Pismo Beach, CA Municipal Code

Chapter 5.04 BUSINESS LICENSES GENERALLY

5.04.010 Definitions.

As used in this chapter the following words shall have the following respective meanings:

"Business" means professions, trades and occupations and all and every kind of calling carried on for profit or livelihood.

"City" means the city of Pismo Beach.

"Fixed place of business" means the premises in the city occupied for the particular purpose of conducting the business, and regularly kept open for the purpose with a person in attendance for the purpose of attending to such business.

"Gross receipts" means the total amount of the sale price of all sales and the total amount charged or received from the performance of any act, service or employment of whatever nature it may be, for which a charge is made or credit allowed, whether or not such service, act or employment is done as a part of or in connection with the sale of goods, wares or merchandise. Included in "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, except as hereinafter excluded, and any amount for which credit is allowed by the seller to the purchaser without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or payable, or losses or other expenses whatsoever. Excluded from "gross receipts" shall be cash discounts allowed and taken on sales, the value of property accepted as part of the purchase price and which property will later be sold, any tax which is measured by the sales price or the gross receipts from the sale or which is a stated sum per unit of such property sold whether included in or added to the purchase price so long as it is collected from the consumer or purchaser upon the sale, any amount refunded either in cash or by credit upon rescission of a sale or a contract of sale and all sales of alcoholic beverages and all other receipts or income which are subject to excise or occupation taxes by the State Department of Alcoholic Beverage Control.

"Jobbing business" means every business conducted solely for the purpose of selling goods, wares, or merchandise in job lots to wholesale merchants for resale at wholesale to the trade by said wholesale merchants.

"Location owner" means the owner or manager of each licensed business which allows the operation by the public of any mechanical amusement device.

"Manufacturer" means one engaged in making materials raw or partly finished, into wares suitable for use.

"Mechanical amusement device" means any table, board, machine, device or apparatus fitted for use by the public, the operation of which is permitted, controlled, allowed or made possible by the deposit or insertion of any coin, plate, disc, slug or key into any slot, crevice or opening, or by the payment of any fee, and which operates as a game, contest, or amusement or which may be used as such and does not vend any article or merchandise or any coin, check or token.

"Operator" means any person engaged in the business of renting out or placing mechanical amusement devices in various locations within the city.

"Person" means all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts trusts, business or common law trusts, societies and individuals, transacting and carrying on any business in the city.

"Retail business" means every business not herein otherwise defined conducted for the purpose of selling, or offering to sell any goods, wares or merchandise.

"Vehicle" means and includes every device in, upon, or by which any person or property is or may be transported or drawn upon a public street or highway, except devices moved by human power or used exclusively upon stationary rails or track.

"Wholesale business" means every business conducted solely for the purpose of selling goods, wares, or merchandise
5.04.020 License—Required.

There are imposed upon the businesses specified in this chapter license taxes in the amounts prescribed, and it is unlawful for any person to transact and carry on any business in the city without first having procured a license from said city so to do or without complying with any and all applicable provisions of this chapter, and each day such business is carried on without a license shall constitute a separate violation of this chapter. (Prior code § 5.04.020)

5.04.030 Branch establishments.

A separate license must be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location and in the manner designated in such license; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments. (Prior code § 5.04.030)

5.04.040 License—Debt to city.

The amount of any license imposed by this chapter shall be deemed a debt to the city, and any person carrying on any business mentioned in this chapter without having a license from said city so to do, shall be liable to any action in the name of the city in any court of competent jurisdiction, for the amount of license by this chapter imposed on such business, together with all penalties then due thereon in any such action, and the sum of thirty-five dollars which, if judgment be recovered, shall be applied as attorney fees for said plaintiff and included and assessed as recoverable costs in said action. (Prior code § 5.04.040)

5.04.050 Clerk—Duties.

A. It shall be the duty of the clerk of the city to prepare and issue a license under this chapter for every person liable to pay a license hereunder, and to state in each license the amount thereof, the period of time covered thereby, the name of the person to whom issued, the business licensed and the location or place where such business is to be carried on.

B. No license granted or issued under the provisions of this chapter shall be in any manner transferred or assigned, or authorize any person other than is therein mentioned or named to do business.

C. The clerk shall make a charge of fifty cents for each duplicate license issued to replace any license issued under the provisions of this chapter which have been lost or destroyed. In no case shall any mistake made by the clerk in stating the amount of the license prevent or prejudice the collection by the city of what shall be actually due from anyone carrying on a business subject to a license under this chapter. (Prior code § 5.04.050)

5.04.060 Tax—Payment.

A. All licenses shall be paid in advance in the legal currency of the United States at the office of the city clerk.

B. Any person carrying on, either as principal or agent, any business in the city not specifically set forth in this chapter shall pay the amount of license described and provided for the business nearest corresponding to the nature of the business sought to be licensed.

