior to the sale, the license tax shall be as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.32.030.

The application for the license shall request the following information:

- A. The name and address of the person or persons wishing to hold the garage sale;
- B. The location where the sale shall be conducted, including a general designation of the area of the premises where the actual sale is to be carried out;
- C. A general description of the property offered for sale;
- D. The dates and time period when the sale shall be conducted;
- E. An affidavit or declaration, under penalty of perjury, that the person or persons conducting the sale are the owners of the property offered for sale; that all of the goods are secondhand; and that no more than one previous such garage sale has been held within the calendar year.

No more than two garage sales may be conducted by the same person or persons, or at the same place within the same calendar year. A garage sale license shall be limited to a period of ten consecutive days per sale. All personalty and furnishings must be the property of those conducting the sale, and must be used goods. The license may be secured either at the office of the director of finance, or by telephoning the director of finance who will mail the appropriate form to the party so requesting, and who shall, in turn, mail the completed application back to the office of the director of finance. (Ord. 2049 \$2, 1983; Ord. 1801 \$7, 1978; Ord. 1559 \$1 (part), 1974; Ord. 1404 \$1 (part), 1972; Ord. 1218 \$1 (part), 1969; prior code \$18.303 (part)).

5.32.040 Prohibited items.

It is unlawful for any person to exchange, barter, trade or sell at a garage sale the following items of personal property:

Firearms, ammunition, explosives, animals and livestock, any item of personal property from which the serial number or identifying number has been removed, and any and all other items of personal property which may be prohibited from being exchanged, bartered, traded or sold by ordinance or resolution of the city, the county of San Diego, or the state of California.
(Ord. 1559 \$1 (part), 1974; Ord. 1404 \$1 (part), 1972; Ord. 1218 \$1 (part), 1969; prior code \$18.303 (part)).

Chapter 5.34

MANUFACTURERS¹⁵

Sections:

- 5.34.010 Manufacture defined.
- 5.34.020 License tax required-Rate.

5.34.010 Manufacture defined.

Manufacture is defined as the transforming of raw materials into some kind of a finished product or article of trade and not including building or outdoor structures. (Prior code §18.60).

5.34.020 License tax required-Rate.

Every person conducting, managing, carrying on or engaged in any business, the majority of which consists of manufacturing as defined in the preceding section shall pay a license tax as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.34.020. (Ord. 1801 §8, 1978; prior code §18.61).

Chapter 5.35

BATHHOUSES

Sections:

- 5.35.101 Definitions.
- 5.35.102 License Required.
- 5.35.103 Application for License or Renewal.
- 5.35.104 Application for a Bathhouse License.
- 5.35.105 Annual License Applications and Taxes.
- 5.35.106 Facilities Necessary.
- 5.35.107 Operating Requirements.
- 5.35.108 Issuance of License for Bathhouse.
- 5.35.109 Register to be Maintained.
- 5.35.110 Employment of Persons Under the Age of Eighteen Years Prohibited.
- 5.35.111 Sale or Transfer.
- 5.35.112 Name and Place of Business - Change of Location.
- 5.35.113 Daily Register.
- 5.35.114 Locked Cubicle, Room, Booth, etc.
- 5.35.115 Private Rooms.
- 5.35.116 Monitoring and Expulsion of Customers.
- 5.35.117 Display of License.
- 5.35.118 Inspections.
- 5.35.119 License Not Transferable.
- 5.35.120 Unlawful Activities - Public Nuisance.
- 5.35.121 Health and Sanitation Requirements and Regulations.
- 5.35.122 Violations.
- 5.35.123 Denial, Suspension or Revocation of License.

5.35.101 Definitions.

Whenever in this Chapter the following words or phrases are used, they shall mean:

- A. "Bathhouse" shall mean any establishment having a fixed place of business where any person engages in, conducts, or carries on any business of providing Turkish, Russian, Swedish, Finnish, hot air, vapor, electric cabinet, steam sweat, mineral, salt, sauna, fomentation, alcohol, shower, tub or sponge baths, soaking facilities such as a spa, or baths of any kind whatsoever. Any establishment carrying on or permitting any combination of massage and bathhouse shall be deemed a massage establishment and not a bathhouse. "Bathhouse" shall not include hospitals, nursing homes, sanitariums, or establishments where a person provides baths pursuant to his or her unrevoked certificate to practice the healing arts under the laws of the State of California. "Bathhouse" shall not include hotels, motels, and similar lodging establishments. "Bathhouse" shall not include establishments primarily providing physical fitness services, except where cubicles, rooms, or booths are provided for use by individual patrons of such establishments.

- B. "Person" shall mean any natural person, firm, association, club, organization, partnership, business trust, corporation, company, or any other entity whatsoever which is recognized by law as the subject of rights of duties. (Ord. 2256 §1 1988).

5.35.102 License Required.

It shall be unlawful for any person to operate, maintain or keep in the city any bathhouse without an annual license therefor issued by the Police Chief. The license, or any renewal thereof, may be denied if the bathhouse operation as proposed does not comply with the provisions of this chapter, regulations adopted pursuant to this chapter, and all other applicable laws, including, but not limited to, applicable building and fire codes. (Ord. 2256 §1 1988).

5.35.103 Application for License or Renewal.

Any person desiring a license or renewal thereof required by this chapter shall make application to the Police Chief. (Ord. 2256 §1988).

5.35.104 Application for a Bathhouse License.

The application for a license to operate a bathhouse shall set forth the exact nature of the baths to be administered, the proposed place of business and facilities therefor, and the name and address of each applicant. In addition to the foregoing, any applicant for a bathhouse license shall furnish the following information.

- A. The two previous addresses immediately prior to the present address of applicant.
- B. Written proof that the applicant is over the age of 18 years.
- C. Applicant's height, weight, color of eyes and hair.
- D. Two portrait photographs at least 2" x 2".
- E. Business, occupation, or employment of the applicant for the three years immediately preceding the date of the application.
- F. The bathhouse or similar business license history of the applicant; whether such person, in previously operating in this or another county or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- G. All criminal convictions except minor traffic violations.

- H. Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.
- I. Nothing contained herein shall be construed to deny to the Police Chief the right to take fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said Director to confirm the height and weight of the applicant.
- J. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation; the names and residence addresses of each of the officers, directors and each stockholder owning more than 10 percent of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. (Ord. 2256 §1 1988).

5.35.105 Annual License Applications and Taxes.

- A. An application for operating a bathhouse must be submitted annually, and shall be accompanied by a non-refundable fee as presently designated or as may in the future be amended in the Master Fee Schedule, Section 5.35.105, to defray the costs of an investigation. No person shall operate a bathhouse without first paying a business license tax as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.35.105.
- B. No person shall operate a bathhouse without paying a renewal license tax as presently designated, or may in the future be amended, in the Master Tax Schedule, Section 5.35.105.

5.35.106 Facilities Necessary.

No permit to conduct a bathhouse shall be issued unless an inspection by the Police Chief and the Health Officer reveals that the establishment complies with each of the following minimum requirements:

- A. Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproof materials.
 - 1. For toilet rooms, toilet room vestibules and rooms containing bathtubs, there shall be a waterproof floor covering, which will be carried up all walls to a height of at least six inches. Floor shall be covered up on base with at least 3/4 inch cover. The walls of all toilet rooms and rooms containing bathtubs shall be finished to a height of six feet from a smooth, nonabsorbant finish surface of Keene cement, tile, or similar material.
 - 2. Steam rooms and shower compartments shall have approved waterproof floors, walls and ceilings.

- B. All employees shall be clean and wear outer garments, whose use is restricted to the bathhouse. Provision for separate dressing rooms for each sex must be available on the premises, with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.
- C. All bathhouses shall be provided with clean laundered sheets and towels in sufficient quantities and shall be laundered between consecutive uses thereof and stored in an approved sanitary manner. No towels or sheets shall be laundered or dried in any public bathhouse unless such establishment is provided with approved laundry facilities for such laundering and drying. Approved receptacles shall be provided for the storage of soiled linens and paper towels.
- D. Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.
- E. Provide educational programs for patrons in accordance with standards promulgated by the Health Officer in consultation with the San Diego Regional Task Force on AIDS. (Ord. 2256 §1 1988).

