

AN ORDINANCE OF THE CITY OF CHULA VISTA PROVIDING FOR  
THE LICENSING OF CERTAIN OCCUPATIONS AND AMUSEMENTS AND  
REPEALING ORDINANCE NO. 478 AND AMENDMENTS THERETO

THE CITY COUNCIL OF THE CITY OF CHULA VISTA DOES ORDAIN  
AS FOLLOWS:

SECTION 1: It shall be 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 of Chula Vista, 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 Ordinance required.

SECTION 2: Any person, who for himself, or for any other person, shall violate any of the provisions of this Ordinance, shall for each violation thereof, be deemed guilty of a misdemeanor and upon conviction by any court having jurisdiction thereof, shall be fined in the sum of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. Each and every day or fractional part of a day that said business, show, exhibition or game in this Ordinance specified is conducted or carried on without such license or permit, shall constitute a violation of this Ordinance.

SECTION 3: The amount of any license imposed by this Ordinance shall be deemed a debt to the City of Chula Vista, 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 said City to do so, shall be liable to an action in the name of said City, in any court of competent jurisdiction, for the amount of license by this Ordinance imposed.

SECTION 4: DEFINITIONS:

a. Wherever in this Ordinance the word PERSON is used, it shall be deemed to include person, corporation, firm, agency, co-partnership or association, and shall include singular and plural, masculine, feminine, and neuter.

b. Wherever in this Ordinance the word BUSINESS is used, it shall be deemed to include every pursuit, trade, occupation, avocation, employment, business or calling.

c. Wherever in this Ordinance the word RETAIL BUSINESS or RETAIL SALES is used, it shall be deemed to include all sales of goods, wares, merchandise or services to a consumer.

d. Wherever in this Ordinance the word WHOLESALE BUSINESS or WHOLESALE SALES is used, it shall be deemed to include all sales of goods, wares, merchandise or services to a retailer.

e. ESTABLISHED PLACE OF BUSINESS. 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 Ordinance, and where such persons, books and records are kept and a large share of his business transacted.

f. PEDDLER. Peddler shall include any person, whether a resident of the City of Chula Vista 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 shall not include vendors of milk, bakery products, produce, groceries, ice cream, or ice, who distribute their products to regular customers on established routes.

g. SOLICITOR. Solicitor shall include any person, whether a resident of the City of Chula Vista 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 per-

formed 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 contacts attempts to secure similar information. Such definition shall include any person who uses any building, motor vehicle or other place within the City of Chula Vista 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 of Chula Vista. Such definition shall include the term CANVESSER.

h. TRANSIENT MERCHANT shall include any person, whether a resident of the City of Chula Vista or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said City, and who, in furtherance of such purpose, 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 that such definition shall not be construed to include any person, firm or corporation 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, firm or corporation so engaged shall not be relieved from complying with the provisions of this ordinance 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.

i. **EMPLOYEE.** Employee is defined as any person acting within the scope of the employer's business within the limits of the City of Chula Vista.

j. For the purpose of determining the average number of employees employed during the year the number of persons employed at or near the 15th day of each month during the year in which business is transacted within the City of Chula Vista shall be added together and the sum total shall be divided by the number of months or fraction of months said business in operation, fractions omitted.

k. All specific provisions of this Ordinance shall control over general provisions.

**SECTION 5:** Before any license is issued to any person, such person shall make written application therefor to the Finance Officer of said 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. Application for a license as a Solicitor, Peddler or Transient Merchant shall contain 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

- proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- (5). Two copies of a recent photograph of the applicant, said picture being approximately 2" by 2" 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 of \$2.00 shall be paid to the Finance Officer 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 of Chula Vista;
  - (10). At the time such application is filed, the applicant shall furnish his fingerprints to the Police Department of this City.

No license shall be issued to any person transacting business under a fictitious name unless an affidavit be filed in the

office of the County Clerk of San Diego County, California, 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.

All licenses issued under and by virtue of this Ordinance shall be printed in blank form, signed by the City Finance Officer, and in which shall be 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, and the amount paid therefor.

Licenses shall be issued in triplicate, the original of which is to be delivered to the licensee.

The Finance Officer shall collect all moneys for such licenses.

The Finance Officer shall issue all licenses and licenses issued under Section 5E only upon written approval of the Chief of Police, who may deny the issuance of said license to any applicant who in his discretion is not a fit and proper person to manage or conduct said business or occupation and/or if said business would be detrimental to the health, welfare or interest of the City of Chula Vista. 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.