C. The annual license provided in this chapter shall be due and payable to the city on the first day of October of each year starting October 1, 1988. (Ord. 88-03 § 1, 1988: prior code § 5.04.060)

5.04.070 Applications.

A. Every person required to have a license under the provisions of this chapter shall make application for the same to the clerk of the city and upon payment of the prescribed tax the clerk shall issue to such person a license.

B. The application shall furnish all information required to enable the clerk to properly classify the business of the applicant and determine the proper license to be paid by such applicant. Each applicant for a license must properly fill in one of such applications, sign the same and certify, under penalties of perjury, that the contents thereof are true and correct; or sign and swear to the same before the clerk, a deputy clerk, or some other person authorized to administer
oaths. The clerk and his deputies and assistants are authorized to administer oaths in all matters pertaining to the duties of their respective offices. The clerk shall compute the proper amount of the license and on payment of said amount shall issue the appropriate license. (Prior code § 5.04.070)

5.04.080 Written statement—First license.

A. Upon a person making application for the first license to be issued for a newly established business, in all cases where the amount of license tax to be paid is based upon gross receipts or is graduated according to some other sliding scale, such person shall furnish to the clerk for his guidance in ascertaining the amount of license tax to be paid by the applicant a written statement upon a form provided by the clerk, signed by him and certified under penalties of perjury to be true and correct, or sworn to before the clerk, his deputies, or assistants, or any person authorized to administer oaths, setting forth such information as may be therein required and as may be necessary properly to determine the amount of the license tax to be paid by the applicant.

B. If the amount of the license tax to be paid by such applicant is based upon the amount of his gross receipts, he shall estimate the amount of his gross receipts for the year for the purpose of determining the license bracket which will be applicable to him. Such estimate, if accepted by the clerk as reasonable, shall be used in determining the amount of license tax to be paid by the applicant; provided, however, that the amount of the license tax so determined shall be tentative only and such person shall, within fifteen days after the expiration of the year for which such license was issued, furnish the clerk with a certified or sworn statement upon a form furnished by the clerk, containing the data required to show the licensing bracket properly applicable to such person during the year of such license and the license tax for such period shall be finally ascertained and paid in the manner provided by this chapter, after deducting from the payment found to be due, the amount paid at the time such first license was issued. The clerk shall not issue to any such person another license for the same or any other business until such person shall have furnished to him the written statement and paid the license tax as required in this chapter.

C. If the amount of the license tax to be paid by such applicant is graduated according to some sliding scale other than gross receipts, the applicant shall furnish to the clerk for his guidance in ascertaining the amount of license tax to be paid by him, a certified or sworn statement upon a form provided by the clerk, setting forth such information as may be therein required and as may be necessary properly to determine the amount of license tax to be paid by the applicant and which statement shall show, among other things, the number of vehicles or tonnage thereof, the number of seats, chairs, rooms, tables or other units used or involved in such person's business as of the time of filing such application. Such person shall thereupon pay the required license tax in advance, computed in accordance with the information contained in such statement.

D. In all cases, such applicant shall upon filing his application, pay not less than the prescribed minimum license fee in advance, without being prorated to cover the remaining portion of the current license period; except any person applying for a license after the 1st of November, shall pay a fee of one-half the annual fee provided in this chapter. Persons paying on gross receipts and applying after September 1st shall pay on the gross receipts attributable to business during the license period. (Prior code § 5.04.080)

5.04.090 Written statement—Renewal.

A. In all cases, where the amount of license tax to be paid is based upon gross receipts or is graduated according to some other sliding scale, the applicant for a renewal of a license shall submit to the clerk for his guidance in ascertaining the amount of the license tax to be paid by the applicant a written statement upon a form to be provided by the clerk, sworn to before the clerk, his deputies or assistants, or by any person authorized to administer oaths, or certified under the penalties of perjury to be true and correct, setting forth such information concerning the applicant's business during the preceding license period as may be required by the clerk to enable him to ascertain the amount of license tax to be paid by said applicant pursuant to the provisions of this chapter, and such statement shall be used as the basis for determining the amount of license tax to be paid by the applicant for the renewal period.

B. Where the license to be paid under this chapter is based upon gross receipts, only one such statement need be filed during any license year, unless the clerk requires a corrected statement to be filed, which statement shall be filed at the time the first license is procured, as proved in Section 5.04.080, and thereafter on or before the 15th day of May of each succeeding year. (Prior code § 5.04.090)

5.04.100 Statements not conclusive.

A. No statement shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable under this chapter.
B. The information furnished or secured pursuant to this section, or Sections 5.04.080 and 5.04.090, shall be confidential. Any unwarranted disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor and such officer or employee shall be subject to the penalty provisions of this chapter. (Prior code § 5.04.100)

5.04.110 Additional permit required for business on city property.

A. Except as provided in subsection B of this section, the possession of a business license shall not authorize any person to operate any business on or within city sidewalks, streets, parking lots, piers, beaches or any other property under the jurisdiction or control of the city unless and until the person also holds a then valid permit, lease, or other written authorization from the city to operate the business on the property.

