

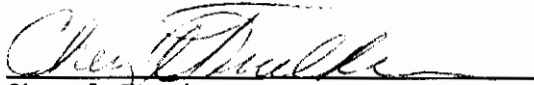
ORDINANCE NO. 2537

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 5 AND CHAPTER 9.13 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO BUSINESS LICENSE TAXES AND REGULATIONS

SECTION I: That Chapters 5.02, 5.04, 5.06, 5.07, 5.42, 5.46, 5.60, and 5.65 of Title 5 of the Chula Vista Municipal Code are hereby amended to read as set forth in Attachment III, a copy of which is attached hereto and incorporated herein by reference as if set forth in full.

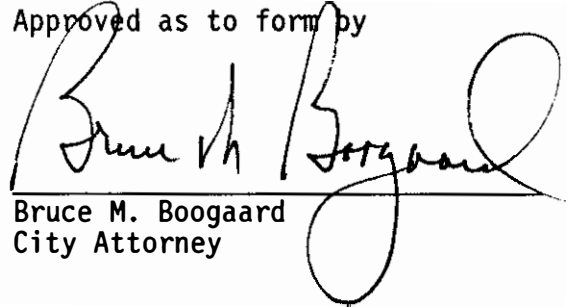
SECTION II: Pursuant to the provisions of Charter Section 312(d)(3), this ordinance shall take effect and be in full force immediately upon the introduction and adoption hereof, which occurred at a single meeting of the City Council upon the passage hereof by at least three affirmative votes, because it increases and fixes the rate of taxation for business license taxes.

Presented by



Cheryl Fruchter
Revenue Manager

Approved as to form by



Bruce M. Boogaard
City Attorney

Title 5

BUSINESS LICENSES TAXES AND REGULATIONS

Chapters:

- 5.02 Business Licenses Generally.
- 5.04 License Taxes Generally.
- 5.06 Downtown Improvement District Assessment Payments.
- 5.07 Master Tax Schedule.
- 5.08 Advertising.
- 5.10 Ambulances.
- 5.12 Amusement Arcades.
- 5.13 Rental Businesses.
- 5.14 Art Figure Studios.
- 5.15 Repealed.
- 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 Salespersons.
- 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, Newsracks, Weighing, Music, Amusement, Video Machines.
- 5.61 Pool and Billiard Tables.
- 5.62 Vending Vehicles.
- 5.63 Offsite Multiuser Hazardous Waste Facilities.
- 5.64 Consumer Commodities Price Marking.
- 5.65 Out-of-City Delivery Vehicles.

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

Chapter 5.02

BUSINESS LICENSES GENERALLY¹

Sections:

- 5.02.010 Purpose and intent-Definitions.
- 5.02.020 Required-Exemptions.
- 5.02.030 Separate license for each place of business-Scope-Exceptions.
- 5.02.040 Application-Contents required-Investigation Fee(s).
- 5.02.050 Issuance-Prerequisites and procedure generally.
- 5.02.060 Issuance-Compliance with state and local regulations required.
- 5.02.070 Issuance-Effect of prior licensing by state.
- 5.02.080 Issuance-Void when.
- 5.02.090 Issuance-Approval of police chief required.
- 5.02.100 Denial of license-Criteria-Notice required.
- 5.02.105 Criminal conduct-Ineligibility for city licenses and permits.
- 5.02.110 Denial of license-Appeal-HearingNotice required.
- 5.02.120 Form and contents of license.
- 5.02.130 Use of fictitious name prohibited when.
- 5.02.140 Validity-License nonassignable and nontransferable.
- 5.02.150 Change of location permitted when-Fee.
- 5.02.160 Posting-Required.
- 5.02.170 Exhibition on demand required.
- 5.02.180 Revocation-Criteria.
- 5.02.190 Interstate commerce identification card required when- Application-Contents-Fee.
- 5.02.200 Unlawful activities not authorized-Licensing prohibited.
- 5.02.210 Certain machines and contrivances-Licensing prohibited.
- 5.02.220 Specific provisions of chapter to control.
- 5.02.230 Enforcement and inspection duty.
- 5.02.240 Failure to display license deemed violation.

5.02.010 Purpose and intent-Definitions.

The provisions of Title 5 and Sections 8.20.020 and 9.13.030, except as specifically noted, are enacted to raise revenue for municipal purposes. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Average number of employees" means, for the purpose of determining the average number of employees employed during the year, the number of persons employed at or near the fifteenth day of each month during the year in which business is transacted within the city shall be added together, and the sum total shall be divided by the number of months or fractions of months such business was in operation, fractions omitted.
- B. "Business" includes every pursuit, trade, occupation, avocation, employment, business or calling.
- C. "Employee" is defined as any person acting within the scope of the employer's business within the limits of the city.
- D. "Established place of business" is the place actually occupied either continuously or at regular periods by any person required to be licensed pursuant to this chapter and where such person's books and records are kept and a large share of his business transacted.