An applicant, upon denial of said license shall have the right to appeal to the City Council from said denial of the Chief of Police, by the filing of a notice of appeal and stating the the grounds therefor. Said appeal shall be filed with the City Clerk



of the City of Chula Vista, California, within fifteen (15) days after notification of denial of the license.

The City Clerk shall refer the same to the City Council for hearing; said applicant shall be notified in writing by the City Clerk of a time, date and place of hearing. Upon good cause being shown, the City Council may at its discretion set another time for said hearing, and at the time of said hearing, the City Council shall hear and determine the evidence presented at said appeal. The City Council shall have the power at said hearing to deny the issuance of said license or grant the same, and its decision shall be final.

No license shall be issued unless a full compliance is had with all the Ordinances of the City of Chula Vista, and where laws of the State of California 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 of Chula Vista, and if an applicant so required to be licensed by the State of California has failed to comply with the laws of the State, no license shall be issued by said City.

If any such license has been issued through error, the same shall be void and of no force and effect.

Wherever an applicant for a license to do business in the City of Chula Vista is licensed to do business under said laws of the State of California, a license to do business within the City of Chula Vista shall not be denied.

**SECTION 6:** Upon application therefor as herein provided, it shall be the duty of the Finance Officer to prepare and issue a license hereunder.

In no event shall any mistake or error made by the Finance Officer in stating the amount of a license in this Ordinance pro-

vided, 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 Ordinance.

SECTION 7: Each license granted or issued under the provision of this Ordinance shall authorize the licensee to transact or carry on the business or calling therein designated, and at no other place, and the said license shall not be assignable or transferrable. However, a change of location shall be allowed to the owner of the licenses upon the payment to the Finance Officer of the sum of One Dollar (\$1.00) and upon the approval of the Chief of Police.

The Finance Officer shall make a charge of One Dollar (\$1.00) for each duplicate of a license issued under the provisions of this Ordinance which has been lost or destroyed.

SECTION 8: All licenses issued under the provisions of this Ordinance shall be posted and kept in a conspicuous place at the place of business of the licensee named therein during the period said licenses are in force and effect, except as in this Ordinance otherwise specifically provided.

Every licensee under the provisions of this Ordinance shall produce and exhibit the license issued to said licensee whenever requested to do so by any Police Officer of the City.

SECTION 9: All Police Officers of the City of Chula Vista shall have and exercise the power and duty:

- A. To make arrests for violations of this Ordinance.
- B. 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 Ordinance, and to demand the exhibition of such license for the current term by any person engaged or employed in the transaction of such business, 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 Ordinance.

C. It is hereby made the duty of the Police Officers to cause complaints to be filed in a court of competent jurisdiction against all persons violating any of the provisions of this Ordinance.

SECTION 10: All licenses shall be paid in advance in the lawful money of the United States at the office of the City Finance Officer, provided however, that the licenses required to be paid by the provisions of this Ordinance shall be due and payable from and after the first day of January, 1955, and the first day of each year thereafter. Said licenses shall be delinquent thirty (30) days after the same are due and payable except monthly or quarterly licenses which shall be delinquent ten (10) days after the same becomes due and payable.

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 Ordinance after said license has become delinquent.

SECTION 11: 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, and which is indicated thereby, provided further, that where a license is herein imposed upon any business, show, exhibition or game in which the average number of employees of such business or the number of business transactions is made the basis for ascertaining the amount of such license, a separate license tax shall be paid for each branch estab-

lishment or place of business in which the business, show, game  
or exhibition is transacted, conducted, or carried on, based upon the  
page number of employees or number of business transactions of each such  
branch establishment or separate place of business. Any person  
conducting more than one business in the same store room shall not  
be required to pay more than one license tax, provided however,  
such additional business so conducted by him shall be one that is  
ordinarily and customarily conducted in connection with such other  
business.

SECTION 12: The monthly license provided in this Ordinance shall be due and payable to the City on the first day of each month, in advance, unless otherwise specifically provided in this Ordinance, from all persons who have for the previous month been licensed to carry on the same business, show, exhibition or game (and from all persons who have not been licensed for the previous month for the same business, show, exhibition or game.)

The quarterly license provided in this Ordinance 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 Ordinance.

The daily and weekly licenses provided in this Ordinance shall be due and payable to the City in advance.

The semi-annual licenses provided in this Ordinance shall be due and payable to the City on the first days of January and July of each year, in advance.

The annual licenses provided in this Ordinance shall be due and payable to the City on the first day of January of each year, in advance.