B. A business operating at a fixed location on private property within the city pursuant to a then valid business license may display wares on the public sidewalk directly fronting the business as authorized by Ordinance 320 as amended by Ordinance 86-16. (Prior code § 5.04.105)

5.04.120 Failure to file statement or correct statement.

A. If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the clerk, he fails to file a corrected statement, the clerk may determine the amount of license tax due from such person by means of such information as he may be able to obtain.

B. In case such a determination is made, the clerk shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at Pismo Beach, California, postage prepaid, addressed to the person so assessed at his last known address. Such person may, within ten days after the mailing or serving of such notice, make application in writing to the clerk for a hearing on the amount of the license tax. If such application is made, or if application is not made within the time prescribed, the clerk must cause the matter to be set for hearing within fifteen days before the council. The clerk shall give at least ten days’ notice to such person of the time and place of hearing in the manner prescribed above for the service of notice of assessment. The council shall consider all evidence produced, and written notice of its findings thereon; which findings shall be final, shall be served upon the applicant in the manner prescribed above for the service of notice of assessment. (Prior code § 5.04.110)

5.04.130 Appeal.

Any person aggrieved by any decision of an administrative officer or agency with respect to the issuance or refusal to issue such license may appeal to the council by filing a notice of appeal with the clerk of the council. The council shall thereupon fix a time and place for hearing such appeal. The clerk shall give notice to such person of the time and place of hearing by serving it personally or by depositing it in the United States Post Office at Pismo Beach, California, postage prepaid, addressed to such person at his last known address. (Prior code § 5.04.120)

5.04.140 Duty of police officers.

All police officers are appointed inspectors of licenses and in addition to their several duties as police officers, are required to examine all places of business and persons liable to pay a license and to see that such licenses are taken out, and shall have and exercise the power:

A. To make arrests for the violation of any of the provisions of this chapter;

B. To enter free of charge, at any time, 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 and if such person shall then and there fail to exhibit such license, such person shall be liable to the penalty provided for a violation of this chapter. (Prior code § 5.04.130)

5.04.150 Conviction will not excuse payment.

The conviction and punishment of any person for transacting any business without a license, shall not excuse or exempt such person from the payment of any license due or unpaid at the time of such conviction, together with all penalties due as in this chapter provided, and nothing in this chapter shall prevent a criminal prosecution for any violation of the provisions of this chapter. (Prior code § 5.04.140)

5.04.160 Penalties for failure to pay tax when due.
For failure to pay a license tax when due, the clerk shall add a penalty of five percent of said license tax on the fifteenth day of each month thereafter, providing that the amount of such penalty to be added shall in no event exceed fifty percent of the amount of the license tax due. (Prior code § 5.04.150)

5.04.170 Gross receipt fees.

Except as provided elsewhere in this chapter, every person who engages in business within the city shall pay an annual business tax based upon gross receipts in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Gross Receipt Bracket</th>
<th>Fee Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-- 25,000</td>
<td>$20.00</td>
</tr>
<tr>
<td>25,001--50,000</td>
<td>30.00</td>
</tr>
<tr>
<td>50,001--75,000</td>
<td>40.00</td>
</tr>
<tr>
<td>75,001--100,000</td>
<td>50.00</td>
</tr>
<tr>
<td>100,001--125,000</td>
<td>60.00</td>
</tr>
<tr>
<td>125,001--150,000</td>
<td>65.00</td>
</tr>
<tr>
<td>150,001--175,000</td>
<td>70.00</td>
</tr>
<tr>
<td>175,001--200,000</td>
<td>75.00</td>
</tr>
<tr>
<td>200,001--225,000</td>
<td>80.00</td>
</tr>
<tr>
<td>225,001--250,000</td>
<td>85.00</td>
</tr>
<tr>
<td>250,001--275,000</td>
<td>90.00</td>
</tr>
<tr>
<td>275,001--300,000</td>
<td>95.00</td>
</tr>
<tr>
<td>300,001--750,000</td>
<td>$95.00 plus $10.00 per each $50,000 additional or portion thereof over $300,001</td>
</tr>
<tr>
<td>750,001 and up</td>
<td>$230.00 plus $20.00 per each $50,000 additional or portion thereof over 750,001</td>
</tr>
</tbody>
</table>

(Ord. 87-10 § 2, 1987)

5.04.180 Rental unit operation.

A. Every person carrying on the business of keeping, operating or managing three or more rental units available for rental in the city shall pay an annual license fee as follows:

<table>
<thead>
<tr>
<th>Units</th>
<th>Annual License Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-- 6</td>
<td>$30.00</td>
</tr>
<tr>
<td>7--10</td>
<td>40.00</td>
</tr>
<tr>
<td>11--25</td>
<td>50.00</td>
</tr>
<tr>
<td>26--50</td>
<td>60.00</td>
</tr>
<tr>
<td>51 units or more</td>
<td>70.00</td>
</tr>
</tbody>
</table>

B. For the purpose of this section, a "rental unit" means a residential unit having facilities for permanent residential needs of the family within such residence unit. The number of units shall be based on the total number of units in all buildings operated by the licensee within the city; provided, however, that a unit actually occupied by the licensee or by his agent or employee as manager of the apartment house shall not be counted as a unit for purposes of this provision. (Prior code § 5.04.185)
5.04.190 Contractors.