- E. "Occasional sale and delivery" is defined as those trips or deliveries beginning or ending at points within the city occurring not more than once in any given quarter during the calendar year.
- F. "Peddler" includes any person, whether a resident of the city or not, who goes from house to house or from place to place conveying goods, wares or merchandise, or offering the same for sale, or making sales and delivering articles to purchasers. It does not include vendors of milk, bakery products, produce, groceries, ice cream or ice, who distribute their products to regular customers on established routes.
- G. "Rental business." An owner will be deemed to be engaged in rental business if he holds out for rent or lease three or more residential units located on one parcel or on contiguous parcels of land.
- H. "Retail business" or "retail sales" is deemed to include all sales of goods, wares, merchandise or services to a consumer.
- I. "Solicitor" includes any person, whether a resident of the city or not, who goes from house to house or from place to place soliciting or taking orders for sales of goods, wares or merchandise, personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether he is collecting advance payments on such orders; or who solicits, takes or attempts to take public opinion polls, consumer surveys or by such contracts attempts to secure similar information. Such definition includes any person who uses any building, motor vehicle or other place within the city for the primary purpose of exhibiting samples and taking orders for future delivery, or one who, as an invitee of a purchaser or prospective purchaser or otherwise, solicits a sale or who exhibits any sample or gives a demonstration or makes a delivery within this city after a purchaser or prospective purchaser has been solicited or contacted by telephone, correspondence or other method of communication from within the city. Such definition includes the term "canvasser"; provided however, that said definition does not include insurance salesmen who are, by law, exempt from licensing requirements.
- J. "Transient merchant" includes any person, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city and who, in furtherance of such purposes, leases, uses or occupies any building, motor vehicle, public room in a hotel, or shop or other place within this city for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided however, that such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person so engaged is not relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, merchant or auctioneer.
- K. "Wholesale business" or "wholesale sales" is deemed to include all sales of goods, wares, merchandise or services to a retailer.
- L. "Vending vehicle" means a vehicle from which any goods, other than foodstuffs are sold, given away, displayed or offered for sale at retail.
- M. "Out-of-city delivery vehicle" includes all vehicles entering the City to deliver merchandise purchased outside of the City to a location within the City more frequently than once per quarter per year.

(Ord. 2537 §1 (part), 1992; Ord. 1801 §1 (part), 1978; Ord. 1293 §1 (part), 1970; Ord. 1243 §1 (part), 1969; prior code §18.1).

5.02.020 Required-Exemptions.

It is unlawful for any person, or for any person as agent, clerk or employee, either for himself or for any other person, within the corporate limits of the city to transact, engage in, or carry on any business, show, exhibition or game hereinafter specified without first having procured a license therefor, as in this title and Sections 8.20.020 and 9.13.030 required; provided however, that insurance salesmen and brokers are not required to obtain a business license by virtue of lawful exemption from such provisions and further they shall not be required to obtain a solicitor's identification card as set forth in this chapter. (Ord. 2537 §1 (part), 1992; Ord. 1801 §1 (part), 1978; Ord. 1243 §1 (part), 1969; prior code §18.2).

5.02.030 Separate license for each place of business-Scope-Exceptions.

A separate license shall be obtained for each separate business, or each branch establishment or separate place of business in which a business, show, exhibition or game is transacted, conducted or carried on, and shall authorize the licensee to transact, conduct or carry on only that business, show, exhibition or game described in such license. Any person conducting more than one business in the same storeroom shall not be required to pay more than one license tax; provided further, that such additional business so conducted by him shall be one that is ordinarily and customarily conducted in connection with such other business. (Ord. 1801 §1 (part), 1978; prior code §18.3).

5.02.040 Application-Contents required-Investigation Fee(s).

Before any license is issued to any person, such person shall make written application therefore to the finance officer of the city. Such application shall:

- A. State the nature or kind of business or enterprise for which the license is required;
- B. State the place where such business or enterprise will be transacted or carried on;
- 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, the Required Fee(s) 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. 2537 §1 (part), 1992; Ord. 2506 §1 (part), 1992; Ord. 2408 §1 (part) 1990; 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 of the proposed business has been reviewed by both the department of building and housing inspection and the planning department any other department deemed appropriate by the finance director, and has been approved in accordance with the provisions of the building code, the zoning ordinance and any other applicable code. (Ord. 2537 §1 (part), 1992; Ord. 2191 §1 (part), 1987; Ord. 1293 §1 (part), 1970; prior code §18.5).