5.35.108 Issuance of License for Bathhouse.

The Police Chief shall issue a Bathhouse License if all the requirements for a bathhouse described in this chapter are met and shall issue a license to any person who has applied for a permit to operate a bathhouse unless the Director finds:

- A. That the operation as proposed by the applicant, if permitted, would not comply with all applicable laws.
- B. That the applicant or any other person who will be directly engaged in the management and operation of a public bathhouse has been convicted of:
 - 1. An offense involving conduct which required registration pursuant to Section 290 of the Penal Code.
 - 2. An offense involving the use of force and violence upon the person of another that amounts to a felony.
 - 3. An offense involving sexual misconduct with children.
 - 4. An offense as defined under Sections 311, 647, subdivision (a), 647a, 315, 316, or 318 of the Penal Code of the State of California.
 - 5. The Chief shall disregard any conviction mentioned in subsections (a), (b), (c) or (d) of this section if he finds that the applicant has fully completed any sentence imposed because of such conviction and has fully complied with any conditions imposed because of such

conviction, which conviction has occurred at least three years prior to the date of application and the applicant has not subsequently been convicted of any of the crimes herein mentioned. (Ord. 2256 §1 1988).

5.35.109 Register to be Maintained.

The operator of a bathhouse must maintain a register of all persons employed as an employee of a bathhouse, which register shall be available for inspection at all times during regular business hours. The register shall contain the following information for each employee:

- A. Name and residence address.
- B. Social Security number and driver's license number, if any.
- C. Employee's height, weight, color of eyes and hair.
- D. Written evidence that the employee is over the age of 18 years.
- E. Business, occupation or employment of the employee for the three years immediately preceding the date of beginning employment with the bathhouse.
- F. The Police Chief shall have the right to take fingerprint and photographs of an employee and the right to confirm the information contained in the register. (Ord. 2256 §1 1988).

5.35.110 Employment of Persons Under the Age of Eighteen Years Prohibited.

It shall be unlawful for the owner, proprietor, manager or any other person in charge of any bathhouse to employ any person under the age of 18 years. (Ord. 2256 §1 1988).

5.35.111 Sale or Transfer.

Upon sale, transfer or relocation of a bathhouse, the license therefor shall be null and void. (Ord. 2256 §1 1988).

5.35.112 Name and Place of Business - Change of Location.

No person granted a license pursuant to this chapter shall operate under any name or conduct his or her business under any designation or in any location not specified in his or her permit. (Ord. 2256 §1 1988).

- B. The bathhouse operator shall immediately expel from the premises any and all persons observed causing the maximum occupancy requirements of this chapter to be violated, any and all persons committing any crime on the premises, or any and all persons engaged in high risk sexual activity on the premises. For the purposes of this chapter, "high risk sexual activity" shall mean:
1. the placing of the male penis on or into the anus, vagina or mouth of another person;
 2. The placing of the mouth of one person on the anus, vagina or penis of another person;
 3. The contact of feces or urine of one person with any part of the body of another person; or,
 4. The entry of any part of the body of one person into the anus or vagina of another person. (Ord. 2256 §1 1988).

5.35.117 Display of License.

Every person to whom or for whom a license shall have been granted pursuant to the provisions of this chapter shall display said permit in a conspicuous place in the bathhouse so that the same may be readily seen by persons entering the premises. (Ord. 2256 §1 1988).

5.35.118 Inspections.

The Police Chief and the Health Officer shall from time to time, and at least once a month, make an inspection of each bathhouse for the purpose of determining that the provisions of this chapter are complied with. (Ord. 2256 §1 1988).

5.35.119 License Not Transferable.

No bathhouse license shall be transferred from person to person or from one location to another. (Ord. 2256 §1 1988).

5.35.120 Unlawful Activities-Public Nuisance.

It shall be unlawful for any person to give or administer any bath or baths as defined herein, or to give or administer any of the other things mentioned in this chapter, which violate the provisions of this chapter or the regulations adopted pursuant to this chapter or which violate any state or local laws or ordinances. Any violation of this provision shall be deemed grounds or revocation of the license granted hereunder.

Any bathhouse operated, conducted or maintained contrary to the provisions of Section 5.35.116 shall be and the same is hereby declared to be unlawful and a public nuisance; and the City Attorney may immediately commence action or proceedings for the abatement and removal and enjoinder thereof in any manner provided by law. The remedies provided for herein shall be cumulative, and not exclusive of any other remedies, civil or criminal, provided by law.

5.35.121 Health and Sanitation Requirements and Regulations.

Every bathhouse shall be maintained and operated in a clean and sanitary manner. All bathhouses shall comply with all applicable building, health, zoning and fire laws of the City of Chula Vista. In addition, the Director and the Health Officer may, after a noticed public hearing, adopted and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this chapter. All bathhouse operators holding a valid shall be given written notice of the public hearing, including a copy of the proposed regulations, at least ten days prior to the date of the hearing. In addition, notice of the public hearing and a summary of the proposed regulations shall be published in an appropriate newspaper of general circulation one time at least ten days prior to the public hearing. The rules and regulations shall include reasonable requirements to protect the health and safety of bathhouse patrons, including reasonably necessary requirements for educational programs and other measures for the prevention and control of the spread of Acquired Immune Deficiency Syndrome (AIDS) and other infectious or communicable diseases. (Ord. 2256 §1 1988).

5.35.122 Violations.

Every person who violates any provision of this chapter is guilty of an infraction. (Ord. 2256 §1 1988).

5.35.123 Denial, Suspension or Revocation of License.

Any license issued pursuant to this chapter may be suspended or revoked by the Police Chief on proof of violation by the permittee of any provisions of state law, this chapter, City ordinances or any rule or regulation adopted and approved pursuant to Section 5.35.121, or in any case where the Police Chief, on the advice of the Health Officer, determines the bathhouse is being managed, conducted, or maintained without regard for the public health, or the health of patrons or customers, or without due regard to proper sanitation or hygiene. Where a license is denied or a license renewal is denied, or where a license is suspended or revoked by the Police Chief, such denial, suspension, or revocation may be appealed by the license applicant or licensee in accordance with the provisions of Sections 5.36.240 through 5.36.320. In the event such provisions are utilized, the Police Chief is authorized to take the actions therein required or authorized of the City Manager.

Chapter 5.36

MASSAGE PARLORS¹⁶

Sections:

- 5.36.010 Title for citation.
- 5.36.020 Purpose and intent of provisions.
- 5.36.030 Definitions.
- 5.36.040 Rules of construction of provisions-Liability-Scope-Compliance required.
- 5.36.050 License-Required.
- 5.36.060 Technician-Permit-Required.
- 5.36.070 Exceptions to applicability.
- 5.36.075 Massage Technician-Operating Requirements.
- 5.36.080 License-Application-Investigation fee required.
- 5.36.081 License Tax Required-Rate
- 5.36.090 Technician-Permit-Application-Investigation fee.
- 5.36.100 License or permit-Application-Contents required.
- 5.36.110 Facilities-Required generally.
- 5.36.120 Facilities-Existing establishments-Compliance required-Time limit.
- 5.36.130 License or permit-Issuance prerequisites-Appeal of denial-Transferability.
- 5.36.140 Permit-Display required.
- 5.36.150 Name of business.
- 5.36.160 Change of location-Fee required.
- 5.36.170 Sale or transfer of business-Effect-Fee for transfer of interest.
- 5.36.180 Employment of persons not possessing permits prohibited.
- 5.36.190 Records of treatment to be kept-Confidentiality required-Disclosure deemed misdemeanor-Penalty.
- 5.36.200 Inspection required four times per year.
- 5.36.210 Off-premises massages-Permitted when.
- 5.36.220 Applicability of provisions.
- 5.36.230 License or permit-Grounds for suspension or revocation.
- 5.36.240 License or permit-Suspension, revocation or denial-Public hearing.
- 5.36.250 Hearing-Notice required.
- 5.36.260 Hearing-Procedure generally.
- 5.36.270 Hearing-Rules of evidence.
- 5.36.280 Hearing-Decision of determination.
- 5.36.290 Effect of decision stayed when.
- 5.36.300 Hearing-Not required when-Effect.
- 5.36.310 Appeal-Petition required.
- 5.36.320 Appeal-Public hearing-Notice-Effect of decision.
- 5.36.330 Violation-Penalty.

5.36.010 Title for citation.

This chapter may be cited as the "Chula Vista massage establishment ordinance." (Ord. 1312 §2 (part), 1970; prior code §9.30).