No greater or less amount of money shall be charged or received for any license than is provided in this Ordinance, and no license shall be sold or issued for any part of time other than is provided in this Ordinance, and there shall be no rebate given for any unused portion of the term except as in this Ordinance otherwise specifically provided.

SECTION 13: All monies collected under this Ordinance shall be deposited in the general fund of the City by the Finance Officer.

SECTION 14: The amount or rate of license fees to be paid the City of Chula Vista, California, by any person, for transacting, engaging in, conducting, or carrying on any business, show, exhibition or game as specified in this Ordinance shall be as hereinafter provided in the following sections.

SECTION 15: For every person transacting, engaging in, conducting or carrying on any business within the City of Chula Vista and said business has a fixed location in and is upon the tax rolls of said City, shall pay a business license tax as follows:

- A. Except as otherwise provided herein and specifically enumerated, the tax shall be an amount per year equal to a base fee of \$12.50 plus \$3.00 per person, to and including a maximum of 50 persons, for the average number of persons employed in the scope of the employer's business, in the City of Chula Vista during the year for which said license is issued.
- B. 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:
  - (1) For wholesalers, an amount per year equal to a base fee of \$10.00 plus \$10.00 per person excluding the first person, for the average number



of persons employed in the scope of the employer's business in the City of Chula Vista during the year for which the said license is issued.

- (2) For all other business except as otherwise provided herein and specifically enumerated the tax shall be an amount per year equal to a base fee of \$40.00 plus \$15.00 per person, excluding owner or first employee, for the average number of persons employed and acting within the scope of the employer's business in the City of Chula Vista during the calendar year for which said license is issued.

SECTION 16: In each and every instance where a license fee is required, the following conditions shall govern:

- A. All licenses shall be payable in advance.
- B. 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 said calendar year. However, if his license is to be based upon the average number of employees, he shall pay in advance an amount equal to the minimum amount required in Section 15 and at the end of the license period shall file a statement as to the average number of persons employed during the period and shall pay the additional amount, if any, required to be paid under the Ordinance on a prorated basis.
- C. For any business, classified under Section 15, which is applying for a renewal of license, said licensee shall when applying pay a license fee based upon the average number of employees employed in the previous year, as defined in Section 4(j) and shall file an

affidavit stating the average number of persons employed during the previous year.

- D. The provisions of this section do not apply to licenses due under Section 33 of this Ordinance.

SECTION 17: In each and every instance where the amount of license fee 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 and will on the request of the Finance Officer then and there submit for inspection to said Finance Officer any and all books, papers, accounts and records including state and federal income tax returns, social security returns and California state sales tax returns pertaining to the business. The license as required in this Ordinance may be based upon the amounts indicated in said 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 of this Ordinance and shall be liable for and shall pay an additional sum in an amount equal to 100 percent of the correct license fee, together with the correct amount of said license fee as based upon the actual number of employees for said business during the calendar year for which said license was issued.

SECTION 18: Every person conducting, managing, carrying on or engaged in any business hereinafter enumerated in this Section shall pay a license fee of \$25.00 per annum.

Accountant  
Architect  
Assayer  
Attorney at law  
Auditor  
Bonds - fidelity, indemnity, faithful performance or bail  
Check cashing  
Chemist  
Chiropodist  
Chiropractor  
Dentist  
Engineer - civil, electrical, chemical or mechanical

Insurance salesman or broker  
Newspaper publisher  
Optometrist  
Oculist  
Optician  
Osteopath and osteopathist  
Physician  
Real estate broker  
Stocks and bonds - federal, state - county or  
municipal stocks or bonds, or stocks or  
bonds of incorporated companies, or evi-  
dences of indebtedness of private persons  
or of incorporated companies  
Surgeon  
Veterinarian

Each professional man mentioned above who is required to be licensed as such by the State of California to carry on his profession shall, each individually, whether or not operating as an individual, partnership or associate, pay said license fee.

SECTION 19: Every person conducting, managing, carrying on or engaged in any business hereinafter enumerated in this Section, shall pay a license fee of \$10.00 per annum.

Real estate salesmen

SECTION 20: Auctions and auctioneers. See Ordinance No. 409.

SECTION 21: Public Dances and Dance Halls. See Ordinances No. 251 and 317.

SECTION 22: VEHICLES. Every person conducting, managing or operating a business in which ice cream carts, wagons or vending vehicles are used, shall pay a license fee of \$200.00 per annum per cart, wagon or vending vehicle, payable quarterly.