5.02.060 Issuance-Compliance with state and local regulations required.

No license shall be issued unless a full compliance is had with all the laws of the city and state, and where laws of the state require a person to be licensed under and by virtue of its laws, the same shall be a condition precedent to the granting of a license by the city, and if an applicant so required to be licensed by the state has failed to comply with the laws of the state, no license shall be issued by the city. No license issued under the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business operated in contravention of any of the laws of the city. (Ord. 2537 §1 (part), 1992; Ord. 1293 §1 (part), 1970; prior code §18.6).

5.02.070 Issuance-Effect of prior licensing by state.

Wherever an applicant for a license to do business in the city is licensed to do business under the laws of the state, a license to do business within the city shall not be denied. (Prior code §18.7).

5.02.080 Issuance-Void when.

If any such license has been issued through error, the same shall be void and of no force and effect. (Prior code §18.8).

5.02.090 Issuance-Approval of police chief required.

Licenses applied for under Section 5.02.040E shall be issued only upon written approval of the chief of police. (Ord. 1801 §1 (part), 1978; prior code §18.9).

5.02.100 Denial of license-Criteria-Notice required.

The chief of police may deny the issuance of any license referred to in the preceding section to any applicant who in his discretion is not a fit and proper person to manage or conduct such business or occupation and/or if such business would be detrimental to the health, welfare or interest of the city. The finance officer shall notify the applicant of the denial of the license by delivering a notice of such denial to the applicant. Delivery of such notice may be made personally or by placing such notice in an envelope, properly addressed to such applicant, with postage prepaid, sealed and deposited in the United States mail. (Prior code §18.10).

5.02.105 Criminal conduct-Ineligibility for city licenses and permits.

- A. Except as otherwise provided in this chapter, conviction (including pleas of guilty and nolo contendere) of a felony or misdemeanor shall be prima facie disqualification of an applicant for the following city licenses or permits: ambulances, amusement devices, art figure studios, auctions and auctioneers, automobiles for hire, billiards, bowling and poolhalls, cardrooms, circuses and shows, merchandise coupons, firearms sales, massage parlors, pawnbrokers, secondhand and junk store dealers, race tracks, taxicabs.
- B. The chief of police, however, may disregard such conviction if it is found and determined by the chief of police that mitigating circumstances exist. In making such determination, the chief of police shall consider the following factors:
 - 1. The type of business license or permit for which the person is applying;
 - 2. The nature and seriousness of the offense;
 - 3. The circumstances surrounding the conviction;
 - 4. The length of time elapsed since the conviction;
 - 5. The age of the person at the time of the conviction;
 - 6. The presence or absence of rehabilitation or efforts at rehabilitation;
 - 7. Contributing social or environmental conditions.
- C. The chief of police shall give notice of disqualification to an applicant disqualified under this provision. Such notice shall be in writing and delivered personally or mailed to the applicant at the address shown on the application.
- D. An applicant who is disqualified for a city business license or permit under this provision may appeal such determination of disqualification. Such appeal shall be in writing and filed with the city manager within ten days of the date of the notice of disqualification. The city manager shall hear and

determine the appeal within ninety days after it is filed. The determination of the city manager on the appeal shall be final.

- E. Pursuant to Section 11105 of the Penal Code of the state, the following officers of the city are authorized to have access to and to utilize state summary criminal history information when it is needed to assist them in fulfilling licensing duties set forth in this section: city manager, assistant city manager, director of finance, chief of police, city attorney.

(Ord. 1743 §1, 1977).

5.02.110 Denial of license-Appeal-Hearing-Notice required.

An applicant, upon denial of such license, shall have the right to appeal to the council from such denial of the chief of police by the filing of a notice of appeal and stating the grounds therefor. Such appeal shall be filed with the city clerk within fifteen days after notification of denial of the license.

The city clerk shall refer the same to the council for hearing, and such applicant shall be notified in writing by the city clerk of a time, date and place of hearing. Upon good cause being shown, the council may at its discretion set another time for such hearing, and at the time of such hearing, the council shall hear and determine the evidence presented at such appeal. The council shall have the power at such hearing to deny the issuance of such license or grant the same, and its decision shall be final. (Prior code §18.11).