- I. "Holistic Health Practitioner" shall mean non-medical health care therapists that use a massage speciality and therapeutic approach to caring for clients and who present to the Police Chief proof of satisfactory completion of 1,000 hours of instruction in such speciality or therapeutic approach at a school with a State approved curriculum and proof of membership in a State or nationally chartered organization devoted to the speciality or therapeutic approach. The practice of such health care therapists, in addition to massage therapy, must include nutritional assistance, exercise programs and counseling that is directed toward health care.
- J. "Specified Anatomical Areas" shall mean pubic region, human genitals, perineum, anus and the areola and nipple of the female breast. (Ord. 2307 §1 (part) 1989; Ord. 2256 §2 1988; Ord. 1312 §2 (part), 1970; prior code §9.33).

5.36.040 Rules of construction of provisions-Liability-Scope-Compliance required.

This chapter shall be construed liberally in order to effectuate its purposes. Unless otherwise specifically prescribed in this chapter, the following provisions shall govern its interpretation and construction:

- A. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.
- B. Time is of the essence in this chapter. No license or permit holder shall be relieved of his obligation to comply promptly with any provision of this chapter by any failure of city to enforce prompt compliance with any of its provisions.
- C. Any right or power conferred or duty imposed upon any officer, employee, department or board of city is subject to transfer by operation of law to any other officer, employee, department or board of city.
- D. No license or permit holder shall have any recourse whatsoever against city for any loss, cost, expense or damage arising out of any provision or requirement of this chapter or the enforcement thereof.
- E. This chapter does not relieve any license or permit holder or of any requirement of the city Charter or of any ordinance, rule, regulation or specification of city.
- F. No license or permit holder possessing such a license or permit as of the effective date of this chapter shall be relieved of his obligation to comply fully with the provisions of this chapter within the reasonable time established herein. (Ord. 1312 §2 (part), 1970; prior code §9.32).

any task or service associated with the operation of a massage business, unless the massage technician is fully covered from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck, excluding the arms, with the following exceptions: shorts may be worn so long as they extend down the leg a minimum of three (3) inches from the crotch and the body above that point is fully covered to the base of the neck, excluding the arms. The covering, which includes trousers, pants or shorts, will be of opaque material and will be maintained in a clean and sanitary condition.

- C. No massage technician, while performing any task or service associated with the business of massage, shall massage or intentionally touch the specified anatomical areas of another person. (Ord. 2307 §3 1989).

5.36.080 License-Application-Investigation fee required.

Any person desiring to obtain a license to operate a massage establishment shall make an application to the city manager. A nonrefundable fee as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.36.080, to cover the cost of an investigation, shall accompany the submission of each application. The fee required by this section shall not be required for an application to renew a license granted pursuant to this chapter; provided however, any establishment licensed prior to the effective date of this chapter which was not subject to investigation and report by the chief of police shall be required to pay said fee and said investigation shall be undertaken at the time a license renewal is requested. Said application tax shall be in addition to any license, permit or fee required under any provisions of this code. (Ord. 1312 §2 (part), 1970; prior code §9.37).

5.36.081 License tax required-Rate

Every person operating a massage establishment shall pay a license tax in an amount as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.36.081.

5.36.090 Technician-Permit-Application-Investigation fee.

Any person desiring to obtain a permit to act as a massage technician shall make an application to the city manager. A nonrefundable fee as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.36.090 shall accompany the submission of each application to cover the costs of the investigation. A permit to act as a massage technician does not authorize the operation of a massage establishment. Any person obtaining a permit to act as a massage technician who desires to operate a massage establishment must separately apply for a license therefor. A person who applies for a license to operate a massage establishment and who desires to act as a massage technician within said massage establishment who pays the fees and taxes required by Section 5.36.080 and 5.36.081 of this

5.36.140 Permit-Display required.

Every person, association, firm or corporation to whom or for which a permit shall have been granted shall display said permit in a conspicuous place so that the same may be readily seen by persons entering the premises where the massage, bath or treatment is given. (Ord. 1312 §2 (part), 1970; prior code §9.43.)

5.36.150 Name of business.

No person licensed to do business as herein provided shall operate under any name or conduct his business under any designation not specified in this permit. (Ord. 1312 §2 (part), 1970; prior code §9.44.)

5.36.160 Change of location-Fee required.

A change of location of a licensed massage establishment may be approved by the city manager provided all applicable provisions of this code are complied with and a change of location a fee as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.36.160 has been paid to city, to cover the costs of investigation. (Ord. 1312 §2 (part), 1970; prior code §9.45).

5.36.170 Sale or transfer of business-Effect-Fee for transfer of interest.

- A. Upon the sale or transfer of any interest in a massage establishment, the permit and license shall be null and void. A new application shall be made by any person, firm or entity desiring to own or operate the massage establishment. A fee as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.36.170 shall be payable for each such application involving sale or other transfer of any interest in an existing massage establishment. The provisions of Section 5.36.100 of this chapter shall apply to any person, firm or entity applying for a massage establishment permit for premises previously used as such establishment.
 - B. Any such sale or transfer of any interests in an existing massage establishment or any application for an extension of the building or other place of business of the massage establishment, shall require inspection and shall require compliance with Section 5.36.110 of this chapter.
- (Ord. 1312 §2 (part), 1970; prior code §9.46.)

5.36.180 Employment of persons not possessing permits prohibited.

It is unlawful for the holder of a license to operate a massage establishment to employ or otherwise allow a person who has not obtained a valid massage technician's permit to practice acts of massage. (Ord. 1312 §2 (part), 1970; prior code §9.47.)

Chapter 5.38

PAWNBROKERS, SECONDHAND AND JUNK STORE DEALERS¹⁷

Sections:

- 5.38.010 License-Required-Taxes-Prerequisites-Scope.
- 5.38.020 Definitions.
- 5.38.030 License-Permit prerequisite-Investigation fee-Application-Contents required.
- 5.38.040 Pawnbroker or secondhand dealer-Records to be kept.
- 5.38.050 Pawnbroker, junk or secondhand dealer-Reports required-Time.
- 5.38.060 Pawnbroker or secondhand dealer-Records and reports-Contents required.
- 5.38.070 Junk dealer or collector-Records to be kept.
- 5.38.080 Use of fictitious name prohibited.
- 5.38.085 Transacting business with minors prohibited.
- 5.38.090 Disposal of merchandise-Restrictions.
- 5.38.100 Hours and days for conducting business.
- 5.38.110 Exceptions to applicability-Donations.
- 5.38.120 Pawnshop-Employee identification card required.
- 5.38.130 Junkyard, secondhand dealer or auto wrecker-Compliance required-Generally.
- 5.38.140 Junkyard, secondhand dealer or auto wrecker-Enclosure required.
- 5.38.150 Junkyard, secondhand dealer or auto wrecker-Gates on fence.
- 5.38.160 Junkyard, secondhand dealer or auto wrecker-Permitted height of stored materials.
- 5.38.170 Junkyard, secondhand dealer or auto wrecker-Signs or materials not permitted where.
- 5.38.180 Junkyard, secondhand dealer or auto wrecker-Inflammable liquids to be drained from vehicles.
- 5.38.190 Junkyard, secondhand dealer or auto wrecker-Inspection requirements.
- 5.38.200 Junkyard, secondhand dealer or auto wrecker-Compliance required-License prerequisite.
- 5.38.210 License-Revocation or suspension when.
- 5.38.220 License-Public hearing on suspension/revocation.