A. Every person transacting and carrying on the business of contracting shall pay an annual license fee for the particular type thereof as follows:

1. General contractor, thirty-five dollars per year or ten dollars per job;
2. Electric or plumbing contractor, thirty dollars per year or ten dollars per job;
3. Subcontractor or specialty contractor, twenty-five dollars per year or ten dollars per job;
4. Pipeline, sewer, grading, street, paving, house-moving, trenching or excavating contractor, forty dollars per year or fifteen dollars per job.

B. If any person, transacting the businesses enumerated in this section, shall carry on a retail, wholesale or jobbing business, or any other business, he shall be required to obtain a license and pay the tax specified for such other business, in addition to the license specified in this section.

C. Any such contractor who does not maintain a fixed place of business within the city shall be required to obtain a license and pay the tax specified in this section, with respect to any contract performed by him within the city. (Prior code § 5.04.190)

5.04.200 Tax--Flat amount.

Every person carrying on the businesses enumerated in this section shall pay an annual license tax as follows:

<table>
<thead>
<tr>
<th>Business</th>
<th>Annual Fee ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency modeling</td>
<td>20.00</td>
</tr>
<tr>
<td>Archery range</td>
<td>50.00</td>
</tr>
<tr>
<td>Arts and crafts, instruction</td>
<td>10.00</td>
</tr>
<tr>
<td>Boats for hire</td>
<td>10.00</td>
</tr>
<tr>
<td>Boats, repair and storage</td>
<td>20.00</td>
</tr>
<tr>
<td>Cleaning buildings (other than by hand power)</td>
<td>20.00</td>
</tr>
<tr>
<td>Dancing school</td>
<td>20.00</td>
</tr>
<tr>
<td>Dancing, public hall (permits teaching)</td>
<td>50.00</td>
</tr>
<tr>
<td>Distributing agency</td>
<td>20.00</td>
</tr>
<tr>
<td>Employment agency</td>
<td>20.00</td>
</tr>
<tr>
<td>Finance companies</td>
<td>50.00</td>
</tr>
<tr>
<td>Fortuneteller</td>
<td>100.00</td>
</tr>
<tr>
<td>Gardening</td>
<td>20.00</td>
</tr>
<tr>
<td>Golf driving range</td>
<td>50.00</td>
</tr>
<tr>
<td>Handicraft</td>
<td>10.00</td>
</tr>
<tr>
<td>Hospital</td>
<td>100.00</td>
</tr>
<tr>
<td>House cleaning</td>
<td>20.00</td>
</tr>
<tr>
<td>House moving or wrenching</td>
<td>50.00</td>
</tr>
</tbody>
</table>
5.04.210 Trucking.

Every person carrying on the business of operating any truck, trailer or other vehicle for the transportation of baggage, freight, household goods, merchandise or materials for hire, which may or may not operate over a defined route within the city, or between any points, one terminus of which is within the city, shall pay for each vehicle an annual license tax of twenty dollars per vehicle.

A. For purposes of this section, a tractor-semitrailer combination shall be classified as one vehicle.

B. Each trailer, not accompanied by a truck-trailer shall pay an annual license fee of three dollars.

C. Every vehicle licensed under this section shall have conspicuously displayed thereon the license furnished by the collector.

D. No fee under this section shall be required for the operation of any motor vehicle or equipment along the streets of this city if such operation is merely occasional and incidental to a business conducted elsewhere; provided, however, that no operation shall be deemed merely occasional if trips or hauls are made beginning or ending at points within this city upon an average more than once a week in any quarter, and a business shall be deemed to be conducted within this city if an office or agency is maintained here or if transportation business is solicited here. (Prior code § 5.04.220)

5.04.220 License tax per vehicle.

A. Every person with a fixed place of business in this city and carrying on the business hereinafter enumerated, shall pay an annual license tax per vehicle kept or stored on the business premises as follows:

<table>
<thead>
<tr>
<th>Business</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instructor, private</td>
<td>10.00</td>
</tr>
<tr>
<td>Janitorial service</td>
<td>20.00</td>
</tr>
<tr>
<td>Parking and storage (lots or garages)</td>
<td>10.00</td>
</tr>
<tr>
<td>Pawnbroker</td>
<td>100.00</td>
</tr>
<tr>
<td>Pest control (no fixed place of business)</td>
<td>25.00</td>
</tr>
<tr>
<td>Piano tuner</td>
<td>10.00</td>
</tr>
<tr>
<td>Sanitary supplies or service</td>
<td>20.00</td>
</tr>
<tr>
<td>Shell grinding and polishing</td>
<td>10.00</td>
</tr>
<tr>
<td>Shoe-shining parlor</td>
<td>10.00</td>
</tr>
<tr>
<td>Signs, sale of (no fixed place of business)</td>
<td>50.00</td>
</tr>
<tr>
<td>Swimming pool</td>
<td>10.00</td>
</tr>
<tr>
<td>Tools, sharpening (no fixed place of business)</td>
<td>20.00</td>
</tr>
<tr>
<td>Transportation agency</td>
<td>20.00</td>
</tr>
<tr>
<td>Window cleaning</td>
<td>10.00</td>
</tr>
<tr>
<td>Ambulance service</td>
<td>$10.00</td>
</tr>
<tr>
<td>Automobile or trucks for hire or rent</td>
<td>25.00</td>
</tr>
<tr>
<td>Scooters or motor bikes, rental</td>
<td>10.00</td>
</tr>
</tbody>
</table>

(Prior code § 5.04.210)
B. Businesses in the categories enumerated in subsection A which merely operate a rental service by obtaining vehicles from rental agencies out of the city as orders are received, and who do not store vehicles on the business premises any longer than necessary for the return of the vehicles to the rental agencies, shall pay only the annual fee for one vehicle.

C. Every person not having a fixed place of business in the city who makes retail deliveries of goods, wares or merchandise house to house over routes to regular customers, shall pay an annual license tax of thirty-five dollars for the first vehicle and fifteen dollars for each additional vehicle.

D. Every person not having a fixed place of business in the city who makes wholesale deliveries of goods, wares, merchandise or services to businesses or professions located within the city shall pay an annual license tax of thirty-five dollars for the first vehicle and fifteen dollars for each additional vehicle. This subsection shall include, but not be limited to linen and towel supply, uniform and overall supplies, petroleum products, ready mix concrete, repair service and towing service.

E. The number of vehicles used in computing the amount of license tax payable under this chapter shall be determined by the average number of vehicles regularly used in the conduct of such business in the city on any one day.

F. No fee under this section shall be required if the vehicle is operated merely occasionally or incidentally to a business conducted elsewhere.

G. Any licensee to whom a license has been issued, which license is determined by the number of vehicles used by said licensee in the conduct of his business in this city, shall prominently display within such vehicle a sticker, device, sign or license facsimile used by the city for identifying such business. (Prior code § 5.04.230)

5.04.230 Bowling alleys and pool rooms.

Every person carrying on the business of a public bowling alley, pool or billiard room, shall pay an annual license tax per table or alley of six dollars. (Prior code § 5.04.240)

5.04.240 Mechanical amusement device—Occupational license fee.

Every operator of mechanical amusement devices shall pay an occupational license fee to the city in the sum of one hundred dollars per year. (Prior code § 5.04.270)

5.04.250 Mechanical amusement device—Location license fee.

In addition to the occupational license fee required by Section 5.04.240, each operator shall pay a location license fee in the sum of five dollars per year for each mechanical amusement device rented out or placed by such operator in the city. (Prior code § 5.04.280)

5.04.260 Mechanical amusement device—Location owner.

A location owner shall be exempt from the payment of the full occupational license fee required of an operator. Every location owner shall pay a license fee for each mechanical amusement device owned, used and operated by him, in the sum of five dollars per year. (Prior code §§ 5.04.280, 5.04.290)

5.04.270 Mechanical amusement device—Posting license.

The license issued for each mechanical amusement device shall be conspicuously posted or attached to such mechanical amusement device. The location owner shall be responsible for the posting, or attachment, at all times of a current business license for each mechanical amusement device open to the public at his place of business. (Prior code § 5.04.300)

5.04.280 Illegal to place or use unlicensed amusement device.

It is unlawful for any person to place or install any unlicensed amusement device on or within any business premises or location. (Prior code § 5.04.301)

5.04.290 Illegal to permit the placement or use of unlicensed amusement device.
It shall be unlawful for any location owner, or any other person in control of any business premises, to permit or allow the placement, or the use by the public, with or without a fee or charge, of any amusement device on said premises unless said device is properly licensed for such placement or use. (Prior code § 5.04.302)

5.04.300 Amusement hall—Mechanical amusement devices.

Every business location with three or more mechanical amusement devices licensed under the provisions of Sections 5.04.250 and 5.04.260, or either of them, shall be deemed to be an amusement hall, and shall be required to obtain a separate business license therefor. Such licenses shall specify the number of mechanical amusement devices then authorized at that location. The amusement hall licenses shall not exempt or excuse any business at said location from licensing requirements and payment of license fees for any sales, service or other business activities required to be separately licensed under other provisions of this code. (Prior code § 5.04.305)