5.02.120 Form and contents of license.

All licenses issued under and by virtue of this title and Sections 8.20.020 and 9.13.030 shall be printed in blank form and shall set forth the name of the party to whom the license is issued, the nature of the business that he is licensed to pursue, the location of the place of business, the length of time for which the same is granted, the date of issuance, the amount of tax paid therefor, and any conditions which have been imposed by the city.

Such licenses shall be issued in duplicate, the original of which is to be delivered to the licensee.

(Ord. 2537 §1 (part), 1992; Ord. 2065 §1, 1984; Ord. 1801 §1 (part), 1978; prior code §18.12).

5.02.130 Use of fictitious name prohibited when.

No license shall be issued to any person transacting business under a fictitious name unless an affidavit is filed in the office of the county clerk showing the true name of the owners of such business; provided, however, that such license may be issued in the true names of all the owners of such business, show, exhibition or game, without the filing of such affidavit. (Prior code §18.13).

5.02.140 Validity-License nonassignable and nontransferable.

Each license granted or issued under the provisions of this title and Sections 8.20.020 and 9.13.030 shall authorize the licensee to transact or carry on the business or calling therein designated, and at no other place, and such license shall not be assignable or transferable. (Ord. 2537 §1 (part), 1992; Ord. 1801 §1 (part), 1978; prior code §18.14.)

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 Sections 8.20.020 and 9.13.030, upon the payment to the director of finance of the Required Fee(s) and upon the approval of the director of planning. (Ord. 2537 §1 (part), 1992; Ord. 2506 §1 (part), 1992; Ord. 2408 §1 (part), 1990; Ord. 1801 §1 (part), 1978; prior code §18.15).

5.02.160 Posting-Required.

All licenses issued under the provisions of this title and Sections 8.20.020 and 9.13.030 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. 2537 §1 (part), 1992; Ord. 1801 §1 (part), 1978; prior code §18.29).

5.02.170 Exhibition on demand required.

Every licensee under the provisions of this title and Sections 8.20.020 and 9.13.030 shall produce and exhibit the license issued to such licensee whenever requested to do so by any police officer, firefighter, fire marshal, business license enforcement officer, code enforcement officer, or designee of the Director of Finance of the city. (Ord. 2537 §1 (part), 1992; Ord. 2408 §1 (part), 1990); 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 revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days 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.

The Required Fee(s) shall be charged by the chief of police. The identification card shall be valid for one year.

(Ord. 2506 §1 (part), 1992; Ord. 2408 §1 (part), 1990; 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.

All police officers, firefighters, fire marshals, business license enforcement officers, code enforcement officers, and designees of the Director of Finance of the city shall have and exercise the power and duty 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.

All police officers, firefighters, and fire marshalls shall have and exercise the power and duty to cause complaints to be filed in a court of competent jurisdiction against all persons violating any of the licensing provisions of this chapter.

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

(Ord. 2537 §1 (part), 1992; Ord. 2408 §1 (part), 1990; prior code §18.38).

5.02.240 Failure to display license deemed violation.

Failure to display a license as provided in this title and Sections 8.20.020 and 9.13.030 shall constitute a violation of this chapter. (Ord. 2537 §1 (part), 1992; Ord. 1801 §1 (part), 1978; prior code §18.72).

Chapter 5.04

LICENSE TAXES GENERALLY

Sections:

- 5.04.001 Evidence of doing business.**
- 5.04.002 New business-taxes-when payable.**
- 5.04.003 Payment of license tax does not confer license or permit rights.**
- 5.04.010 Rates-Generally.**
- 5.04.015 Amounts and terms to be as provided in chapter-Rebates.**
- 5.04.020 Payment-Due when-Term-Delinquent when.**
- 5.04.025 Payment-Quarterly licenses-Method.**
- 5.04.030 Penalties for failure to pay business license tax on or before delinquency date.**
- 5.04.040 License tax deemed debt to city-period-applies to licensed and unlicensed businesses.**
- 5.04.045 License tax deemed debt to city-Actions for collection.**
- 5.04.050 Assessment error not to prevent collection of tax.**
- 5.04.060 Revocation of license-When.**
- 5.04.065 Revocation of license-Notice required-Hearing.**
- 5.04.070 Collection and Disposition of funds.**
- 5.04.080 Payment-Waiver authorized when.**
- 5.04.085 Promotional events and charitable organizations.**
- 5.04.090 Duplicate licenses-Fee.**
- 5.04.140 Rates-For businesses with fixed location in city.**
- 5.04.145 Rates-For Offsite, Multiuser Hazardous Waste Facilities.**
- 5.04.150 Rates-For new 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.**

5.04.001 Evidence of doing business.

When any person or firm by use of signs, circulars, cards, telephone book, or newspapers, advertises, holds out, or represents that such a person is conducting a business within the City, or when any person holds an active license or permit issued by a governmental agency indicating that such person is in business within the City, or when any person indicates any other evidence of transacting and carrying on business as may be defined elsewhere herein and such person fails to deny by a sworn statement given to the Director of Finance that he is not conducting a business within the City, after being requested to do so then the foregoing facts shall be considered prima facie evidence that such person is conducting a business within the city.