5.38.010 License-Required-Taxes-Prerequisites-Scope.

Every person conducting, engaging in, or carrying on the business of pawnbroker or junk or secondhand dealer or collector shall possess a valid, existing and unrevoked license therefor. Such license or licenses shall be issued by the director of finance of the city upon the payment of a tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.38.010; provided, however, that said director of finance shall not issue any such license without the consent in writing first having been had and obtained from the chief of police and presentation of the police permit as required pursuant to the provisions of Section 5.38.020 et seq. of this code. Nothing in this section or this chapter contained shall be deemed

5.38.030 License-Permit prerequisite-Investigation fee-Application-Contents required.

- A. No license shall be issued to any pawnbroker, junk or secondhand dealer in the city as defined herein pursuant to the provisions contained in Section 5.38.010 without the written approval and a permit therefor having been obtained from the chief of police. The chief of police shall charge a nonrefundable fee as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.38.030, to cover the cost of investigating the applicant. Every person wishing to engage in the business of pawnbroker or junk or secondhand dealer shall file an application for a permit, signed by the applicant, with the chief of police, and the application shall show the following information:
1. Permanent home address and full local address of applicant;
 2. A brief description of the nature of the business and goods to be sold;
 3. A photograph of the applicant, taken within sixty days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;
 4. The fingerprints of the applicant;
 5. A statement as to whether or not the applicant has ever been convicted of any offense involving stolen property, and if so, the details in general of such convictions, and specifying the particular crimes or misdemeanors involved and the dates and places of such convictions.
- B. In the event that the chief of police, upon investigation, should determine that the issuance of such a permit to the applicant would be detrimental to the public health, safety, and general welfare of the city, either because of the moral character of the applicant or the creation of a policing problem as a result of the establishment of a pawnshop or junk or secondhand shop in a particular location, or showing that an increase in the number of pawnshops or junk or secondhand shops over and above the existing number within the city would be detrimental to the public health, safety and general welfare, said findings shall be prepared in writing and delivered to the applicant. The applicant may, upon receipt of such notice of denial, appeal such denial to the city council within ten days of the receipt of the denial, by filing a notice of appeal with the city clerk of the city. The council shall set the matter of the denial for hearing in the same manner as set forth in Sections 5.38.210 and 5.38.220 of this chapter.
- (Ord. 1961 §1 (part), 1982; Ord. 1931 §1 (part), 1981; Ord. 1008 §2 (part), 1966; prior code §17.2).

5.38.100 Hours and days for conducting business.

It is unlawful for any person conducting, managing or carrying on the business of pawnbroker or secondhand dealer, buying or selling used jewelry, watches, diamonds, clothing, musical instruments, luggage and sports goods, except a dealer in secondhand automobiles or furniture, to conduct such business as follows:

- A. Between the hours of six thirty p.m. and eight thirty a.m. on weekdays, except that during the month of December such places of business shall be permitted to remain open until nine p.m.;
- B. Between the hours of six thirty p.m. on Saturday and eight thirty a.m. on Monday;
- C. On the following holidays: New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.
(Ord. 1008 §2 (part), 1966; prior code §17.7).

5.38.110 Exceptions to applicability-Donations.

The provisions of this chapter shall not apply to any person who sells or deals in secondhand goods, wares or merchandise which have been donated to said person or the organization which he represents. A donation occurs, for the purposes of this chapter, when a gift is made to the person or his organization for which gift no money, property or other goods or services of value are exchanged or to be received in the future. (Ord. 1008 §2 (part), 1966; prior code §17.8).

5.38.120 Pawnshop-Employee identification card required.

Every person who is to be employed by the owner of the pawnshop in the conduct of the business shall first file an application for an identification card signed by the applicant with the chief of police. The application shall show the following information:

- A. Permanent home address and full local address of the applicant;
- B. A photograph of the applicant, taken within sixty days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- C. The fingerprints of the applicant;
- D. A statement as to whether or not the applicant has ever been convicted of any offense involving stolen property, and if so, the details in general of such convictions, and specifying the particular crimes or misdemeanors involved and the dates and places of such convictions.

Chapter 5.40

PEDDLERS¹⁸

Sections:

- 5.40.010 Owning taxable property in city-License tax.
- 5.40.020 Not owning taxable property in city-License tax.
- 5.40.030 License required.
- 5.40.040 Police regulation of peddler activity at parades and similar special events.

5.40.010 Owning taxable property in city-License fee.

Every peddler, solicitor or transient merchant who owns real or personal property located within the city used primarily for the business for which license application is made and which property is on the tax rolls of the city or is subject to such taxation, or who is an agent or representative of a person who owns property located within the city used primarily for the business for which license application is made and which property is on the tax rolls of the city or is subject to such taxation shall pay a license tax as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.40.010. (Ord. 1801 §9 (part), 1978; prior code §18.63).

5.40.020 Not owning taxable property in city-License fee.

Every applicant for a license under this chapter as a peddler, solicitor or transient merchant who does not own real or personal property located within the city used primarily for the business for which license application is made and which property is not on the tax rolls of the city or subject to such taxation, or who is an agent or representative of a person who does not own property located within the city used primarily for the business for which license application is made and which property is not on the tax rolls of the city or subject to such taxation, shall pay a license tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.40.020. The bonding requirement shall not apply to auctioneers regulated under Business and Professions Code Section 5710 et seq. (Ord. 2067 §2, 1984; Ord. 1981 §1 (part), 1982; Ord 1801 §9 (part), 1978; prior code §18.64).

5.40.030 License required.

Each peddler, solicitor or transient merchant must secure a personal license. No license shall be used at any time by any person other than the one to whom it is issued. Food vendors must have necessary health permits before issuance of a peddlers permit. Licenses must be applied for at least five working days prior to the event. Failure to comply with licensing requirements will result in citation and impoundment of wares. Violation by licensed peddlers will result, in addition to citation and impoundment, in cancellation of the license and, where applicable, in forfeit of bond. (Ord. 1981 §1 (part), 1982; Ord. 1801 §9 (part), 1978; prior code §18.65.)

Chapter 5.42
PROFESSIONS¹⁹

Sections:

5.42.010 License tax required.

5.42.010 License tax required.

A. Every person conducting, managing, carrying on or engaged in any business hereinafter enumerated in this section shall pay a license tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.42.010:

1. Accountant;
2. Anesthesiologist;
3. Appraiser;
4. Architect;
5. Assayer;
6. Attorney at law;
7. Auditor;
8. Bacteriologist;
9. Chemist;
10. Chiropodist;
11. Chiropractor;
12. Consultant;
13. Dentist;
14. Doctor of medicine;
15. Engineer-Civil, electrical, mining, mechanical, chemical, structural consultor hydraulic;
16. Electrologist;
17. Entomologist;
18. Esthetician;
19. Geologist;
20. Hypnotherapist;
21. Oculist;
22. Optician;
23. Optometrist;
24. Osteopath;
25. Pharmacist;
26. Physical Therapist;
27. Physician;
28. Physiotherapist;
29. Psychiatrist;
30. Psychologist;
31. Psychotherapist;
32. Podiatrist;
33. Real estate broker;
34. Roentgenologist;
35. Social Worker;

36. Stock and bond broker;
37. Surgeon;
38. Surveyor;
39. Taxidermist;
40. Veterinarian.

- B. Each professional person mentioned above, whether or not required to be licensed as such by the state to carry on his profession, shall, each individually, whether or not operating as an individual, partnership or associate, pay such license tax; provided further, that if such professional person mentioned above should be an employee of a professional corporation, said professional person shall pay the same license tax as required herein, but the corporation shall not be required to pay any license tax.

(Ord. 1801 §10, 1978; Ord. 1602 §1, 1974; Ord. 1243 §1 (part), 1969; prior code §18.58).

Chapter 5.46

REAL ESTATE SALESMEN²¹

Sections:

- 5.46.010 License tax required.
- 5.46.020 Disclosure of Mello-Roos Districts, Assessment Districts and Open Space Districts.

5.46.010 License fee required.

Every person conducting, managing, carrying on or engaged in business hereinafter enumerated in this section, shall pay a license tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.46.010.

Real estate salesmen. (Ord. 1801 §11, 1978; prior code §18.59).

5.46.020 Disclosure of Mello-Roos Districts, Assessment Districts and Open Space Districts.

Upon the sale of a new home, which is subject to a Mello-Roos District, an assessment district or an open space district, any person engaged in the business of real estate sales shall disclose the costs of the district to the buyer and the existence of any alternative to pay off those costs at the time of the purchase of the property. This disclosure shall take place before any binding commitment is made either by the seller to sell the property to a specific buyer or by the buyer to purchase the property. The disclosure shall be made in the form attached hereto as Exhibit "1" and incorporated herein by reference as if set forth in full. (Ord. 2275 §1, 1988).

5.48.050 Business license-Surrender required when.

As a condition to the issuance of a closing-out sale license, as said license is defined in this chapter, the applicant shall consent to the revocation of the applicant's business license issued pursuant to the provisions of Chapters 5.02 and 5.04. If the closing-out sale license is issued, the applicant's business license shall be deemed revoked upon the expiration of the closing-out sale license or any extension thereof. (Ord. 752 §1 (part), 1961; prior code §10A.4.5).