SECTION 23: TAXIS. Every person conducting, managing or operating a business in which taxi cabs or for-hire vehicles are used, shall pay a license fee of \$25.00 per quarter for each such taxi cab or for-hire vehicle.

SECTION 24: PEDDLER, SOLICITOR AND TRANSIENT MERCHANT. Every peddler, solicitor or transient merchant as defined in this Ordinance 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 of Chula Vista or is subject to such taxation, or who is an agent or representative of a person, firm or corporation 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 of Chula Vista or is subject to such taxation shall pay a license fee of \$5.00 per annum.

Every applicant for a license under this Ordinance 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 of Chula Vista or subject to such taxation, or who is an agent or representative of a person, firm or corporation 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 of Chula Vista or subject to such taxation, shall pay a license fee of \$25.00 per annum.

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.

SECTION 25: AUTOMOBILE TRAILER COURTS. See Ordinance No. 472.

SECTION 26: POOL HALL. Every person conducting, managing or carrying on the business of a pool hall or billiard hall, shall pay a license fee of \$20.00 per annum, and in addition thereto, shall pay the sum of \$12.00 per year for each and every pool table or billiard table.

SECTION 27: CARDROOMS. See Ordinance No. 359, as amended.

SECTION 28: BOWLING ALLEY. Every person conducting, managing or carrying on the business of a bowling alley shall pay a license fee of \$25.00 per annum, and in addition thereto, shall pay

the sum of \$16.00 per annum for each and every alley therein.

SECTION 29: The City Finance Officer shall issue a receipt for each separate pool table, billiard table, card table or bowling alley license as in this Ordinance required, and such receipt shall be attached to such pool table, billiard table, card table or bowling alley, and preserved thereon during the full term for which said receipt was issued.

SECTION 30: BILLBOARD. 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 said City, shall pay a fee of \$60.00 per annum, plus \$6.00 for each additional billboard exceeding two in number, located within the City of Chula Vista; provided that 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 sign boards.

SECTION 31: PAWNBROKER. Every person conducting, managing or carrying on the business of pawnbroker shall pay the sum of \$100.00 per annum. For the purpose of this Ordinance the term "pawnbroker" shall be construed to mean and include every person conducting, managing or carrying on the business of loaning money either for himself or for any other person, upon any personal property, personal security or purchasing personal property and reselling or agreeing to resell such articles to the vendor or other assignees at prices previously agreed upon.

That nothing in this section contained shall be deemed or construed to apply to the loaning of money on personal property or

personal security by any bank authorized to do so under the law of the State of California.

SECTION 32: Every person conducting, managing or carrying on the businesses of shooting galleries or penny arcades shall pay the sum of \$100.00 per annum.

For the purpose of this Ordinance, the term "Penny arcade" is defined to be one general enclosure in which is conducted the business of operating or exhibiting any phonograph, gramophone, marble and pin ball games limited to one penny, talking machine, kinetoscope, biograph, projectoscope, or any other instrument or machine of like character, for the use of which a compensation or fee is charged, and exhibiting, showing, or letting the use of any microscope, lung tester, muscle tester, galvanic battery, weighing machine, or machine of like character, for a money consideration.

SECTION 33: The license fee or rate for each and every person transacting, engaging in, managing, conducting or carrying on any business, show, exhibition, or game for which an admission fee is charged, collected or received, shall be one-half percent of all proceeds derived from the sale of tickets, whether or not such proceeds are termed a donation or an admission price.

The license fee and rate in this section provided shall be due and payable to the City of Chula Vista quarterly, on or before the tenth day of each succeeding month for the preceding quarters; admission fees of March, June, October and December, with the exception of the cessation of any business, show, exhibition or game and at which time of said cessation of operation, said tax shall be due and payable without delay.

SECTION 34: CIRCUS. Every person conducting, managing, carrying on or operating a circus or other similar exhibition shall pay a license fee of \$250.00 per day.

The license fee in this section provided shall be in addi-



tion to all other licenses due and payable to the City of Chula Vista, California.

SECTION 35: Every person conducting, managing or carrying on any theatre, 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 \$2,000.00 or a bond in a like amount issued by a surety company authorized by laws of the State of California to issue such bond, for the faithful performance of the provisions of this Ordinance, and all other provisions of other Ordinances in force and effect in the City of Chula Vista, California. 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 (30) days.

SECTION 36: PENNY MACHINES. Every person conducting, managing or carrying on the business of operating or maintaining automatic scales, weighing devices, or penny in-the-slot machines, shall pay \$3.00 per annum for each such device.