A license issued during any prior year to the same owner, tenant, or occupant for the same place of business shall be prima facie evidence in any court or administrative proceeding that the business was

continuously operated by the same person or firm from said prior year to the current year. (Ord. 2537 §1 (part), 1992).

5.04.002 New businesses-taxes-when payable.

Initial business license taxes are due and payable prior to issuance of the license for which application is made. The payment of such taxes shall not in any way constitute a right or permission to begin operations of said business. However, taxes will be refunded for any business which is denied a license and never opens for operations or conducts business within the city. (Ord. 2537 §1 (part), 1992).

5.04.003 Payment of license taxes does not confer license or permit rights.

Payment of business license taxes is a requirement, not a license, to transact and carry on any business activity within this city. The business license tax receipt is evidence only of the fact that such tax has been paid. Neither the payment of the tax nor possession of the business tax receipt authorizes, permits or allows the doing of any act which the person paying or holding the same would not otherwise be entitled to do; and any business license, permit, variance or other instrument of approval or evidence that any conditions exists as required by any other section of this code or by any statute or code provisions of the state must first be obtained or complied with before the doing of any act or thing for which it is required. (Ord. 2537 §1 (part), 1992).

5.04.010 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 Sections 8.20.020 and 9.13.040, shall be as hereinafter provided in this title and the sections cited above. (Ord. 2537 §1 (part), 1992; Ord. 2408 §1 (part), 1990; Ord. 1801 §2 (part), 1978).

5.04.015 Amounts and terms to be as provided in title-Rebates.

No greater or lesser amount of money shall be charged or received for any license than is provided in this title and Sections 8.20.020 and 9.13.030, 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 sections cited above otherwise specifically provided. (Ord. 2537 §1 (part), 1992; Ord. 1801 §2 (part), 1978).

5.04.020 Payment-Due when-Term-Delinquent when.

Except as otherwise provided in this code, all business license taxes 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. 2537 §1 (part), 1992; Ord. 1801 §2 (part), 1978).

5.04.025 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. 2537 §1 (part), 1992; Ord. 1801 §2 (part), 1978).

5.04.030 Penalties for failure to pay business license tax 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. 2537 §1 (part), 1992; Ord. 2408 §1 (part), 1990; Ord. 1801 §2 (part), 1978).

5.04.040 License tax deemed debt to city-period-applies to licensed and unlicensed business.

Any person who shall commence, engage, transact and carry on any trade, calling, profession, occupation or business within the City without first having procured a business license from the city to do so, shall be assessed taxes and penalties, which amount shall be calculated for the period beginning with the quarter in which the commencement of business activity within the city began and ending with the expiration of the current annual licensing period. Provided, however, that the start of such period shall not exceed three years prior to the date of notification of violation. Such taxes and penalties to be collected, and the amount thereof to be enforced, in the same manner as business license taxes are collected and the payment thereof enforced for licensed businesses. (Ord. 2537 §1 (part), 1992).

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

The amount of any license tax imposed by this title and Sections 8.20.020 and 9.13.030 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 any delinquent license tax penalties, and administrative costs incurred in connection therewith, including attorneys fees. 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. 2537 §1 (part), 1992; 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 Sections 8.20.020 and 9.13.030 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. 2537 §1 (part), 1992; Ord. 1801 §2 (part), 1978).

5.04.060 Revocation of license-When.

Any license for which license tax 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 Sections 8.20.020 and 9.13.030, after such license has become delinquent. (Ord. 2537 §1 (part), 1992; Ord. 1801 §2 (part), 1978).

5.04.065 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. 2537 §1 (part), 1992; Ord. 1801 §2 (part), 1978).

5.04.070 Collection and disposition of funds collected.

The Director of Finance shall collect all monies specified under this title and Sections 8.20.020 and 9.13.030 for all business license taxes and penalties and deposit these monies into the General Fund within five business days. (Ord. 2537 §1 (part), 1992; Ord. 1801 §2 (part), 1978).

5.04.080 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. 2537 §1 (part), 1992; Ord. 2408 §1 (part), 1990; Ord. 1801 §2 (part), 1978).

5.04.085 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. 2537 §1 (part), 1992; Ord. 2408 §1 (part), 1990; Ord. 2113 §1, 1985).