5.48.060 License-Investigation of applicant-Issuance-Fees and Taxes-Agreement required.

The finance officer shall notify the chief of police of the filing of the application and the chief of police may make, or cause to be made, an examination or investigation of the statements put forth in such application, or of the applicant and his affairs, in relation to the proposed closing-out sale. If the chief of police finds that the statements in the application are true, that the advertising to be used is not false, deceptive or misleading in any respect, and that the proposed methods of conducting the sale are not such as, in the opinion of the chief of police, would work a fraud or misrepresentation on the purchaser, then the chief of police shall approve the application and the finance officer shall issue a license to conduct such a sale in accordance with the provisions of this chapter; otherwise the chief of police shall disapprove the application. No application for such license shall be accepted by the finance officer unless accompanied by a nonrefundable filing fee as presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 5.48.060. Provided further, that whenever the goods, wares or merchandise is to be sold at public auction and is a stock of jewelry, then in that event the application required in this chapter shall be accompanied by a tax in an amount as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.48.060. At the time of delivery of such license, the licensee shall sign the following agreement to be witnessed by the finance officer or his deputy:

"The above license is accepted by the undersigned upon the condition that licensee agrees to comply with, and abide by, all the provisions of Chapter 5.48 of the Code of the City of Chula Vista, California." (Prior code §10A.5).

5.48.070 License-Conditions for issuance-Period of validity-Renewal.

Any license issued under the provisions of this chapter shall authorize the conduct and advertising of the one type of sale named therein, and at location specified therein, for a period of not more than forty-five calendar days. Provided however, that the finance officer may, upon a verified application therefor, renew said license for a period not to exceed fifteen days. Such verified petition for renewal shall include a listing of such remainder goods, wares or merchandise remaining in stock from the original inventory and shall not contain any goods, wares or merchandise not named in the original application. If a sale is to be conducted at two or more

Chapter 5.50

TRAILER PARKS²³

Sections:

- 5.50.010 State regulations-Enforcement.
- 5.50.020 License tax required-Term.
- 5.50.030 Disposition of moneys.
- 5.50.040 Tent camps prohibited.
- 5.50.050 Trailers and buildings-Distance from park boundary.
- 5.50.060 Cabanas-Foundation requirements.

5.50.010 State Regulations-Enforcement.

Pursuant to the provisions of Section 18010, Part 2, Division 13, of the California Health and Safety Code, the division of housing of the building inspection division of the department of public works is hereby charged with the enforcement of Part 2, Division 13 of the California Health and Safety Code and the California Administrative Code, Title 8, Chapter 9, Article 2, 3, 4 and 5, pertaining to mobilehomes and mobilehome parks. (Ord. 776 §1 (part), 1961; Ord 747 §1, 1961; prior code §6.1).

5.50.020 License tax required-Term.

- A. Every person, firm, partnership or corporation either for himself or itself, or for any other person, firm or corporation within the corporate limits of the city, shall pay an annual license tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.50.020.
- B. Licenses hereunder issued shall be issued on a calendar year basis except for new auto and trailer parks. The license tax for the first year shall be apportioned as specified in Chapters 5.02 and 5.04.
- C. In the event additional trailer spaces are added to an existing park, the above tax for each trailer site shall be paid for the balance of the year and for each succeeding year in the manner and amount above mentioned before the same are offered for rental to the general public.
(Ord. 771 (part), 1961; prior code §18.47).

5.50.030 Disposition of moneys.

All moneys received under the provisions of this chapter shall be paid into the city treasury and credited to the general fund. (Prior code §6.2).

5.50.040 Tent camps prohibited.

No tent camps shall be erected or maintained within the city. (Ord. 776 §1 (part), 1961; prior code §6.28).

Chapter 5.54

TAXICABS²⁵

Sections:

- 5.54.010 Purpose-Intent.
- 5.54.020 Certificate-License required.
- 5.54.030 Definitions.
- 5.54.040 Certificate-Application-Contents.
- 5.54.050 Certificate-Application-Investigation required.
- 5.54.060 Certificates issued by Police Chief.
- 5.54.070 Certificate for existing licensed taxicabs.
- 5.54.080 Certificate-Cancellation as certified operator.
- 5.54.090 Insurance required.
- 5.54.100 Fare rates.
- 5.54.110 Certificate-Cancelled when.
- 5.54.120 Certificate-Grounds for suspension or revocation.
- 5.54.130 Certificate-To be surrendered when.
- 5.54.140 Route required.
- 5.54.150 Receipts for passengers.
- 5.54.160 Fare-Nonpayment deemed infraction when.
- 5.54.170 Soliciting for patronage prohibited when.
- 5.54.180 Exceeding rated seating capacity prohibited.
- 5.54.190 Parking prohibited where-Exceptions.
- 5.54.200 Obedience to orders of police and firefighters required.
- 5.54.210 Drivers' permits required.
- 5.54.220 Taxicab stands-Established-Designation.
- 5.54.230 Taxicab stands-Unattended vehicles prohibited when.
- 5.54.240 Taxicab stands-Hours of operation.
- 5.54.250 Certificate-Number to be displayed on vehicle.
- 5.54.260 Color scheme restrictions.
- 5.54.270 Information cards-Display required where-Contents.
- 5.54.280 Violation-Penalty.
- 5.54.290 Appeals to city council.

5.54.010 Purpose-Intent.

The purpose of this chapter is to regulate taxicab operators in the city to best serve the public interest and to permit a sufficient degree of flexibility in operation so as to allow an increased number of vehicles to be operated under the direction and supervision of a certified operator during peak demand hours. Any vehicles operating and picking up passengers within the city shall have paid the license tax and administrative fee provided in the master fee schedule and meet all requirements for the operation as set forth in this chapter.

It is the intent of the city to prohibit the transfer of a certificate by an approved operator. It shall be required that any such operator surrender his certificate to the city if he should cease to do business within the city. It is further the intent of the city council that all taxicabs operating within the city shall be owned by the certified operator. (Ord. 2003 §2 (part), 1982).

5.54.020 Certificate-License required.

No person shall engage in the business of operating any taxicab or taxicabs within the city without first having obtained a certificate to operate from the Police Chief. All vehicles shall meet the standards and qualifications for vehicles and drivers as provided by this chapter and the full license tax must be paid regardless of the duration of the time the taxicabs are assigned to operation within the city. Should reports be received that the procedure is being violated, the operator's certification may be suspended or revoked.

Every person conducting, managing or operating a business in which taxicabs are used, shall pay an annual fee as set forth in the Master Tax Schedule, Section 5.54.020, prorated to the nearest quarter. (Ord. 2003 \$2 (part), 1982).

5.54.030 Definitions.

For the purposes of this chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Certified operator" means a person authorized by the Police Chief to operate a taxicab or taxicabs in the city and who has been issued a certificate for the operation of such vehicles.
- B. "Driver" means every person in charge of, or operating, any passenger-carrying or motor-propelled vehicle, either as agent, employee, or otherwise, of owner, as owner, or under the direction of the owner.
- C. "Person" means any individual, partnership, association, corporation or other organization owning, operating or proposing to operate any taxicab or taxicabs within the city.
- D. "Street" means any place commonly used for the purpose of public travel.
- E. "Taxicab" means every automobile or motor-propelled vehicle of a distinctive color or colors, and/or of public appearance such as in common usage in this country for taxicabs, (e.g., vehicles such as pickup trucks and dune buggies would not normally be used for taxicab purposes), and /or operated at rates per mile, or for wait-time, or for both, and equipped with a taximeter, used for the transportation of passengers for hire over the public streets of the city, and not over a defined route, and irrespective of whether the operations extend beyond the boundary lines of the city, and such vehicle is routed under the direction of such passenger or passengers, or of such persons hiring the same.
- G. "Taximeter" means and includes any mechanical instrument, appliance, device or machine by which the charge for hire of a passenger-carrying

vehicle is mechanically calculated for distance traveled and time consumed, and upon such instrument, appliance, device or machine such charge is indicated by figures.
(Ord. 2003 §2 (part), 1982).

5.54.040 Certificate-Application-Contents.

All persons applying for a certificate for the operation of one or more taxicabs shall file a sworn application therefor on forms provided stating as follows:

- A. The name and address of the owner and person applying;
- B. The number of vehicles the applicant wishes to be certified to operate in Chula Vista;
- C. The intended make, type, year and passenger seating capacity of each taxicab to be operated in Chula Vista;
- E. A description of the proposed color scheme, insignia, trade style and/or any other distinguishing characteristics of the proposed taxicab design;
- F. Such other information as the Police Chief may in his discretion require.
(Ord. 2003 §2 (part), 1982).