5.04.310 Adult supervision required on premises.

It is unlawful for any amusement hall to be open to the public unless there is then on the premises in the general area where the mechanical amusement devices are located an approved adult person with the duty to supervise and control the conduct of those members of the public in said area. An approved person shall mean a person previously approved by the chief of police in writing as being of good moral character; the chief shall give special consideration to previous criminal convictions involving drugs or moral turpitude. Such written approval shall be displayed whenever requested by a police officer. The chief of police is authorized to develop forms and procedures necessary to assure adequate background information before approving any such person. (Prior code § 5.04.306)

5.04.320 Mechanical amusement device—Nuisance—Impoundment.

A. Any mechanical amusement device operated or maintained to be operated in violation of any law of the state, or in violation of any of the provisions of this chapter shall be deemed to be a public nuisance, and any such mechanical amusement device so operated or maintained to be operated shall be impounded by any peace officer, and all peace officers of the city are charged with the duty of impounding the same.

If any such mechanical amusement device so impounded is one which may be legally operated under the provisions of this chapter and is seized for the failure of the owner or operator to secure the proper license, such mechanical amusement device shall not be released until a license for such mechanical amusement device has been obtained and the fee therefor paid, together with a penalty of twenty dollars.

If any court of competent jurisdiction determines that any mechanical amusement device or the use or operation thereof violates or has violated any law of the state or any ordinance of the city, such mechanical amusement device shall be confiscated, and shall be dealt with as provided by the judgment or order of the court.

B. In addition to any and all remedies provided by law, including subsection A, and completely separate therefrom, the chief of police, or his designated agents, may disconnect, lock, or otherwise disable any amusement device found in any business open to the public without a then current license authorizing its placement and use at the location of said business. The police department shall develop or procure an effective method of locking or disabling any such unauthorized amusement device. All costs of such locking or disabling shall become a charge or lien against the amusement device, and shall be paid in full prior to the licensing of said device, or prior to removal of said device from said commercial location. Any owner of the amusement device, and any person owning or operating the business where any such device is located, may appeal to the city council any action by the police department disconnecting, locking or disabling an allegedly unauthorized amusement device; provided, however, that such device shall not be used pending a decision by the city council. (Prior code § 5.04.310)

5.04.330 Slot machine or gambling device unlawful.

This chapter shall not be construed to permit the licensing of any slot machine or gambling device declared illegal by the Penal Code of the state; nor shall any license issued under the terms of this chapter permit the operation, possession or use of any slot machine or gambling device declared illegal by the Penal Code of the state. (Prior code § 5.04.320)

5.04.340 License applications for amusement devices and card games.

All applications for any occupational mechanical amusement device license, and for any license to conduct or maintain card games required by this chapter shall be made in writing and upon such form as may be prescribed by the council. No such license as is referred to in this chapter shall be issued except upon order of the council. The council may limit the
number of such licenses issued to such number as in its judgment shall be for the best interests of the public peace, safety and welfare. (Prior code § 5.04.330)

5.04.350 Advertising signs or billboards.

Every person, firm, association or corporation engaged in the erection or maintenance of any advertising signs or billboards within the city shall pay an annual fee of eight dollars for each single face sign, sixteen dollars for each double face sign, twenty-four dollars for each triple or more face sign; provided, that any person erecting or maintaining a sign advertising his/her own business, which said sign is not located on the premises being advertised, shall pay an annual fee for such sign of five dollars per sign. (Prior code § 5.04.340)

5.04.360 Helicopters.

Every person, firm, association or corporation conducting or maintaining a helicopter business within the city shall pay an annual fee of twenty-five dollars for each helicopter being used in the operation of said business; provided, however, that before any license shall be issued for the operation of such a business, a permit therefor must be first obtained from the council; and provided, further, that any person seeking a license for the operation of such business or the securing of such a permit shall meet the following requirements:

A. The applicant therefor shall file with the clerk a written application setting forth the number of helicopters to be operated therein, the name and address of the applicant and a statement that he is a citizen of the United States.

B. Said applicant shall, upon being granted a license or permit as provided in this section, deposit with the city clerk a bond with some sufficient surety, in the amount of one thousand dollars, which bond shall be to the city and shall be conditioned that the applicant thereof will observe all of the ordinances of the city and the laws of the state.

C. Before any such license or permit shall be issued, the applicant therefor shall satisfy the council that he is protected by public liability and property damage insurance in amounts respectively of not less than three hundred thousand dollars and fifty thousand dollars on each helicopter; and, provided further, that no such license shall continue to run, be effective or remain in force in the event that said insurance is cancelled or has lapsed or for any other reason becomes ineffective.

D. Every person, firm, association, or corporation conducting or maintaining a business of operating or flying a helicopter or similar device for airborne flight for hire, taking off or landing within the city, shall be subject to the provisions contained in this section.

E. Each landing field, airport, or heliport or helistop used by such person, firm, association, or corporation in the conduct of said business constitutes a "branch establishment" as described in Section 5.04.030, and shall require a separate license as set forth in that section.