5.04.090 Duplicate licenses-Fee.

The director of finance shall charge the Required Fee(s) 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. 2537 §1 (part), 1992; Ord. 2506 §1 (part), 1992; Ord. 2408 §1 (part), 1990; Ord. 1801 §2 (part), 1978).

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

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:

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. 2537 §1 (part), 1992; Ord. 2408 §1 (part), 1990; Ord. 1801 §2 (part), 1978).

5.04.145 Rates-For Offsite, Multiuser Hazardous Waste Facilities.

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 derived from the recycling of hazardous wastes or the treatment of infectious 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 define 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 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 businesses.

(Ord. 2537 §1 (part), 1992; Ord. 2401 §1, 1990).

5.04.150 Rates-For new 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.
- D. Business license taxes for businesses with no fixed location within the city will offered on an annual or quarterly basis.

(Ord. 2537 §1 (part), 1992; Ord. 2408 §1 (part), 1990; 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 tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.04.160. Licenses for business with no fixed location within the city may be issued on a quarterly or annual basis.
- B. The provisions of this section do not apply to licenses due under Chapter 5.40 of this code.

(Ord. 2537 §1 (part), 1992; Ord. 2408 §1 (part), 1990; 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. 2408 §1 (part), 1990; 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 tax, together with the correct amount of such license tax as based upon the actual number of employees for such business during the calendar year for which such license was issued. (Ord. 2408 §1 (part), 1990; Ord. 1802 §2 (part), 1978).

Chapter 5.06

**DOWNTOWN IMPROVEMENT DISTRICT
ASSESSMENT PAYMENTS**

Sections:

- 5.06.010 Repealed.**
- 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.**

5.06.010 Business license tax defined.

(Section repealed by Ordinance No. 2408 §1 (part), 1990; Ord. 1964 §2, 1982; Ord. 1885 §2, 1979; Ord. 1372 §2, 1971).

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, entomologist, esthetician, geologist, holistic health practitioner, 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 the Required Assessment(s).
- B. Class B. All other businesses located within the downtown parking and improvement area, known as the downtown business area, shall pay the Required Assessment(s).

Said additional Downtown Improvement District Assessment shall be collected at the same time with the general business license tax.

(Ord. 2537 §1 (part), 1992; Ord. 2506 §1 (part), 1992; Ord. 2408 §1 (part), 1990; 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. 2408 §1 (part), 1990; 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. 2408 §1 (part), 1990; 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. 2408 §1 (part), 1990; Ord. 1964 §6, 1982; Ord. 1885 §6, 1979; Ord. 1372 §6, 1971).

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 routepersons, 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.	\$150/per year/per billboard	\$75/per year/per billboard
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)
5.13.010	Rental Business - Apartments, Motels, Hotels	Under 3 units = \$0 3 or more units = \$12 base + \$1.20 per unit over 3	Under 3 units = \$0 3 or more units = \$12 base + \$1.20 per unit over 3	Under 3 units = \$0 3 or more units = \$12 base + \$1.20 per unit over 3

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
5.14.030	Art Figure Studio	\$250/studio/year	\$250/studio/year	\$250/studio/year
5.15.010	Automobile For Hire	\$100/year/vehicle	\$100/year/vehicle	\$100/year/vehicle
5.18.020	Pool and Billiard Halls	\$150/year/applicant + \$30/table, machine (5.60.010, 5.61.010)	\$175/year/applicant + \$30/table, machine (5.60.010, 5.61.010)	\$200/year/applicant + \$30/table, machine (5.60.010, 5.61.010)
5.20.050	Card Table	\$30/month/table; payable quarterly	\$30/month/table; payable quarterly	\$1,500/quarter/table; payable quarterly
5.22.010	Special Event, includes: Circus, Show, Concert, Carnival, etc.	\$250/day/event	\$250/day/event	\$250/day/event
5.26.080	Public Dances	\$200/year; payable in advance + other applicable taxes	\$200/year; payable in advance + other applicable taxes	\$200/year; payable in advance + other applicable taxes
5.26.090	Youth Dances - Adult Sponsoring Group Permits	\$15-1 yr permit (Class A) \$5-1 day permit (Class B)	\$15-1 yr permit (Class A) \$5-1 day permit (Class B)	\$15-1 yr permit (Class A) \$5-1 day permit (Class B)
5.32.030	Garage Sale	No tax if license obtained prior to sale; \$3 if obtained after sale	No tax if license obtained prior to sale; \$3 if obtained after sale	No tax if license obtained prior to sale; \$10 if obtained after sale
5.34.020	Manufacturer: New Business Manufacturer: Renewal Rates	If 5 or fewer employees: \$25 flat rate + any applicable special taxes for the first license year of operation or part thereof. If more than 5 employees: Tax rate specified in Sec. 5.34.020 - manufacturer: renewal rates \$52.50 base rate + \$3.25 per additional person	If 5 or fewer employees: \$35 flat rate + any applicable special taxes for the first license year of operation or part thereof. If more than 5 employees: Tax rate specified in Sec. 5.34.020 - manufacturer: renewal rates \$79.00 base rate + \$4.90 per additional person	If 5 or fewer employees: \$50 flat rate + any applicable special taxes for the first license year of operation or part thereof. If more than 5 employees: Tax rate specified in Sec. 5.34.020 - manufacturer: renewal rates \$105.00 base rate + \$6.50 per additional person
5.35.105	Bathhouses	\$250/year/bathhouse	\$250/year/bathhouse	\$250/per/bathhouse
5.36.081	Massage Parlor	\$250/studio/location	\$250/studio/location	\$250/studio/location
5.38.010	Pawnbrokers, Jun or Second-Hand Dealers	\$200/year/location	\$200/year/location	\$200/year/location