5.54.050 Certificate-Application-Investigation required.

Before any application is acted upon, the Police Chief shall cause an investigation to be made of:

- A. The number, kind and type of equipment and the color scheme to be used. All vehicles, if they are more than two years of age, must have on deposit with the city a certification showing that an annual inspection has been made by an acceptable government agency or an inspection station licensed under Section 9887.1 of the Business and Professions Code of the state. Failure to satisfy said inspection requirements may result in the suspension of the certificate for said vehicle until necessary corrections have been made. Said inspection shall be renewed on an annual basis on the anniversary date of said two-year age limit. All vehicles shall be owned by the holder of the certificate. All vehicles shall be equipped with a light on top clearly identifying the vehicles as taxicabs.
- B. Applicant shall agree that he shall be the owner of said vehicles and shall maintain said vehicles in a clean and sanitary condition at all times. If any of said vehicles are leased to operators by the holder of the certificate, the holder of the certificate shall immediately provide the Police Chief with a copy of said lease; or names of lessees holding leases in a form previously submitted and on file;

provided, however, that such lease arrangement shall not relieve the certificate holder of any responsibilities and obligations for the safe maintenance and cleanliness of the vehicle which has been leased. (Ord. 2003 §2 (part), 1982).

5.54.060 Certificates issued by Police Chief.

The Police Chief shall grant a certificate to those persons applying therefor who, in his opinion, are fully qualified in accordance with the requirements of this chapter. No certificate shall be issued to any person who has not fully complied with all of the requirements of this chapter necessary to be complied with before the commencement of the operation of the proposed service.

With each certificate issued, the Police Chief shall issue a numbered medallion of a distinctive design. The certificate holder shall cause the medallion to be fixed to the outside left rear portion of each taxicab to be operated in Chula Vista. The medallion shall be fixed in a position in plain view from the rear of the taxicab. Medallions which are lost or defaced by accident, etc., shall be reported to and replaced by the Police Chief. (Ord. 2003 §2 (part), 1982).

5.54.070 Certificate for existing licensed taxicabs.

The provisions of this chapter shall be effective immediately for new operators and on January 1, 1983 for existing operators. (Ord. 2003 §2 (part), 1982).

5.54.080 Certificate-Cancellation as certified operator.

After the service for which a certificate is granted in this chapter is discontinued, or if the certified person sells or discontinues his or its business, except as provided in this chapter, the certificate granted under this chapter shall be automatically cancelled and shall be reissued only in accordance with the provisions of this chapter.

Each certificate issued pursuant to the provisions of this chapter is separate and distinct and shall be transferable from the person to whom issued or by whom renewed to another person upon the approval of the Police Chief; provided, however, that where a certificate is issued pursuant to the provisions of this chapter to a form of legal entity wherein control is evidenced by shares of stock or such other evidence of ownership (including but not necessarily limited to a corporation, partnership, a joint venture, a joint stock company, or a business trust) and the majority interest in said entity is transferred from that entity to another person or entity, said transfer, whether voluntary, by operation of law or otherwise shall be made only upon the approval of the Police Chief. The application for the transfer

of said certificate shall certify that the owner of said certificate has notified the proposed transferee of the requirements of this chapter pertaining to the transfer of said certificate; and whenever such application for a transfer of certificate is made as provided for in this chapter, the Police Chief shall cause an investigation to be made. (Ord. 2003 §2 (part), 1982).

5.54.090 Insurance required.

It is unlawful to operate any vehicle as defined in this chapter unless there shall be filed with the Police Chief a certificate of insurance executed and delivered by a company authorized to carry on an insurance business in the state, which company shall have a policyholders rating of A-IX or better as listed in Best's Key Rating Guide, the terms of which such insurance company assumes responsibility for injuries to persons or property caused by the operation of such vehicle in the following amounts. The certificate shall show insurance in the following amounts:

- A. One hundred thousand dollars primary coverage for property damage per occurrence; two hundred fifty thousand dollars primary coverage for bodily injury or death to any one person in any one person in any one accident, and five hundred thousand dollars per occurrence for primary coverage for bodily injury or death in a combined single limit policy;
- B. In lieu of the insurance coverage, a certified operator may provide proof of self-insurance under existing state regulations adequate to meet the limitations set forth in this chapter;
- C. The certificate shall be on a standard "accord" form and shall provide for automatic ten-day written notification by the insurance company to the city as a certificate holder, of any insurance policy cancellation or changes in coverage;
- D. The insurance coverage must be one of two types:
 1. A one-year policy (although the policy could have payments made on a less than annual basis), or
 2. If other than a one-year policy, the insurance company must provide the city with ten-day written notice of any nonrenewal of policy.

(Ord. 2003 §2 (part), 1982).

5.54.100 Fare rates.

From and after May 6, 1980, upon which date the city council concluded a public hearing, and established maximum rates of fare for the hire of taxicabs within the city, the following rules shall apply for the establishment of rates of fare:

- A. Each certified operator shall file with the Police Chief the rate of fare that said operator shall charge for taxicab service. Each such certified operator shall set the taximeter for the rate said operator will charge, and prominently post rates on each side of the taxicab in block letters of not less than one inch in height and in a location where rates can be easily read by prospective passengers.
- B. If a certified operator desires to change the rate of fare on file in the office of the Police Chief, said operator shall file with the Police Chief the new rates, reset the meter, and post the revised rates on each side of the taxicab as provided in this section.
- C. It is unlawful for a certified operator to operate any taxicab in the city unless the vehicle is equipped with a taximeter designed to calculate fare upon the basis of a combination of mileage traveled and time elapsed. When operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion at such a speed that the rate of mileage revenue equals or exceeds the time rate, and may be actuated by the time mechanism whenever the vehicle speed is less than this and when the vehicle is not in motion. Means shall be provided for the vehicle operator to render the time mechanism either operative or inoperative with respect to the fare-indicating mechanism. Waiting time shall include all time when a taxicab occupied or engaged by a passenger is not in motion or is traveling at a speed which is slow enough for the time rate to exceed the mileage rate; waiting time will also include the time consumed while standing at the direction of the passenger or person who has engaged such taxicab. It shall be the duty of every permit holder operating a taxicab to keep such taximeter in such proper condition so that said taximeter will, at all times, correctly and accurately indicate the charge for the distance traveled and waiting time. The taximeter shall be at all times subject to inspection by any peace officer, and such peace officer is authorized at his instance or upon complaint of any person to investigate or cause to be investigated such taximeter, and upon discovery of any inaccuracy in said taximeter, or if the taximeter is unsealed, to remove or cause to be removed the vehicle equipped with such taximeter from the streets of the city until the taximeter has been correctly adjusted and sealed before being returned to service.
- D. It is unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to the taximeter in such a position as to denote that the vehicle is for hire, or is not employed, or to have the flag or other attached device in such a position as to prevent the taximeter from operating, and it is unlawful for any driver to throw the flag into a position which causes the taximeter to record when the vehicle is not actually employed, or to fail to throw the flag or other device into a nonrecording position at the termination of each and every service.
- E. The taximeter shall be so placed in the taxicab that the reading dial showing the amount of fare to be charged shall be well lighted and readily discernible by the passenger riding in such taxicab.

- F. It is unlawful for any certified operator and/or driver of a taxicab to demand of a passenger a charge for hire greater than the current maximum rate approved by the city council or the rate which said certified operator shall have on file with the director of Police Chief.
- G. There shall be displayed in the passenger compartment of each taxicab, well lighted and readily discernible by the passenger, in a container of type and design approved by the Police Chief, a card showing the operator's rates to be charged for hire of the vehicle.
(Ord. 2003 §2 (part), 1982).

5.54.110 Certificate-Cancelled when.

After the service for which a certificate is granted under this chapter is discontinued, or if the person sells or discontinues his or its business, the certificate granted under this chapter shall be automatically cancelled and shall be reissued only in accordance with the provisions of this chapter. (Ord. 2003 §2 (part), 1982).

5.54.120 Certificate-Grounds for suspension or revocation.

- A. Certificates may be suspended or revoked by the Police Chief:
 - 1. The owner fails to operate the taxicab or taxicabs in accordance with the provisions of this chapter;
 - 2. The taxicab or taxicabs are operated at a rate of fare other than that which the certified operator shall have on file with the Police Chief.
- B. The city council may suspend or revoke a certificate where it finds the owner's past record involved violations of city, state or federal law or endangered the public safety.
(Ord. 2003 §2 (part), 1982).