F. Except in an emergency, no helicopter or similar device shall be landed at any place other than an airport, aircraft landing field, heliport or helistop as designated in the license, or licenses issued to the applicant hereunder.

G. No dispensing, storage, or transfer apparatus for flammable or explosive liquids shall be located on any airport, aircraft landing field, heliport or helistop unless they are in conformance with the applicable provisions of the Health and Safety Code of the state, any ordinances of the county, any statutes of the state, or any rules and regulations of federal agencies having jurisdiction over airport, aircraft landing field, heliports or helistops.

H. Any helicopter or similar device operated or flown within the city limits must be equipped with a muffler or muffling device so as to prevent any loud, unusual, or annoying noise and must be flown or operated on diversified patterns over the least densely populated areas of the city as far as is practicable.

I. Except as otherwise provided in this section, every person, firm, association or corporation conducting or maintaining a business of operating or flying a helicopter or similar device for airborne flight for hire shall be subject to the provisions, rules, and regulations contained in this chapter. (Prior code § 5.04.350)

5.04.370 Art shows.

The following license fees are required when conducting an art show:
A. Twenty dollars for the art show;

B. Ten dollars per exhibitor for the maximum number of exhibitors at any one show during the year. (Prior code § 5.04.355)

5.04.380 Circuses and carnivals.

A. Every person carrying on the business of conducting a menagerie or dog or pony show shall pay a license fee of fifty dollars per day; a circus shall pay a license fee of one hundred dollars per day for one ring, one hundred twenty-five dollars per day for two rings, and one hundred fifty dollars per day for three rings or more, and for each and every sideshow or aftershow in connection therewith, the license fee shall be twenty-five dollars per day, and for each concession in connection therewith the license fee shall be ten dollars per day.

B. Every person, carrying on the business of conducting acrobatic or theatrical exhibitions under canvas, shall pay a license fee of fifty dollars per day.

C. Every person conducting or managing a circus procession or parade, and not having a license for conducting, managing or carrying on a circus within the city limits, shall pay a license fee of twenty-five dollars for each such procession or parade.

D. Every person engaged in the business of conducting a fair, street carnival or exhibition in the city, shall pay a license fee of two hundred fifty dollars for each and every day or portion thereof during which such fair, street carnival or exhibition is conducted.

E. Every person carrying on a ferris wheel, scenic railway, merry-go-round, swing, kiddie car, airplane or similar amusement device or amusement ride, shall pay a license fee for each such device as follows:

1. If located in any public park or grounds in the city, fifteen dollars per year;

2. If not located in any public park or grounds in the city, five dollars per day or fifteen dollars per year. (Prior code § 5.04.360)

5.04.390 Junk collector.

Every person carrying on the business of a junk collector without a fixed place of business shall pay a license tax of five dollars per day or fifty dollars per year. (Prior code § 5.04.370)

5.04.400 Advertising by posting.

Every person carrying on the business of advertising by posting, sticking, tacking, affixing, or painting bills or signs to or upon fences, buildings or other structures, except billboards or advertising signboards, shall pay a license tax of five dollars per day. However, said posting shall not be allowed upon any utility poles. Before a license is issued under this section, the applicant must first obtain a permit from the building inspector of the city. (Prior code § 5.04.380)

5.04.410 Transient photographers.

A. Every person carrying on the business of a photographer, who has no fixed place of business in the city shall pay an annual license fee of sixty dollars.

B. Every person engaged in the business of soliciting or canvassing or taking orders for the taking or making of photographs or views, whether the photographer has or has not a fixed place of business in the city, shall pay a license fee of ten dollars per day for each such canvasser or solicitor; provided, however, that no license shall be required for any person engaged in soliciting such orders when the same are subject to interstate commerce laws or regulations.

Before a license is issued under this section, the applicant must obtain a permit from the police department if required so to do. (Prior code § 5.04.390)

5.04.420 Wrestling or boxing.

Every person carrying on the business of conducting wrestling or boxing exhibitions, shall pay a license fee of twenty
dollars per exhibition or one hundred dollars per year. (Prior code § 5.04.400)

5.04.430 Museums.

Every person carrying on the business of conducting a museum to which a fixed admission fee is charged, shall pay an annual license fee of one hundred dollars per year; museums without a fixed admission fee shall pay an annual license fee of ten dollars per year, except that no license shall be required for any museum conducted by the state or any political subdivision or by any school or church. (Prior code § 5.04.410)

5.04.440 Motion picture theaters.

Every person carrying on the business of operating a motion picture theater shall pay an annual license tax as follows:

A. Indoor theater:
   1. For a theater having one to seven hundred seats, inclusive, sixty dollars;
   2. For a theater having seven hundred one to one thousand two hundred seats, inclusive, one hundred forty dollars;
   3. For a theater having one thousand two hundred one to one thousand five hundred seats, inclusive, one hundred fifty dollars;
   4. For a theater having over one thousand five hundred seats, three hundred dollars.