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
5.40.010	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 Machine (coin or slug operated), News Racks	\$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
5.65.010	Out-of-City Delivery Vehicles	\$52.50 base rate + \$6.50 each additional person	\$52.50 base rate + \$6.50 each additional person	\$25/year/vehicle
8.20.020	Vending Vehicles - Food Stuffs (e.g. ice cream)	\$200/year/vehicle	\$200/year/vehicle	\$200/year/vehicle
9.13.040	Live Entertainment	\$200/year/location	\$200/year/location	\$200/year/location

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 consulter hydraulic;
16. Entomologist;
17. Esthetician;
18. Geologist;
19. Holistic health practitioner;
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. 2537 §1 (part), 1992; Ord. 2408 §1 (part), 1990; Ord. 1801 §10, 1978; Ord. 1602 §1, 1974; Ord. 1243 §1 (part), 1969; prior code §18.58).

Chapter 5.46

REAL ESTATE SALESPERSONS²¹

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 ~~tax~~ 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 salespersons.

(Ord. 2537 §1 (part), 1992; Ord. 1801 §11, 1978; prior code §18.59).

Chapter 5.60

VENDING, WEIGHING, MUSIC AMUSEMENT, VIDEO MACHINES AND NEWSRACKS²⁸

Sections:

- 5.60.010 Vending, weighing, music, amusement, video machines and newsracks- License Tax-Receipts to be attached to machine.
- 5.60.020 Repealed.
- 5.60.030 Repealed.
- 5.60.040 Repealed.

5.60.010 Vending, weighing, music, amusement, video machines and newsracks-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, video machines or newsracks 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. (Ord. 2537 §1 (part), 1992; Ord. 2408 §1 (part), 1990; Ord. 1801 §12 (part), 1978; prior code §18.52).

Chapter 5.65

OUT-OF-CITY DELIVERY VEHICLE

Sections:

5.65.010 License tax required.

5.65.010 License tax required.

Every out-of-city company delivering merchandise purchased outside of Chula Vista to any Chula Vista address more than once per quarter per year shall pay a license tax as presently designated, or as may in the future be amended, in the Master Tax Schedule, Section 5.65.010. (Ord. 2537 §1 (part), 1992).

Chapter 9.13

LIVE ENTERTAINMENT LICENSING AND REGULATIONS

Sections:

- 9.13.010 Purpose and Intent.**
- 9.13.020 Definitions.**
- 9.13.030 Entertainment license-Required.**
- 9.13.040 Entertainment license-tax-Exemptions.**
- 9.13.050 Application for license-Investigation fee.**
- 9.13.060 Application form.**
- 9.13.070 Verification of application.**
- 9.13.080 Investigation by chief of police.**
- 9.13.090 Allowance or denial of application and appeal.**
- 9.13.100 License not transferable.**
- 9.13.110 Mandatory denial.**
- 9.13.120 Suspension or revocation.**
- 9.13.130 Convictions.**

- 9.13.140 Noise abatement.
- 9.13.150 Miscellaneous rules.
- 9.13.160 Motion pictures prohibited.
- 9.13.170 Going business-Extension of time.
- 9.13.180 Public exposure prohibited where alcoholic beverages consumed.
- 9.13.190 Simulated public exposure prohibited where alcoholic beverages consumed.
- 9.13.200 Procuring public exposure unlawful where alcoholic beverages consumed.
- 9.13.210 Procuring simulated exposure unlawful where alcoholic beverages consumed.
- 9.13.220 Entertainer-Public exposure prohibited.
- 9.13.230 Entertainer-Procuring public exposure unlawful.
- 9.13.240 Entertainer-Simulated public exposure prohibited.
- 9.13.250 Entertainer-Procuring simulated exposure unlawful.
- 9.13.260 Public exposure prohibited.
- 9.13.270 Simulated public exposure prohibited.
- 9.13.280 Procuring simulated public exposure unlawful.
- 9.13.290 Procuring public exposure unlawful.