5.54.130 Certificate-To be surrendered when.

Certificates which shall have been suspended or revoked by the Police Chief, shall be surrendered to the Police Chief and the operation of any taxicab or taxicabs covered by such certificates shall cease. Any owner who shall permanently retire any taxicab or taxicabs from taxicab service and not replace same within thirty days thereof shall immediately surrender any certificate or certificates granted for the operation of such taxicab or taxicabs to the Police Chief, and such owner may not secure additional certificates for the operation of any taxicab or taxicabs without having first made application therefor, in the manner provided in this chapter. (Ord. 2003 §2 (part), 1982).

in any available parking space when actually engaged in loading or unloading passengers; and provided further, that between the hours of ten p.m. and six a.m. of the following day, taxicabs may stop, stand or park in any place where the parking of vehicles is otherwise permitted. (Ord. 2003 §2 (part), 1982).

5.54.200 Obedience to orders of police and firefighters required.

The driver of any of the vehicles regulated by this chapter shall promptly obey all orders or instructions of any police officer or firefighters. (Ord. 2003 §2 (part), 1982).

5.54.210 Drivers' permits required.

It is unlawful for any person to drive or operate any of the vehicles mentioned in Section 5.54.020 without first obtaining a taxicab driver's identification card issued by the sheriff of the county. (Ord. 2003 §2 (part), 1982).

5.54.220 Taxicab stands-Established-Designation.

The council may by resolution locate and designate taxicab stands, which stands when so established shall be appropriately designated "Taxis Only." (Ord. 2003 §2 (part), 1982).

5.54.230 Taxicab stands-Unattended vehicles prohibited when.

It is unlawful for any taxicab to remain standing in any established taxicab stand, unless such cab is attended by a driver or operator, except when assisting passengers to load or unload, or when answering his telephone. (Ord. 2003 §2 (part), 1982).

5.54.240 Taxicab stands-Hours of operation.

Taxicab stands established hereunder shall be in operation twenty-four hours of every day. (Ord. 2003 §2 (part), 1982).

5.54.250 Certificate-Number to be displayed on vehicle.

Each taxicab shall bear, at such places on the outside of such vehicle as shall be prescribed by the Police Chief, the number of the certificate granted for its operation and such designation shall be of the type and design as shall be prescribed by the Police Chief. (Ord. 2003 §2 (part), 1982).

5.54.260 Color ~~scheme~~ restrictions.

All taxicabs must be and conform to a color scheme approved by the Police Chief, who may refuse a certificate to every person whose color scheme, trade name or insignia imitates that of any permittee in such manner as to deceive the public. (Ord. 2003 §2 (part), 1982).

5.54.270 Information cards-Display required where-Contents.

Each taxicab licensed to operate in this city shall have located in a convenient place in the driver's compartment and in view of the passenger thereto two containers of type and design approved by the Police Chief. Such containers shall contain cards provided by the Police Chief bearing the following information:

A. One such container shall have a card therein bearing:

1. The permit number issued for each individual taxicab licensed to operate in the city;
2. The name of the company to whom it is issued;
3. The date of issuance;
4. The state license plate number and engine number of the taxicab displaying same.

B. One such container shall have a card therein bearing:

1. The number of the city chauffeur's license of the driver thereof;
2. The name and residence address of such driver;
3. The name of the company employing such driver;
4. A small photograph of such driver.

(Ord. 2003 §2 (part), 1982).

5.54.280 Violation-Penalty.

A. Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction, and upon conviction thereof, shall be punished by forfeiture of his permit, and by a fine as provided by this code.

B. For the purpose of this chapter it shall be considered that each day during which any provision of this chapter is violated shall constitute a separate and distinct offense.

(Ord. 2003 §2 (part), 1982).

5.54.290 Appeals to city council.

Any actions taken by the Police Chief under this chapter are appealable to the city council. Such appeal shall be filed with the city clerk within ten days of the action of the Police Chief. (Ord. 2003 §2 (part), 1982).

deviations are shown to be of a repeated and frequently recurring nature, and any complaints received from the tow car or tow truck services selected and designated to carry out such police towing operations and any complaints received concerning the quality and standards of service performed by said operators shall be deemed sufficient cause for cancellation and termination of any contract or operating agreement entered into for the performance of such service. (Ord. 2314 §2, 1989; Ord. 2003 §3 (part), 1982; Ord. 1021 §1 (part), 1966; prior code §31.62).

5.58.040 Licenses required-Procedure.

Any owner or operator of any private tow car or tow truck service shall be required to obtain a special license under the provisions of this section in addition to the normal business license. Said license shall be issued upon application to the Police Chief and shall be subject to his approval. The Police Chief, or other properly designated officer, shall make an investigation of the applicant's background and business propriety and shall require the applicant, and upon the discretion of the Police Chief, the employees to furnish fingerprints and photographs. (Ord. 2003 §3 (part), 1982; Ord. 1416 §1 (part), 1972; prior code §18.304(A)).

5.58.050 Grounds for denial of license-Appeal-Public hearing.

In the event that the findings of the investigation by the Police Chief indicate that the applicant's practice of doing business within the city will endanger the public health, safety or morals of the community, he may refuse to issue the appropriate license. Such refusal shall be appealable to the city council, and after a public hearing on the matter, the decision of the city council shall be final. (Ord. 2003 §3 (part), 1982; Ord. 1416 §1 (part), 1972; prior code §18.304(B)).

5.58.070 Insurance required.

(Repealed by Ord. 2314 §4, 1989; Ord. 2003 §3 (part) 1982; Ord. 1416 §1 (part) 1972; prior code §18.304(D)).

5.58.075 Indemnification and Hold Harmless, Insurance and Bond Requirements.

Any agreement to provide tow service shall include a hold harmless clause and bond and insurance requirements as required by City Risk Manager and City Attorney. (Ord. 2314 §3, 1989).

5.58.080 Bond required.

(Repealed by Ord. 2314 §4, 1989; Ord. 2003 §3 (part), 1982; Ord. 1416 §1 (part), 1972; prior code §18.304(E)).

5.58.090 License suspension-Notice required-Appeal-Public hearing.

In the event that a licensee under this section shall violate or cause or permit to be violated any of the provisions of this chapter, the Police Chief may suspend such license and shall notify the licensee of such suspension by written notice stating the cause and reason for such suspension. Appeal may be made by the applicant to the city council, and the decision by the council, after a public hearing, shall be final. (Ord. 2003 §3 (part), 1982; Ord. 1416 §1 (part), 1972; prior code §18.304(F)).

Chapter 5.60

VENDING, WEIGHING, MUSIC AMUSEMENT
AND VIDEO MACHINES²⁸

Sections:

- 5.60.010 Vending, weighing, music, amusement and video machines- License Tax-Receipts to be attached to machine.
- 5.60.010 Vending, weighing, music, amusement, video machines- License Tax-Receipts to be attached to machine.

Every person conducting, managing or carrying on the business of operating or maintaining any vending, weighing, music, amusement, or video machine operated by a coin or a slug shall pay a tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.60.010, in addition to any other license tax required by this Chapter. Postage machines are exempt from license taxes.

The City Finance Officer shall issue a separate receipt for each such machine, which shall be attached to and maintained thereon for the full term for which the receipt is issued.

Chapter 5.61

POOL AND BILLIAR TABLES

Sections:

5.61.010 Pool and Billard tables-License tax-Receipt to be attached to machine.

5.62.010 Pool and Billard tables-License tax-Receipt to be attached to machine

Every person conducting, managing or carrying on the business of operating or maintaining any vending, weighing, music, amusement, or video machine operated by a coin or a slug shall pay a tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.60.020, in addition to any other license tax required by this Chapter. Postage machines are exempt from license taxes.

The City Finance Officer shall issue a separate receipt for each such machine, which shall be attached to and maintained thereon for the full term for which the receipt is issued.

Chapter 5.62

VENDING VEHICLES

Sections:

- 5.62.010 Vending vehicles-License tax required.
- 5.62.020 Vending vehicles-Parking and stopping regulations.