B. Outdoor theater:
   1. For a theater having one to five hundred car stalls, inclusive, ninety dollars;
   2. For a theater having five hundred one to seven hundred fifty car stalls, inclusive, one hundred twenty dollars;
   3. For a theater having seven hundred fifty-one to one thousand car stalls, inclusive, one hundred fifty dollars;
   4. For a theater having over one thousand car stalls, one hundred eighty dollars. (Prior code § 5.04.430)

5.04.450 Auctioneers.

A. Every person carrying on the business of an auctioneer shall pay a license fee of one hundred dollars for each auction and an additional fifty dollars for each day any such auction is conducted in excess of three days.

B. This section shall not apply to an auctioneer conducting an auction room or store in the city. (Prior code § 5.04.440)

5.04.460 Fire, wreck or bankrupt sale.

A. Every person conducting a fire, wreck or bankrupt sale shall pay a license fee of one hundred dollars for each such sale, and an additional fifty dollars for each day any such sale is conducted in excess of three days.

B. For the purpose of this chapter, a "fire or wreck sale" means and includes the sale of goods, wares, or merchandise, salvaged from a fire, wreck, or other calamity, or a sale of goods, wares or merchandise advertised as a fire or wreck sale.

C. For the purpose of this chapter, a "bankrupt sale" shall also include a sale for the benefit of creditors, either directly or indirectly, or a sale advertised as a bankrupt sale or sale for the benefit of creditors.

D. No license shall be required under the provisions of this section for the sale of merchandise salvaged from any fire, wreck or other calamity occurring within the city. (Prior code § 5.04.450)

5.04.470 Sellers of home-grown products.
Every farmer, poultryman or horticulturist carrying on the business of selling at wholesale or retail produce grown or raised wholly by himself or his immediate family shall pay a license fee of one dollar per year. This provision shall not apply to nurseries or other commercial establishments which buy produce for resale as well as selling their own produce. (Prior code § 5.04.460)

5.04.480 Charitable organizations.

The provisions of this chapter shall not be deemed or construed to require the payment of a license fee to conduct, manage, or carry on any business, occupation or activity from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes or from which profit is not derived, either directly or indirectly, by any individual, firm or corporation; nor shall any license fee be required for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects within the city, whenever the receipts of any such entertainment, concert, exhibition, or lecture are to be appropriated to any church or school or to any religious or benevolent purpose; nor shall any license fee be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition or lecture are to be appropriated for the purpose and objects for which such organization or association was formed and from which profit is not derived, either directly or indirectly, by any individual, firm or corporation; provided, however, that nothing in this section shall be deemed to exempt any such organization or association from complying with the provisions of any ordinance of the city requiring a permit from the council or any commission or officer to conduct, manage or carry on any profession, trade, calling or occupation. (Prior code § 5.04.470)

5.04.490 Disabled persons.

Any person who is unable to obtain a livelihood by manual labor, due to physical disability, may, at the discretion of the council obtain a license to hawk or peddle any goods, wares or merchandise without payment of any license tax or fee, by applying to said council and producing a certificate from a local physician showing the applicant to be physically disabled. (Prior code § 5.04.480)

5.04.500 Garage sales.

No license shall be required for a person to sell from his own personal residence, for a period of not to exceed four days in any calendar year, household furniture, furnishings, appliances and goods belonging to the occupant of the residence and not acquired for the purpose of sale. Such sales shall be referred to as “garage sales.” Any sale taking place for more than four days, whether consecutive or not, during any calendar year, or otherwise not strictly complying with the provisions of this section, shall be deemed to constitute the conduct of a business as defined in Section 5.04.010, and shall be conducted in compliance with all applicable provisions of this chapter and of the city zoning laws. (Prior code § 5.04.490)

5.04.510 Closing hours for recreational-type businesses.

A. Except as provided in this section, none of the following business licenses under this chapter shall operate or be open to the public for any purpose at any time between the hours of two a.m. and six a.m. of any one day:

1. Shooting gallery;
2. Theaters, not motion pictures;
3. Gymnasium;
4. Physical culture;
5. Skating rink;
6. Archery range;
7. Dancing;
8. Public hall;
9. Golf driving range;
10. Swimming pool;
11. Bowling alleys and pool rooms;
12. Amusement halls;
13. Circuses and carnivals;
14. Wrestling or boxing;
15. Museums;
16. Motion picture theaters.

B. The council may grant special temporary permits exempting a business from the limitation set forth in subsection A for bona fide marathon, public benefit or similar special events, upon such terms and conditions as the council deems necessary or appropriate for the protection of the public health, safety and welfare. (Amended during 1991 codification; Ord. 90-19 § 2(F), 1990; prior code § 5.04.510)

5.04.520 Violation—Penalty.

Any person violating any of the provisions of this chapter or knowingly or intentionally misrepresenting to any officer or employee of this city any material fact in procuring the license or permit provided for in this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Prior code § 5.04.500)