9.13.010 Purpose and Intent.

It is the intent of the city council to establish licensing and regulatory requirements for the conduct of live entertainment or cabaret shows featuring persons dancing, posing or modeling in any place of entertainment or establishment serving food, beverages, or food and beverages in the city of Chula Vista. The council intends to establish requirements for licensing, and to establish a prohibition against any such entertainment performed wholly or partially in the nude by male or female entertainers in any establishment serving food, beverages, or food and beverages. (Ord. 1833 §1 (part), 1978).

9.13.020 Definitions.

- A. "Entertainment" as used in this chapter is defined to mean any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted or participated in by any professional entertainer featuring dancing, posing or modeling, in or upon any premises to which the public is admitted, except when conducted by a bona fide nonprofit club or organization as a part of the social activities of such club or organization, and when conducted solely as a fundraising activity for charitable purposes.
- B. The term "professional entertainer" as used herein means a person or persons who engage for livelihood or gain in the presentation of such entertainment.
- C. "Entertainment" as used in this chapter does not include:
 - 1. Mechanical music and singing alone;
 - 2. Instrumental music and singing alone, except between the hours of two a.m. and six-thirty a.m.;
 - 3. Dancing participated in only by customers; however, this subsection does not exempt exhibition dancing by a person receiving compensation for such exhibition dancing;
 - 4. A fashion or style show.

(Ord. 1833 §1 (part), 1978).

9.13.030 Entertainment license-Required.

No person shall conduct, permit or assist in the conducting or the permitting of any entertainment, as defined in this chapter, to be shown, staged, exhibited or produced in any premises to which the public is admitted unless and until a live entertainment business license has been obtained. (Ord. 2537 §1 (part), 1992; Ord. 1833 §1 (part), 1978).

9.13.040 Entertainment license-tax-Exemptions.

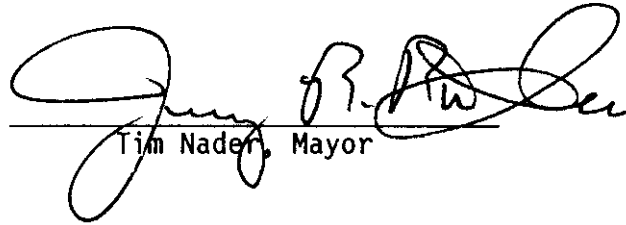
The annual tax for an entertainment license shall be the amount presently designated, or as may in the future be amended, in the Master Fee Schedule, Section 9.13.040, in addition to any other license tax required by Title 5. Provided, however, that no such license need be obtained where such entertainment is conducted by a bona fide charitable, civic, religious, benevolent, patriotic or educational organization or by the United Service Organization. Any determination as to the exempt status of any applicant shall be made by the chief of police. (Ord. 2537 §1 (part), 1992; Ord. 1833 §1 (part), 1978).

9.13.050 Application for license-Investigation fee.

The application for any license or permits in this chapter shall be made to the Director of Finance and shall be accompanied by the required fee(s). (Ord. 2537 §1 (part), 1992; Ord. 1833 §1 (part), 1978).

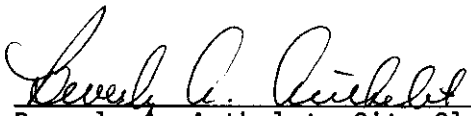
PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 15th day of December, 1992, by the following vote:

AYES: Councilmembers: Fox, Horton, Moore, Rindone, Nader
NOES: Councilmembers: None
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None


Tim Nader, Mayor

*Mayor
Pro Tempore*

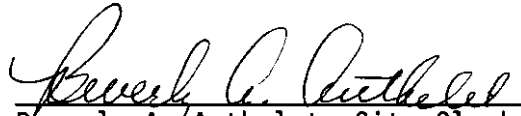
ATTEST:


Beverly A. Authelet, City Clerk

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

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2537 was approved at a regular meeting of said City Council held on the 15th day of December, 1992.

Executed this 15th day of December, 1992.


Beverly A. Authelet, City Clerk