5.62.010 Vending vehicles-License tax required.

Every person conducting, managing or operating a business in which vending vehicles are used, from which any goods other than foodstuffs are sold, given away, displayed or offered for sale at retail, shall pay a license fee of two hundred dollars per year per vending vehicle, payable quarterly. The license tax presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.62.010. The license shall identify the particular vehicle to be used and shall be kept on the vehicle, available for inspection at all times. (Ord. 2081 §1, 1984; Ord. 1801 §13, 1978).

5.62.020 Vending vehicles-Parking and stopping regulations.

No person shall stop or park a vending vehicle on a public thoroughfare for the purpose of selling, giving away, displaying or offering for sale any merchandise except for a period of time sufficient to consummate an immediate sale or sales. No person shall stop, park or cause any vending vehicle to remain on any public property except pursuant to the order of a legal authority or for the purpose of making emergency repairs to the vehicle; in no event shall any person sell or give away any merchandise from a vending vehicle while on any public property other than a thoroughfare. No person shall stop, park or cause a vending vehicle to remain on any private property for the purpose of selling, giving away, displaying or offering for sale any merchandise to any person other than the owner of such property or his agents, customers or employees. (Ord. 1884 §1, 1979).

Chapter 5.63

OFFSITE MULTIUSER HAZARDOUS
WASTE FACILITIES

Sections:

5.63.010 Offsite Multiuser Hazardous Waste Facilities-License-Tax

5.63.010 Rates-For Offsite, Multiuser Hazardous Waste Facilities.

In accordance with Division 20, Chapter 6.5 of the State of California Health and Safety Code, Section 25173.5, multiuser hazardous waste facilities are hereby assessed a business license tax in the amount and manner as follows:

- A. Gross Receipts Tax Rate. The tax shall be equal to 10% of the facility's annual gross receipts for the treatment, storage, or disposal of hazardous waste, except for that portion of the facility's gross receipts which are delivered from the recycling of hazardous wastes or the treatment of infestious wastes.
- B. Payment Schedule. The business license tax for hazardous waste facilities shall be paid quarterly, in advance, in accordance with the specific provisions detailed under Section 5.04.010 and Section 5.04.020.
- C. Gross-Receipts-Basis for Calculating/Estimating Tax. The business license tax for a given calendar year after the first calendar year in which the facility carries on business shall be based on the actual amount of gross receipts received by the facility during the preceding tax year. The taxpayer shall submit to the Finance Director a certified statement, upon a form provided by the City, setting forth the actual amount of gross receipts, as defined herein, received for the preceding calendar year.

If the facility has not carried on business within the City for an entire calendar year preceding the tax period, the taxpayer shall estimate the tax due based on monthly or quarterly performance, and/or other relevant data and such tax, as estimated, shall be the tax due for that year. The taxpayer shall submit such information on the facility's gross receipts as the Finance Director may require. The taxpayer shall furnish the Finance Director with a certified statement showing the actual gross receipts earned, within thirty (30) days after the expiration of the tax period for which the license was issued. The Finance Director shall, in turn, ascertain the actual amount due after deducting the amount paid at the time such license was first issued. Any adjustments shall be made within thirty (30) days after such ascertainment.

- D. Operative Date. The tax herewith levied shall apply commencing upon the date that the taxpayer is next required to obtain a business license. Nothing herein shall affect the effective date of this ordinance.

- E. **Records Inspection.** The provisions of Section 5.04.180, "Records-Inspection Required-Violation-Penalty," shall apply to instances where the business license tax is based on gross receipts.
- F. **Confidentiality of Information.** It shall be a misdemeanor for the Director of Finance or any person having any administrative duty under the provisions of this Chapter to make known any information contained in the application for license or obtained while performing the duties required under this section. Nothing in this section shall, however, be construed to prevent:
 - 1. The disclosure of information as may be reasonably necessary in any proceeding brought to determine the existence or amount of any license tax liability of the particular taxpayer;
 - 2. The disclosure of the names and addresses of persons to whom licenses have been issued and the general type or nature of their business;
 - 3. The disclosure of general statistics pertaining to groups of business.

Chapter 8.20

FOOD VENDORS⁵

Sections:

- 8.20.010 Vending vehicles-Definitions.
- 8.20.020 Vending vehicles-For food stuffs and ice cream-License tax required.
- 8.20.030 Vending vehicles-Parking and stopping regulations.
- 8.20.025 Vending vehicles-Restrictions near elementary school facilities.
- 8.20.040 Vending vehicles-Compliance with certain regulations required.
- 8.20.050 Vending vehicles-Refrigeration required.
- 8.20.060 Vending vehicles-Identification to be displayed.
- 8.20.070 Vending vehicles-Cleanliness required-Inspection-Certification.
- 8.20.080 Vending vehicles-For unprepared food-Regulations.
- 8.20.090 Vending vehicles-For prepared food-Regulations.
- 8.20.095 Vending vehicles-Mobile food preparation unit-Regulations.
- 8.20.100 Vending vehicles-Limitations on use.
- 8.20.110 Vending machine-Operator defined.
- 8.20.120 Vending machine-Permit required-Operator responsibilities.
- 8.20.130 Vending machine-Permit required for service vehicle.
- 8.20.140 Vending machine-Location restrictions-Approval required.
- 8.20.150 Vending machine-Service room required.
- 8.20.160 Vending machines-Cleaning and sanitizing generally.
- 8.20.170 Vending machines-Outside and other equipment to be cleaned.
- 8.20.180 Vending machines-For cold carbonated beverages-Cleaning requirements.
- 8.20.190 Vending machines-For milk products-Cleaning and sanitizing requirements.
- 8.20.200 Vending machines-Refilling regulations.

8.20.010 Vending vehicles-Definitions.

Whenever in this chapter the following terms are used they shall have the meanings respectively ascribed to them in this section:

- A. "Prepared food vending vehicle" means a food vending vehicle from which any food or beverage product is sold, given away, displayed or offered for sale, at retail, other than an unprepared food vending vehicle, catering truck, bakery truck, or ice cream or ice cream product truck.
- B. "Unprepared food vending vehicle" means a food vending vehicle from which is sold, given away, displayed or offered for sale, at retail, any raw or unprepared food or food product including, but not limited to, fruits, vegetables, produce, meats, fish, poultry or seafood.
- C. "Mobile food preparation unit" means any vehicle or portable food service unit upon which food is prepared for service, sale, or distribution at retail. A mobile food preparation unit shall be considered a vending vehicle for purposes of this chapter.

- D. A vending vehicle may have more than one designation pursuant to this section. A vehicle with multiple designations must comply with all applicable provisions of this chapter and state law. (Ord. 855 §2 (part), 1963; Ord. 2120 §1, 1985; prior code §15.60).

8.20.020 Vending vehicles-For foodstuffs-License tax required.

Every person conducting, managing or operating a business in which carts, wagons or vending vehicles for foodstuffs, including ice cream, are used, shall pay a tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 8.20.020. The license shall identify the particular vehicle to be used and shall be kept on the vehicle, available for inspection at all times. (Ord. 2081 §1 (part), 1981; Prior code §18.57).

8.20.025 Vending Vehicles-Restrictions near elementary school facilities.

- A. No person shall stop or park a food vending vehicle on a public street within 500 feet of any elementary school property boundary in the City of Chula Vista between the hours of 7:00 a.m. and 4:00 p.m. on regular school days.
- B. "Elementary School" means all public or private schools in which instruction is given through grade 8 or in any one or more of such grades, unless grades 7 and 8 attend a junior high school. (Ord. 2122, 1985).

8.20.030 Vending vehicles-Parking and stopping regulations.

No person shall stop or park a food vending vehicle on a public thoroughfare for the purpose of selling, giving away, displaying or offering for sale any food or beverage product except for a period of time sufficient to consummate an immediate sale or sales. No person shall stop, park or cause any food vending vehicle to remain on any public property except pursuant to the order of a lawful authority or for the purpose of making emergency repairs to the vehicle; in no event shall any person sell or give away any food or beverage product from a food vending vehicle while on any public property other than a thoroughfare. No person shall stop, park or cause a food vending vehicle to remain on any private property for the purpose of selling, giving away, displaying or offering for sale any food or beverage product to any person other than the owner of such property or his agents, customers or employees. (Ord. 855 §2 (part), 1963; prior code §15.61).

8.20.040 Vending vehicles-Compliance with certain regulations required.

Food vending vehicles shall comply with all provisions of this code and other ordinances of the city regulating food vending establishments insofar as such regulations are applicable to vending vehicles and the operation thereof. (Ord. 855 §2 (part), 1963; prior code §15.62).