The City Finance Officer shall issue a separate receipt for each such automatic scale, weighing device, or penny in-the-slot machine, which shall be attached to and maintained thereon for the full term of the year for which the receipt is issued.

SECTION 37: MUSIC MACHINE. Every person owning, operating, managing or controlling any music device, operated by coin or slug, shall pay \$10.00 per quarter for each such device.

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

SECTION 38: AMUSEMENT MACHINE. Every person owning, operating, managing or controlling any mechanical play or amusement

machine which is used or permitted to be used by the deposit of a coin in any slot, crevice or other opening, or by the deposit of any plate, disk or slug therein, which said slug, disk or plate may be acquired or purchased from any source whatsoever, shall pay \$7.50 per quarter for each such amusement machine.

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

SECTION 39: VENDING MACHINES. Every person owning, operating, managing or controlling any vending machine, not in conjunction with any business, the property of which is on the tax rolls of said City and not herein otherwise specifically defined and licensed in this Ordinance and which is coin or slug operated, shall pay a license fee in accordance with the number of employees as set forth in Section 15 of this Ordinance.

SECTION 40: Failure to display a license or receipt as provided in this Ordinance shall constitute a violation of this Ordinance.

SECTION 41: The City Council may at its option and good cause appearing therefor, waive the payment of any license fee imposed by this Ordinance 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 City Council, and where the major portion of the receipts, if any, derived therefrom are to be used solely for charitable or benevolent purposes within the City of Chula Vista, and not for the purpose of private gain.

The City Council may at its option and good cause appearing therefor, waive the payment of any license fee required by this Ordinance 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 City Council, where the major portion of the 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.

SECTION 42: Every license issued under and by virtue of the provisions of this Ordinance shall be subject to revocation by the City Council, and said revocation shall be based upon a failure to comply with any term or terms of this Ordinance or that the holder is an unfit person to be entitled to the privilege granted by the license.

The City Finance Officer shall deliver a notice in writing either personally or by mail to the person or business holding said license, stating that he is recommending to the City Council the revocation of his license, and a brief summary of the reasons therefor. Said notice shall contain the date, time and place when each such recommendation shall be made to the City Council. At said time and place as stated in the notice the licensee may appear and be heard by the said City Council. In the event that the licensee appears and contests the said revocation, the City Council may set a time and place for said hearing of said recommendation for said revocation. At said time and place as set by the City Council, hearing shall be had. The City Council shall rule upon said revocation and may revoke the same, and its decision shall be final.

SECTION 43: INTERSTATE COMMERCE. None of the license fees provided for by this Ordinance shall be so applied as to occasion an undue burden upon interstate commerce.

SECTION 44: This Ordinance 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.

SECTION 45: If the licenses in this Ordinance provided shall not be paid on or before the 30th day of the month following the date when it shall become due, as provided in this Ordinance, then a penalty in the amount equal to 25 percent of the license tax due and payable shall be added thereto, and no license shall be issued until such penalty shall have been paid, and in addition thereto, such delinquent licensee shall be liable for prosecution and the penalty herein provided for failure to pay his license as required by this Ordinance.

SECTION 46: If any section, sub-section, sentence, clause, word or phrase of this Ordinance is hereafter for any reason held to be unconstitutional or un-enforceable, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Chula Vista hereby declares that it would have passed this Ordinance, and each section, sentence, clause, word or phrase hereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, words or phrases be declared unconstitutional or unenforceable.

SECTION 47: That Ordinance No. 478 and all Ordinances amending said Ordinance be and the same are hereby repealed upon the effective date of this Ordinance.

SECTION 48: PUBLICATION AND EFFECTIVE DATE. The provisions of this Ordinance shall be in full force and effect on the first day of January, 1955, and this Ordinance shall, within fifteen (15) days after its final passage, be published once in the Chula Vista Star, a newspaper of general circulation, printed and published in the City of Chula Vista, California.

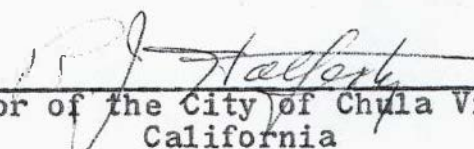
PASSED, ADOPTED AND APPROVED this 9th day of

November, 1954, by the following vote, to wit:

AYES: COUNCILMEN Rader, Halferty, Riesland, DeWolfe

NOES: COUNCILMEN None

ABSENT: COUNCILMEN Hobel

  
\_\_\_\_\_  
Mayor of the City of Chula Vista  
California

ATTEST:

  
\_\_\_\_\_  
City Clerk